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-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “James M. Inhofe National Defense Authorization Act for Fiscal Year 2023”.

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

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(b) TABLE OF CONTENTS.—The table of contents for 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 howitzers.

Subtitle C—Navy Programs
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.

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. 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.
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 Kahaeoa, 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.

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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.

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

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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.

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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.
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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.

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Sec. 541. Briefing and report on resourcing required for implementation of military justice reform.
Sec. 542. Randomization of court-martial panels.
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Sec. 544. Jurisdiction of Courts of Criminal Appeals.
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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.
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Sec. 562. Expanded eligibility to provide Junior Reserve Officers’ Training Corps (JROTC) instruction.
Sec. 563. Pre-service education demonstration program.

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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.
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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. 584. Waiver of time limitations for act of valor during World War II.

Sec. 587. Posthumous appointment of Ulysses S. Grant to grade of General of the Armies of the United States.

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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.

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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.

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Sec. 742. Extension of authority for Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
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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.
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Sec. 803. Prohibition on certain procurements of major defense acquisition programs.
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.
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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.
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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.
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Sec. 1074. Modification of Arctic Security Initiative.

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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.

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Sec. 1212. Independent assessment of United States efforts to train, advise, assist, and equip the military forces of Somalia.

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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.
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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.
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.
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Sec. 1542. Middle East integrated air and missile defense.
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Sec. 1544. Modification of provision requiring funding plan for next generation interceptors for missile defense of United States homeland.
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Sec. 1612. Commander of the United States Cyber Command.

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Sec. 1625. Report on recommendations from Navy Civilian Career Path study.

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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.

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Sec. 2301. Authorized Air Force construction and land acquisition projects.
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**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
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Sec. 2403. Authorization of appropriations, defense agencies.
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Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
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**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**
Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense base closure account.

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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. 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.

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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.
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.
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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.
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.
DIVISION A—DEPARTMENT OF
DEFENSE AUTHORIZATIONS
TITLE I—PROCUREMENT
Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2023 for procurement for the Army, the Navy and the Marine Corps, the Air Force and the Space Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. LIMITATIONS ON PRODUCTION OF EXTENDED RANGE CANNON ARTILLERY HOWITZERS.
(a) LIMITATIONS.—In carrying out the acquisition of Extended Range Cannon Artillery howitzers, the Secretary of the Army shall—

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

(2) compare the cost and value to the United States Government of a Paladin Integrated Management-modification production approach with a new-build production approach;
(3) include in any cost analysis or comparison—

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

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

(4) use a full and open competitive approach using best value criteria for post-prototype production source selection; and

(5) base any production strategy and source selection decisions on a full understanding of the cost of production, including—

(A) the comparison of production approaches described in paragraph (2); and

(B) any cost analysis or comparison described in paragraph (3).

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

(1) certify to the congressional defense committees that the acquisition strategy upon which the re-
request for proposal is based complies with the requirements of subsection (a); and

(2) provide a briefing to the congressional defense committees on that acquisition strategy and the relevant cost and value comparison described in subsection (a)(2).

**Subtitle C—Navy Programs**

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

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

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

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

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

(b) **COLLABORATION REQUIREMENT.**—The Secretary of the Navy shall maximize collaboration between the Federal Government and eligible shipbuilders throughout the
design, development, and production of the covered pro-
gram.

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

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

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

d) **TECHNOLOGY MATURATION REQUIREMENTS.**—
The Secretary of the Navy shall incorporate into the ac-
quisation strategy of the covered program the requirements
of the following:

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

   (2) Section 221 of the National Defense Au-
thorization Act for Fiscal Year 2022 (Public Law

e) **TRANSITION REQUIREMENT.**—The Secretary of
the Navy shall ensure a transition from the Arleigh Burke-
class destroyer program to the covered program that
maintains predictable production workload at eligible ship-
builders.

(f) DEFINITIONS.—In this section:

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

(2) ELIGIBLE SHIPBUILDER.—The term “eligible shipbuilder” means any of the following:

(A) General Dynamics Bath Iron Works.

(B) Huntington Ingalls Incorporated, Ingalls Shipbuilding division.

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

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 3501 of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts for the procurement of up to 15 Arleigh Burke class Flight III guided missile destroyers.
(b) Authority for Advance Procurement.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2023, for advance procurement associated with the destroyers for which authorization to enter into a multiyear procurement contract is provided under subsection (a), and for systems and subsystems associated with such destroyers in economic order quantities when cost savings are achievable.

(e) Condition for Out-year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2023 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) Contract Requirement.—

(1) In general.—The Secretary of the Navy shall ensure that a contract entered into under subsection (a) includes a priced option to procure an additional such destroyer in each of fiscal years 2023 through 2027.

(2) Option defined.—In this subsection, the term “option” has the meaning given that term in section 2.101 of the Federal Acquisition Regulation (or any successor regulation).
SEC. 123. BLOCK BUY CONTRACTS FOR SHIP-TO-SHORE CONNECTOR PROGRAM.

(a) Block Buy Contract Authority.—Beginning in fiscal year 2023, the Secretary of the Navy may enter into one or more block buy contracts for the procurement of up to 10 Ship-to-Shore Connector class craft and associated material.

(b) Liability.—Any contract entered into under subsection (a) shall provide that—

(1) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

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

(c) Certification Required.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority for such program:

(1) The use of such a contract is consistent with the Chief of Naval Operations’ projected force structure requirements for such craft.
(2) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(A) the estimated end cost and appropriated funds by fiscal year, by craft, without the authority provided in subsection (a);

(B) the estimated end cost and appropriated funds by fiscal year, by craft, with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year, by craft, with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

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

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

(4) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a)
are realistic, including a description of the basis for such estimates.

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

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

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

(a) CONTRACT AUTHORITY.—

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

(2) PROCUREMENT IN CONJUNCTION WITH EXISTING CONTRACTS.—The ships authorized to be procured under paragraph (1) may be procured as additions to existing contracts covering such program.

(b) CERTIFICATION REQUIRED.—A contract may not be entered into under subsection (a) unless the Secretary of the Navy certifies to the congressional defense committees, in writing, not later than 30 days before entry into
the contract, each of the following, which shall be prepared
by the milestone decision authority for such program:

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

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

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

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

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

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

(E) the contractual actions that will ensure
the estimated cost savings are realized.
(3) There is a reasonable expectation that throughout the contemplated contract period the Secretary of the Navy will request funding for the contract at the level required to avoid contract cancellation.

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

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

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

(7) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program (as defined under section 221 of title 10, United States Code) for such fiscal year will include the funding required to execute the program without cancellation.

(c) Authority for Advance Procurement.—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a ship or ships for which authorization to enter into a contract is
provided under subsection (a), and for systems and sub-

eysystems associated with such ships in economic order

quantities when cost savings are achievable.

(d) Condition for Out-year Contract Payments.—A contract entered into under subsection (a)

shall provide that any obligation of the United States to

make a payment under the contract for a fiscal year is

subject to the availability of appropriations for that pur-

pose for such fiscal year.

(e) Milestone Decision Authority Defined.—

In this section, the term “milestone decision authority”

has the meaning given the term in section 4251(d) of title

10, United States Code.

SEC. 125. TOMAHAWK CRUISE MISSILE CAPABILITY ON

FFG–62 CLASS VESSELS.

Before accepting delivery of any FFG–62 class vessel,

the Secretary of the Navy shall require that the vessel be

capable of carrying and employing Tomahawk cruise mis-

siles.

SEC. 126. NAVY SHIPBUILDING WORKFORCE DEVELOP-

MENT INITIATIVE.

(a) In General.—Chapter 863 of title 10, United

States Code, is amended by adding at the end the fol-

lowing new section:
§ 8696. Navy shipbuilding workforce development initiative.

“(a) Requirement.—

“(1) In general.—The Secretary of the Navy shall ensure that any award for a covered contract or contract modification includes a separate and distinct line item for workforce development.

“(2) Covered contracts and contract modifications.—For purposes of this subsection, a covered contract or contract modification is a construction contract or contract modification for the procurement of one or more naval vessels entered into using funds from the Shipbuilding and Conversion, Navy account with a prime contractor that will deliver such vessel or vessels to the Navy.

“(3) Amount of line item.—The amount of funding in a line item for workforce development required under subsection (a)(1) shall be not less than one-half of one percent and not more than one percent of the target price of the contract concerned.

“(b) Matching Contribution Requirement.—

“(1) In general.—Funds for a line item for workforce development required under subsection (a)(1) may be obligated only—

“(A) on or after the date on which the service acquisition executive of the Navy re-
ceives a written commitment from one or more entities described in paragraph (2) of a separate and distinct cumulative contribution for workforce development; and

“(B) in an amount that is—

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

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

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

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

“(B) A qualified subcontractor.

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

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

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

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

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

“(A) The creation of short- and long-term workforce housing, transportation, and other support services to facilitate attraction, relocation, and retention of workers.

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

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

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

“(E) Direct costs attributable to workforce development.

“(F) Attraction and retention bonus programs.
“(G) On-the-job training to develop key manufacturing skills.

“(d) APPROVAL REQUIREMENT.—The service acquisition executive of the Navy shall—

“(1) provide the final approval of the use of funds for a line item for workforce development required under subsection (a)(1); and

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

“(A) a detailed explanation of such compliance; and

“(B) the associated benefits to—

“(i) the Federal Government; and

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

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

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

“8696. Navy shipbuilding workforce development initiative.”.
(c) Applicability.—Section 8696 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts and contract modifications entered into on or after June 1, 2023.

SEC. 127. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY PORT WATERBORNE SECURITY BARRIERS.


(b) Technical Amendment.—Subsection (b)(4) of such section is amended by striking “section 2304” and inserting “sections 3201 through 3205”.

SEC. 128. LIMITATION ON RETIREMENT OF E–6B AIRCRAFT.

The Secretary of the Navy may take no action that would prevent the Navy from maintaining the fleet of E–6B aircraft in the configuration and capability in effect as of the date of the enactment of this Act until the date on which the Chair of the Joint Requirements Oversight Council certifies in writing to the congressional defense
committees that the replacement capability for the E–6B aircraft will—

(1) be fielded at the same time or before the retirement of the E–6B aircraft; and

(2) result in equal or greater capability available to the commanders of the combatant commands.

SEC. 129. EA–18G AIRCRAFT.

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

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

(c) ESTABLISHMENT OF SQUADRONS.—The Secretary of the Air Force shall designate one or more units from the Air National Guard or the Air Force Reserve to join with the Navy Reserve to establish one or more joint service expeditionary, land-based electronic attack squadrons to match the capability of such squadrons assigned to Naval Air Station Whidbey Island, Washington, as of the date of the enactment of this Act.
(d) **REPORT ON IMPLEMENTATION PLAN.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall jointly submit to the congressional defense committees a report on the plan of the Secretaries to implement this section.

**SEC. 130. BLOCK BUY CONTRACTS FOR CH–53K HEAVY LIFT HELICOPTER PROGRAM.**

(a) **Block Buy Contract Authority.**—During fiscal years 2023 and 2024, the Secretary of the Navy may enter into one or more block buy contracts for the procurement of airframes and engines in support of the CH–53K heavy lift helicopter program (in this section referred to as the “program”).

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

(1) any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose; and

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

(c) **Certification Required.**—A contract may not be entered into under subsection (a) unless the Secretary
of Defense certifies to the congressional defense committees, in writing, not later than 30 days before entry into the contract, each of the following, which shall be prepared by the milestone decision authority (as defined in section 4251(d) of title 10, United States Code) for the program:

(1) The use of such a contract will result in significant savings compared to the total anticipated costs of carrying out the program through annual contracts. In certifying cost savings under the preceding sentence, the Secretary shall include a written explanation of—

(A) the estimated obligations and expenditures by fiscal year for the program without the authority provided in subsection (a);

(B) the estimated obligations and expenditures by fiscal year for the program with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year for the program with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

(E) the contractual actions that will ensure the estimated cost savings are realized.
(2) There is a reasonable expectation that throughout the contemplated contract period the Secretary of Defense will request funding for the contract at the level required to avoid contract cancellation.

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

(4) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

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

(6) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for such fiscal year will include the funding required to execute the program without cancellation.

(7) The contract will be a fixed price type contract.
Subtitle D—Air Force Programs

SEC. 141. PROHIBITION ON CERTAIN REDUCTIONS TO INVENTORY OF E–3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

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

(b) EXCEPTION FOR ACQUISITION STRATEGY.—If the Secretary of the Air Force submits to the congressional defense committees an acquisition strategy for the E–7 Wedgetail approved by the Service Acquisition Executive of the Air Force, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to 21 after the date on which the strategy is so submitted.

(c) EXCEPTION FOR CONTRACT AWARD.—If the Secretary of the Air Force awards a contract for the E–7 Wedgetail aircraft, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to 16 after the date on which such contract is so awarded.
SEC. 142. MODIFICATION OF INVENTORY REQUIREMENTS FOR AIR REFUELING TANKER AIRCRAFT.


(b) Modification of Limitation on Retirement of KC–135 Aircraft.—Section 137(b)(1) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1576) is amended by striking “18” and inserting “31”.

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

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

(b) Expiration of Prohibition.—The prohibition under subsection (a) shall cease to have effect on the date on which the Secretary of the Air Force submits to the congressional defense committees—

(1) a detailed plan approved by the Secretary to conduct formal training for F–22 aircrews to ensure
that the combat capability at operational units would
not be degraded if the Air Force were to retire all
F–22 Block 20 aircraft; and

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

(A) diminishing the combat effectiveness of
remaining F–22 aircraft;

(B) exacerbating F–22 aircraft availability
concerns; and

(C) complicating F–22 aircraft squadron
maintenance issues.

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

SEC. 151. PARTS FOR COMMERCIAL DERIVATIVE AIRCRAFT
AND ENGINES AND AIRCRAFT BASED ON
COMMERCIAL DESIGN.

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

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

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

(B) all aircraft of the Department that are
based on commercial design;
(2) conduct the acquisition of all follow-on covered parts on a competitive basis, based on price and quality; and
(3) procure covered parts only from suppliers that provide covered parts that possess a FAA Authorized Release Certificate, FAA Form 8130–3 Airworthy Approval Tag, from a repair station certified pursuant to part 145 of title 14, Code of Federal Regulations (or successor regulation).

(b) Covered Parts Defined.—In this section, the term “covered parts”—

(1) means used, overhauled, reconditioned, or re-manufactured common or dual use parts certified as airworthy by the Federal Aviation Administration; and
(2) does not include life limited parts.

SEC. 152. ASSESSMENT AND STRATEGY FORFIELDING COUNTER UNMANNED AERIAL SYSTEMS SWARM CAPABILITIES.

(a) Assessment, Analysis, and Review.—The Secretary of Defense shall conduct—

(1) an assessment of the threats posed by unmanned aerial system (UAS) swarms or unmanned aerial systems with indicative swarm capabilities to installations and deployed armed forces;
(2) an analysis of the use or potential use of unmanned aerial system swarms by adversaries, including China, Russia, Iran, North Korea, and non-state actors;

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

(4) a review of current fielded systems and whether they effectively counter a wide range of potential unmanned aerial system swarm threats; and

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

(b) Strategy Development and Implementation Required.—

(1) In general.—The Secretary shall develop and implement a strategy to field systems to counter threats posed by unmanned aerial system swarms.

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

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

(B) A plan to establish and incorporate requirements for development, testing, and field-
ing of counter unmanned aerial system swarm

capabilities.

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

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

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

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

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

(e) INFORMATION TO CONGRESS.—Not later than
270 days after the date of the enactment of this Act, the
Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary under subsection (a); and

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

SEC. 153. TREATMENT OF NUCLEAR MODERNIZATION AND HYPERSONIC MISSILE PROGRAMS WITHIN DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM.

(a) Sense of Senate.—It is the sense of the Senate that—

(1) the United States is entering into an unprecedented period of strategic competition with two potential adversaries, each of which now possesses, or will acquire, nuclear and missile forces equal to or greater than such forces possessed by the United States;

(2) ensuring the continued deterrence of the growing threat of the nuclear capabilities of such adversaries requires—

(A) safe, secure, effective, and credible nuclear forces, with a range of flexible employment options, available to the President; and
(B) robust missile forces capable of overcoming current and future missile defenses;

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

(4) ongoing Department of Defense and National Nuclear Security Administration programs and projects to achieve the modernization of United States nuclear forces enjoy virtually no scheduled margin for delivery prior to the expected retirement or decommissioning of legacy systems and facilities, even as the People’s Republic of China, the Russian Federation, and North Korea work to rapidly modernize and expand their nuclear arsenals;

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

(A) engaged in a variety of missile programs intended to defeat the missile defense capabilities of the United States and its allies; and

(B) expected to field such capabilities in greater volumes than the United States;
(6) imbalances in such capabilities are inherently destabilizing and represent profound risks to the security of the United States and its allies and to global stability at large;

(7) the Secretary of Defense and the Secretary of Energy should leverage all available tools to reduce the risk of schedule delays in nuclear modernization and hypersonic missile programs and projects, including by—

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

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

(8) the assignment of DX priority ratings would help minimize the risk that such programs and projects are unnecessarily delayed due to misallocations of industrial materials, services, or facilities; and

(9) the Secretary of Defense and the Secretary of Energy should promptly inform Congress of any additional opportunities to further reduce risks relating to such programs and projects or the schedules
for such programs and projects that could be achieved through the adjustment of existing authorities.

(b) Report and Certification.—

(1) In general.—Not later than January 1, 2023, the Secretary of Defense and the Secretary of Energy shall jointly submit to the congressional defense committees a report including—

(A) with respect to each nuclear weapons delivery system, missile warning system, hypersonic boost-glide missile system program, or weapon program or nuclear security enterprise infrastructure project of the National Nuclear Security Administration, a determination of whether such program or project should be assigned a DX priority rating under part 700 of title 15, Code of Federal Regulations;

(B) for any such program or project that the respective Secretary determines under subparagraph (A) should be assigned a DX priority rating, a confirmation that such program or project has been assigned a DX rating; and

(C) for any such program or project that has not been assigned a DX priority rating as of January 1, 2023—
(i) an explanation for any delay in assigning such a rating; and

(ii) a timeline for the assignment of such a rating.

(2) **ANNUAL CERTIFICATION.**—For any nuclear weapons delivery system, missile warning system, hypersonic boost-glide missile system program, or weapon program or nuclear security enterprise infrastructure project of the National Nuclear Security Administration that the respective Secretary determines under paragraph (1)(A) should not be assigned a DX priority rating, the Secretary shall, until such program reaches full operational capability, annually submit to the congressional defense committees a certification that the lack of assignment of such rating will not negatively affect the delivery of operational capabilities by such program or project.

(3) **NONDELEGATION.**—The Secretary may not delegate a determination under paragraph (1)(A) to any other official.
SEC. 154. GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT OF EFFORTS TO MODERNIZE PROPULSION SYSTEMS OF THE F–35 AIRCRAFT.

(a) In General.—Not later than February 28, 2023, the Comptroller General of the United States shall conduct an assessment of efforts to modernize propulsion systems of the F–35 aircraft.

(b) Elements.—The findings of the assessment required by subsection (a) shall set forth the following:

(1) The results of a comparative analysis and independent cost assessment, conducted by the Comptroller General, of options to modernize propulsion systems of the F–35 aircraft, including—

(A) modernizing the existing F135 engine;

and

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

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

(3) An assessment of progress made by prototype aircraft in the Adaptive Engine Transition Program effort.
(4) The timeline associated with modernizing the F135 engine to meet Block 4 upgrade requirements for the F–35A aircraft.

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

(6) An assessment of the potential impact of the modernization alternatives described in this subsection on life cycle sustainment and sparing contracts, including the impact on international partners.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.
Subtitle B—Program Requirements, Restrictions, and Limitations

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

(a) In General.—Chapter 301 of title 10, United States Code, is amended by inserting after section 4026 the following new section:

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

“(a) In General.—Except as provided in subsections (b) and (c), an individual or entity (including a State or local government) that uses funds received from the Department of Defense to carry out research or development activities shall include, in any public document pertaining to such activities, a clear statement indicating the dollar amount of the funds received from the Department for such activities.

“(b) Exception.—The disclosure requirement under subsection (a) shall not apply to a public document consisting of fewer than 280 characters.

“(c) Waiver.—The Secretary of Defense may waive the disclosure requirement under subsection (a) on a case-by-case basis.
“(d) **Public Document Defined.**—In this section, the term ‘public document’ means any document or other written statement made available for public reference or use, regardless of whether such document or statement is made available in hard copy or electronic format.”.

(b) **Clerical Amendment.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4026 the following new item:

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

SEC. 212. **Modification of Cooperative Research and Development Project Authority.**

(a) **In General.**—Section 2350a of title 10, United States Code, is amended—

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

“(F) The European Union, including the European Defence Agency, the European Commission, and the Council of the European Union, and their suborganizations.”; and

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

“(1) The term ‘cooperative research and development project’ means a project—

“(A) involving joint participation by—
“(i) the United States and—

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

“(II) one or more parties in the national technology and industrial base (as defined in section 4801 of this title) under a memorandum of understanding (or other formal agreement); and

“(B) to carry out a joint research and development program—

“(i) to develop new conventional defense equipment and munitions; or

“(ii) to modify existing military equipment to meet United States military requirements.”.

(b) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulations to conform with section 2350a of title 10, United States Code, as amended by subsection (a).
SEC. 213. ADMINISTRATION OF THE ADVANCED SENSOR APPLICATIONS PROGRAM.

(a) Resource Sponsor.—

(1) In General.—The Commander of Naval Air Systems Command (NAVAIR) shall, in conjunction with the Director of Air Warfare (OPNAV N98), serve as the resource sponsor for the Advanced Sensor Applications Program (known as “ASAP” and in this section referred to as the “Program”).

(2) Responsibilities.—The resource sponsor of the Program shall be responsible for the following:

(A) Developing budget requests relating to the Program.

(B) Establishing priorities for the Program.

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

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

(b) Limitations.—No other entity in the Department of the Navy may—

(1) serve as a resource sponsor for the Program;
(2) provide direction and management for the Program;

(3) set priorities for the Program;

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

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

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

(c) Authority for Program Manager.—The program manager for the Program may access, consider, act on, and apply information, at all levels of classification and from all sources and organizations, that is pertinent to the projects and activities that the Program is executing, or considering proposing for the future.

(d) Quarterly Briefings.—Not less frequently than once every three months, the program manager for the Program shall provide the congressional defense committees and congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) a briefing on all aspects of the Program, including on the implementation of this section, other congressional direction, and direction and oversight from the Commander of Naval Air Systems Command and other higher headquarters.
(c) **Strategic Relationship.**—The program manager for the Program shall evaluate the feasibility and advisability of establishing a strategic relationship with the Naval Research Laboratory for scientific and technical assistance and support for the Program.

(f) **Use of Assets.**—The Commander shall take all actions the Commander considers reasonable—

1. to enable the Program to utilize assets controlled within the Naval Air Systems Command enterprise, including sensor systems and platforms; and
2. to pursue the use of other assets that may further the mission of the Program.

SEC. 214. **Modification of Authority of the Department of Defense to Carry Out Certain Prototype Projects.**

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

1. in subsection (a)(2)—
   1. (A) by striking “, and any follow-on production contract or transaction that is awarded pursuant to subsection (f),” both places it appears;
   2. (B) in subparagraph (A)(ii), by striking “; and” and inserting a semicolon;
(C) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”;

and

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

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

“(i) determines in writing that—

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

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

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

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (4), respectively;
(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following new paragraph:

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

“(A) a service acquisition executive;

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

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

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

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

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

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

SEC. 215. COMPETITIVELY AWARDED DEMONSTRATIONS AND TESTS OF ELECTROMAGNETIC WARFARE TECHNOLOGY.

(a) DEMONSTRATIONS AND TESTS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Director of the Air Force Rapid Capabilities Office (RCO) shall conduct competitively awarded dem-
onstrations and tests of commercial electronics technology to determine whether technology currently exists that could enable the following electromagnetic warfare capabilities:

(1) The operation of multiple emitters and receivers in the same frequency at the same time and in the same location without mutual interference and without using adaptive beam forming or nulling.

(2) Protecting the reception of Global Positioning System and other vulnerable low-power signals from multiple high-power jammers at a level that is significantly better than the protection afforded by Controlled Reception Pattern Antennas.

(3) Simultaneous transmission from and reception of separate signals on the same platform wherein the signals lie in the same frequency and are transmitted and received at the same time without interference.

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

(5) Other capabilities that might satisfy or support needs set forth in the Electromagnetic Spectrum Superiority Strategy Implementation Plan.
(b) OVERSIGHT OF TESTS.—The Director of Operational Test and Evaluation shall—

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

(2) review other applicable government or commercial demonstrations and tests; and

(3) not later than 30 days after the completion of the demonstrations and tests under subsection (a), independently advise the Chief Information Officer (CIO) of the Department of Defense, the Under Secretary of Defense for Research and Engineering (USD R&E), and the Under Secretary of Defense for Acquisition and Sustainment (USD A&S) of the outcomes of the demonstrations and tests.

(c) OUTCOME-BASED ACTIONS REQUIRED.—If the Director of Operational Test and Evaluation and the Director of the Air Force Rapid Capabilities Office affirm that the demonstrations and tests under subsection (a) confirm that current technology could enable the capabilities described in paragraphs (1) through (3) of such subsection—

(1) not later than 45 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office and the Director of Operational Test and Evaluation shall brief the
congressional defense committees on the outcomes of
the tests;

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

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

SEC. 216. GOVERNMENT-INDUSTRY WORKING GROUP ON
MICROELECTRONICS.

(a) Establishment.—

(1) In general.—The Secretary of Defense
shall establish a working group for industry, aca-
demia, and Department of Defense components to
coordinate on microelectronics issues of mutual in-
terest as specified in subsection (b).
(2) COMPOSITION.—The working group established under paragraph (1) shall be composed of representatives of industry, academia, and Department of Defense components.

(3) DESIGNATION.—The working group established under paragraph (1) shall be referred to as the “Government-Industry Working Group on Microelectronics” (in this section referred to as the “Working Group”).

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

(1) Future research needs.

(2) Infrastructure needs and shortfalls.

(3) Technical and process standards.

(4) Training and certification needs for the workforce.

(5) Supply chain issues.

(6) Supply chain, manufacturing, and packaging security.

(c) ADMINISTRATIVE SUPPORT FRAMEWORK.—

(1) CHARTER AND POLICIES.—Not later than March 1, 2023, the Secretary of Defense shall develop a charter and issue policies for the functioning of the Working Group.
(2) SUPPORT.—The joint federation of capabilities established under section 937 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note) shall provide administrative support to the Working Group.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to give a competitive advantage to any participant in the Working Group.

(e) SUNSET.—The provisions of this section shall terminate on December 31, 2030.

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.

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

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

“(10) OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—The Undersecretary of Defense for Research and Engineering may carry out a program of personnel management authority provided in subsection (b) in
order to facilitate recruitment of eminent experts in
science or engineering for the Office.”; and

(2) in subsection (b)(1)—

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

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

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

“(J) in the case of the Office of the Under Secretary of Defense for Research and Engineering, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;”.

SEC. 218. INVESTMENT PLAN FOR FOUNDATIONAL CAPABILITIES NEEDED TO DEVELOP NOVEL PROCESSING APPROACHES FOR FUTURE DEFENSE APPLICATIONS.

(a) INVESTMENT PLANS REQUIRED.—Not later than November 1, 2023, and not less frequently than once every three years thereafter until December 31, 2035, the Secretary of Defense shall submit to the congressional defense committees an investment plan for foundational capabilities needed to develop novel processing approaches for future defense applications.
(b) PURPOSE.—The purpose of the investment plan required by subsection (a) is to establish an integrated approach to the identification, prioritization, development, and leveraging of Department of Defense investments from the research, development, test, and evaluation accounts of the Department.

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

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

(2) identify current and projected investments supporting the acceleration of novel processing approaches, including investments in—

(A) personnel and workforce capabilities;

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

(C) algorithm developments necessary to expand the functionality from each novel processing approach;

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

(E) appropriate international and commercial sector organizations and activities;
(3) describe mechanisms to coordinate and leverage investments within the Department and with non-Federal partners;

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

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

(d) FORM.—Each plan submitted under subsection (a) shall be submitted in such form as the Secretary considers appropriate, which may include classified, unclassified, and publicly releasable formats.

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

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

(2) associated algorithm and hardware development needed to instantiate such techniques.

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

(a) THREE-YEAR TRANSITION PLAN REQUIRED.—
(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Assistant Secretary of the Navy for Research, Development, and Acquisition, and the Assistant Secretary of the Air Force for Acquisition and Research, in coordination with and under the oversight of the Chief Information Officer, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment, shall each develop and submit to the congressional defense committees an unclassified three-year transition plan for fifth generation information and communications technology (5G) infrastructure for their respective military department.

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

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

(B) an investment plan that includes funding estimates, by fiscal year and appropriation account, to accelerate the maturation, acquisition—
tion, and deployment of fifth generation information and communications capabilities that use the open radio access network approach on Department of Defense facilities and systems;

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

(D) identification and designation of a single point of contact at each installation, and within each of the services to facilitate the deployment of fifth generation information and communications technologies;

(E) planned efforts to streamline the real estate, contracting, and communications policies and processes to field wireless infrastructure that has resulted in a lengthy approval processes for industry to provide on-air wireless coverage on an installation;

(F) identification of other areas of concern that require investment to support the transition to fifth generation information and communications technology that uses the open radio access network approach; and

(G) such other matters as the Secretary of Defense considers appropriate.
(b) CROSS-FUNCTIONAL TEAM ASSESSMENT.—

(1) ASSESSMENT AND BRIEFING REQUIRED.—
Not later than 150 days after the date of the enactment of this Act and after all of the plans required by subsection (a)(1) have been submitted in accordance with such subsection, the cross-functional team established pursuant to section 224(c)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 4571 note) shall assess such plans and provide the congressional defense committees with a briefing on the findings of the cross-functional team with respect to such assessment.

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

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

(B) Recommendations to standardize and streamline the real estate, contracting, and communications policies and processes to field wireless infrastructure on an installation.
(C) An engagement plan for Department participants in international wireless standards setting bodies.

(D) Such other matters as the cross functional team described in paragraph (1) considers appropriate.

(e) **Open Radio Access Network Approach Defined.**—In this section the term “open radio access network approach” means an approach to networking that uses a disaggregated or virtualized radio access network and core in which components can be provided by different vendors and interoperate through open protocols and interfaces, including those protocols and interfaces utilizing the Open Radio Access Network (commonly known as “Open RAN’’)) approach.

**SEC. 220. PILOT PROGRAM TO FACILITATE THE DEVELOPMENT OF ELECTRIC VEHICLE BATTERY TECHNOLOGIES FOR WARFIGHTERS.**

(a) Establishment.—

(1) **In General.**—The Secretary of Defense may establish and carry out a pilot program to assess the feasibility and advisability of providing support to domestic battery producers, particularly those producing lithium-ion cells and battery packs—
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(A) to facilitate the research and development of safe and secure battery technologies for existing as well as new or novel battery chemistry configurations;
(B) to assess existing commercial battery offerings within the marketplace for viability and utility for warfighter applications; and
(C) to transition such technologies, including technologies developed from pilot programs, prototype projects, or other research and development programs, from the prototyping phase to production.

(2) DESIGNATION.—The pilot program established under paragraph (1) shall be known as the "Warfighter Electric Battery Transition Project" (referred to in this section as the "Project").

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

(e) USE OF GRANT AND CONTRACT AMOUNTS.—A recipient of a grant, contract, or other agreement under
the Project may use the amount of the grant, contract, or other agreement to carry out the following:

(1) Conducting research and development to validate new or novel battery chemistry configurations, including through experimentation, prototyping, testing, integration or manufacturing feasibility assessment.

(2) Providing commercially available technologies to each Secretary of a military department and the commanders of combatant commands to support utility assessments or other testing by warfighters.

(3) Building and strengthening relationships of the Department of Defense with nontraditional defense contractors in the technology industry that may have unused or underused solutions to the specific operational challenges of the Department.

(d) PRIORITY OF AWARDS.—In awarding grants, contracts, or other agreements under the Project, the Secretary shall give preference to technology producers that—

(1) manufacture battery cells, packs, and modules in the United States;

(2) manufacture battery cells, packs, and modules in the national technology industrial base (NTIB);
(3) provide modularity to support diverse applications;

(4) facilitate safety in tactical and combat applications by using chemistries that reduce thermal runaway and minimize oxygen liberation;

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

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

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

(8) offer commercial products or commercial services and maintains customers with verified purchase orders.

(c) Reporting and Data Collection.—

(1) Plan Required Before Implementation.—The Secretary may not commence the Project until the Secretary has completed a plan for the implementation of the Project, including—

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

(B) developing and sharing best practices for achieving the objectives of the Project;
(C) identification of any policy or regulatory impediments inhibiting the execution of the program; and

(D) sharing results from the program across the Department, and with elements of the Federal Government, including the legislative branch of the Federal Government.

(f) Administration.—The Under Secretary of Defense for Research and Engineering shall administer the Project.

(g) Termination.—The Project shall terminate on December 31, 2028.

Subtitle C—Plans, Reports, and Other Matters

SEC. 231. REPORT ON RECOMMENDATIONS FROM ARMY FUTURES COMMAND RESEARCH PROGRAM REALIGNMENT STUDY.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the recommendations made by the National Academies in the Army Futures Command Research Program Realignment Study.

(b) Contents.—The report submitted under subsection (a) shall include the following:
(1) A description of each recommendation described in such subsection that has already been implemented.

(2) A description of each recommendation described in such subsection that the Secretary has commenced implementing, including a justification for determining to commence implementing the recommendation.

(3) A description of each recommendation described in such subsection that the Secretary has not implemented or commenced implementing and a determination as to whether or not to implement the recommendation.

(4) For each recommendation under paragraph (3) the Secretary determines to implement, the following:

(A) A timeline for implementation.

(B) A description of any additional resources or authorities required for implementation.

(C) The plan for implementation.

(5) For each recommendation under paragraph (3) the Secretary determines not to implement, a justification for the determination not to implement.
(c) Format.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 232. STRATEGY AND PLAN FOR STRENGTHENING AND FOSTERING DEFENSE INNOVATION ECOSYSTEM.

(a) Strategy and Implementation Plan Required.—Not later than March 1, 2023, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall develop a strategy and an implementation plan for the defense innovation ecosystem.

(b) Purposes.—

(1) Strategy.—The purpose of the strategy required by subsection (a) is to provide a framework for identifying, assessing, and tracking innovation ecosystems that are beneficial to advancing the defense, national security, and warfighting missions of the Department of Defense.

(2) Implementation Plan.—The purpose of the implementation plan required by subsection (a) is to provide—

(A) concrete steps and measures of effectiveness to gauge the effect of the innovation
ecosystems described in paragraph (1) on the
Department; and

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

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

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

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

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

(4) For each innovation ecosystem designated
or established by the Department—
(A) a listing of such innovation ecosystems with a description of core competencies or focus areas;

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

(C) identification of the private sector assets and authorities that are being used to support, sustain, and expand the identified innovation ecosystem; and

(D) a description of challenges and successes associated with each innovation ecosystem.

(5) Such other elements as the Secretary considers appropriate.

(d) INTERIM BRIEFING.—Not later than December 1, 2022, the Secretary shall provide the congressional defense committees a briefing on the strategy and implementation plan developed under subsection (a).

(e) SUBMITTAL OF STRATEGY AND PLAN.—Not later than March 1, 2023, the Secretary shall submit to the congressional defense committees the strategy and implementation plan developed under subsection (a).
(f) QUADRENNIAL UPDATES.—Not later than March 1, 2027, and not less frequently than once every four years thereafter until December 31, 2039, the Secretary shall—

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

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

(g) AUTHORITIES.—The strategy and implementation plan developed under subsection (a) may incorporate the use of the following authorities or programs:

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

(2) Section 2194 of such title, relating to education partnerships.

(3) Section 2474 of such title, relating to centers of industrial and technical excellence.

(4) Section 4001 of such title, relating to research and development projects.

(5) Section 4010 of such title, relating to the Defense established program to stimulate competitive research.

(6) Sections 4021 and 4022 of such title, relating to transactions other than contracts and grants
and authority of the Department of Defense to carry out certain prototype projects, respectively.

(7) Section 4023 of such title, relating to procurement for experimental purposes.

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

(9) Section 4123 of such title, relating to mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.

(10) Section 4144 of such title, relating to research and educational programs at historically black colleges and universities and minority serving institutions.

(11) Section 4832 of such title, relating to the encouragement of technology transfer at the Department of Defense.

(12) Section 252 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), relating to regional advanced technology clusters.

(13) Section 801(e) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 4832 note), relating to en-
enhanced transfer of technology development at Department of Defense laboratories.

(14) Section 879 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), relating to defense pilot program for authority to acquire innovative commercial products, technologies, and services using general solicitation competitive procedures.

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


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

(h) DEFINITIONS.—In this section:

(1) The term “Department of Defense research, development, test, and evaluation assets” includes the following:
(A) The Department of Defense science and technology reinvention laboratories designated under section 4121 of title 10, United States Code.

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

(C) Department of Defense sponsored manufacturing innovation institutes.

(D) The organic industrial base.

(E) Department of Defense agencies and field activities that execute research, development, test, and evaluation funded activities.

(2) The term “innovation ecosystem” refers to a regionally based network of private sector, academic, and government institutions in a network of formal and informal institutional relationships that contribute to technological and economic development in a defined technology sector or sectors.

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

Section 139(h)(3) of title 10, United States Code, is amended by inserting “or controlled unclassified” after “classified”. 
SEC. 234. EXTENSION OF REQUIREMENT FOR QUARTERLY BRIEFINGS ON DEVELOPMENT AND IMPLEMENTATION OF STRATEGY FOR FIFTH GENERATION INFORMATION AND COMMUNICATIONS TECHNOLOGIES.

Section 254(d)(1) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 4571 note) is amended, in the matter before subparagraph (A), by striking “March 15, 2022” and inserting “December 1, 2026”.

SEC. 235. REPORT ON ESTIMATED COSTS OF CONDUCTING A MINIMUM FREQUENCY OF HYPersonic WEAPONS TESTING.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on estimated costs for conducting not fewer than one full-scale, operationally relevant, live-fire, hypersonic weapon test of the systems currently under development each year by each of the Air Force, the Army, and the Navy, once such systems reach initial operational capability.
SEC. 236. ANNUAL REPORT ON STUDIES AND REPORTS BEING UNDERTAKEN BY THE DEPARTMENT OF DEFENSE.

Section 4126 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) ANNUAL REPORT.—(1) Each year, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on all studies and reports being undertaken for the Department of Defense as of the date of the report by federally funded research and development centers.

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

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

“(B) For each study or report listed under subparagraph (A) the following:

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

“(ii) The federally funded research and development center undertaking the study or report.
“(iii) The amount of the contract or other agreement pursuant to which the study or report is being produced or conducted.

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

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

“(A) Classified reports or studies.

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

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

“(D) Reports or studies that are draft, or have not undergone a peer-review or prepublication security review process established by the federally funded research and development centers.”


“(5) The requirements of this subsection shall terminate on the date that is five years after the date of the enactment of this subsection.”
SEC. 237. QUANTIFIABLE ASSURANCE CAPABILITY FOR SECURITY OF MICROELECTRONICS.

(a) Development and Implementation of Capability.—The Secretary of Defense shall develop and implement a capability for quantifiable assurance to achieve practical, affordable, and risk-based objectives for security of microelectronics to enable the Department of Defense to access and apply state-of-the-art microelectronics for military purposes.

(b) Establishment of Requirements and Schedule of Support for Development, Test, and Assessment.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall, in consultation with the Under Secretary of Defense for Research and Engineering, establish requirements and a schedule for support from the National Security Agency to develop, test, assess, implement, and improve the capability required by subsection (a).

(2) National Security Agency.—The Director of the National Security Agency shall take such actions as may be necessary to satisfy the requirements established under paragraph (1).

(3) Briefing.—Not later than 120 days after the date of the enactment of this Act, the Under
Secretary of Defense for Research and Engineering and the Director of the National Security Agency shall provide the congressional defense committees a briefing on the requirements and the schedule for support established under paragraph (1).

(c) Assessment.—

(1) In general.—The Secretary of Defense shall assess whether the Department of Defense, to enable expanded use of unprogrammed application specific integrated circuits or other custom-designed integrated circuits manufactured by a supplier that is not using processes accredited by the Defense Microelectronics Activity for the purpose of enabling the Department to access commercial state-of-the-art microelectronics technology using risk-based quantifiable assurance security methodology, should—

(A) seek changes to the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations, and Department of Defense Instruction 5200.44 (relating to protection of mission critical functions to achieve trusted systems and networks); and
(B) expand the use of unprogrammed custom-designed integrated circuits that are not controlled by such regulations.

(2) Briefing.—Not later than April 1, 2023, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the assessment conducted under paragraph (1).

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

(a) Personnel Management Authority to Attract Experts in Science and Engineering.—Section 4092 of title 10, United States Code, is amended—

(1) in subsection (a)(6)—

(A) by striking “Director of the Joint Artificial Intelligence Center” and inserting “official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)”;

(B) by striking “for the Center” and inserting “to support the activities of such official under section 238 of such Act”; and

(C) in the paragraph heading, by striking “Center”;

(2) in subsection (b)(1)(F)—

(A) by striking “Joint Artificial Intelligence Center” and inserting “official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)”;

(B) by striking “in the Center” and inserting “in support of the activities of such official under section 238 of such Act”;

(3) in subsection (c)(2), by striking “Joint Artificial Intelligence Center” and inserting “the activities under section 238 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.)”.


(1) by amending subsection (c) to read as follows:

“(c) ORGANIZATION AND ROLES.—
“(1) IN GENERAL.—In addition to designating an official under subsection (b), the Secretary of Defense shall assign to appropriate officials within the Department of Defense roles and responsibilities relating to the research, development, prototyping, testing, procurement of, requirements for, and operational use of artificial intelligence technologies.

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

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

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

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

“(D) officials of appropriate Defense Agencies; and

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

(2) in subsection (e), by striking “Director of the Joint Artificial Intelligence Center” and inserting “official designated under subsection (b)”;

(3) by striking subsection (h).
(c) **Biannual Report on Activities of the Chief Digital and Artificial Intelligence Office.**—

(1) **In general.**—Section 260 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) is amended—

(A) in the section heading, by striking “JOINT ARTIFICIAL INTELLIGENCE CENTER” and inserting “ACTIVITIES OF THE CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE”;

(B) in subsection (a)—

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

(ii) by striking “Joint Artificial Intelligence Center (referred to in this section as the ‘Center’)” and inserting “Chief Digital and Artificial Intelligence Office (referred to in this section as the ‘Office’)”;  

(C) in subsection (b)—

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

(ii) in paragraph (2), by striking “National Mission Initiatives, Component Mission Initiatives, and any other initiatives of
the Center” and inserting “initiatives of the Office”;

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

(iv) in paragraph (7), by striking “Center and the Center’s investments in the National Mission Initiatives and Component Mission Initiatives” and inserting “Office and the Office’s investments”;

(v) in paragraph (8), by striking “Chief Information Officer” and inserting “Chief Digital Artificial Intelligence Officer”; and

(vi) in paragraph (10), by striking “Center” and inserting “Officer”; and

(D) by striking subsection (c).

(2) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 260 and inserting the following new item:

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

(d) CHIEF DATA OFFICER RESPONSIBILITY FOR DEPARTMENT OF DEFENSE DATA SETS.—Section 903(b) of the National Defense Authorization Act for Fiscal Year
2020 (Public Law 116–92; 10 U.S.C. 2223 note) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) BOARD OF ADVISORS FOR THE OFFICE OF THE
CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICE.—

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

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

(B) in subsection (a), by striking “Joint
Artificial Intelligence Center” and inserting
“Chief Digital and Artificial Intelligence Of-
lice”;

(C) in subsection (b), by striking “Direct-
tor” each place in appears and inserting “Chief
Digital and Artificial Intelligence Officer”;
(D) in subsection (f), by striking “September 30, 2024” and inserting “September 30, 2026”; and

(E) in subsection (g)—

(i) by striking paragraphs (2) and (3);

and

(ii) by redesignating paragraph (4) as paragraph (2).

(2) Clerical Amendment.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 233 and inserting the following new item:

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


(g) Pilot Program on the Use of Electronic Portfolios to Evaluate Certain Applicants for

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

(2) by inserting before paragraph (3) the following new paragraph (1):

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

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

(h) REFERENCES TO JOINT ARTIFICIAL INTELLIGENCE CENTER IN LAW.—Any reference in any law, regulation, guidance, instruction, or other document of the Federal Government to the Director of the Joint Artificial Intelligence Center of the Department of Defense or to the Joint Artificial Intelligence Center shall be deemed to refer to the official designated under section 238(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 4061 note prec.) or the office of such official, as the case may be.
TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. AGGREGATION OF ENERGY CONSERVATION MEASURES AND FUNDING.

Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) AGGREGATE ENERGY CONSERVATION MEASURES AND FUNDING.—(1) To the maximum extent practicable, the Secretary concerned shall take a holistic view of the energy project opportunities on installations under the jurisdiction of such Secretary and shall consider aggregate energy conservation measures, including energy conservation measures with quick payback, with energy resil-
ience enhancement projects and other projects that may have a longer payback period.

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

“(A) appropriated funds, such as—

“(i) funds appropriated for the Energy Resilience and Conservation Investment Program of the Department; and

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

“(B) funding available under performance contracts, such as energy savings performance contracts and utility energy service contracts.”.

SEC. 312. ESTABLISHMENT OF JOINT WORKING GROUP TO DETERMINE JOINT REQUIREMENTS FOR FUTURE OPERATIONAL ENERGY NEEDS OF DEPARTMENT OF DEFENSE.

(a) Establishment.—The Secretary of Defense shall establish a joint working group (in this section referred to as the “working group”) to determine joint requirements for future operational energy needs of the Department of Defense.
(b) Executive Agent.—The Secretary of the Air Force shall serve as the executive agent of the working group.

(c) Requirements Specified.—

(1) In General.—In determining joint requirements under subsection (a), the working group shall address the operational energy needs of each military department and combatant command to meet energy needs in all domains of warfare, including land, air, sea, space, cyberspace, subsea, and subterranean environments.

(2) Priority for Certain Systems.—Priority for joint requirements under subsection (a) shall be given to independent operational energy systems that—

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

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

(d) Existing or New Programs.—The working group shall address the feasibility of meeting joint requirements determined under subsection (a) through the existing energy programs of the Department and make rec-
ommendations for new programs to meet such requirements.

(c) Focus Areas.—In carrying out the requirements under this section, the working group shall focus its efforts on operational energy, to include—

(1) micro-reactors and small modular reactors;

(2) hydrogen-based fuel systems, including hydrogen fuel cells and hydrogen-based combustion engines;

(3) battery storage;

(4) renewable energy sources;

(5) retrofits to existing platforms that will increase efficiencies; and

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

(f) Recommended Plan of Action.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees an unclassified and classified report and provide to the congressional defense committees a classified briefing outlining recommendations for programs to meet joint requirements for future operational energy needs of the Department of Defense by 2025, 2030, and 2040.
(2) **FOCUS ON READINESS AND FLEXIBILITY.**—

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

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

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

(ii) the flexibility of operational elements within the Department; and

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

(g) **DEFINITIONS.**—In this section:

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

(2) **MICRO-REACTOR.**—The term “micro-reactor” means an advanced nuclear reactor that has an electric power production capacity that is not greater than 50 megawatts that can be transported via land, air, or sea transport and can be redeployed.
(3) SMALL MODULAR REACTOR.—The term “small modular reactor” means an advanced nuclear reactor—

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

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

SEC. 313. ADDITIONAL SPECIAL CONSIDERATIONS FOR DEVELOPING AND IMPLEMENTING THE ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER PLAN OF THE DEPARTMENT OF DEFENSE.

Section 2911(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(14) The reliability and security of energy resources in the event of a military conflict.

“(15) The value of resourcing energy from allies of the United States in the North Atlantic Treaty Organization and other major allies of the United States.”.
SEC. 314. PARTICIPATION IN POLLUTANT BANKS AND WATER QUALITY TRADING.

(a) In General.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694c the following new section:

§ 2694d. Participation in pollutant banks and water quality trading

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

“(b) Treatment of payments.—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs for military construction.

“(c) Discharge of pollutants defined.—In this section, the term ‘discharge of pollutants’ has the meaning given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the ‘Clean Water Act’).”
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694c following new item:

“2694d. 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.

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

“(4) The term ‘State-owned National Guard facility’ means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32 with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.”.

(b) AUTHORITY FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2701(a)(1) of such 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
of the Senate and the House of Representatives a plan for—

(A) closure of the Facility;

(B) cleanup of the Facility;

(C) monitoring of the Facility following such closure;

(D) maintenance of the Facility following such closure;

(E) optimal post-closure care for the Facility, specifically addressing—

(i) monitoring and maintenance of liners;

(ii) final covers;

(iii) leachate collection and removal systems;

(iv) leak detection system; and

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

(F) environmental remediation of groundwater at the Facility, to include a description of environmental remediation plans, including necessary resources for the Secretary of the Navy to conduct remediation actions at the Facility in the following year;
(G) coordination and communication with applicable Federal and State regulatory authorities, the local water utility authority, applicable State environmental agencies, and surrounding communities on remediation activities conducted by the Navy at the Facility;

(H) improvements to processes, procedures, organization, training, leadership, education, facilities, and policy of the Department of Defense related to best practices for the remediation and closure of the Facility; and

(I) measures to ensure that future strategic level assets of the Department of Defense are properly maintained and critical environmental assets are protected.

(2) 

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

(A) the Administrator of the Environmental Protection Agency;

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

(C) the Director of the United States Geological Survey; and
(D) the heads of such other relevant Federal and State agencies as the Secretary considers appropriate.

(e) Identification of Point of Contact at Department of Defense.—Not later than 60 days after the date of the enactment of this Act, to ensure clear and consistent communication related to the defueling, cleanup, closure, and remediation of the Facility, the Secretary of Defense shall identify a single point of contact within the Office of the Secretary of Defense to oversee and communicate with the public and members of Congress regarding the status of the Facility at each phase of defueling, cleanup, closure, and remediation.

(d) Water Monitoring Program.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish a water monitoring program—

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

(2) to monitor long-term impacts to such aquifer and local water bodies resulting from water contamination from the Facility; and

(3) to coordinate with the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services as the Agency con-
ducts a follow up to the previously conducted voluntary survey of individuals and entities impacted by water contamination from the 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.

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

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

(1) modify the Unified Facilities Criteria to include criteria for microgrids; and

(2) modify the Unified Facilities Guide Specifications to include specifications for microgrids and microgrid controllers.
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.

(a) In General.—Subject to the availability of ap-
propriations for such purpose, the Secretary of the Navy
shall pay the reasonable costs to transfer all customers
off of the electrical utility system of the Navy located at
former Naval Air Station Barber’s Point, Hawaii, to the
new electrical system in Kalaeloa, Hawaii, operated by
Hawaii Electric.

(b) Cooperative Agreement or Other Instruction.—The Secretary of the Navy may enter into a coop-
erative agreement or other appropriate instrument with a
third party—

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

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

(c) Facilitation of Transfer.—To facilitate the
transfer of customers described in subsection (a), the Sec-
retary of the Navy shall provide the following to the State
of Hawaii:
(1) A load analysis and design necessary to complete such transfer.

(2) Such rights of way and easements as may be necessary to support the construction of replacement electrical infrastructure.

(d) DISPOSAL OF NAVY ELECTRICAL SYSTEM.—Subject to the availability of appropriations for such purpose, after all customers have been transferred as required under subsection (a), the Secretary of the Navy may dispose of the electrical system of the Navy located at former Naval Air Station Barber’s Point, Hawaii.

SEC. 319. PILOT PROGRAM ON USE OF SUSTAINABLE AVIATION FUEL.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a pilot program on the use of sustainable aviation fuel by the Department of Defense.

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

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

(B) promote understanding of the technical and performance characteristics of sustainable
aviation fuel when used in a military setting;
and
(C) engage nearby commercial airports to
explore opportunities and challenges to partner
on increased use of sustainable aviation fuel.

(b) Selection of Facilities.—

(1) Selection.—

(A) In general.—Not later than one year
after the date of the enactment of this Act, the
Secretary of Defense shall select not fewer than
two geographically diverse facilities of the De-
partment at which to carry out the pilot pro-
gram.

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

(2) Notice to Congress.—Upon the selection
of each facility under paragraph (1), the Secretary
shall submit to the Committees on Armed Services
of the Senate and the House of Representatives no-
Notice of the selection, including an identification of the facility selected.

(c) Use of Sustainable Aviation Fuel.—

(1) Plans.—For each facility selected under subsection (b), not later than one year after the selection of the facility, the Secretary shall—

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

(B) submit the plan developed under subparagraph (A) to the Committees on Armed Services of the Senate and the House of Representatives; and

(C) provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on such plan that includes, at a minimum—

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

(ii) a description of any stakeholder engagement in the development of the
plan, including any consultations with nearby commercial airport owners or operators.

(2) IMPLEMENTATION OF PLANS.—For each facility selected under subsection (b), during the period beginning on a date that is not later than September 30, 2028, and for five years thereafter, the Secretary shall require, in accordance with the respective plan developed under paragraph (1), the exclusive use at the facility of aviation fuel that is blended to contain not less than 10 percent sustainable aviation fuel.

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

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

(2) Such fuel shall constitute drop-in fuel that meets all specifications and performance requirements of the Department of Defense and the Armed Forces.

(e) WAIVER.—The Secretary may waive the use of sustainable aviation fuel at a facility under the pilot program if the Secretary—
(1) determines such use is not feasible due to a lack of domestic availability of sustainable aviation fuel or a national security contingency; and

(2) submits to the congressional defense committees notice of such waiver and the reasons for such waiver.

(f) Final Report.—

(1) In general.—At the conclusion of the pilot program, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report on the pilot program.

(2) Elements.—The report required by paragraph (1) shall include each of the following:

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

(B) A description of any operational, infra-structure, or logistical requirements and recommendations for the blending and use of sustainable aviation fuel, with a focus on scaling up adoption of such fuel throughout the Armed Forces.
(C) Recommendations with respect to how military installations can leverage proximity to commercial airports and other jet fuel consumers to increase the rate of use of sustainable aviation fuel, for both military and non-military use, including potential collaboration on innovative financing or purchasing and shared supply chain infrastructure.

(D) A description of the effects on performance and operation of aircraft using sustainable aviation fuel, including—

(i) if used, considerations of various blending ratios and their associated benefits;

(ii) efficiency and distance improvements of flights using sustainable aviation fuel;

(iii) weight savings on large transportation aircraft and other types of aircraft with using blended fuel with higher concentrations of sustainable aviation fuel;

(iv) maintenance benefits of using sustainable aviation fuel, including engine longevity;
(v) the effect of the use of sustainable aviation fuel on emissions and air quality;
(vi) the effect of the use of sustainable aviation fuel on the environment and on surrounding communities, including environmental justice factors that are created by the demand for and use of sustainable aviation fuel by the Department of Defense; and
(vii) benefits with respect to job creation in the sustainable aviation fuel production and supply chain.

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

(1) consists of synthesized hydrocarbon;
(2) meets the requirements of ASTM International Standard D7566 (or successor standard);
(3) is derived from biomass (as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides; and
(4) is not derived from palm fatty acid distillates.
SEC. 320. RENEWAL OF ANNUAL ENVIRONMENTAL AND ENERGY REPORTS OF DEPARTMENT OF DEFENSE.

(a) ENVIRONMENTAL REPORT.—Section 2711 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

“(a) REPORT REQUIRED.—Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report on progress made by environmental programs of the Department of Defense during the preceding fiscal year.

“(b) ELEMENTS.—Each report under subsection (a) shall include, for the year covered by the report, the following:

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

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

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

“(C) the remaining cost to complete cleanup of known sites; and
“(D) an assessment by the Secretary of Defense of the overall progress of such program.

“(2) An assessment by the Secretary of achievements for environmental conservation and planning by the Department.

“(3) An assessment by the Secretary of achievements for environmental compliance by the Department.

“(4) An assessment by the Secretary of achievements for climate resiliency by the Department.

“(5) An assessment by the Secretary of the progress made by the Department in achieving the objectives and goals of the Environmental Technology Program of the Department.

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

(b) ENERGY REPORT.—

(1) IN GENERAL.—Section 2925 of such title is amended—
(A) by amending the section heading to read as follows: “Annual report on energy performance, resilience, and readiness of Department of Defense”; and

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

“(a) REPORT REQUIRED.—Not later than 240 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report detailing the fulfillment during that fiscal year of the authorities and requirements under sections 2688, 2911, 2912, 2920, and 2926 of this title, including progress on energy resilience at military installations and the use of operational energy in combat platforms and at contingency locations.

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

“(1) For the year covered by the report, the following:

“(B) A description of the energy savings, return on investment, and enhancements to installation mission assurance realized by the fulfillment of the goals described in paragraph (1).

“(C) A description of and progress towards the energy security, resilience, and performance goals and master planning for the Department of Defense, including associated metrics pursuant to subsections (e) and (d) of section 2911 of this title and requirements under section 2688(g) of this title.

“(D) An evaluation of progress made by the Department in implementing the operational energy strategy of the Department, including the progress of key initiatives and technology investments related to operational energy demand and management.

“(E) Details of the amounts of any funds transferred by the Secretary of Defense pursuant to section 2912 of this title, including a detailed description of the purpose for which such amounts have been used.

“(2) Statistical information on operational energy demands of the Department, in terms of expenditures and consumption, for the preceding five
fiscal years, including information on funding made
available in regular defense appropriations Acts and
any supplemental appropriation Acts.

“(3) A description of each initiative related to
the operational energy strategy of the Department
and a summary of funds appropriated for each ini-
tiative in the previous fiscal year and current fiscal
year and requested for each initiative for the next
five fiscal years.

“(4) Such recommendations as the Secretary
considers appropriate for additional changes in orga-
nization or authority within the Department to en-
able further implementation of the energy strategy
and such other comments and recommendations as
the Secretary considers appropriate.

“(c) Classified Form.—If a report under sub-
section (a) is submitted in classified form, the Secretary
of Defense shall, concurrently with such report, submit to
the congressional defense committees an unclassified
version of the report.

“(d) Consolidation.—The Secretary of Defense
may consolidate or attach with or otherwise include in any
report required under subsection (a) any annual report or
other requirement that is aligned or associated with, or
would be better understood if presented as part of a con-
solidated report addressing energy performance, resilience, and readiness.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 173 of such title is amended by striking the item relating to section 2925 and inserting the following new item:

“2925. Annual report on energy performance, resilience, and readiness of Department of Defense.”.

(e) TREATMENT OF TERMINATION OF REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 1061(c) of National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) is amended by striking paragraphs (51) and (54).

(2) RULE OF CONSTRUCTION.—The reports required by sections 2711 and 2925 of title 10, United States Code, as amended by this section, shall not be considered to be covered reports for purposes of section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 111 note).
SEC. 321. REPORT ON FEASIBILITY OF TERMINATING ENERGY PROCUREMENT FROM FOREIGN ENTITIES OF CONCERN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Energy, Installations, and Environment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of terminating energy procurement by the Department of Defense from foreign entities of concern.

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

(1) An assessment of the reliance by the Department of Defense on foreign entities of concern for the procurement of energy.

(2) An identification of the number of energy contracts in force between the Director of the Defense Logistics Agency and a foreign entity of concern or an entity headquartered in a country that is a foreign entity of concern.

(3) Such proposals as the Assistant Secretary of Defense for Energy, Installations, and Environment may have for divestment of resourcing of energy for the Department of Defense from entities described in subparagraph (B) and reconfiguring such
resourcing instead from allies of the United States in the North Atlantic Treaty Organization and other major allies of the United States.

(c) FOREIGN ENTITY OF CONCERN DEFINED.—In this section, the term “foreign entity of concern” has the meaning given that term in section 9901 of the William M. (Mae) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651).

Subtitle C—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

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.


(1) in clause (ii), by striking “2023” and inserting “2022”; and

(2) by adding at the end the following new clause:

“(iii) Without regard to section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $20,000,000 in fiscal year 2023 to the Secretary of Health and Human Services to pay for the study and assessment required by this section.”.

SEC. 332. MODIFICATION OF LIMITATION ON DISCLOSURE OF RESULTS OF TESTING FOR PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES ON PRIVATE PROPERTY.

Section 345(a)(2) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 2715 note) is amended by inserting “personally
identifiable information in connection with” after “pub-
licly disclose”.

SEC. 333. DEPARTMENT OF DEFENSE RESEARCH RELATING
TO PERFLUOROALKYL OR
POLYFLUOROALKYL SUBSTANCES.

(a) Publication of Information.—

(1) IN GENERAL.—Beginning not later than
180 days after the date of the enactment of this Act,
Secretary of Defense shall publish on the publicly
available website established under section 331(b) of
the National Defense Authorization Act for Fiscal
Year 2020 (Public Law 116–92; 10 U.S.C. 2701
note) timely and regularly updated information on
the research efforts of the Department of Defense
relating to perfluoroalkyl or polyfluoroalkyl sub-
stances, which shall include the following:

(A) A description of any research collab-
orations and data sharing by the Department
with the Department of Veterans Affairs, the
Agency for Toxic Substances and Disease Reg-
istry, or any other agency (as defined in section
551 title 5, United States Code), States, aca-
demic institutions, nongovernmental organiza-
tions, or any other entity.
(B) Regularly updated information on research projects supported or conducted by the Department of Defense pertaining to the development, testing, and evaluation of a fluorine-free firefighting foam or any other alternative to aqueous film forming foam that contains perfluoroalkyl or polyfluoroalkyl substances, excluding any proprietary information that is business confidential.

(C) Regularly updated information on research projects supported or conducted by the Department pertaining to the health effects of perfluoroalkyl or polyfluoroalkyl substances, including information relating to the impact of such substances on firefighters, veterans, and military families and excluding any personally identifiable information.

(D) Regularly updated information on research projects supported or conducted by the Department pertaining to treatment options for drinking water, surface water, ground water, and the safe disposal of perfluoroalkyl or polyfluoroalkyl substances.

(E) Budget information, including specific spending information for the research projects.
relating to perfluoroalkyl or polyfluoroalkyl substances that are supported or conducted by the Department.

(F) Such other matters as may be relevant to ongoing research projects supported or conducted by the Department to address the use of perfluoroalkyl or polyfluoroalkyl substances and the health effects of the use of such substances.

(2) **FORMAT.**—The information published under paragraph (1) shall be made available in a downloadable, machine-readable, open, and a user-friendly format.

(3) **DEFINITIONS.**—In this subsection:

(A) **MILITARY INSTALLATION.**—The term “military installation” includes active, inactive, and former military installations.

(B) **PERFLUOROALKYL SUBSTANCE.**—The term “perfluoroalkyl substance” means a man-made chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(C) **POLYFLUOROALKYL SUBSTANCE.**—The term “polyfluoroalkyl substance” means a man-made chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated
carbon atoms, and nonfluorinated carbon atoms.

(b) **INCLUSION OF RESEARCH DUTIES IN PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES TASK FORCE.**—Section 2714(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

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(5) Supporting research efforts relating to perfluoroalkyl substances or polyfluoroalkyl substances.

(6) Establishing practices to ensure the timely and complete dissemination of research findings and related data relating to perfluoroalkyl substances or polyfluoroalkyl substances to the general public.”.
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**Subtitle D—Logistics and Sustainment**

**SEC. 351. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS REGARDING SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN OF THE NAVY.**

(a) **IN GENERAL.**—Not later than March 1, 2023, the Secretary of the Navy shall—

(1) develop metrics for assessing progress of the Secretary toward improved shipyard capacity and performance in carrying out the Shipyard Infra-
structure Optimization Plan of the Navy, including by measuring the effectiveness of capital investments;

(2) ensure that the shipyard optimization program office of the Navy—

(A) includes all costs, such as inflation, program office activities, utilities, roads, environmental remediation, historic preservation, and alternative workspace when developing a detailed cost estimate; and

(B) uses cost estimating best practices in developing a detailed cost estimate, including—

(i) a program baseline;

(ii) a work breakdown structure;

(iii) a description of the methodology and key assumptions;

(iv) a consideration of inflation;

(v) a full assessment of risk and uncertainty; and

(vi) a sensitivity analysis; and

(3) obtain an independent cost estimate for the shipyard optimization program before starting the prioritization of projects under such program.

(b) BRIEFING.—If the Secretary of the Navy is unable to implement the requirements under subsection (a)
by March 1, 2023, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives before such date on—

(1) the current progress of the Secretary towards implementing those requirements;

(2) any hindrance to implementing those requirements; and

(3) any additional resources necessary to implement those requirements.

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.

(a) In General.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall enter into an agreement with a nonprofit entity or a federally funded research and development center to conduct research and analysis regarding the capacity and capability of private shipyards in the United States to repair, maintain, and modernize surface combatants and support ships of the Navy to ensure fleet readiness.

(b) Elements.—The research and analysis conducted under subsection (a) shall include the following:

(1) An assessment of the maintenance needs of the Navy during the five-year period preceding the
date of the enactment of this Act, including fre-
quency of unplanned maintenance and average time
it takes to repair ships.

(2) An assessment of the projected maintenance
needs of the Navy during the 10-year period fol-
lowing such date of enactment.

(3) An assessment of whether current private
shipyards in the United States have the capacity to
meet current and anticipated needs of the Navy to
maintain and repair ships, include whether there are
adequate ship repair facilities and a sufficient
trained workforce.

(4) An identification of barriers limiting success
of intermediate-level and depot-level maintenance
availabilities, including constraints of adding private
depot capacity and capability.

(5) Recommendations based on the findings of
paragraphs (1) through (4) regarding actions the
Secretary of the Navy can take to ensure there is an
industrial base of private ship repair facilities to
meet the needs of the Navy and ensure fleet readi-
ness, including whether the Secretary should insti-
tute a new force generation model, establish addi-
tional homeport facilities, or establish new hub-type
maintenance facilities.
(c) Input from Private Shipyards.—In conducting research and analysis under subsection (a), the nonprofit entity or federally funded research and development center with whom the Secretary of the Navy entered into an agreement under subsection (a) shall consult with private shipyards regarding—

(1) the fleet maintenance needs of surface combatant and support ships of the Navy;

(2) private shipyard capacity, including workforce; and

(3) additional investment in private shipyards necessary to meet the needs of the Navy.

(d) Report.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the nonprofit entity or federally funded research and development center with whom the Secretary of the Navy entered into an agreement under subsection (a) shall submit to the Secretary a report on the results of the research and analysis undertaken under such subsection.

(2) Transmittal to Congress.—Not later than 30 days after the Secretary receives the report under paragraph (1), the Secretary shall transmit to
the congressional defense committees a copy of the report.

SEC. 353. LIMITATION ON FUNDS FOR THE JOINT MILITARY INFORMATION SUPPORT OPERATIONS WEB OPERATIONS CENTER.

Not more than 50 percent of the amount authorized to be appropriated for the Joint Military Information Support Operations Web Operations Center for Operation and Maintenance, Defense-Wide, may be obligated and expended until the Secretary of Defense submits to the congressional defense committees a plan for—

(1) appropriately scoping and tailoring messaging activities to foreign target audiences;

(2) ensuring messages serve a valid military purpose;

(3) effectively managing risk associated with web-based military information support operations;

(4) maintaining alignment with policies and procedures of the Department of Defense;

(5) adequately overseeing and approving the work of contractors;

(6) ensuring alignment with policy guidance and procedures of the Department; and
(7) coordinating activities with the Global Engagement Center of the Department of State and other relevant non-Department of Defense entities.

SEC. 354. NOTIFICATION OF INCREASE IN RETENTION RATES FOR NAVY SHIP REPAIR CONTRACTS.

(a) In General.—Not later than 30 days before making a change to increase the level of retention rates for a Navy ship repair contract, the Secretary of the Navy shall notify the congressional defense committees.

(b) Matters To Be Included.—A notification under subsection (a) with respect to a change to increase the level of retention rates for a Navy ship repair contract shall include the following information:

(1) An identification of any considerations that informed the decision to increase such rates.

(2) The desired effect the change will have on the Navy ship repair industrial base.

SEC. 355. INAPPLICABILITY OF ADVANCE BILLING DOLLAR LIMITATION FOR RELIEF EFFORTS FOLLOWING MAJOR DISASTERS OR EMERGENCIES.

Section 2208(l)(3) of title 10, United States Code, is amended—
1 by striking “The total” and inserting “(A) Except as provided in subparagraph (B), the total”; and

2 by adding at the end the following new subparagraph:

3 “(B) The dollar limitation under subparagraph (A) shall not apply with respect to advance billing for relief efforts following a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).”.

SEC. 356. REPEAL OF COMPTROLLER GENERAL REVIEW ON TIME LIMITATIONS ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

Subsection (c) of section 322 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2252) is repealed.

Subtitle E—Reports

SEC. 371. INCLUSION OF INFORMATION REGARDING JOINT MEDICAL ESTIMATES IN READINESS REPORTS.

Section 482(b) of title 10, United States Code, is amended—

1 by redesignating paragraph (11) as paragraph (12); and
(2) by inserting after paragraph (10) the following new paragraph:

“(11) A summary of the joint medical estimate under section 732(b)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1817) prepared by the Joint Staff Surgeon with a mitigation plan to correct any readiness problem or deficiency and the timeline, cost, and any legislative action required to correct any such problem or deficiency.”

Subtitle F—Other Matters

SEC. 381. IMPLEMENTATION OF RECOMMENDATIONS RELATING TO ANIMAL FACILITY SANITATION AND MASTER PLAN FOR HOUSING AND CARE OF HORSES.

(a) Implementation by Secretary of the Army of Certain Recommendations Relating to Animal Facility Sanitation.—Not later than March 1, 2023, the Secretary of the Army shall implement the recommendations contained in the memorandum of the Department of the Army dated February 25, 2022, the subject of which is “Animal Facility Sanitation Inspection Findings for the Fort Myer Caisson Barns/Paddocks and the Fort Belvoir Caisson Pasture Facility” (MHCB–RN).
(b) Master Plan for the Housing and Care of All Horses Within the Care of the Old Guard.—

(1) In General.—Not later than March 1, 2023, the Secretary of the Army shall submit to Congress a master plan for the housing and care of all horses within the care of the 3rd United States Infantry (commonly known as the “Old Guard”).

(2) Elements.—The plan required by paragraph (1) shall—

(A) describe all modifications planned or underway at the Fort Myer Caisson Barns/Paddocks, the Fort Belvoir Caisson Pasture Facility, and any other facility or location under consideration for stabling of the horses described in paragraph (1);

(B) identify adequate space at Fort Myer, Virginia, to properly care for the horses described in paragraph (1);

(C) prioritize the allotment of the space identified under subparagraph (B) over other functions of Fort Myer that could be placed elsewhere;

(D) include projected timelines and resource requirements to execute the plan; and

(E) describe—
(i) immediate remedies for the unsani-
tary and unsafe conditions present at the
locations described in subparagraph (A); and
(ii) how long-term quality of life im-
provements will be provided for the horses
described in paragraph (1).

SEC. 382. INCLUSION OF LAND UNDER JURISDICTION OF
DEPARTMENT OF DEFENSE SUBJECT TO
LONG-TERM REAL ESTATE AGREEMENT AS
COMMUNITY INFRASTRUCTURE FOR PUR-
POSES OF DEFENSE COMMUNITY INFRA-
STRUCTURE PILOT PROGRAM.

Section 2391(e)(4)(A)(i) of title 10, United States
Code, is amended by inserting before the semicolon the
following: “or on land under the jurisdiction of a Secretary
of a military department subject to a long-term real estate
agreement, such as a lease or an easement”.

SEC. 383. RESTRICTION ON PROCUREMENT OR PUR-
CHASING BY DEPARTMENT OF DEFENSE OF
TURNOUT GEAR FOR FIREFIGHTERS CON-
TAINING PERFLUOROALKYL SUBSTANCES OR
POLYFLUOROALKYL SUBSTANCES.

(a) Prohibition on Procurement and Pur-
chasing.—Beginning on October 1, 2026, the Secretary
of Defense may not enter into a contract to procure or purchase covered personal protective firefighting equipment for use by Federal or civilian firefighters if such equipment contains an intentionally added perfluoroalkyl substance or polyfluoroalkyl substance.

(b) IMPLEMENTATION.—

(1) INCLUSION IN CONTRACTS.—The Secretary of Defense shall include the prohibition under subsection (a) in any contract entered into by the Department of Defense to procure covered personal protective firefighting equipment for use by Federal or civilian firefighters.

(2) NO OBLIGATION TO TEST.—In carrying out the prohibition under subsection (a), the Secretary shall not have an obligation to test covered personal protective firefighting equipment to confirm the absence of perfluoroalkyl substances or polyfluoroalkyl substances.

(c) EXISTING INVENTORY.—Nothing in this section shall impact existing inventories of covered personal protective firefighting equipment.

(d) AVAILABILITY OF ALTERNATIVES.—

(1) IN GENERAL.—The requirement under subsection (a) shall be subject to the availability of sufficiently protective covered personal protective fire-
fighting equipment that does not contain intentionally added perfluoroalkyl substances or polyfluoroalkyl substances.

(2) Extension of effective date.—If the Secretary of Defense determines that no sufficiently protective covered personal protective firefighting equipment that does not contain intentionally added perfluoroalkyl substances or polyfluoroalkyl substances is available, the deadline under subsection (a) shall be extended until the Secretary determines that such covered personal protective firefighting equipment is available.

(e) Definitions.—In this section:

(1) Covered personal protective firefighting equipment.—The term “covered personal protective firefighting equipment” means—

(A) any product that provides protection to the upper and lower torso, arms, legs, head, hands, and feet; or

(B) any other personal protective firefighting equipment, as determined by the Secretary of Defense.

(2) Perfluoroalkyl substance.—The term “perfluoroalkyl substance” means a man-made...
chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(3) **Polyfluoroalkyl Substance.**—The term “polyfluoroalkyl substance” means a man-made chemical containing at least one fully fluorinated carbon atom and at least one non-fully fluorinated carbon atom.

SEC. 384. CONTINUED DESIGNATION OF SECRETARY OF THE NAVY AS EXECUTIVE AGENT FOR NAVAL SMALL CRAFT INSTRUCTION AND TECHNICAL TRAINING SCHOOL.

The Secretary of the Navy shall continue, through fiscal year 2023—

(1) to perform the responsibilities of the Department of Defense executive agent for the Naval Small Craft Instruction and Technical Training School pursuant to section 352(b) of title 10, United States Code; and

(2) to provide such support, as necessary, for the continued operation of such school.

SEC. 385. PROHIBITION ON USE OF FUNDS TO DIS-CONTINUE THE MARINE MAMMAL SYSTEM PROGRAM.

(a) Prohibition.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend
funds to discontinue or prepare to discontinue, including
through substantive reduction in training and operational
employment, the Marine Mammal System program that
has been or is currently being used for—

(1) port security at installations of the Navy,
commonly known as Mark–6 systems; or

(2) mine search capabilities, commonly known
as Mark–7 systems.

(b) WAIVER.—The Secretary of the Navy may waive
the prohibition under subsection (a) if the Secretary, with
the concurrence of the Director of Operational Test and
Evaluation of the Department of Defense, certifies to the
congressional defense committees in writing that the Sec-
retary has—

(1) identified a replacement capability and the
necessary quantity of systems to carry out such ca-
pability to meet all operational requirements cur-
rently being met by the Marine Mammal System
program with a detailed explanation of such capa-
bility and quantity;

(2) achieved initial operational capability of all
systems described in paragraph (1) with a detailed
explanation of such achievement; and

(3) deployed a sufficient quantity of systems de-
scribed in paragraph (1) that have achieved initial
operational capability to continue to meet or exceed
all operational requirements currently being met by
the Marine Mammal System program with a detailed
explanation of such deployment.

SEC. 386. LIMITATION ON REPLACEMENT OF NON-TAC-
TICAL VEHICLE FLEET OF THE DEPARTMENT
OF DEFENSE WITH ELECTRIC VEHICLES, AD-
VANCED-BIOFUEL-POWERED VEHICLES, OR
HYDROGEN-POWERED VEHICLES.

(a) IN GENERAL.—Until the date on which the Sec-
retary of Defense submits to the Committees on Armed
Services of the Senate and House of Representatives the
report described in subsection (b), the Secretary may not
enter into an indefinite delivery indefinite quantity con-
tact to procure and replace the existing non-tactical vehi-
cle fleet of the Department of Defense with electric vehi-
cles, advanced-biofuel-powered vehicles, or hydrogen-pow-
ered vehicles.

(b) ELEMENTS.—The report described in this sub-
section shall include the following:

(1) A complete cost estimate for the acquisition
by the Department of Defense, or through contract
mechanisms used by the Department, such as energy
savings performance contracts, of electric non-tac-
tical vehicles to replace the existing non-tactical vehicle fleet of the Department, which shall include—

(A) the cost per unit and number of units to be procured of each type of electric non-tactical vehicle (trucks, buses, vans, etc.);

(B) the cost associated with building the required infrastructure to support electric non-tactical vehicles, including charging stations and electric grid requirements;

(C) a per-unit lifecycle cost comparison between electric vehicles and combustion engine vehicles of each type (electric truck versus conventional truck, etc.);

(D) maintenance requirements of electric vehicles compared to combustion engine vehicles; and

(E) for each military department, a cost comparison over periods of three, five, 10, and 15 years of pursuing an electric non-tactical vehicle fleet versus continuing with combustion engine non-tactical vehicles.

(2) An assessment of the current and projected sourcing shortfalls for lithium, cobalt, and nickel from Taiwan, India, member countries of the North
Atlantic Treaty Organization, and major allies of the North Atlantic Treaty Organization.

(3) An assessment of the current and projected supply chain shortfalls for electric vehicles, set forth by industry.

(4) An assessment of the cost associated with building the required infrastructure to support electric non-tactical vehicles, including charging stations and electric grid requirements.

(5) An assessment of the security risks associated with data collection conducted with respect to electric vehicles and related computer systems.

(6) An assessment of the current range requirements for electric vehicles compared to combustion engine vehicles and the average life of vehicles of the Department necessary to maintain current readiness requirements of the Department.

(7) An assessment of maintenance requirements of electric vehicles compared to combustion engine vehicles.

(8) A cost-benefit analysis of the cost, time, and manpower associated with maintenance of electric non-tactical vehicles compared to combustion engine non-tactical vehicles.
(9) An assessment of the effect transitioning to electric non-tactical vehicles would have on the National Defense Stockpile administered by the Defense Logistics Agency and current and future requirements relating to such stockpile.

(10) An identification of components for electric non-tactical vehicles that are currently being sourced from the People’s Republic of China.

(11) An assessment of the long-term cost and benefit to the Department of being an early adopter of hydrogen-powered vehicles and advanced-biofuel-powered vehicles.

(12) An assessment of the long-term availability to the Department of internal combustion engines and spare parts for such engines, including whether or not they will be manufactured in the United States or repairable with parts made in the United States and labor in the United States.

(13) A comparison of the relative risk to personnel of the Department, budgetary impacts, and impacts on the supply chain between different fuel types to determine the tradeoffs associated with the adoption and use of any particular fuel type.

(c) ADDITIONAL PROHIBITION.—No funds may be obligated or expended for the Department of Defense for
the procurement of non-tactical electric vehicles, advanced-biofuel-powered vehicles, hydrogen-powered vehicles, or any components or spare parts associated with such vehicles that are not in compliance with subpart 22.15 of the Federal Acquisition Regulation maintained under section 1303(a)(1) of title 41, United States Code (or any successor regulations), on the Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.

(d) DEFINITIONS.—In this section:

(1) ADVANCED-BIOFUEL-POWERED VEHICLE.— The term “advanced-biofuel-powered vehicle” includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2202 (7 U.S.C. 8101(3)(A)).

(2) CHARGING STATION.—The term “charging station” means a parking space with electric vehicle supply equipment that supplies electric energy for the recharging of electric vehicles with at least a level 2 charger.

(3) ELECTRIC GRID REQUIREMENTS.—The term “electric grid requirements” means the power grid and infrastructure requirements needed to support plug-in electric vehicles and vehicle-to-grid requirements.
(4) HYDROGEN-POWERED VEHICLE.—The term “hydrogen-powered vehicle” means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion.

(5) NON-TACTICAL VEHICLE.—The term “non-tactical vehicle” means any commercial motor vehicle, trailer, material handling equipment, or engineering equipment that carries passengers or cargo acquired for the administrative, direct mission, or operational support of military functions.

SEC. 387. LIMITATION ON USE OF CHARGING STATIONS FOR PERSONAL ELECTRIC VEHICLES.

The Secretary of Defense may not permit the charging of personal electric vehicles through the use of charging stations provided by the Department of Defense unless the charging infrastructure for such stations allows for the receipt of payment for such charging.

SEC. 388. PILOT PROGRAMS FOR TACTICAL VEHICLE SAFETY DATA COLLECTION.

(a) IN GENERAL.—Not later than October 1, 2023, the Secretary of the Army and the Secretary of the Navy shall each initiate a pilot program to evaluate the utility of using data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles in the Army and the Marine Corps, respectively.
(b) DURATION.—Each pilot program initiated under subsection (a) shall be carried out for a period of not less than two years.

(c) REQUIREMENTS.—In carrying out a pilot program under this section, the Secretary of the Army and the Secretary of the Navy shall—

(1) carry out the pilot program at not fewer than one military installation in the United States selected by the Secretary concerned that contains the necessary forces, equipment, and maneuver training ranges to collect data on drivers and military tactical vehicles during training and routine operation;

(2) install data recorders on a sufficient number of each type of military tactical vehicle specified in subsection (d) to gain statistically significant results;

(3) select a data recorder capable of collecting and exporting telemetry data, event data, and driver identification data during operation and accidents;

(4) establish and maintain a data repository for operation and event data captured by the data recorder; and

(5) establish processes to leverage operation and event data to improve individual vehicle operator
performance, identify installation hazards that threaten safe vehicle operation, and identify vehicle-type specific operating conditions that increase the risk of accidents or mishaps.

(d) **Military Tactical Vehicles Specified.**—Military tactical vehicles specified in this subsection are the following:

1. High Mobility Multipurpose Wheeled Vehicles.
2. Family of Medium Tactical Vehicles.
4. Heavy Expanded Mobility Tactical Trucks.
5. Light Armored Vehicles.
7. Such other military tactical vehicles as the Secretary of the Army or the Secretary of the Navy considers appropriate.

(e) **Implementation Plan.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall each—

1. develop plans for implementing the pilot programs under this section; and
(2) provide to the congressional defense committees a briefing on those plans and the estimated cost of implementing those plans.

(f) REPORT REQUIRED.—Not later than December 15, 2024, the Secretary of the Army and the Secretary of the Navy shall each submit to the congressional defense committees a report on the pilot program carried out under this section by the Secretary concerned, including—

(1) insights and findings regarding the utility of using data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(2) adjustments made, or to be made, to the implementation plans developed under subsection (e); and

(3) any other matters as determined appropriate by the Secretary concerned.

(g) ASSESSMENT REQUIRED.—Not later than December 15, 2025, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees an assessment of the pilot programs carried out under this section, including—

(1) insights and findings regarding the utility of using data recorders to monitor, assess, and improve
readiness and the safe operation of military tactical vehicles;

(2) an assessment of the utility of establishing an enduring program to use data recorders to monitor, assess, and improve readiness and the safe operation of military tactical vehicles;

(3) an assessment of the scope, size, and estimated cost of such an enduring program; and

(4) such other matters as the Secretary of the Army and the Secretary of the Navy determine appropriate.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2023, as follows:

(1) The Army, 473,000.

(2) The Navy, 354,000.

(3) The Marine Corps, 177,000.


(5) The Space Force, 8,600.

SEC. 402. END STRENGTH LEVEL MATTERS.

(a) STRENGTH LEVELS TO SUPPORT NATIONAL DEFENSE STRATEGY.—
(1) IN GENERAL.—Section 691 of title 10, United States Code, is repealed.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

(b) CERTAIN ACTIVE-DUTY AND SELECTED RESERVE STRENGTHS.—Section 115 of such title is amended—

(1) in subsection (f), by striking “increase” each place it appears and inserting “vary”; and

(2) in subsection (g)—

(A) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

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

“(B) vary the end strength pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force or forces under the jurisdiction of that Secretary by a number equal to nor more than 2 percent of such authorized end strength.”; and
(B) in paragraph (2), by striking “increase” each place it appears and inserting “variance”.

SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE END STRENGTH.

(a) IN GENERAL.—Notwithstanding section 115(g) of title 10, United States Code, upon determination by the Secretary of the Air Force that such action would enhance Manning and readiness in essential units or in critical specialties, the Secretary may vary the end strength authorized by Congress for each fiscal year as follows:

(1) Increase the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 5 percent of such authorized end strength.

(2) Decrease the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 10 percent of such authorized end strength.

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on December 31, 2023.
Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized
stregths for Selected Reserve personnel of the reserve
components as of September 30, 2023, as follows:

(1) The Army National Guard of the United
States, 336,000.

(2) The Army Reserve, 189,500.

(3) The Navy Reserve, 57,700.

(4) The Marine Corps Reserve, 33,000.

(5) The Air National Guard of the United
States, 108,400.

(6) The Air Force Reserve, 70,000.

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

(b) END STRENGTH REDUCTIONS.—The end
strengths prescribed by subsection (a) for the Selected Re-
serve of any reserve component shall be proportionately
reduced by—

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

(2) the total number of individual members not
in units organized to serve as units of the Selected
Reserve of such component who are on active duty
(other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(e) **End Strength Increases.**—Whenever units or individual members of the Selected Reserve for any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2023, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 30,845.
2. The Army Reserve, 16,511.
3. The Navy Reserve, 10,077.

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

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

(a) IN GENERAL.—The minimum number of military technicians (dual status) as of the last day of fiscal year 2023 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

(2) For the Army Reserve, 6,492.

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

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

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

(e) LIMITATION.—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting
an offer of realignment or conversion to any other military
status, including as a member of the Active, Guard, and
Reserve program of a reserve component. If a military
technician (dual status) declines to participate in such re-
alignment or conversion, no further action will be taken
against the individual or the individual’s position.

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

During fiscal year 2023, the maximum number of
members of the reserve components of the Armed Forces
who may be serving at any time on full-time operational
support duty under section 115(b) of title 10, United
States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

(6) The Air Force Reserve, 14,000.
Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) Construction of Authorization.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2023.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. CONSIDERATION OF ADVERSE INFORMATION.

Section 628a(a)(1) of title 10, United States Code, is amended—

(1) by inserting “(A)” before “If the Secretary concerned”; and

(2) by adding at the end the following new sub-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.”.

SEC. 502. EXTENSION OF TIME LIMITATION FOR GRADE RETENTION 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—

“(A) subject to subparagraph (B), not for 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.”.
SEC. 503. REALIGNMENT IN NAVY DISTRIBUTION OF FLAG OFFICERS SERVING IN THE GRADES OF O-8 AND O-9.

Section 525(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “33” and inserting “34”; and

(2) in subparagraph (C), by striking “50” and inserting “49”.

SEC. 504. UPDATING WARRANT OFFICER SELECTION AND PROMOTION AUTHORITY.

(a) CONVENING OF SELECTION BOARDS.—Section 573 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) Upon the request of a warrant officer, the Secretary of the military department with jurisdiction over the officer may exclude the officer from consideration by a selection board convened under this section to consider warrant officers for promotion to the next higher grade.

“(2) The Secretary concerned may approve a request of a warrant officer under paragraph (1) only if—

“(A) the basis for the request is to allow the officer to complete a deepening assignment in support of career progression, advanced education, another assignment of significant value to the Department of
Defense, or a career progression requirement delayed by an assignment or education;

“(B) it is determined the exclusion from consideration is in the best interest of the military department concerned; and

“(C) the officer has not previously failed of selection for promotion to the grade for which the officer requests the exclusion from consideration.”.

(b) Promotions: Effect of Failure of Selection for.—Section 577 of title 10, United States Code, is amended by striking the period at the end of the second sentence and inserting “, or a warrant officer excluded under section 573(g) of this title.”.

(e) Recommendation for Promotion by Selection Boards.—Section 575 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) In selecting the warrant officers to be recommended for promotion, a selection board may, when authorized by the Secretary concerned, recommend warrant officers of particular merit, from among those warrant officers selected for promotion, to be placed higher on the promotion list contained in the board’s report under section 576(c) of this title.
“(2) A warrant officer may be recommended to be placed higher on a promotion list under paragraph (1) only if the warrant officer receives the recommendation of at least a majority of the members of the board, unless the Secretary concerned establishes an alternative requirement. Any such alternate requirement shall be furnished to the board as part of the guidelines furnished to the board under section 576 of this title.

“(3) For the warrant officers recommended to be placed higher on a promotion list under paragraph (1), the board shall recommend the order in which those warrant officers should be placed on the list.”.

(d) Information to be Furnished to Selection Boards; Selection Procedures.—Section 576(c) of title 10, United States Code, is amended to read as follows:

“(c) A selection board convened under section 573(a) of this title shall, when authorized under section 575(e) of this title, include in its report to the Secretary concerned the names of those warrant officers recommended by the board to be placed higher on the promotion list and the order in which those officers should be placed on the list. The names of all other warrant officers recommended for promotion under this section shall be ar-
ranged in the board’s report in the order of seniority on
the warrant officer active-duty list.”.

(c) Promotions: How Made; Effective Date.—

Section 578(a) of title 10, United States Code, is amend-
ed—

(1) by striking “, in the order of the seniority
of such officers on the warrant officer active-duty
list”; and

(2) by adding at the end the following new sen-
tence: “Warrant officers of particular merit who
were recommended by the board to be placed higher
on the promotion list under section 576(c) of this
title shall be listed first and, amongst themselves, in
the order recommended by the board, followed by
the other warrant officers approved for promotion in
order of the seniority of such officers on the warrant
officer active-duty list.”.

SEC. 505. AUTHORIZED STRENGTHS FOR SPACE FORCE OF-
FICERS ON ACTIVE DUTY IN GRADES OF
MAJOR, LIEUTENANT COLONEL, AND COLO-
NEL.

The table in subsection (a)(1) of section 523 of title
10, United States Code, is amended by inserting after the
items relating to the Marine Corps new items relating to
the total number of commissioned officers (excluding offi-
1. Officers in categories specified in subsection (b) of such section) serving on active duty in the Space Force in the grades of major, lieutenant colonel, and colonel, respectively, as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>3,900</th>
<th>4,300</th>
<th>5,000</th>
<th>7,000</th>
<th>10,000</th>
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<tbody>
<tr>
<td></td>
<td>1,016</td>
<td>1,135</td>
<td>1,259</td>
<td>1,659</td>
<td>2,259</td>
</tr>
<tr>
<td></td>
<td>782</td>
<td>873</td>
<td>845</td>
<td>1,045</td>
<td>1,345</td>
</tr>
<tr>
<td></td>
<td>234</td>
<td>262</td>
<td>315</td>
<td>415</td>
<td>565</td>
</tr>
</tbody>
</table>

5. SEC. 506. REPEAL OF REQUIREMENT FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE TO CONDUCT CERTAIN REVIEWS.


7. (1) by striking “REQUIREMENT.—” and all that follows through “Each request” and inserting “REQUIREMENT.—Each request”; and

8. (2) by striking paragraph (2).

15. SEC. 507. MODIFICATION OF REPORTS ON AIR FORCE PERSONNEL PERFORMING DUTIES OF A NUCLEAR AND MISSILE OPERATIONS OFFICER (13N).

19. Section 506(b) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1682) is amended—

22. (1) by redesignating paragraph (8) as paragraph (9); and
(2) by inserting after paragraph (7) the following new paragraph (8):

“(8) A staffing plan for managing personnel within the 13N career field as the Air Force transitions from the Minuteman III weapon system to the Sentinel weapon system.”.

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.

(a) In general.—Section 328(b) of title 32, United States Code, is amended by adding at the end the following new subsection:

“(c) Waiver Authority.—(1) Notwithstanding section 101(d)(6)(A) of title 10 and subsection (b) of this section, the Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, may, at the request of the Secretary concerned, order a member of the National Guard to perform Active Guard and Reserve duty for purposes of performing training of the regular components of the armed forces as the primary duty.
“(2) Training performed under paragraph (1) must be in compliance with the requirements of section 502(f)(2)(B)(i) of this title.

“(3) No more than 100 personnel may be granted a waiver by a Secretary concerned under paragraph (1) at a time.

“(4) The authority under paragraph (1) shall terminate on October 1, 2024.”

(b) Briefing on Performance of Training as Primary Duty.—Not later than March 1, 2023, the Secretary of the Army and the Secretary of the Air Force shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing describing how many members of the National Guard are performing Active Guard and Reserve duty for purposes of performing training of the regular components of the Armed Forces as the primary duty.

(c) Briefing on End Strength Requirements.—Not later than October 1, 2024, the Secretary of the Army and the Secretary of the Air Force shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing outlining the end strength requirement going forward for Active Guard and Reserve
forces of the National Guard impacted by subsection (c)
of section 328(b) of title 32, United States Code, as added
by subsection (a) of this section.

SEC. 512. SELECTED RESERVE AND READY RESERVE
ORDER TO ACTIVE DUTY TO RESPOND TO A
SIGNIFICANT CYBER INCIDENT.

Section 12304 of title 10, United States Code, is
amended—

(1) in subsection (a) in the heading, by striking
“AUTHORITY” and inserting “OPERATIONAL MIS-
SIONS AND CERTAIN OTHER EMERGENCIES”;

(2) by redesignating subsections (c) through (j)
as subsections (d) through (k), respectively;

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

“(c) SIGNIFICANT CYBER INCIDENTS.—The Sec-
retary of Defense may, without the consent of the member
affected, order any unit, and any member not assigned
to a unit organized to serve as a unit, of the Selected Re-
serve or Individual Ready Reserve to active duty for a con-
tinuous period of not more than 365 days when the Sec-
retary of Defense determines it is necessary to augment
the active forces for a Department of Defense response
to a covered incident.”;
(4) in paragraph (1) of subsection (d), as redesignated by paragraph (2) of this section, by inserting “or subsection (c)” after “subsection (b)”;

(5) in subsection (h) (as so redesignated)—

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

(B) by striking “Whenever any” and inserting “(1) Whenever any”; and

(C) by adding at the end the following new paragraph:

“(2) Whenever any unit of the Selected Reserve or any member of the Selected Reserve not assigned to a unit organized to serve as a unit, or any member of the Individual Ready Reserve, is ordered to active duty under authority of subsection (c), the service of all units or members so ordered to active duty may be terminated by—

“(A) order of the Secretary of Defense; or

“(B) law.”; and

(6) in subsection (k) (as so redesignated)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

“(2) The term ‘covered incident’ means—
“(A) a cyber incident involving a Department of Defense information system or a breach of a Department of Defense system that involves personally identifiable information, that the Secretary of Defense determines is likely to result in demonstrable harm to the national security interests, foreign relations, or the economy of the United States, or to the public confidence, civil liberties, or public health and safety of the people of the United States;

“(B) a cyber incident or collection of related cyber incidents that are determined by the President to be likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States; or

“(C) a significant incident declared pursuant to section 2233 of the Homeland Security Act of 2002 (6 U.S.C. 677b).”.
SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR
RESERVE OFFICERS IN THE NATIONAL
GUARD DUE TO UNDUE DELAYS IN FEDERAL
RECOGNITION.

Paragraph (2) of section 14308(f) of title 10, United
States Code, is amended to read as follows:

“(2) If there is a delay in extending Federal recogni-
tion in the next higher grade in the Army National Guard
or the Air National Guard to a reserve commissioned offi-
cer of the Army or the Air Force that exceeds 100 days
from the date the National Guard Bureau determines such
officer’s application for Federal recognition to be com-
pletely submitted by the State and ready for review at the
National Guard Bureau, and the delay was not attrib-
utable to the action or inaction of such officer—

“(A) in the event of State promotion with an
effective date before January 1, 2024, the effective
date of the promotion concerned under paragraph
(1) may be adjusted to a date determined by the
Secretary concerned, but not earlier than the effec-
tive date of the State promotion; and

“(B) in the event of State promotion with an
effective date on or after January 1, 2024, the effec-
tive date of the promotion concerned under para-
graph (1) shall be adjusted by the Secretary con-
cerned to the later of—
“(i) the date the National Guard Bureau deems such officer’s application for Federal recognition to be completely submitted by the State and ready for review at the National Guard Bureau; and

“(ii) the date on which the officer occupies a billet in the next higher grade.”.

SEC. 514. INDEPENDENT STUDY ON FEDERAL RECOGNITION PROCESS.

(a) Independent Study.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the National Guard commissioned officer and warrant officer promotion system and provide recommendations to the Department of Defense, the Department of the Air Force, the Department of the Army, the National Guard Bureau, and individual State National Guard commands.

(2) Elements.—The study referred to in paragraph (1) shall include a comprehensive review and assessment of the following:
(A) Reasons for delays in processing personnel actions for Federal recognition of State National Guard member promotions.

(B) The Federal recognition process used to extend Federal recognition to State promotions.

(C) Best practices among the various State National Guards for managing their requirements under the existing National Guard promotion system.

(D) Possible improvements to requirements, policies, procedures, workflow, or resources to reduce the processing time for Federal recognition of state promotions.

(E) An assessment of the feasibility of developing or adopting a commercially available solution for an integrated enterprise information technology system for managing National Guard officer and warrant officer promotions that allows seamless transition for promotions as they move through review at the National Guard Bureau, the Department of the Army, the Department of the Air Force, and the Department of Defense.
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(F) Possible metrics to evaluate effectiveness of any recommendations made.

(G) Possible remedies for undue delays in Federal recognition, including adjustment to the effective date of promotion beyond current statutory authorities.

(H) Any other matters the federally funded research and development center determines relevant.

(3) REPORT.—

(A) IN GENERAL.—The contract under paragraph (1) shall require the federally funded research and development center that conducts the study under the contract to submit to the Secretary of Defense, the Secretary of the Army, the Secretary of the Air Force, and the Chief of the National Guard Bureau a report on the results of the study.

(B) SUBMISSION TO CONGRESS.—Upon receiving the report required under subparagraph (A), the Secretary of Defense shall submit an unedited copy of the report results to the congressional defense committees within 30 days of receiving the report from the federally funded research and development corporation.
(b) **Reporting Requirement.**—

(1) **In General.**—Not later than one year after the date of the enactment of this Act, and annually thereafter until the date specified in paragraph (3), the Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force as appropriate, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report detailing the current status of the Federal recognition process for National Guard promotions.

(2) **Elements.**—The report required under paragraph (1) shall include the following elements:

(A) An update on efforts to transition to fully digital processes in accordance with recommendations made pursuant to subsection (a).

(B) The average processing time for personnel actions related to Federal recognition of reserve commissioned officer promotions in the Army and Air National Guards, respectively, including the time in days from the date at which the National Guard Bureau received the promotion until the date at which Federal recognition was granted.
(C) The average time it took during the previous fiscal year to extend Federal recognition.

(D) The number of Army and Air National Guard officers who experienced Federal recognition delays greater than 90 days in the previous fiscal year.

(E) A summary of any additional resources or authorities needed to further streamline the Federal recognition processes to reduce average Federal recognition processing time to 90 days or fewer.

(F) Any other information that the Secretaries concerned deem relevant.

(3) Expiration of Annual Reporting Requirement.—The date referred to in paragraph (1) is such time as the average processing time for personnel actions described under this subsection is reduced to 90 days or fewer for each of the Army and Air National Guards.

SEC. 515. CONTINUED NATIONAL GUARD SUPPORT FOR FIREGUARD PROGRAM.

(a) Required Support Through Fiscal Year 2028.—Until September 30, 2028, the Secretary of Defense shall continue to support the FireGuard program
with National Guard personnel, including personnel from the California National Guard and Colorado National Guard, to aggregate, analyze, and assess multi-source remote sensing information for interagency partnerships in the initial detection and monitoring of wildfires across the United States.

(b) NOTICE AND WAIT REQUIREMENT AFTER FISCAL YEAR 2028.—Beginning on October 1, 2028, the Secretary of Defense may not reduce the support described under subsection (a), or transfer responsibility for such support to an interagency partner, until 30 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notice of the proposed change, and reasons for the change.

SEC. 516. INCLUSION OF UNITED STATES NAVAL SEA CADET CORPS AMONG YOUTH AND CHARITABLE ORGANIZATIONS AUTHORIZED TO RECEIVE ASSISTANCE FROM THE NATIONAL GUARD.

Section 508(d) of title 32, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and
(2) by inserting after paragraph (13) the following new paragraph:

“(14) The United States Naval Sea Cadet Corps.”.

Subtitle C—General Service
Authorities and Military Records

SEC. 521. MODERNIZATION OF THE SELECTIVE SERVICE SYSTEM.

(a) Reference.—Except as expressly provided otherwise, any reference in this section to a section or other provision shall be deemed to be a reference to that section or other provision of the Military Selective Service Act (50 U.S.C. 3801 et seq.).

(b) Purpose of Selective Service.—Subsection (b) of section 1 (50 U.S.C. 3801) is amended to read as follows:

“(b) The Congress declares that the security of the Nation requires that adequate military strength be achieved and maintained by ensuring a requisite number of personnel with the necessary capabilities to meet the diverse mobilization needs of the Department of Defense during a time of war.”.

(e) Solemnity of Military Service.—Section 3 (50 U.S.C. 3802) is amended by adding at the end the following:
"(c) Regulations prescribed pursuant to subsection (a) shall include methods to convey to every person required to register the solemn obligation for military service if called into training or service under this Act."

(d) **Expanded Registration to All Americans.**—

(1) Section 3(a) (50 U.S.C. 3802(a)) is amended—

(A) by striking “male citizen” and inserting “citizen”;  

(B) by striking “male person” and inserting “person”;  

(C) by striking “present himself” and inserting “appear”; and  

(D) by striking “so long as he” and inserting “so long as such alien”.

(2) Section 4(e) (50 U.S.C. 3803(e)) is amended by striking “enlisted men” and inserting “enlisted persons”.

(3) Section 5 (50 U.S.C. 3805) is amended—

(A) in subsection (a)(1)—  

(i) by striking “on account of race or color” and inserting “on any basis set forth in section 703(a) of the Civil Rights Act of 1964 (42 U.S.C. 2002e–2(a))”; and
(ii) by striking “call for men” and inserting “call for persons”; and

(B) in subsection (b), by striking “men” each place it appears and inserting “persons”.

(4) Section 6 (50 U.S.C. 3806) is amended—

(A) in subsection (a)(1)—

(i) by striking “enlisted men” and inserting “enlisted persons”; and

(ii) by striking “accruing to him” and inserting “accruing to such alien”; and

(B) in subsection (h)—

(i) by striking “(other than wives alone, except in cases of extreme hardship)”;

(ii) by striking “wives and children” and inserting “spouses and children”.

(5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is amended by striking “the President is requested” and all that follows through “race or national origin” and inserting “the President is requested to appoint the membership of each local board so that each board has both male and female members and, to the maximum extent practicable, it is proportionately representative of those registrants within its jurisdiction in each applicable basis set forth in sec-
tion 703(a) of the Civil Rights Act of 1964 (42 U.S.C. 2002e–2(a)), but no action by any board shall be declared invalid on the ground that such board failed to conform to such representation quota”.

(6) Section 16(a) (50 U.S.C. 3814(a)) is amended by striking “men” and inserting “persons”.

(e) Maintaining the Health of the Selective Service System.—Section 10(a) (50 U.S.C. 3809(a)) is amended by adding at the end the following new paragraph:

“(5) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 10208 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction with each exercise to communicate the purpose of the exercise to the public.”.
The Military Selective Service Act is amended—

(1) in section 4 (50 U.S.C. 3803)—

(A) in subsection (a) in the third undesignated paragraph—

(i) by striking “his acceptability in all respects, including his” and inserting “such person’s acceptability in all respects, including such person’s”; and

(ii) by striking “he may prescribe” and inserting “the President may prescribe”; 

(B) in subsection (c)—

(i) in paragraph (2), by striking “any enlisted member” and inserting “any person who is an enlisted member”; and

(ii) in paragraphs (3), (4), and (5), by striking “in which he resides” and inserting “in which such person resides”; 

(C) in subsection (g), by striking “coordinate with him” and inserting “coordinate with the Director”; and

(D) in subsection (k)(1), by striking “finding by him” and inserting “finding by the President”;

(2) in section 5(d) (50 U.S.C. 3805(d)), by striking “he may prescribe” and inserting “the President may prescribe”;

(3) in section 6 (50 U.S.C. 3806)—

(A) in subsection (c)(2)(D), by striking “he may prescribe” and inserting “the President may prescribe”;

(B) in subsection (d)(3), by striking “he may deem appropriate” and inserting “the President considers appropriate”; and

(C) in subsection (h), by striking “he may prescribe” each place it appears and inserting “the President may prescribe”;

(4) in section 10 (50 U.S.C. 3809)—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking “He shall create” and inserting “The President shall create”; and

(II) by striking “upon his own motion” and inserting “upon the President’s own motion”;

(ii) in paragraph (4), by striking “his status” and inserting “such individual’s status”; and
(iii) in paragraphs (4), (6), (8), and (9), by striking “he may deem” each place it appears and inserting “the President considers”; and

(B) in subsection (c), by striking “vested in him” and inserting “vested in the President”;

(5) in section 13(b) (50 U.S.C. 3812(b)), by striking “regulation if he” and inserting “regulation if the President”;

(6) in section 15 (50 U.S.C. 3813)—

(A) in subsection (b), by striking “his” each place it appears and inserting “the registrant’s”; and

(B) in subsection (d), by striking “he may deem” and inserting “the President considers”;

(7) in section (16)(g) (50 U.S.C. 3814(g))—

(A) in paragraph (1), by striking “who as his regular and customary vocation” and inserting “who, as such person’s regular and customary vocation,”; and

(B) in paragraph (2)—

(i) by striking “one who as his customary vocation” and inserting “a person
who, as such person’s customary voca-
tion,”; and

(ii) by striking “he is a member” and
inserting “such person is a member”;

(8) in section (18)(a) (50 U.S.C. 3816(a)), by
striking “he is authorized” and inserting “the Presi-
dent is authorized”;

(9) in section 21 (50 U.S.C. 3819)—

(A) by striking “he is sooner” and insert-
ing “sooner”;

(B) by striking “he” each subsequent place
it appears and inserting “such member”; and

(C) by striking “his consent” and inserting
“such member’s consent”;

(10) in section 22(b) (50 U.S.C. 3820(b)), in
paragraphs (1) and (2), by striking “his” each place
it appears and inserting “the registrant’s”; and

(11) except as otherwise provided in this sec-
tion—

(A) by striking “he” each place it appears
and inserting “such person”;

(B) by striking “his” each place it appears
and inserting “such person’s”;

(C) by striking “him” each place it ap-
ppears and inserting “such person”; and
(D) by striking “present himself” each place it appears in section 12 (50 U.S.C. 3811) and inserting “appear”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsection (d) shall take effect 1 year after such date of enactment.

SEC. 522. PROHIBITION ON INDUCTION UNDER THE MILITARY SELECTIVE SERVICE ACT WITHOUT EXPRESS AUTHORIZATION.

Section 9 of the Military Selective Service Act (50 U.S.C. 3809) is amended by adding at the end the following new subsection:

“(i) No person shall be inducted for training and service in the Armed Forces under this title unless Congress first passes and there is enacted a law expressly authorizing such induction into service.”.

SEC. 523. EXTENSION OF TEMPORARY AUTHORITY FOR TARGETED RECRUITMENT INCENTIVES.

Section 522(h) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 503) is amended—

(1) by striking the semicolon and inserting a comma; and
(2) by striking “2020” and inserting “2025”.

SEC. 524. HOME LEAVE DEMONSTRATION PROGRAM.

(a) In General.—During the period specified in subsection (f), the Secretary of a military department may reimburse an eligible member of the armed forces for the cost of airfare for that member to travel to the home of record of the member.

(b) Eligible Members.—A member of the armed forces is eligible for a reimbursement under subsection (a) with respect to travel described in that subsection if—

(1) the member—

(A) is assigned to a duty location in Alaska; and

(B) as of any date during the period specified in subsection (f), has been assigned to a duty location in Alaska for a period of one year or more;

(2) after an evaluation of the member by a mental health provider, that provider recommends, in writing, that the member use leave to which the member is entitled under section 704 of title 10, United States Code, to travel away from Alaska for the health and well-being of the member; and
(3) an officer with the grade of O–6 or higher in the chain of command of the member authorizes the travel of the member.

(c) **TREATMENT OF TIME AS LEAVE.**—The time during which a member who receives a reimbursement under subsection (a) with respect to travel described in that subsection is absent from duty for such travel shall be treated as leave for purposes of section 704 of title 10, United States Code.

(d) **AUTHORIZED DESTINATION.**—Reimbursement under subsection (a) is authorized only for the cost of airfare for a member to travel to the home of record of the member. If a member travels to any other location pursuant to an authorization under subsection (b), the amount the member is reimbursed under subsection (a) may not exceed the cost the member would have incurred for airfare if the member had traveled to the home of record of the member.

(e) **BRIEFING REQUIRED.**—Not later than February 1, 2024, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the use and effectiveness of reimbursements authorized by subsection (a).

(f) **PERIOD SPECIFIED.**—The period specified in this subsection is the period—
(1) beginning on the date of the enactment of this Act; and
(2) ending on December 31, 2023.

(g) Mental Health Provider Defined.—In this section, the term “mental health provider” means—

(1) a health care provider of the Department of the Defense at a facility of the Department; or
(2) a non-Departmental health care provider (as defined in section 717 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat 868; 10 U.S.C. 1073 note)).

SEC. 525. PROHIBITION ON CONSIDERING STATE LAWS AND REGULATIONS WHEN DETERMINING INDIVIDUAL DUTY ASSIGNMENTS.

The Secretary of Defense may not use the agreement or disagreement of a member of the Armed Forces with the State laws and regulations applicable to any duty station when determining the duty assignment of the member.

SEC. 526. MODIFICATION TO LIMITATIONS ON DISCHARGE OR RELEASE FROM ACTIVE DUTY.

Section 1168(a) of title 10, United States Code, is amended by striking “A member of an armed force” and inserting “A member of an active or reserve component of an armed force”.

SEC. 527. SEX-NEUTRAL HIGH FITNESS STANDARDS FOR ARMY COMBAT MILITARY OCCUPATIONAL SPECIALTIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall—

(1) establish sex-neutral fitness standards for combat Military Occupational Specialties (MOSs) that are higher than those for non-combat MOSs; and

(2) provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives describing—

(A) the list of combat MOSs established for purposes of paragraph (1); and

(B) the methodology used to determine whether to include a MOS on such list.

Subtitle D—Military Justice and Other Legal Matters

SEC. 541. BRIEFING AND REPORT ON RESOURCING REQUIRED FOR IMPLEMENTATION OF MILITARY JUSTICE REFORM.

(a) Briefing and Report Required.—

(1) Briefing.—Not later than March 1, 2023, and no less frequently than once every 180 days thereafter through December 31, 2024, each Sec-
retary concerned shall provide to the appropriate congressional committees a briefing that details the resourcing necessary to implement subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report that details the resourcing necessary to implement subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(3) FORM OF BRIEFING AND REPORT.—The Secretaries concerned may provide the briefings and report required under paragraphs (1) and (2) jointly, or separately, as determined appropriate by such Secretaries.

(b) ELEMENTS.—The briefing and report required under subsection (a) shall address the following:

(1) The number of personnel and personnel authorizations (military and civilian) required by the Armed Forces to implement and execute the provisions of subtitle D of title V of the National Defense
Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(2) The basis for the numbers provided pursuant to paragraph (1), including the following:

(A) A description of the organizational structure in which such personnel or groups of personnel are or will be aligned.

(B) The nature of the duties and functions to be performed by any such personnel or groups of personnel across the domains of policy-making, execution, assessment, and oversight.

(C) The optimum caseload goal assigned to the following categories of personnel who are or will participate in the military justice process: criminal investigators of different levels and expertise, laboratory personnel, defense counsel, special trial counsel, military defense counsel, military judges, military magistrates, and paralegals.

(D) Any required increase in the number of personnel currently authorized in law to be assigned to the Armed Force concerned.

(3) The nature and scope of any contract required by the Armed Force concerned to implement
and execute the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(4) The amount and types of additional funding required by the Armed Force concerned to implement the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(5) Any additional authorities required to implement the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(6) Any additional information the Secretary concerned determines is necessary to ensure the manning, equipping, and resourcing of the Armed Forces to implement and execute the provisions of subtitle D of title V of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) and the amendments made by that subtitle.

(e) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 542. RANDOMIZATION OF COURT-MARTIAL PANELS.

(a) IN GENERAL.—Section 825(e) of title 10, United States Code (article 25(e) of the Uniform Code of Military Justice), is amended by adding at the end the following new paragraph:

“(4) When convening a court-martial, the convening authority shall detail as members thereof members of the armed forces under such regulations as the President may prescribe for the randomized selection of qualified personnel, to the maximum extent practicable.”.
(b) Regulations.—Not later than 2 years after the
date of the enactment of this Act, the President shall pre-
scribe regulations implementing the requirement under
paragraph (4) of section 825(e) of title 10, United States
Code (article 25(e) of the Uniform Code of Military Just-
tice), as added by subsection (a).

SEC. 543. MATTERS IN CONNECTION WITH SPECIAL TRIAL
COUNSEL.

(a) Definition of Covered Offense.—

(1) In general.—Paragraph (17)(A) of sec-
tion 801 of title 10, United States Code (article 1
of the Uniform Code of Military Justice), as added
by section 533 of the National Defense Authoriza-
tion Act for Fiscal Year 2022 (Public Law 117–81;
135 Stat. 1695), is amended—

(A) by striking “section 920 (article 120)”
and inserting “section 919a (article 119a), sec-
tion 919b (article 119b), section 920 (article
120), section 920a (article 120a)”;

(B) by striking “the standalone offense of
child pornography” and inserting “the stand-
alone offenses of child pornography, indecent
conduct, indecent language to a child under the
age of 16, and pandering and prostitution”.

(2) **Effective date.**—The amendments made by paragraph (1) shall—

(A) take effect on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81); and

(B) apply with respect to any offenses that occur after that date.

(b) **Residual Prosecutorial Duties and Other Judicial Functions of Convening Authorities in Covered Cases.**—The President shall prescribe regulations to ensure that residual prosecutorial duties and other judicial functions of convening authorities, including but not limited to granting immunity, ordering depositions, and hiring experts, with respect to charges and specifications over which a special trial counsel exercises authority pursuant to section 824a of title 10, United States Code (article 24a of the Uniform Code of Military Justice), are transferred to the military judge, the special trial counsel, or other authority as appropriate in such cases by no later than the effective date established in section 539C of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 801 note), in consideration of due process for all parties involved in such a case.
(c) Amendment to the Rules for Courts-Martial.—The President shall prescribe in regulation such modifications to Rule 813 of the Rules for Courts-Martial and other Rules as appropriate to ensure that at the beginning of each court-martial convened, the presentation of orders does not in open court specify the name, rank, or position of the convening authority convening such court, unless such convening authority is the Secretary concerned, the Secretary of Defense, or the President.

(d) Briefing Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the progress of the Department of Defense in implementing this section, including an identification of—

(1) the duties to be transferred under subsection (b);

(2) the positions to which those duties will be transferred; and

(3) any provisions of law or Rules for Courts Martial that must be amended or modified to fully complete the transfer.

(e) Additional Reporting Relative to Implementation of Subtitle D of Title V of the National Defense Authorization Act for Fiscal
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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 assessing
5 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
punishment concerning covered and non-covered offenses.

(5) A description of the resources and personnel required to maintain and execute the reforms made by such subtitle during the reporting period relative to fiscal year 2022.

(6) A description of any other factors or matters considered by the Secretary to be important to a holistic assessment of these reforms on the military justice system.

SEC. 544. JURISDICTION OF COURTS OF CRIMINAL APPEALS.

(a) JURISDICTION.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)(1), by striking “shall have jurisdiction over” and all that follows through the period at the end of subparagraph (D) and inserting the following: “shall have jurisdiction over—

“(A) a timely appeal from the judgment of a court-martial, entered into the record under section 860c(a) of this title (article 60c(a)), that includes a finding of guilty; and

“(B) a summary court-martial case in which the accused filed an application for review with the
Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and for which the application has been granted by the Court.”; and

(2) in subsection (c), by striking “is timely if” and all that follows through the period at the end of paragraph (2) and inserting the following: “is timely if—

“(1) in the case of an appeal under subparagraph (A) of such subsection, it is filed before the later of—

“(A) the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)); and

“(B) the date set by the Court of Criminal Appeals by rule or order; and

“(2) in the case of an appeal under subparagraph (B) of such subsection, an application for review with the Court is filed not later than the earlier of the dates established under section 869(d)(2)(B) of this title (article 69(d)(2)(B)).”.

(b) **Review by Judge Advocate General.**—Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice) is amended—
(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—Upon application by the accused or receipt of the record pursuant to section 864(c)(3) of this title (article 64(c)(3)) and subject to subsections (b), (c), and (d), the Judge Advocate General may—

“(1) with respect to a summary court-martial, modify or set aside, in whole or in part, the findings and sentence; or

“(2) with respect to a general or special court-martial, order such court-martial to be reviewed under section 866 of this title (article 66).”; and

(2) in subsection (b)—

(A) by inserting “(1)” before “To qualify”;

and

(B) by striking “not later than one year after” and all that follows through the period at the end and inserting the following: “not later than—

“(A) for a summary court-martial, one year after the date of completion of review under section 864 of this title (article 64); or

“(B) for a general or special court-martial, one year after the end of the 90-day period beginning on the date the accused is provided notice of appellate
rights under section 865(c) of this title (article 65(c)), unless the accused submitted a waiver or withdrawal of appellate review under section 861 of this title (article 61) before being provided notice of appellate rights, in which case the application must be submitted to the Judge Advocate General not later than one year after the entry of judgment under section 860c of this title (article 60c).

“(2) The Judge Advocate General may, for good cause shown, extend the period for submission of an application, but may not consider an application submitted more than three years after the completion date referred to in paragraph (1)(A).”;

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking “section 864 or 865(b) of this title (article 64 or 65(b))” and inserting “section 864 of this title (article 64)”;

(B) in paragraph (2), by striking “the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President” and inserting “the Judge Advocate General shall send the case to the Court of Criminal Appeals”; and
(4) in subsection (d)(1), by striking “under subsection (c)—” and all that follows through “(B) in a case submitted” and inserting “under subsection (c)(1) in a case submitted”.

(c) Waiver of Right to Appeal; Withdrawal of Appeal.—Section 861(d) of title 10, United States Code (article 61(d) of the Uniform Code of Military Justice), is amended by striking “A waiver” and inserting “Except as provided by section 869(c)(2) of this title (article 69(c)(2)), a waiver”.

SEC. 545. SPECIAL TRIAL COUNSEL.

(a) Technical Corrections.—Section 824a(c)(3) of title 10, United States Code (article 24A(c)(3) of the Uniform Code of Military Justice), is amended—

(1) by striking “Subject to paragraph (4)” and inserting “Subject to paragraph (5)” ; and

(2) in subparagraph (D), by striking “an ordered rehearing” and inserting “an authorized rehearing”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect immediately after the coming into effect of the amendments made by section 531 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) as provided in section 539C of that Act.
SEC. 546. EXCLUSION OF OFFICERS SERVING AS LEAD SPECIAL TRIAL COUNSEL FROM LIMITATIONS ON AUTHORIZED STRENGTHS FOR GENERAL AND FLAG OFFICERS.

During the two-year period beginning on the date of the enactment of this Act, the limitations in section 526a(a) of title 10, United States Code, shall not apply to a general or flag officer serving in the position of lead special trial counsel pursuant to an appointment under section 1044f(a)(2) of such title.

SEC. 547. SPECIAL TRIAL COUNSEL OF DEPARTMENT OF THE AIR FORCE.

(a) IN GENERAL.—Section 1044f of title 10, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “The policies shall” and inserting “Subject to subsection (c), the policies shall”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

“(e) SPECIAL TRIAL COUNSEL OF DEPARTMENT OF THE AIR FORCE.—In establishing policies under subsection (a), the Secretary of Defense shall—
“(1) in lieu of providing for separate offices for
the Air Force and Space Force under subsection
(a)(1), provide for the establishment of a single dedi-
cated office from which office the activities of the
special trial counsel of the Department of the Air
Force shall be supervised and overseen; and

“(2) in lieu of providing for separate lead spe-
cial trial counsels for the Air Force and Space Force
under subsection (a)(2), provide for the appointment
of one lead special trial counsel who shall be respon-
sible for the overall supervision and oversight of the
activities of the special trial counsel of the Depart-
ment of the Air Force.”.

(b) Effective Date.—The amendments made by
subsection (a) shall take effect immediately after the com-
ing into effect of the amendments made by section 532
of the National Defense Authorization Act for Fiscal Year
2022 (Public Law 117–81; 135 Stat. 1694) as provided
in section 539C of such Act (10 U.S.C. 801 note).
SEC. 548. RESTRICTED REPORTING OPTION FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES CHOOSING TO REPORT EXPERIENCING ADULT SEXUAL ASSAULT.

(a) In General.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1599j. Restricted reports of incidents of adult sexual assault

“(a) Restricted Reports.—The Secretary of Defense may provide a civilian employee of the Department of Defense an opportunity to submit to an individual described in subsection (d) a restricted report of an alleged incident of adult sexual assault for the purpose of assisting the employee in obtaining information and access to authorized victim support services provided by the Department.

“(b) Restrictions on Disclosures and Initiating Investigations.—Unless the Secretary determines that a disclosure is necessary to prevent or mitigate a serious and imminent safety threat to the employee submitting the report or to another person, a restricted report submitted pursuant to subsection (a) shall not—

“(1) be disclosed to the supervisor of the employee or any other management official; or
“(2) cause the initiation of a Federal civil or criminal investigation.

“(c) DUTIES UNDER OTHER LAWS.—The receipt of a restricted report submitted under subsection (a) shall not be construed as imputing actual or constructive knowledge of an alleged incident of sexual assault to the Department of Defense for any purpose.

“(d) INDIVIDUALS AUTHORIZED TO RECEIVE RESTRICTED REPORTS.—An individual described in this subsection is an individual who performs victim advocate duties under a program for one or more of the following purposes (or any other program designated by the Secretary):

“(1) Sexual assault prevention and response.

“(2) Victim advocacy.

“(3) Equal employment opportunity.

“(4) Workplace violence prevention and response.

“(5) Employee assistance.

“(6) Family advocacy.

“(e) DEFINITIONS.—In this section:

“(1) CIVILIAN EMPLOYEE.—The term ‘civilian employee’ has the meaning given the term ‘employee’ in section 2105 of title 5.

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ has the meaning given that term in Article
120, Uniform Code of Military Justice (10 U.S.C. 920), and includes penetrative offenses and sexual contact offenses.”.

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

“1599j. Restricted reports of incidents of 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.


(1) by striking “problematic sexual behavior in children and youth” and inserting “incidents”; and

(2) by striking “, regardless of whether the alleged offender was another child, an adult, or someone in a none caregiving role at the time of the incident”.
(b) Response Procedures for Incidents of Serious Harm to Children.—Subsection (e) of such section is amended—

(1) in the subsection heading, by striking “Reported to Family Advocacy Programs”;

(2) by redesignating paragraph (1) as subparagraph (A) and moving such subparagraph, as so redesignated, 2 ems to the right;

(3) by inserting before subparagraph (A), as so redesignated, the following:

“(1) Response Groups.—”;

(4) by inserting after subparagraph (A), as so redesignated, the following new subparagraph:

“(B) Serious harmful behaviors between children and youth multidisciplinary team.—The Secretary of Defense shall establish guidance for each Serious Harmful Behaviors Between Children and Youth Multidisciplinary Team, as defined in paragraph (8), on a military installation to address reported incidents of serious harmful behaviors between children and youth, as described in subsection (a)(2)(C).”;

(5) in paragraph (2)A—
(A) by striking “shall develop a standard-
ized process by which the Family Advocacy Pro-
grams” and inserting the following: “shall de-
velop standardized processes by which—

“(i) the Family Response Programs”;

(B) by inserting “under subsection
(a)(2)(A) and (a)(2)(B)” after “reported cov-
ered incidents of serious harm to children”; and

(C) by striking “Incident Determination
Committee.” and inserting the following: “Incident Determination Committee; and

“(ii) military departments screen inci-
dents of serious harmful behavior between
children and youth under subsection
(a)(2)(C) to determine whether to convene
the Serious Harmful Behavior Between
Children and Youth Multidisciplinary
Team.”;

(6) in paragraph (7), by inserting “, as de-
scribed in subsection (a)(2)(A) and (a)(2)(B),” after
“reported incidents of child abuse”; and

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

“(8) SERIOUS HARMFUL BEHAVIORS BETWEEN
CHILDREN AND YOUTH MULTIDISCIPLINARY TEAM
DEFINED.—In this subsection, the term ‘Serious Harmful Behaviors Between Children and Youth Multidisciplinary Team’ means a coordinated community response team on a military installation—

“(A) composed of designated members with the requisite experience, qualifications, and skills to address serious harmful behaviors between children and youth from a developmentally appropriate and trauma-informed perspective; and

“(B) with objectives that include development of procedures for information sharing, collaborative and coordinated response, restorative resolution, effective investigations and assessments, evidence-based clinical interventions and rehabilitation, and prevention of serious harmful behavior between children and youth.”.

SEC. 550. PRIMARY PREVENTION.

(a) ANNUAL PRIMARY PREVENTION RESEARCH AGENDA.—Section 549A(c) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively;
(2) by inserting after paragraph (1) the following new paragraphs:

“(2) include a focus on whether and to what extent sub-populations of the military community may be targeted for interpersonal violence more than others;

“(3) seek to identify factors that influence the prevention, perpetration, and victimization of interpersonal and self-directed violence;

“(4) seek to improve the collection and dissemination of data on hazing and bullying related to interpersonal and self-directed violence;”; and

(3) in paragraph (6), as redesignated by paragraph (1) of this section, by amending the text to read as follows:

“(6) incorporate collaboration with other Federal departments and agencies, including the Department of Health and Human Services and the Centers for Disease Control and Prevention, State governments, academia, industry, Federally funded research and development centers, nonprofit organizations, and other organizations outside of the Department of Defense, including civilian institutions that conduct similar data-driven studies, collection, and analysis; and”.
(b) **Primary Prevention Workforce.**—Section 549B of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

“(3) Comptroller General Report.—Not later than one year after the date of the enactment of this paragraph, the Comptroller General of the United States shall submit to the congressional defense committees a report comparing the sexual harassment and prevention training of the Department of Defense with similar programs at other Federal departments and agencies and including data collected by colleges and universities and other relevant outside entities.”; and

(2) by adding at the end the following new subsection:

“(e) Incorporation of Research and Findings.—The Primary Prevention Workforce established under subsection (a) shall, on a regular basis, incorporate findings and conclusions from the primary prevention research agenda established under section 549A, as appropriate, into the work of the workforce.”.
SEC. 551. DISSEMINATION OF CIVILIAN LEGAL SERVICES INFORMATION.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure, through the Sexual Assault Prevention and Response Office, the coordinated distribution and referral of information on the availability of resources provided by civilian legal service organizations to military-connected sexual assault victims.

Subtitle E—Member Education, Training, and Transition

SEC. 561. REVIEW OF CERTAIN SPECIAL OPERATIONS PERSONNEL POLICIES.

(a) Review Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall require the military departments and the United States Special Operations Command to complete a review and appropriately update departmental guidance and processes consistent with section 167(e)(2)(J) of title 10, United States Code, with respect to the authority of the Commander of the United States Special Operations Command to monitor the promotions of special operations forces and coordinate with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.
(b) **ELEMENTS OF REVIEW.**—The review and updates to departmental guidance and processes required under subsection (a) shall address the respective roles of the military departments and the United States Special Operations Command with respect to—

(1) the recruiting, retention, professional military education, and promotion of special operations personnel;

(2) the sharing of personnel data between the military departments and the United States Special Operations Command; and

(3) any other matters the Secretary of Defense determines necessary.

(e) **REPORT REQUIRED.**—Not later than 90 days after the completion of the review and updates to departmental guidance and processes required under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the review and any resulting updates to departmental guidance and processes. The report shall also include any recommended changes to law or resources deemed appropriate by the Secretary.
SEC. 562. EXPANDED ELIGIBILITY TO PROVIDE JUNIOR RESERVE OFFICERS’ TRAINING CORPS (JROTC) INSTRUCTION.

Section 2031 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

“(f)(1) Instead of, or in addition to, detailing officers and noncommissioned officers on active duty under subsection (c)(1) and authorizing the employment of retired officers and noncommissioned officers who are in receipt of retired pay and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsections (d) and (e), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program certain officers and noncommissioned officers who—

“(A)(i) are separated under honorable conditions within the past 5 years with at least 8 years of service, or

“(ii) are active participating members of the selected reserve at the time of application, for purposes of section 101(d) of this title, and have not yet reached retirement eligibility; and
“(B) are approved by the Secretary and the institution concerned and who request such employment.

“(2) Employment under this subsection shall be subject to the following conditions:

“(A) The Secretary concerned shall pay to the institution an amount equal to one-half of the Department’s prescribed JROTC Instructor Pay Scale amount paid to the member by the institution for any period.

“(B) The Secretary concerned may pay to the institution more than one-half of the amount paid to the member by the institution if (as determined by the Secretary)—

“(i) the institution is in an educationally and economically deprived area; and

“(ii) the Secretary determines that such action is in the national interest.

“(C) Payments by the Secretary concerned under this subsection shall be made from funds appropriated for that purpose.

“(D) The Secretary concerned may require successful applicants to transfer to the Individual Ready Reserve (IRR).”.
SEC. 563. PRE-SERVICE EDUCATION DEMONSTRATION PROGRAM.

(a) Pre-service Education Demonstration Program Authorized.—The Secretary of each military department may establish and carry out a demonstration program to determine the advisability and feasibility of paying all or a portion of the charges of an educational institution for the tuition of an individual who is enrolled in such educational institution for a technical or vocation degree, certificate, or certification program to meet a critical need in that military department.

(b) Eligibility.—The Secretary shall limit eligibility under the program to individuals who meet the following criteria:

(1) Must be between the age of 17 and 25.
(2) Must be a category I recruit.
(3) Must sign a written agreement consenting to the requirements under subsection (c).

(c) Demonstration Program Requirements.—Under regulations prescribed by the Secretary concerned, each demonstration program created under this section shall adhere to the following requirements:

(1) The educational program authorized under subsection (a) may not exceed a period of 3 years.
(2) Funds may not be provided under the program to an eligible individual unless the individual
signs an enlistment contract for active duty military
service upon the completion of the educational pro-
gram for which the funds were provided.

(3) Individuals participating in the demonstra-
tion program shall be evaluated annually to ensure
continued eligibility for military service.

(4) Individuals participating in the program
shall be required to enroll in an ongoing, pre-service
course of instruction in order to prepare such indi-
viduals for military service and ensure their contin-
ued fitness and eligibility for service. The course of
instruction may be administered either remotely or
in-person, as the Secretary shall direct. The pre-
service instruction shall be concurrent with the de-
gree program authorized pursuant to subsection (a).

(5) Individuals who do not maintain eligibility
for military service may be required to repay any
funds provided by the Secretary concerned under
this program, as the Secretary shall direct.

(d) REPORT.—For any demonstration programs initi-
ated under this section, the Secretary concerned shall sub-
mit an annual report to the Committees on Armed Serv-
ices of the Senate and the House of Representatives that
includes—

(1) a description of the demonstration program;
(2) a statement of the goals or anticipated outcomes of the demonstration program;

(3) a description of the method and metrics used to evaluate the effectiveness of this demonstration program; and

(4) any other matters the Secretary concerned determines relevant.

(e) SUNSET.—The authority under this section expires on October 1, 2028.

Subtitle F—Military Family Readiness and Dependents’ Education

SEC. 571. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL.

(a) Continuation of Authority to Assist Local Educational Agencies That Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees.—

(1) Assistance to Schools with Significant Numbers of Military Dependent Students.—Of the amount authorized to be appropriated for fiscal year 2023 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for
the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(2) LOCAL EDUCATIONAL AGENCY DEFINED.—
In this subsection, the term “local educational agency” has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(b) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2023 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(2) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated for fiscal year 2023 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified
in the funding table in section 4301, $10,000,000 shall be available for use by the Secretary of Defense to make payments to local educational agencies determined by the Secretary to have higher concentrations of military children with severe disabilities.

(3) REPORT.—Not later than March 31, 2023, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives on the Department’s evaluation of each local educational agency with higher concentrations of military children with severe disabilities and subsequent determination of the amounts of impact aid each such agency shall receive.

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.

(a) ASSISTANCE AUTHORIZED.—To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in subsection (b) if, during the period between the end of the school year pre-
ceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency—

(1) had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not less than 500 military dependent students in average daily attendance in the schools of the local educational agency; or

(2) is projected to have an overall increase, between fiscal years 2023 and 2028, of not less than 500 military dependent students in average daily attendance in the schools of the local educational agency as the result of a signed record of decision.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under subsection (a) for a fiscal year if—

(1) 20 percent or more of students enrolled in schools of the local educational agency are military dependent students; and
(2) in the case of assistance described in subsection (a)(1), the overall increase or reduction in military dependent students in schools of the local educational agency is the result of one or more of the following:

(A) The global rebasing plan of the Department of Defense.

(B) The official creation or activation of one or more new military units.

(C) The realignment of forces as a result of the base closure process.

(D) A change in the number of housing units on a military installation.

(E) A signed record of decision.

(c) Calculation of Amount of Assistance.—

(1) Pro Rata Distribution.—The amount of the assistance provided under subsection (a) to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(A) the per-student rate determined under paragraph (2) for that fiscal year; by

(B) the net of the overall increases and reductions in the number of military dependent
students in schools of the local educational
agency, as determined under subsection (a).

(2) Per-student rate.—For purposes of
paragraph (1)(A), the per-student rate for a fiscal
year shall be equal to the dollar amount obtained by
dividing—

(A) the total amount of funds made avail-
able for that fiscal year to provide assistance
under subsection (a); by

(B) the sum of the overall increases and
reductions in the number of military dependent
students in schools of all eligible local edu-
cational agencies for that fiscal year under that
subsection.

(3) Maximum amount of assistance.—A
local educational agency may not receive more than
$15,000,000 in assistance under subsection (a) for
any fiscal year.

(d) Duration.—Assistance may not be provided
under subsection (a) after September 30, 2028.

(e) Notification.—Not later than June 30, 2023,
and June 30 of each fiscal year thereafter for which funds
are made available to carry out this section, the Secretary
of Defense shall notify each local educational agency that
is eligible for assistance under subsection (a) for that fiscal year of—

(1) the eligibility of the local educational agency for the assistance; and

(2) the amount of the assistance for which the local educational agency is eligible.

(f) Disbursement of Funds.—The Secretary of Defense shall disburse assistance made available under subsection (a) for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (e) for that fiscal year.

(g) Briefing Required.—Not later than March 1, 2023, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on the estimated cost of providing assistance to local educational agencies under subsection (a) through September 30, 2028.

(h) Funding for Fiscal Year 2023.—Of the amount authorized to be appropriated by this Act for operation and maintenance for Defense-wide activities $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a).
(i) Eligible Uses.—Amounts disbursed to a local education agency under subsection (f) may be used by such local educational agency for—

(1) general fund purposes;
(2) special education;
(3) school maintenance and operation;
(4) school expansion; or
(5) new school construction.

(j) Definitions.—In this section:

(1) Base Closure Process.—The term “base closure process” means any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) Local Educational Agency.—The term “local educational agency” has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) Military Dependent Students.—The term “military dependent students” means—
(A) elementary and secondary school students who are dependents of members of the Armed Forces; and
(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) State.—The term “State” means each of the 50 States and the District of Columbia.

SEC. 573. PILOT PROGRAM ON HIRING OF SPECIAL EDUCATION INCLUSION COORDINATORS FOR DEPARTMENT OF DEFENSE CHILD DEVELOPMENT CENTERS.

(a) In General.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall carry out a pilot program to hire special education inclusion coordinators at child development centers selected by the Secretary under subsection (b).

(b) Selection of Centers.—The Secretary of Defense shall select the child development centers at which the pilot program required by subsection (a) will be carried out based on—

(1) the number of dependent children enrolled in the Exceptional Family Member Program at the military installation on which the center in located;

(2) the number of children with special needs enrolled in the center; and
(3) such other considerations as the Secretary, in consultation with the Secretaries of the military departments, considers appropriate.

(c) FUNCTIONS.—Each special education inclusion coordinator assigned to a child development center under the pilot program required by subsection (a) shall—

(1) coordinate intervention and inclusion services at the center;

(2) provide direct classroom support; and

(3) provide guidance and assistance relating to the increased complexity of working with the behaviors of children with special needs.

(d) BRIEFINGS REQUIRED.—

(1) BRIEFING ON ANTICIPATED COSTS.—Not later than March 1, 2023, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the anticipated costs for the pilot program required by subsection (a).

(2) BRIEFING ON EFFECTIVENESS OF PROGRAM.—Not later than September 30, 2025, the Secretary of Defense shall submit provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the pilot program required by subsection (a) that includes—
(A) the number of special education inclusion coordinators hired under the pilot program;
(B) a description of any issues relating to the retention of those coordinators;
(C) a recommendation with respect to whether the pilot program should be made permanent or expanded to other military installations; and
(D) an assessment of the amount of funding required to make the pilot program permanent or expand the pilot program to other military installations, as the Secretary recommends under subparagraph (C).

(e) DURATION OF PILOT PROGRAM.—The pilot program required by subsection (a) shall—
(1) commence not later than January 1, 2024;
and
(2) terminate on December 31, 2026.

(f) CHILD DEVELOPMENT CENTER DEFINED.—In this section, the term “child development center” has the meaning given that term in section 2871(2) of title 10, United States Code, and includes a facility identified as a child care center or day care center.
SEC. 574. EXTENSION OF AND REPORT ON PILOT PROGRAM TO EXPAND ELIGIBILITY FOR ENROLLMENT AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) In general.—Section 589C(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2164 note) is amended by striking “four years after the date of the enactment of this Act” and inserting “on July 1, 2029”.

(b) Report Required.—

(1) In general.—Not later than December 31, 2028, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the conduct of the pilot program under section 589C(e) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2164 note).

(2) Elements.—The report required by paragraph (1) shall include a description of—

(A) the locations at which the pilot program described in paragraph (1) is carried out;

(B) the number of students participating in the program for each academic year by location; and
(C) the outcome measures used to gauge
the value of the program to the Department of
Defense.

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

SEC. 581. TEMPORARY EXEMPTION FROM END STRENGTH
GRADE RESTRICTIONS FOR THE SPACE
FORCE.

Sections 517 and 523 of title 10, United States Code,
shall not apply to the Space Force until January 1, 2024.

SEC. 582. REPORT ON OFFICER PERSONNEL MANAGEMENT
AND THE DEVELOPMENT OF THE PROFESSIONAL MILITARY ETHIC IN THE SPACE
FORCE.

(a) REPORT REQUIRED.—Not later than June 1,
2023, the Secretary of the Air Force shall submit to the
Committee on Armed Services of the Senate and the Com-
mittee on Armed Services of the House of Representatives
a report on officer personnel management and the develop-
ment of the professional military ethic in the Space Force.

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

(1) A description of issues related to officer de-
velopment in the Space Force, including—
(A) the professional military education (PME) model for professional education and continual learning of officers in the Space Force;

(B) the career development model for officers in the Space Force, including key knowledge, skills, and attributes expected of Space Force officers at each of the company grade, field grade, and general officer levels;

(C) desired career trajectories for Space Force officers, including key assignments throughout identified Space Force career tracks and how the flexibilities in the Space Force Component proposal will be used to achieve these desired career paths;

(D) how proposed constructive credit for civilian education and non-military experience in related space industry or government sectors will fit in with the proposed PME and career development models; and

(E) how the Space Force Component proposal will enable officers to achieve joint qualifications required for promotion to general officer.
(2) A description of issues related to officer accessions in the Space Force, including—

(A) the expected sources of commissioning for officers in the Space Force, including the desired proportions of officer assessments from the Reserve Officer Training Corps (ROTC), Service Academies, Officer Training School (OTS), and direct commissionees at each grade above second lieutenant;

(B) the role of proposed constructive credit for civilian education and non-military experience in accessing officers at each grade higher than second lieutenant and the extent to which the Space Force plans to grant constructive credit in determining an officer’s entry grade at each grade above second lieutenant; and

(C) the role of targeted recruiting as described in the Guardian Ideal in officer accessions, including how it will work, how frequently it will be used, for what positions, and how it will fit into overall officer accessions.

(3) A description of issues related to the professional military ethic in the Space Force, including—

(A) how the proposed talent management system, career development model, PME model,
and proposed Space Force Component structure will affect the development of a uniquely military culture in the Space Force as a military service with Space as a warfighting domain;

(B) the role of the professional military ethic in the Space Force, including expectations of commissioned officers as public servants and military leaders;

(C) the expected role of Space Force civilians in the development and stewardship of the Space Force as a professional military service and how those are distinct from military members in the Space Force;

(D) the ethical implications of creating a force that is designed to “partner effectively with other space interested entities,” as described in the Guardian Ideal, and how the Space Force intends to address any ethical conflicts arising from its desired close partnership with non-military and non-government entities in private industry; and

(E) the specific barriers between officers, enlisted, and civilian guardians that are described as “unnecessary” in the Guardian Ideal, how and why such barriers are unnecessary for
the Space Force, and any statutory or policy changes the Space Force proposes to remove such barriers, including any proposed changes to the Uniform Code of Military Justice.

(4) Any other issues related to personnel management and professional development of officers in the Space Force that the Secretary concerned determines relevant.

SEC. 583. REPORT ON INCIDENCE OF SUICIDE BY MILITARY JOB CODE IN THE DEPARTMENT OF DEFENSE.

(a) REPORT.—Not later than December 31, 2023, the Secretary of Defense shall conduct a review and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the rates of suicides in the Armed Forces, beginning after September 11, 2001, disaggregated by year, military job code (Air Force Specialty Code (AFSC), Army Military Occupational Specialty (MOS), Navy Enlisted Classification (NEC)/Billet, and Coast Guard Ratings), and status as active duty, guard, and reserve (as applicable per service).

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:
(1) A compilation of suicide data by military job code to determine which military career fields have a higher per capita suicide rate compared to—
(A) other military career fields for the same period;
(B) the overall suicide rate for each service for the same period;
(C) the overall suicide rate for the Department of Defense for the same period; and
(D) the national suicide rate for the same period.

(2) A disaggregation of suicide data by age categories consistent with the Department of Defense Annual Suicide Report age categories.

(c) INTERIM BRIEFING.—Not later than June 1, 2023, the Secretary of Defense shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the preliminary findings of the review conducted under this section.

SEC. 584. WAIVER OF TIME LIMITATIONS FOR ACT OF VALOR DURING WORLD WAR II.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation
with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Master Sergeant Roderick W. Edmonds for the acts of valor described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Master Sergeant Roderick W. Edmonds on January 27, 1945, as a prisoner of war and member of the Army serving in Germany in support of the Battle of the Bulge, for which he has never been recognized by the United States Army.

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.

(a) Waiver of Time Limitations.—Notwithstanding the time limitations specified in section 7274 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 7271 of such title to Sergeant Major David R. Halbruner for the acts of valor described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of then-Master
Sergeant Halbruner for his valorous actions on September 11–12, 2012, in support of an unnamed operation.

SEC. 586. RECOGNITION OF SERVICE OF LIEUTENANT GENERAL FRANK MAXWELL ANDREWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Lieutenant General Frank Maxwell Andrews was born in Nashville, Tennessee, in 1884, and graduated from the United States Military Academy, West Point, in 1906, where he received a commission in the cavalry.

(2) In 1917, Lieutenant General Andrews was transferred to the aviation section of the Army Signal Corps, where he commanded various airfields around the United States, serving in a number of leadership positions, including—

(A) Commander of the Advanced Flying School at Kelly Field in Texas;

(B) Commander of the 1st Pursuit Group at Selfridge Field in Michigan; and

(C) Chief of the Army Air Corps’ Training and Operations Division.

(3) Following World War I, Lieutenant General Andrews served as the Air Officer for the Army of Occupation in Germany.
(4) In 1935, Lieutenant General Andrews was selected to command the new General Headquarters Aviation, where he had oversight of all Air Corps units and led the development of the Army Air Force.

(5) In 1939, Lieutenant General Andrews was chosen as Army G3, the Assistant Chief of Staff for Operations and Training, making him responsible for preparing operational plans for the entire Army for the impending war.

(6) During World War II, Lieutenant General Andrews led a number of global critical commands, the only general to command 3 theaters of operations during the war, serving as commander of—

(A) the Caribbean Defense Command, which held responsibility for defending the United States’ southern borders;

(B) all United States forces in the Middle East, where he helped to defeat Rommel’s Afrika Corps; and

(C) all United States troops in the European Theater of Operation, where he succeeded General Dwight D. Eisenhower and oversaw plans for the future invasion of Western Europe.
(7) Lieutenant General Andrews was killed in an B–24 bomber crash during an inspection tour of Iceland.

(8) A number of Lieutenant General Andrews’ colleagues and subordinates have been posthumously promoted to the rank of four-star general for their contributions during World War II.

(9) Lieutenant General Andrews was considered one of General Douglas MacArthur’s “great captains” due to his strong leadership capabilities, which empowered future leaders to lead United States ground and air forces to victory during World War II.

(10) Joint Base Andrews, a United States military base previously known as Andrews Air Force Base, was named for Lieutenant General Andrews on February 7, 1945, for his leadership as commander of the Air Force General Headquarters and Commanding General of the United States forces in the European Theater of Operations.

(11) In addition to Joint Base Andrews, additional military facilities and installations were named after Lieutenant General Andrews for his contribution to the United States forces, including—
(A) Royal Air Force (RAF) Andrews Field, a former RAF station, in England;
(B) Andrews Avenue, a major road leading to the Philippines’ International Airport in Metro Manila, Philippines; and
(C) Andrews Theater, a theater previously serving the Naval Air Station Keflavik in Iceland.

(12) Lieutenant General Andrews is considered one of the founders of the United States Army Air Forces, known today as the United States Air Force, due to his efforts to pursue and empower a separate and independent Air Force.

(13) Lieutenant General Andrews served honorably in the United States military for over 37 years.

(14) Lieutenant General Andrews is considered one of the United States’ key military commanders of World War II.

(b) RECOGNITION OF SERVICE.—The Senate honors and recognizes Lieutenant General Frank Maxwell Andrews for—

(1) his 37 years of loyal service to the United States Army and Army Air Corps;
(2) his heroic leadership during World War I and World War II; and
(3) his lasting legacy and selfless sacrifice on behalf of the United States.

SEC. 587. POSTHUMOUS APPOINTMENT OF ULYSSES S. GRANT TO GRADE OF GENERAL OF THE ARMIES OF THE UNITED STATES.

The President is authorized to appoint Ulysses S. Grant posthumously to the grade of General of the Armies of the United States equivalent to the rank and precedence held by General John J. Pershing pursuant to the Act entitled “An Act Relating to the creation of the office of General of the Armies of the United States”, approved September 3, 1919 (41 Stat. 283, chapter 56).

SEC. 588. MODIFICATION TO NOTIFICATION ON MANNING OF AFLOAT NAVAL FORCES.

(a) Crewing Requirement.—Subsection (e) of section 597 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 8013 note) is amended to read as follows: “(e) Surface Combatant Crewing Requirement.—Beginning October 1, 2025, the Secretary of the Navy may not assign more than one crew to a covered surface combatant vessel if any surface combatant vessel is included on a report required under subsection (a) in the most recent 12 months.”.
(b) **Surface Combatant Vessel Definition.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(4) Surface combatant vessel.—The term ‘surface combatant vessel’ means any littoral combat ship (including the LCS–1 and LCS–2 classes), frigate (including the FFG–62 class), destroyer (including the DDG–51 and DDG–1000 classes), or cruiser (including the CG–47 class).”

**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.**

(a) **In General.**—Section 403 of title 37, United States Code, is amended—

(1) by redesignating subsections (m) through (p) as subsections (n) through (q), respectively; and

(2) by inserting after subsection (l) the following new subsection (m):

“(m) **Temporary Continuation of Allowance for Members Whose Sole Dependent Dies While Residing With the Member.**—(1) Notwithstanding
subsection (a)(2) or any other provision of law, the Secretary of Defense, or the Secretary of Homeland Security in the case of the Coast Guard when not operating as a service in the Navy, may continue to pay to a member described in paragraph (2) for the period described in paragraph (3) a basic allowance for housing at the rate to which the member was entitled on the day before the date of the death of the dependent of the member.

“(2) A member described in this paragraph is a member of the uniformed services whose sole dependent dies while—

“(A) the member is on active duty; and

“(B) the dependent resides with the member, unless separated—

“(i) by the necessity of military service;

“(ii) to receive institutional care as a result of disability or incapacitation; or

“(iii) under such other circumstances as the Secretary concerned may by regulation prescribe.

“(3)(A) Except as provided by subparagraph (B), the period described in this paragraph is the 365-day period beginning on the date of the death of the dependent of a member described in paragraph (2).
“(B) A member described in paragraph (2) who receives, during the 365-day period described in subparagraph (A), an order for a permanent change of station or permanent change of assignment with movement of personal property and household goods authorized under section 453(c) may not continue to receive a basic allowance for housing at the rate provided for under paragraph (1) after the permanent change of station or permanent change of assignment.”.

(b) Conforming Amendment.—Section 2881a(c)(1) of title 10, United States Code, is amended by striking “section 403(n)” and inserting “section 403(o)”.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR MEMBERS WITHOUT DEPENDENTS WHEN HOME PORT CHANGE WOULD FINANCIALLY DISADVANTAGE MEMBER.

Subsection (p) of section 403 of title 37, United States Code, as redesignated by section 601(a)(1), is further amended—

(1) in the subsection heading, by striking “LOW-COST AND NO-COST” and inserting “CERTAIN”;

(2) by inserting “(1)” before “In the case of a member who is assigned”; and
(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a member without dependents who is assigned to a unit that undergoes a change of home port or a change of permanent duty station, if the Secretary concerned determines that it would be inequitable to base the member’s entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station, the Secretary concerned may—

“(i) waive the requirement to base the member’s entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station member; and

“(ii) treat that member for the purposes of this section as if the unit to which the member is assigned did not undergo such a change.

“(B) The Secretary concerned may grant a waiver under subparagraph (A) to not more than 100 members in a calendar year.

“(C) Not later than March 1 of each calendar year, the Secretary concerned shall provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the use of the authority provided by subparagraph (A) during the preceding calendar year that includes—
“(i) the number of members granted a waiver under subparagraph (A) during that year; and

“(ii) for each such waiver, an identification of—

“(I) the grade of the member;

“(II) the home port or permanent duty station of the unit to which the member is assigned before the change described in subparagraph (A); and

“(III) the new home port or permanent duty station of that unit.

“(D) This paragraph shall cease to be effective on December 31, 2027.”.

SEC. 603. EXTENSION OF AUTHORITY TO TEMPORARILY ADJUST BASIC ALLOWANCE FOR HOUSING IN CERTAIN AREAS.

Section 403(b)(8)(C) of title 37, United States Code, is amended by striking “2022” and inserting “2024”.

SEC. 604. INCREASE IN INCOME FOR PURPOSES OF ELIGIBILITY FOR BASIC NEEDS ALLOWANCE.

(a) In general.—Section 402b(b) of title 37, United States Code, is amended by striking “130 percent” both places it appears and inserting “150 percent”.

(b) Implementation.—Not later than January 1, 2024, the Secretary concerned (as defined in section 101 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 REF-
ERENCES 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 amend-
ed—

(1) in section 4109(a)(2)—

(A) in subparagraph (A), by striking “sec-
tions 474 and 475” and inserting “sections 405
and 452”; and

(B) in subparagraph (B), by striking “sec-
tions 476 and 479” and inserting “sections 452
and 453(e)”;

(2) in section 5725(c)(2)(B), by striking “sec-
tion 476(b)(1)(H)(iii)” and inserting “subsections
(c) and (d) of section 453”; and

(3) in section 5760—
257 (A) in subsection (c), by striking “section 481h(b)” and inserting “section 451(a)”; and

(B) in subsection (d)—

(i) in paragraph (2), by striking “section 474(d)” and inserting “section 464”; and

(ii) in paragraph (3), by striking “section 481h(d)(1)” and inserting “section 452(d)”.

c) Title 10.—Title 10, United States Code, is amended—

(1) in section 710—

(A) in subsection (f)(4)(A), in the matter preceding clause (i), by striking “section 474” and inserting “section 452”; and

(B) in subsection (h)(4), by striking “section 481f” and inserting “section 453(f)”; 

(2) in section 1174a(b)(2)(B), by striking “sections 474 and 476” and inserting “sections 452 and 453(c)”; 

(3) in section 1175(j), by striking “sections 474 and 476” and inserting “sections 452 and 453(c)”; 

(4) in section 1175a(e)(2)(B), by striking “sections 474 and 476” and inserting “sections 452 and 453(c)”;
(5) in section 1491(d)(3), by striking “section 495(a)(2)” and inserting “section 435(a)(2)”;
(6) in section 2013(b)(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(e)”;
(7) in section 2493(a)(4)(B)(ii), by striking “section 481f(d)” and inserting “section 453(f)”;
(8) in section 2613(g), by striking “section 481h(b)” and inserting “section 451(a)”;
(9) in section 12503—
   (A) in subsection (a), in the second sentence, by striking “sections 206 and 495” and inserting “sections 206 and 435”;
   (B) in subsection (b)(2)(A), by striking “section 495” and inserting “section 435”; and
   (C) in subsection (c), by striking “chapter 7” and inserting “section 452”.
(d) TITLE 14.—Section 2764 of title 14, United States Code, is amended, in the first and third sentences, by striking “subsection (b) of section 476” and inserting “section 453(c)”.
(c) TITLE 32.—Section 115 of title 32, United States Code, is amended—

(1) in subsection (a), in the third sentence, by striking “sections 206 and 495” and inserting “sections 206 and 435”;

(2) in subsection (b)(2)(A), by striking “section 495” and inserting “section 435”; and

(3) in subsection (c), by striking “chapter 7” and inserting “section 452”.

(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.—Section 236(f)(4)(A) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3036(f)(4)(A)) is amended, in the matter preceding clause (i), by striking “section 474” and inserting “section 452”.

(g) TITLE 36.—Section 2101(b)(2) of title 36, United States Code, is amended by striking “section 475” and inserting “section 405”.

(h) TITLE 37.—Title 37, United States Code, is amended—

(1) in section 403—

(A) in subsection (d)(2)(A), by striking “section 476” and inserting “section 452”; and

(B) in subsection (g)—
(i) in paragraph (2), in the second sentence, by striking “section 474” and inserting “section 452”; and
(ii) in paragraph (3), by striking “section 476” and inserting “section 453(c)”; (2) in section 420(b), by striking “sections 474–481” and inserting “section 452”; (3) in section 422(a), by striking “section 480” and inserting “section 452”; (4) in section 427— (A) in subsection (a)(1)(A), by striking “section 476” and inserting “section 452”; and (B) in subsection (c)(1), by striking “section 476” and inserting “section 452”; (5) in section 433(b), by striking “section 474(d)(2)(A)” and inserting “section 452”; (6) in section 451(a)(2)(H)— (A) in clause (i), by striking “section 481f” and inserting “section 453(f)”; (B) in clause (ii), by striking “section 481h” and inserting “section 452(b)(12)”; (C) in clause (iii), by striking “section 481j” and inserting “section 452(b)(13)”; (D) in clause (iv), by striking “section 481k” and inserting “section 452(b)(14)”; and
E in clause (v), by striking “section 481” and inserting “section 452(b)(15)”; (7) in section 1002(b)(1), by striking “section 474(a)–(d), and (f),” and inserting “section 452”; (8) in section 1003, by striking “sections 402–403b, 474–477, 479–481, and 414” and inserting “sections 402 through 403b, 405, 414, 452, and 453”; and (9) in section 1006(g)— (A) by striking “section 477” and inserting “section 452(c)(2)”; and (B) by striking “section 475a(a)” and inserting “section 452(b)(11)”. (i) Child Nutrition Act of 1966.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking “section 475” and inserting “section 405”.

Subtitle B—Bonus and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.

(a) Authorities Relating to Reserve Forces.—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mo-
bilization for active duty service, is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

(b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following sections of title 10, United States Code, are amended by striking “December 31, 2022” and inserting “December 31, 2023”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2023”.

(d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2022” and inserting “December 31, 2023”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.
(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(6) Section 352(g), relating to assignment pay or special duty pay.

(7) Section 353(i), relating to skill incentive pay or proficiency bonus.

(8) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) Authority to Provide Temporary Adjustments in Rates of Basic Allowance for Housing.—Section 403(b) of title 37, United States Code, is amended—

(1) in paragraph (7)(E), by striking “December 31, 2022” and inserting “December 31, 2023”; and

(2) in paragraph (8)(C), by striking “September 30, 2022” and inserting “December 31, 2023”.

SEC. 612. REPEAL OF SUNSET OF HAZARDOUS DUTY PAY.

Subsection (h) of section 351 of title 37, United States Code, is repealed.

SEC. 613. AUTHORIZATION OF ASSIGNMENT PAY OR SPECIAL DUTY PAY BASED ON CLIMATE IN WHICH A MEMBER’S DUTIES ARE PERFORMED.

Section 352(a)(2) of title 37, United States Code, is amended by inserting “climate,” after “location,”.

Subtitle C—Leave

SEC. 621. MODIFICATION OF AUTHORITY TO ALLOW MEMBERS OF THE ARMED FORCES TO ACCUMULATE LEAVE IN EXCESS OF 60 DAYS.

(a) In General.—Section 701(f) of title 10, United States Code, is amended to read as follows:

“(f)(1) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize a member described in paragraph (2) who, except for this subsection, would lose at the end of the fiscal year any accumulated leave in excess of the number of days of leave authorized to be accumulated under subsection (b), to retain an accumulated total of 90 days leave.

“(2) This subsection applies to a member who—

“(A) serves on active duty for a continuous period of at least 120 days in an area in which the
member is entitled to special pay under section 310(a) of title 37;

“(B) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

“(C) serves on active duty in a duty assignment in support of a contingency operation.

“(3) Leave accumulated by a member under this subsection in excess of the number of days of such leave authorized under subsection (b) is forfeited unless it is used by the member before the end of the second fiscal year after the fiscal year in which the service or assignment described in paragraph (B) of the member terminated.”.

(b) TRANSITION RULE.—Notwithstanding paragraph (3) of section 701(f) of title 10, United States Code, as amended by subsection (a), leave in excess of 90 days accumulated by a member under section 701(f) of title 10, United States Code, on or before September 30, 2022, is forfeited unless it is used by the member on or before September 30, 2025, or the retention of such leave is authorized under another provision of law.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2023.
SEC. 622. TECHNICAL AMENDMENTS TO LEAVE ENTITLEMENT AND ACCUMULATION.

(a) Repeal of Obsolete Authority.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (m) as subsections (d) through (l).

(b) Conforming Amendments to Section 701 of Title 10.—Section 701 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “subsections (d), (f), and (g)” and inserting “subsections (e) and (f)”;

(2) in subsection (f), as redesignated by subsection (a)(2), in the first sentence, by striking “subsections (b), (d), and (f)” and inserting “subsections (b) and (e)”;

(3) in subsection (i), as so redesignated, in the first sentence, by striking “subsections (b), (d), and (f)” and inserting “subsections (b) and (e)”; and

(c) Conforming Amendments to Other Provisions of Law.—

(1) Title 14.—Section 2508(a) of title 14, United States Code, is amended by striking “section 701(f)(2)” and inserting “section 701(e)”.


(2) **Title 37.**—Title 37, United States Code, is amended—

(A) in section 501—

(i) in subsection (b)(6), by striking “120 days of leave under section 701(f)(1)” and inserting “90 days of leave under section 701(e)”;

(ii) in subsection (h), by striking “section 701(g)” and inserting “section 701(f)”;

(B) in section 502(b), by striking “section 701(h)” and inserting “section 701(g)”.

(d) **Effective Date.**—The amendments made by this section take effect on January 1, 2023.

**SEC. 623. CONVALESCENT LEAVE FOR MEMBERS OF THE ARMED FORCES.**

(a) **In General.**—Section 701 of title 10, United States Code, as amended by section 622(a), is further amended by adding at the end the following new subsection:

“(m)(1) Except as provided by subsection (h)(3), and under regulations prescribed by the Secretary of Defense, a member of the armed forces diagnosed with a medical condition is allowed convalescent leave if—
“(A) the medical or behavioral health provider of the member—

“(i) determines that the member is not yet fit for duty as a result of that condition; and

“(ii) recommends such leave for the member to provide for the convalescence of the member from that condition; and

“(B) the commanding officer of the member or the commander of the military medical treatment facility authorizes such leave for the member.

“(2) A member may take not more than 30 days of convalescent leave under paragraph (1) with respect to a condition described in that paragraph unless—

“(A) such leave in excess of 30 days is authorized by—

“(i) the Secretary concerned; or

“(ii) an individual at the level designated by the Secretary concerned, but not below the grade of O–5 or the civilian equivalent; or

“(B) the member is authorized to receive convalescent leave under subsection (h)(3) in conjunction with the birth of a child.

“(3)(A) Convalescent leave may be authorized under paragraph (1) only for a medical condition of a member and may not be authorized for a member in connection
with a condition of a dependent or other family member of the member.

“(B) In authorizing convalescent leave for a member under paragraph (1) with respect to a condition described in that paragraph, the commanding officer of the member or the commander of the military medical treatment facility, as the case may be, shall—

“(i) limit the duration of such leave to the minimum necessary in relation to the diagnosis, prognosis, and probable final disposition of the condition of the member; and

“(ii) authorize leave tailored to the specific medical needs of the member rather than (except for convalescent leave provided for under subsection (h)(3)) authorizing leave based on a predetermined formula.

“(4) A member taking convalescent leave under paragraph (1) shall not have the member’s leave account reduced as a result of taking such leave.

“(5) In this subsection, the term ‘military medical treatment facility’ means a facility described in subsection (b), (c), or (d) of section 1073d.”.

(b) Treatment of convalescent leave for birth of child.—Paragraph (3) of subsection (h) of
such section, as redesignated by section 622(a), is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, two ems to the right;

(2) by inserting “(A)” after “(3)”;

(3) by adding at the end the following new subparagraph:

“(B) Convalescent leave may be authorized under subparagraph (A) only for a medical condition of a member and may not be authorized for a member in connection with a condition of a dependent or other family member of the member.”.

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2023.

Subtitle D—Other Matters

Sec. 631. Air Force Rated Officer Retention Demonstration Program.

(a) Program Requirement.—The Secretary shall establish and carry out within the Department of the Air Force a demonstration program to assess and improve retention on active duty in the Air Force of rated officers described in subsection (b).
(b) RATED OFFICERS DESCRIBED.—Rated officers described in this subsection are rated officers serving on active duty in the Air Force, excluding rated officers with a reserve appointment in the Air National Guard or Air Force Reserve—

(1) whose continued service on active duty would be in the best interest of the Department of the Air Force, as determined by the Secretary; and

(2) who have not more than three years and not less than one year remaining on an active duty service obligation under section 653 of title 10, United States Code.

(c) WRITTEN AGREEMENT.—

(1) IN GENERAL.—Under the demonstration program required under subsection (a), the Secretary shall offer retention incentives under subsection (d) to a rated officer described in subsection (b) who executes a written agreement to remain on active duty in a regular component of the Air Force for not less than four years after the completion of the active duty service obligation of the officer under section 653 of title 10, United States Code.

(2) EXCEPTION.—If the Secretary of the Air Force determines that an assignment previously guaranteed under subsection (d)(1) to a rated officer
described in subsection (b) cannot be fulfilled, the agreement of the officer under paragraph (1) to remain on active duty shall expire not later than one year after that determination.

(d) RETENTION INCENTIVES.—

(1) GUARANTEE OF FUTURE ASSIGNMENT LOCATION.—Under the demonstration program required under subsection (a), the Secretary may offer to a rated officer described in subsection (b) a guarantee of future assignment locations based on the preference of the officer.

(2) AVIATION BONUS.—Under the demonstration program required under subsection (a), notwithstanding section 334(c) of title 37, United States Code, the Secretary may pay to a rated officer described in subsection (b) an aviation bonus not to exceed an average annual amount of $50,000 (subject to paragraph (3)(B)).

(3) COMBINATION OF INCENTIVES.—The Secretary may offer to a rated officer described in subsection (b) a combination of incentives under paragraphs (1) and (2).

(e) ANNUAL BRIEFING.—Not later than December 31, 2023, and annually thereafter until the termination of the demonstration program required under subsection
(a) the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing describing the use of such demonstration program and its effects on the retention on active duty in the Air Force of rated officers described in subsection (b).

(f) DEFINITIONS.—In this section:

(1) RATED OFFICER.—The term “rated officer” means an officer specified in section 9253 of title 10, United States Code.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Air Force.

(g) TERMINATION.—This section shall terminate on December 31, 2028.

TITLE VII—HEALTH CARE PROVISIONS
Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. IMPROVEMENTS TO THE TRICARE DENTAL PROGRAM.

(a) IN GENERAL.—Section 1076a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “The plans” and inserting the following:
“(1) IN GENERAL.—The plans”; and

(B) by adding at the end the following new paragraph:

“(2) PREMIUM SHARING PLANS.—The regulations required by paragraph (1) shall include, with respect to premium sharing plans referred to in subsection (d)(1), the following elements:

“(A) A third party administrator shall manage the administrative features of such plans, including eligibility, enrollment, plan change and premium payment processes, submission of qualifying life events changes, and address changes.

“(B) Such plans shall include the following three enrollment options:

“(i) Self.

“(ii) Self plus one.

“(iii) Family.

“(C) In the United States, to the extent practicable, individuals eligible to enroll in such a plan shall be offered options to enroll in plans of not fewer than four national dental insurance carriers.

“(D) To the extent practicable, each carrier described in subparagraph (C)—
“(i) shall manage dental care delivery matters, including claims adjudication (with required electronic submission of claims), coordination of benefits, covered services, enrollment verification, and provider networks;

“(ii) shall, in addition to offering a standard option plan consistent with the requirements of this section, offer a high option plan that provides more covered services;

“(iii) may offer an additional plan managed as a dental health maintenance organization plan;

“(iv) shall establish and operate dental provider networks that provide—

“(I) accessible care with a prevention or wellness focus;

“(II) continuity of care;

“(III) coordinated care (including appropriate dental and medical referrals);

“(IV) patient-centered care (including effective communications, in-
individualized care, and shared decision-making; and

“(V) high-quality, safe care;
“(v) shall develop and implement adult and pediatric dental quality measures, including effective measurements for—

“(I) access to care;
“(II) continuity of care;
“(III) cost;
“(IV) adverse patient events;
“(V) oral health outcomes; and
“(VI) patient experience; and
“(vi) shall conduct in their provider networks, to the extent practicable, pilot programs on the development of a model of care based on the model of care referred to as patient-centered dental homes.”;

(2) in subsection (d)(1)—

(A) in subparagraph (B), by striking the second sentence;
(B) by striking subparagraph (C) and inserting the following new subparagraph (C):
“(C) The amount of the premium required under subparagraph (A)—
“(i) for standard option plans described in subsection (b)(2)(C)(ii), shall be established by the Secretary annually such that in the aggregate (taking into account the adjustments under subparagraph (D) and subsection (e)(2)(C)), the Secretary’s share of each premium is 60 percent of the premium for each enrollment category (self, self plus one, and family) of each standard option plan; and

“(ii) for non-standard option plans described in clauses (ii) and (iii) of subsection (b)(2)(C), shall be equal to the amount determined under clause (i) plus 100 percent of the additional premium amount applicable to such non-standard option plan.”; and

(C) by striking subparagraph (D) and inserting the following new subparagraph (D):

“(D) The Secretary of Defense shall reduce the monthly premium required to be paid under paragraph (1) in the case of enlisted members in pay grade E–1, E–2, E–3, or E–4.”;

(3) in subsection (e), by adding at the end the following new paragraph:

“(3) The Secretary of Defense shall reduce copayments required to be paid under paragraph (1) in the case
of enlisted members in pay grade E–1, E–2, E–3, or E–
4.”; and

(4) in subsection (j), by striking “plan estab-
lished under this section” and inserting “standard
option plan described in subsection (b)(2)(C)(ii).”.

(b) EFFECTIVE DATE.—The amendments made by
subsection (a) shall take effect on January 1, 2025.

(c) RULE MAKING AUTHORITY.—

(1) IN GENERAL.—In order to implement the
dental program improvements on the date specified
in subsection (b), the Secretary of Defense shall, not
later than January 1, 2024, issue an interim final
regulation consistent with the provisions of section
1076a of title 10, United States Code, as amended
by subsection (a), that will be in effect on the date
specified in subsection (b).

(2) MAINTENANCE OF COVERED SERVICES.—
The regulation required by paragraph (1) shall en-
sure that covered services under standard option
plans described in subsection (b)(2)(C)(ii) of section
1076a of title 10, United States Code, as added by
subsection (a), shall be no less than those services
under the premium sharing plans under such section
in effect as of the date of the enactment of this Act.
SEC. 702. HEALTH BENEFITS FOR MEMBERS OF THE NATIONAL GUARD FOLLOWING REQUIRED TRAINING OR OTHER DUTY TO RESPOND TO A NATIONAL EMERGENCY.

(a) Transitional Health Care.—Subsection (a)(2) of section 1145 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(G) A member of the National Guard who is separated from full-time National Guard Duty to which called or ordered under section 502(f) of title 32 for a period of active service of more than 30 days to perform duties that are authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.”.

(b) Conforming Amendments.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “active duty” and inserting “active service”;

(B) in paragraph (3), by striking “paragraph (2)(B)” and inserting “subparagraph (B) or (G) of paragraph (2)”;

(C) in paragraph (4)—
(i) by striking “active duty” each place it appears and inserting “active service”; and

(ii) in the second sentence, by striking “or (D)” and inserting “(D), or (G)”;

(D) in paragraph (5), in subparagraphs (A) and (B), by striking “active duty” each place it appears and inserting “active service”; and

(E) in paragraph (7)(A)—

(i) by striking “service on active duty” and inserting “active service”; and

(ii) by striking “active duty for” and inserting “active service for”;

(2) in subsection (b)(1), by striking “active duty” and inserting “active service”; and

(3) in subsection (d)(1)(A), by striking “active duty” and inserting “active service”.

SEC. 703. CONFIDENTIALITY REQUIREMENTS FOR MENTAL HEALTH CARE SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—In order to reinforce the policies of eliminating stigma in obtaining mental health care services and further encouraging help-seeking behavior by
members of the Armed Forces, not later than July 1, 2023, the Secretary of Defense shall—

(1) update and reissue Department of Defense Instruction 6490.08, entitled “Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Service Members” and issued on August 17, 2011, taking into account—

(A) experience implementing the Instruction; and

(B) opportunities to more effectively dispel stigma in obtaining mental health care services and encourage help-seeking behavior; and

(2) develop standards within the Department of Defense that—

(A) ensure, except in cases in which there are exigent circumstances, confidentiality of mental health care services provided to members who voluntarily seek such services; and

(B) in cases in which there are exigent circumstances, prevent health care providers from disclosing more than the minimum amount of information necessary to address the exigent circumstances.

(b) ELEMENTS.—The standards required by subsection (a)(2) shall include the following elements:
(1) Requirements for confidentiality regarding the request and receipt by a member of the Armed Forces of mental health care services under the self-initiated referral process under section 1090a(e) of title 10, United States Code.

(2) Requirements for confidentiality regarding the results of any drug testing incident to mental health care services.

(3) Procedures that reflect best practices of the mental health profession with respect to suicide prevention.

(4) Prohibition on retaliating against a member of the Armed Forces who requests mental health care services.

(5) Such other elements as the Secretary determines will most effectively support the policies of—

(A) eliminating stigma in obtaining mental health care services; and

(B) encouraging help-seeking behavior by members of the Armed Forces.

(c) JOINT POLICY WITH THE SECRETARY OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Not later than July 1, 2023, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a joint policy that provides,
except in the case of exigent circumstances, for confidentiality of mental health care services provided by the Department of Veterans Affairs to members of the Armed Forces, including members of reserve components of the Armed Forces, under sections 1712A, 1720F, 1720H, and 1789 of title 38, United States Code, and other applicable law.

(2) ELEMENTS.—The joint policy issued under paragraph (1) shall, to the extent practicable, establish standards comparable to the standards developed under subsection (a)(2).

(d) REPORT.—Not later than July 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a copy of the standards developed under subsection (a)(2) and the joint policy issued under subsection (e).

(e) EXIGENT CIRCUMSTANCE DEFINED.—In this section, the term “exigent circumstance” means a circumstance in which the Secretary of Defense determines the need to prevent serious harm to individuals or essential military functions clearly outweighs the need for confidentiality of information obtained by a health care provider incident to mental health care services voluntarily sought by a member of the Armed Forces.
SEC. 704. IMPROVEMENT OF REFERRALS FOR SPECIALTY CARE UNDER TRICARE PRIME DURING PERMANENT CHANGES OF STATION.

(a) In General.—Section 714 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 1095f) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) IMPROVEMENT OF SPECIALTY CARE REFERRALS DURING PERMANENT CHANGES OF STATION.—In conducting evaluations and improvements under subsection (d) to the referral process described in subsection (a), the Secretary shall ensure beneficiaries enrolled in TRICARE Prime who are undergoing a permanent change of station receive referrals from their primary care manager to such specialty care providers in the new location as the beneficiary may need before undergoing the permanent change of station.”.

(b) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the contractual and technical barriers preventing record shar-
ing between civilian provider networks under the TRICARE program that lead to increased wait times for care for members of the Armed Forces and their dependents undergoing permanent changes of station across provider network regions.

SEC. 705. STUDY ON PROVIDING BENEFITS UNDER TRICARE RESERVE SELECT AND TRICARE DENTAL PROGRAM TO MEMBERS OF THE SELECTED RESERVE AND THEIR DEPENDENTS.

(a) Study.—The Secretary of Defense may conduct a study on the feasibility, potential cost effects to the budget of the Department of Defense, changes in out-of-pocket costs to beneficiaries, and effects on other Federal programs of expanding eligibility for TRICARE Reserve Select and the TRICARE dental program to include all members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, their dependents, and their non-dependent children under the age of 26.

(b) Specifications.—If the Secretary conducts the study under subsection (a), the Secretary shall include in the study an assessment of the following:

(1) Cost-shifting to the Department of Defense to support the expansion of TRICARE Reserve Select and the TRICARE dental program from—
(A) health benefit plans under chapter 89 of title 5, United States Code;

(B) employer-sponsored health insurance;

(C) private health insurance;

(D) insurance under a State health care exchange; and

(E) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) New costs for the Department of Defense to enroll in TRICARE Reserve Select and the TRICARE dental program members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces who were previously uninsured.

(3) The resources needed to implement TRICARE Reserve Select and the TRICARE dental program for all such members, their dependents, and their non-dependent children under the age of 26.

(4) Cost-savings, if any, resulting from the expansion of TRICARE Reserve Select and the TRICARE dental program with regard to increased training days performed in support of mass medical events during battle assemblies of the reserve com-
ponents, including an assessment of the impact of
such expansion on—

(A) medical readiness;
(B) overall deployability rates;
(C) deployability timelines;
(D) fallout rates at mobilization sites;
(E) cross-leveling of members of the re-
serve components to backfill medical fallouts at
mobilization sites; and
(F) any other readiness metrics affected by
such expansion.

(5) Any impact of such expansion on recruit-
ment and retention of members of the Armed
Forces, including members of the Ready Reserve of
the reserve components of the Armed Forces.

(6) Cost-savings, if any, in contracts that imple-
ment the Reserve Health Readiness Program of the
Department of Defense.

(c) Determination of Cost Effects.—If the Sec-
retary of Defense studies the potential cost effects to the
budget of the Department of Defense under subsection
(a), the Secretary shall study the cost effects for the fol-
lowing scenarios of expanded eligibility for TRICARE Re-
serve Select and the TRICARE dental program:
(1) Premium free for members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, their dependents, and their non-dependent children under the age of 26.

(2) Premium free for such members and subsidized premiums for such dependents and non-dependent children.

(3) Subsidized premiums for such members, dependents, and non-dependent children.

(d) USE OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary may contract with a federally funded research and development center that is qualified and appropriate to conduct the study under subsection (a).

(e) BRIEFING; REPORT.—

(1) BRIEFING.—If the Secretary conducts the study under subsection (a), not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the methodology and approach of the study.

(2) REPORT.—If the Secretary conducts the study under subsection (a), not later than two years after the date of the enactment of this Act, the Sec-
Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(f) Definitions.—In this section:

(1) TRICARE Dental Program.—The term “TRICARE dental program” means dental benefits under section 1076a of title 10, United States Code.

(2) TRICARE Reserve Select.—The term “TRICARE Reserve Select” means health benefits under section 1076d of such title.

Subtitle B—Health Care Administration

SEC. 721. IMPROVEMENTS TO ORGANIZATION OF MILITARY HEALTH SYSTEM.

(a) Feasibility Study for Superseding Organization for Defense Health Agency.—

(1) Study and report required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense (referred to in this section as the “Secretary”) shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on a study, conducted by the Secretary for purposes of the report, of the feasibility of and requirements for the establishment of a defense health and medical readi-
ness command (referred to in this subsection as the “command”) as a superseding organization to the Defense Health Agency.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the responsibilities of the commander of the command.

(B) A description of any organizations that support the Defense Health Agency, such as the medical departments and medical logistics organizations of each military department.

(C) A description of any authorities required for the leadership and direction of the command.

(D) A description of the organizational structure of the command, including any subordinate commands.

(E) A description of resourcing executive leadership of the command.

(F) A description of the location or locations of headquarters elements of the command.

(G) A description of how the current Defense Health Agency functions as a provider of optimally trained, clinically proficient health
care professionals to support combatant commands.

(H) A description of how the command may further serve as a provider of optimally trained, clinically proficient health care professionals to support combatant commands.

(I) A description of the relationship of the command to the military departments, the combatant commands, and the Joint Staff.

(J) A timeline for the establishment of the command.

(K) A description of additional funding required to establish the command.

(L) A description of any additional legislative action required for the establishment of the command.

(M) Any other matters in connection with the establishment, operations, and activities of the command that the Secretary considers appropriate.

(b) Establishment of Military Health System Education and Training Directorate.—

(1) Plan required.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed
Services of the Senate and the House of Representatives a plan to establish within the Defense Health Agency a subordinate organization, to be called the Military Health System Education and Training Directorate (referred to in this subsection as the “Directorate”).

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of any authorities required for the leadership and direction of the Directorate.

(B) A description of the organizational structure of the Directorate, including any subordinate organizations.

(C) A description of resourcing executive leadership of the Directorate.

(D) A description of the location or locations of elements of the Directorate.

(E) A description of the ability of the Directorate to address the training requirements of the military departments, the combatant commands, and the Joint Staff.

(F) A description of additional funding required to establish the Directorate.
(G) A description of any additional legislative action required for the establishment of the Directorate.

(H) Any other matters in the connection with the establishment, operations, and activities of the Directorate that the Secretary considers appropriate.

(3) Establishment.—

(A) In general.—Not later than one year after the submission of the plan required under paragraph (1), the Secretary shall establish the Directorate within the Defense Health Agency.

(B) Leadership.—The Directorate shall be led by the President of the Uniformed Services University of the Health Sciences.

(C) Structure.—The Directorate shall be composed of the following:

(i) The Medical Education and Training Campus.

(ii) The College of Allied Health Sciences.

(iii) The Uniformed Services University of the Health Sciences.
(iv) The medical education and training commands and organizations of the military departments.

(v) Training programs of military departments affiliated with civilian academic institutions.

(vi) Such other elements, facilities, and commands of the Department of Defense as the Secretary considers appropriate.

SEC. 722. INCLUSION OF LEVEL THREE TRAUMA CARE CAPABILITIES IN REQUIREMENTS FOR MEDICAL CENTERS.

Section 1073d(b)(3) of title 10, United States Code, is amended by striking “or level two” and inserting “, level two, or level three”

SEC. 723. EXTENSION OF ACCOUNTABLE CARE ORGANIZATION DEMONSTRATION AND ANNUAL REPORT REQUIREMENT.

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of the Defense Health Agency, shall extend the duration of the Accountable Care Organization demonstration carried out by the Secretary, notice of which was published in the Federal Register on August
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16, 2019 (84 Fed. Reg. 41974), (in this section referred
to as the “Demonstration”) through December 31, 2028.

(b) **Annual Report Required.**—

(1) **In General.**—Not later than March 1 of
each year during which the Demonstration is carried
out, beginning in 2023, the Secretary shall submit
to the Committees on Armed Services of the Senate
and the House of Representatives a report that de-
scribes the conduct of the Demonstration for the
one-year period preceding the date of the report.

(2) **Elements.**—Each report submitted under
paragraph (1) shall include the following:

(A) A description of how the Demonstra-
tion delivered performance of better health, bet-
ter care, and lower cost.

(B) A description of the results of the
Demonstration with respect to the following
outcome measures:

(i) Clinical performance.

(ii) Utilization improvement.

(iii) Beneficiary engagement.

(iv) Membership growth and reten-
tion.

(v) Case management.

(vi) Continuity of care.
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(vii) Telehealth utilization.

(C) A description of how the Demonstration shifted financial risk from the TRICARE program to health care providers.

(D) A description of how investment in the Demonstration serves as a bridge to competitive demonstrations by the Department of Defense with accountable care organizations in the future.

(E) A detailed description of locations for future competitive demonstrations by the Department with accountable care organizations.

(3) TRICARE PROGRAM DEFINED.—In this subsection, the term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 724. MODIFICATION OF REQUIREMENT TO TRANSFER PUBLIC HEALTH FUNCTIONS TO DEFENSE HEALTH AGENCY.

(a) TEMPORARY RETENTION OF PUBLIC HEALTH FUNCTIONS.—At the determination of the Secretary of Defense, a military department may retain, until not later than September 30, 2023, a public health function that would otherwise become part of the Defense Health Agen-
cy Public Health under section 1073c(e)(2)(B) of title 10, United States Code, if such function—

(1) addresses a need that is unique to the military department; and

(2) is in direct support of operating forces and necessary to execute strategies relating to national security and defense.

(b) Report.—

(1) In general.—Not later than March 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on public health functions that the Secretary has determined may be retained by a military department pursuant to subsection (a).

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) A description of each public health function that the Secretary has determined may be retained by a military department pursuant to subsection (a).

(B) The rationale for each such determination.

(C) Recommendations for amendments to section 1073c of title 10, United States Code,
to permit ongoing retention of public health functions by military departments.

(c) Modification to Names of Public Health Commands.—Section 1073c(e)(2)(B) of title 10, United States Code, is amended by striking “Army Public Health Command, the Navy–Marine Corps Public Health Command” and inserting “Army Public Health Center, the Navy–Marine Corps Public Health Center”.

SEC. 725. ESTABLISHMENT OF MILITARY HEALTH SYSTEM MEDICAL LOGISTICS DIRECTORATE.

(a) Plan Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to establish within the Defense Health Agency a subordinate organization to be called the Military Health System Medical Logistics Directorate (in this section referred to as the “Directorate”).

(b) Elements.—The plan required under subsection (a) shall include the following:

(1) A description of any authorities required for the leadership and direction of the Directorate.

(2) A description of the organizational structure of the Directorate, including any subordinate organizations, to include incorporation into the Directorate
of existing organizations of the military departments that provide operational theater medical materiel support.

(3) A description of resourcing by the Secretary of the executive leadership of the Directorate.

(4) A description of the location or locations of elements of the Directorate.

(5) A description of how the medical research and development organization within the Defense Health Agency will coordinate with the Directorate.

(6) A description of the ability of the Directorate to address the medical logistics requirements of the military departments, the combatant commands, and the Joint Staff.

(7) A description of additional funding required to establish the Directorate.

(8) A description of any additional legislative action required for the establishment of the Directorate.

(9) Any other matters in connection with the establishment, operations, and activities of the Directorate that the Secretary considers appropriate.

(e) Establishment.—Not later than one year after the submission of the plan required under subsection (a),
the Secretary shall establish the Directorate within the Defense Health Agency.

SEC. 726. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish regional centers of excellence for the provision of military specialty care to eligible beneficiaries at existing major medical centers of the Department of Defense.

(2) SATELLITE CENTERS.—The Secretary may establish satellite centers of excellence to provide specialty care for certain conditions, such as—

(A) post-traumatic stress;

(B) traumatic brain injury; and

(C) such other conditions as the Secretary considers appropriate.

(3) READINESS AND IMPROVEMENT OF CARE.—Centers of excellence established under this subsection shall—

(A) ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces;
(B) improve the quality of health care received by eligible beneficiaries from the Department; and

(C) improve health outcomes for eligible beneficiaries.

(b) TYPES OF CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Centers of excellence shall be established under subsection (a) for the following areas of specialty care:

(A) Oncology.

(B) Burn injuries and wound care.

(C) Rehabilitation medicine.

(D) Psychological health and traumatic brain injury.

(E) Amputations and prosthetics.

(F) Neurosurgery.

(G) Orthopedic care.

(H) Substance abuse.

(I) Transplants.

(J) Cardiothoracic surgery.

(K) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.
(2) **MULTIPLE SPECIALTIES.**—A major medical center of the Department may be established as a center of excellence for more than one area of specialty care.

(c) **PRIMARY SOURCE FOR SPECIALTY CARE.**—

(1) **IN GENERAL.**—Centers of excellence established under subsection (a) shall be the primary source within the military health system for the receipt by eligible beneficiaries of specialty care.

(2) **REFERRAL.**—Eligible beneficiaries seeking specialty care services through the military health system shall be referred to a center of excellence established under subsection (a) or to an appropriate specialty care provider in the private sector if health care services at such a center are unavailable.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a plan for the Department to establish centers of excellence under this section.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:
(A) A list of the centers of excellence to be established under this section and the locations of such centers.

(B) A description of the specialty care services to be provided at each such center and a staffing plan for each such center.

(C) A description of how each such center will improve—

(i) the military medical force readiness of the Department and the medical readiness of the Armed Forces;

(ii) the quality of care received by eligible beneficiaries; and

(iii) the health outcomes of eligible beneficiaries.

(D) A comprehensive plan to refer eligible beneficiaries for specialty care services at centers of excellence established under this section and centers of excellence in the private sector.

(E) A plan to assist eligible beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at centers of excellence established under this section or centers of excellence in the private sector.
(F) A plan to transfer specialty care providers of the Department to centers of excellence established under this section, in a number as determined by the Secretary to be required to provide specialty care services to eligible beneficiaries at such centers.

(G) A plan to monitor access to care, beneficiary satisfaction, experience of care, and clinical outcomes to understand better the impact of such centers on the health care of eligible beneficiaries.

(e) NOTIFICATION.—The Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days prior to the establishment of a center of excellence under this section.

(f) ELIGIBLE BENEFICIARY DEFINED.—In this section, the term “eligible beneficiary” means a beneficiary under chapter 55 of title 10, United States Code.

SEC. 727. REQUIREMENT TO ESTABLISH ACADEMIC HEALTH SYSTEM.

Section 2113b(a) of title 10, United States Code, is amended by striking “may” and inserting “shall”.

SEC. 728. ADHERENCE TO POLICIES RELATING TO MILD
TRAUMATIC BRAIN INJURY AND POST-TRAU-
MATIC STRESS DISORDER.

Not later than 1 year after the date of the enactment
of this Act, the Secretary of Defense shall—

(1) direct the Secretary of the Navy and the
Secretary of the Air Force to address inconsistencies
between the policies of the Department of Defense,
the Department of the Navy, and the Department of
the Air Force relating to the training of members of
the Armed Forces on the identification of symptoms
of mild traumatic brain injury in deployed locations;
and

(2) ensure the Secretary of each military de-
partment routinely monitors the adherence of mem-
ers of the Armed Forces under the jurisdiction of
such Secretary to policies of the Department of De-
fense relating to post-traumatic stress disorder and
traumatic brain injury, including policies related
to—

(A) screening certain members of the
Armed Forces for post-traumatic stress dis-
order and traumatic brain injury prior to any
separation of such a member from the Armed
Forces for misconduct; and
(B) providing counseling to members of the Armed Forces during the process of such separation regarding services and benefits that may be provided by the Department of Veterans Affairs to members after such separation.

SEC. 729. POLICY ON ACCOUNTABILITY FOR WOUNDED WARRIORS UNDERGOING DISABILITY EVALUATION.

(a) IN GENERAL.—Not later than April 1, 2023, the Secretary of Defense shall establish a policy to ensure accountability for actions taken under the authorities of the Defense Health Agency and the military departments concerning wounded, ill, and injured members of the Armed Forces during the integrated disability evaluation system process of the Department of Defense.

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

(1) A requirement that determination of fitness for duty under chapter 61 of title 10, United States Code, of a member of the Armed Forces falls under the jurisdiction of the Secretary of the military department concerned.

(2) A requirement that medical evaluation provided under the authority of the Defense Health Agency shall—
(A) comply with applicable law and regulations of the Department of Defense; and

(B) be considered by the Secretary of the military department concerned in determining fitness for duty under chapter 61 of such title.

(3) A requirement that wounded, ill, and injured members of the Armed Forces shall not be denied the protections, privileges, or right to due process afforded under applicable law and regulations of the Department of Defense and the military department concerned.

(c) CLARIFICATION OF RESPONSIBILITIES REGARDING MEDICAL EVALUATION BOARDS.—Section 1073c of title 10, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) AUTHORITIES RESERVED TO THE SECRETARIES OF THE MILITARY DEPARTMENTS CONCERNING THE DISABILITY EVALUATION SYSTEM.—

“(1) IN GENERAL.—Notwithstanding the responsibilities and authorities of the Director of the Defense Health Agency with respect to the administration of military medical treatment facilities as set
forth in this section, including medical evaluations of members of the armed forces, the Secretary of each military department shall maintain personnel au-
thority over and responsibility for any member of the armed forces under the jurisdiction of the Sec-
etary concerned while the member is being consid-
ered by a medical evaluation board.

“(2) RESPONSIBILITY DESCRIBED.—The re-
sponsibility of the Secretary of a military depart-
ment described in paragraph (1) shall include the following:

“(A) Responsibility for administering the morale and welfare of members of the armed forces under the jurisdiction of the Secretary concerned.

“(B) Responsibility for determinations of fitness for duty of such members under chapter 61 of this title.”.
Subtitle C—Reports and Other Matters

SEC. 741. THREE-YEAR EXTENSION OF AUTHORITY TO CONTINUE DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2023” and inserting “September 30, 2026”.

SEC. 742. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567), as most recently amended by section 715 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81), is amended by striking “September 30, 2023” and inserting “September 30, 2024”.

SEC. 743. AUTHORIZATION OF PERMANENT PROGRAM TO IMPROVE OPIOID MANAGEMENT IN THE MILITARY HEALTH SYSTEM.

(1) in subsection (a)(1), by striking “Beginning not” and inserting “Except as provided in subsection (e), beginning not”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

“(e) ALTERNATIVE INITIATIVE TO IMPROVE OPIOID MANAGEMENT.—As an alternative to the pilot program under this section, the Director of the Defense Health Agency, not later than January 1, 2023—

“(1) may implement a permanent program to improve opioid management for beneficiaries under the TRICARE program; and

“(2) if the Director decides to implement such a permanent program, shall submit to the Committees on Armed Services of the Senate and the House of Representatives the specifications of and reasons for implementing such program.”.
SEC. 744. CLARIFICATION OF MEMBERSHIP REQUIREMENTS AND COMPENSATION AUTHORITY FOR INDEPENDENT SUICIDE PREVENTION AND RESPONSE REVIEW COMMITTEE.

Section 738 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1801) is amended—

(1) in subsection (b)(3), by inserting “(except for a former member of an Armed Force)” after “Armed Force”; (2) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and (3) by inserting after subsection (e) the following new subsection (f):

“(f) COMPENSATION.—

“(1) IN GENERAL.—The Secretary may compensate members of the committee established under subsection (a) for the work of such members for the committee.

“(2) TREATMENT OF COMPENSATION.—A member of the committee established under subsection (a) who receives compensation under paragraph (1) shall not be considered a civilian employee of the Department of Defense for purposes of subsection (b)(3).”.
SEC. 745. TERMINATION OF VETERANS’ ADVISORY BOARD ON RADIATION DOSE RECONSTRUCTION.

Section 601 of the Veterans Benefit Act of 2003 (Public Law 108–183; 38 U.S.C. 1154 note) is amended—

(1) in subsection (b), by striking “, including the establishment of the advisory board required by subsection (c)”; and

(2) by striking subsection (c).

SEC. 746. SCHOLARSHIP-FOR-SERVICE PILOT PROGRAM FOR CIVILIAN BEHAVIORAL HEALTH PROVIDERS.

(a) IN GENERAL.—Commencing not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program under which—

(1) the Secretary may provide—

(A) scholarships to cover tuition and related fees at an institution of higher education to an individual enrolled in a program of study leading to a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(B) student loan repayment assistance to a credentialed behavioral health provider who has a graduate degree in clinical psychology, social
work, counseling, or a related field (as determined by the Secretary); and

(2) in exchange for such assistance, the recipient shall commit to work as a covered civilian behavioral health provider in the direct care component of the military health system in accordance with subsection (c).

(b) DURATION.—The Secretary of Defense shall carry out the pilot program under subsection (a) during the 10-year period beginning on the commencement of the pilot program.

(c) POST-AWARD EMPLOYMENT OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), as a condition of receiving assistance under subsection (a), the recipient of such assistance shall enter into an agreement with the Secretary of Defense pursuant to which the recipient agrees to work on a full-time basis as a covered civilian behavioral health provider in the direct care component of the military health system for a period that is at least equivalent to the period during which the recipient received assistance under such paragraph.

(2) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to paragraph (1) may include such other terms and conditions as the
Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the post-award employment obligation specified in such subparagraph.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual who receives assistance under subsection (a) and does not complete the employment obligation required under the agreement entered into pursuant to subsection (c) shall repay to the Secretary of Defense a prorated portion of the financial assistance received by the individual under subsection (a).

(2) DETERMINATION OF AMOUNT.—The amount of any repayment required under paragraph (1) shall be determined by the Secretary.

(e) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of this section.

(f) REPORTS.—

(1) IN GENERAL.—Not later than each of one year, five years, and nine years after the commence-
ment of the pilot program under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the pilot program under subsection (a), the following:

(A) The number of students receiving scholarships under the pilot program.

(B) The locations of such students.

(C) The amount of total scholarship money expended per academic school year under the pilot program.

(D) The average scholarship amount per student under the pilot program.

(E) The number of students hired as behavioral health providers by the Department of Defense under the pilot program.

(F) Any recommendations for terminating the pilot program, extending the pilot program, or making the pilot program permanent.

(g) DEFINITIONS.—In this section:

(1) BEHAVIORAL HEALTH.—The term “behavioral health” includes psychiatry, clinical psychology, social work, counseling, and related fields.
(2) **Civilian behavioral health provider.**—The term “civilian behavioral health provider” means a behavioral health provider who is a civilian employee of the Department of Defense.

(3) **Covered civilian behavioral health provider.**—The term “covered civilian behavioral health provider” means a civilian behavioral health provider whose employment by the Secretary of Defense involves the provision of behavioral health services at a military medical treatment facility.

(4) **Institution of higher education.**—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

**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.**

(1) in subsection (a), by inserting “, including coverage of such providers at military medical treatment facilities” before the period at the end;

(2) in subsection (c), by striking “covered beneficiaries” and inserting “covered individuals”;

(3) in subsection (f)(2), by striking “covered beneficiaries” each place it appears and inserting “covered individuals”; and

(4) in subsection (h)—

(A) by amending paragraph (1) to read as follows:

“(1) The term ‘covered individual’ means a beneficiary under chapter 55 of title 10, United States Code.”; and

(B) by adding at the end the following paragraph:

“(3) The term ‘TRICARE program’ has the meaning given that term in section 1072 of title 10, United States Code.”.
SEC. 748. AUTHORITY TO CARRY OUT STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE THROUGH USE OF OTHER TRANSACTION AUTHORITY.

(a) In General.—Section 1092(b) of title 10, United States Code, is amended by inserting “or transactions (other than contracts, cooperative agreements, and grants)” after “contracts”.

(b) Briefing.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and the House of Representatives on how the Secretary intends to use the authority to enter into transactions under section 1092(b) of title 10, United States Code, as amended by subsection (a).

SEC. 749. CAPABILITY ASSESSMENT AND ACTION PLAN WITH RESPECT TO EFFECTS OF EXPOSURE TO OPEN BURN PITS AND OTHER ENVIRONMENTAL HAZARDS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a capability assessment of potential improvements to activities of the Department of Defense to reduce the effects of environmental expo-
sures with respect to members of the Armed Forces; and

(2) develop an action plan to implement such improvements assessed under paragraph (1) as the Secretary considers appropriate.

(b) ELEMENTS.—The capability assessment required by subsection (a)(1) shall include the following elements:

(1) With respect to the conduct of periodic health assessments, the following:

(A) An assessment of the feasibility and advisability of adding additional screening questions relating to environmental and occupational exposures to current health assessments of members of the Armed Forces conducted by the Department of Defense, including pre- and post-deployment assessments and pre-separation assessments.

(B) An assessment of the potential value and feasibility of regularly requiring spirometry or other pulmonary function testing pre- and post-deployment for all members, or selected members, of the Armed Forces.

(2) With respect to the conduct of outreach and education, the following:
(A) An evaluation of clinician training on the health effects of airborne hazards and how to document exposure information in health records maintained by the Department of Defense and the Department of Veterans Affairs.

(B) An assessment of the adequacy of current actions by the Secretary of Defense and the Secretary of Veterans Affairs to increase awareness among members of the Armed Forces and veterans of the purposes and uses of the Airborne Hazards and Open Burn Pit Registry and the effect of a potential requirement that individuals meeting applicable criteria be automatically enrolled in the registry unless they opt out of enrollment.

(C) An assessment of operational plans for deployment with respect to the adequacy of educational activities for and evaluations of performance of command authorities, medical personnel, and members of the Armed Forces on deployment on anticipated environmental exposures and potential means to minimize and mitigate any adverse health effects of such exposures, including through the use of moni-
onitoring, personal protective equipment, and medical responses.

(D) An evaluation of potential means to improve the education of health care providers of the Department of Defense with respect to the diagnosis and treatment of health conditions associated with environmental exposures.

(3) With respect to monitoring of exposure during deployment operations, the following:

(A) An evaluation of potential means to strengthen tactics, techniques, and procedures used in deployment operations to document—

(i) specific locations where members of the Armed Forces served;

(ii) environmental exposures in such locations; and

(iii) any munitions involved during such service in such locations.

(B) An assessment of potential improvements in the acquisition and use of wearable monitoring technology and remote sensing capabilities to record environmental exposures by geographic location.

(C) An analysis of the potential value and feasibility of maintaining a repository of frozen
soil samples from each deployment location to be later tested as needed when concerns relating to environmental exposures are identified.

(4) With respect to the use of the Individual Longitudinal Exposure Record (referred to in this paragraph as “ILER”), the following:

(A) An assessment of feasibility and advisability of recording individual clinical diagnosis and treatment information in ILER to be integrated with exposure data.

(B) An evaluation of—

(i) the progress toward making ILER operationally capable and accessible to members of the Armed Forces and veterans by 2023; and

(ii) the integration of ILER data with the electronic health records of the Department of Defense and the Department of Veterans Affairs.

(C) An assessment of the feasibility and advisability of making ILER data accessible to the surviving family members of members of the Armed Forces and veterans.

(5) With respect to the conduct of research, the following:
(A) An assessment of the potential use of the Airborne Hazards and Open Burn Pit Registry for research on monitoring and identifying the health consequences of exposure to open burn pits.

(B) An analysis of options for increasing the amount and the relevance of additional research into the health effects of open burn pits and effective treatments for such health effects.

(C) An evaluation of potential research of biomarker monitoring to document environmental exposures during deployment or throughout the military career of a member of the Armed Forces.

(D) An analysis of potential organizational strengthening with respect to the management of research on environmental exposure hazards, including the establishment of a joint program executive office for such management.

(E) An assessment of the findings and recommendations of the 2020 report entitled “Respiratory Health Effects of Airborne Hazards Exposures in the Southwest Asia Theater of Military Operations” by the National Academies of Science, Engineering, and Medicine.
(6) An evaluation of such other matters as the Secretary determines appropriate to ensure a comprehensive review of activities relating to the effects of exposure to open burn pits and other environmental hazards.

(c) Submission of Plan and Report.—Not later than 240 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(1) the action plan required by subsection (a)(2); and

(2) a report on the results of the capability assessment required by subsection (a)(1).

(d) Definitions.—In this section:

(1) Airborne Hazards and Open Burn Pit Registry.—The term “Airborne Hazards and Open Burn Pit Registry” means the registry established under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(2) Environmental Exposures.—The term “environmental exposures” means exposure to open burn pits and other environmental hazards as the Secretary determines.
(3) OPEN BURN PIT.—The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

SEC. 750. INDEPENDENT ANALYSIS OF DEPARTMENT OF DEFENSE COMPREHENSIVE AUTISM CARE DEMONSTRATION PROGRAM.

Section 737 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1800) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by inserting “broadly” after “disorder”; and

(ii) by striking “demonstration project” and inserting “demonstration program”;

(B) in subparagraph (B), by striking “demonstration project” and inserting “demonstration program”;

(C) in subparagraph (C), by inserting “parental involvement in applied behavioral analysis treatment, and” after “including”;
(D) in subparagraph (D), by striking “for
an individual who has” and inserting “, includ-
ing mental health outcomes, for individuals who
have”;

(E) in subparagraph (E), by inserting
“since its inception” after “demonstration pro-
gram”;

(F) in subparagraph (F), by inserting
“cost effectiveness, program effectiveness, and
clinical” after “measure the”;

(G) in subparagraph (G), by inserting
“than in the general population” after “fami-
lies”;

(H) by redesignating subparagraph (H) as
subparagraph (I); and

(I) by inserting after subparagraph (G) the
following new subparagraph (H):

“(H) An analysis of whether the diagnosis
and treatment of autism is higher among the
children of military families than in the general
population.”; and

(2) in subsection (c), in the matter preceding
paragraph (1), by striking “nine” and inserting
“31”.
SEC. 751. REPORT ON SUICIDE PREVENTION REFORMS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than March 1, 2023, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of implementing the following reforms related to suicide prevention among members of the Armed Forces:

(1) Eliminating mental health history as a disqualifier for service in the Armed Forces, including eliminating restrictions related to mental health history that are specific to military occupational specialties.

(2) Requiring comprehensive in-person annual mental health assessments of members of the Armed Forces.

(3) Requiring behavioral health providers under the TRICARE program, including providers contracted through such program, to undergo evidence-based and suicide-specific training.

(4) Requiring leaders at all levels of the Armed Forces to be trained on the following:

(A) Total wellness.

(B) Suicide warning signs and risk factors.

(C) Evidence-based, suicide-specific interventions.
(D) Effectively communicating with medical and behavioral health providers.

(E) Communicating with family members, including extended family members who are not co-located with a member of the Armed Forces, on support and access to resources for members of the Armed Forces and their dependents.

(5) Requiring mandatory referral to Warriors in Transition programs or transitional programs for members of the Armed Forces who are eligible for such programs.

(b) DEFINITIONS.—In this section—

(1) TRICARE PROGRAM.—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

(2) WARRIORS IN TRANSITION PROGRAM.—The term “Warriors in Transition program” has the meaning given that term in section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1071 note).
SEC. 752. REPORT ON BEHAVIORAL HEALTH WORKFORCE
AND PLAN TO ADDRESS SHORTFALLS IN PROVIDERS.

(a) Report on Behavioral Health Workforce.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an analysis of the behavioral health workforce under the direct care component of the military health system and submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of such analysis.

(2) Elements.—The report required under paragraph (1) shall include, with respect to the workforce specified in such paragraph, the following:

(A) The number of positions authorized for military behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(B) The number of positions authorized for civilian behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).
(C) For each military department, the ratio of military behavioral health providers assigned to military medical treatment facilities compared to civilian behavioral health providers so assigned, disaggregated by the professions described in paragraph (3).

(D) For each military department, the number of military behavioral health providers authorized to be embedded within an operational unit, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(E) Data on the historical demand for behavioral health services by members of the Armed Forces.

(F) An estimate of the number of health care providers necessary to meet the demand by such members for behavioral health services under the direct care component of the military health system, disaggregated by provider type.

(G) An identification of any shortfall between the estimated number under subparagraph (F) and the total number of positions for behavioral health providers filled within such workforce.
(H) Such other information as the Secretary may determine appropriate.

(3) PROVIDER TYPES.—The professions described in this paragraph are as follows:

(A) Clinical psychologists.

(B) Social workers.

(C) Counselors.

(D) Such other professions as the Secretary may determine appropriate.

(b) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representativesthe plan to address any shortfall of the behavioral health workforce identified under subsection (a)(2)(G).

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) address, with respect to any shortfall of military behavioral health providers (addressed separately with respect to such providers assigned to military medical treatment
facilities and such providers assigned to be embedded within operational units)—

(i) recruitment;

(ii) accession;

(iii) retention;

(iv) special pay and other aspects of compensation;

(v) workload;

(vi) the role of the Uniformed Services University of the Health Sciences and the Armed Forces Health Professions Scholarship Program under chapter 105 of title 10, United States Code;

(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and

(viii) such other considerations as the Secretary may consider appropriate;

(B) address, with respect to any shortfall of civilian behavioral health providers—

(i) recruitment;

(ii) hiring;

(iii) retention;

(iv) pay and benefits;

(v) workload;
(vi) educational scholarship programs;

(vii) any additional authorities or re-
ources necessary for the Secretary to in-
crease the number of such providers; and

(viii) such other considerations as the
Secretary may consider appropriate;

(C) recommend whether the number of
military behavioral health providers in each
military department should be increased, and if
so, by how many;

(D) include a plan to expand access to be-
havioral health services under the military
health system through the use of telehealth;

(E) include a plan by each military depart-
ment to allocate additional uniformed mental
health providers in military medical treatment
facilities at remote installations; and

(F) assess the feasibility of hiring civilian
mental health providers at remote installations
to augment the provision of mental health care
services by uniformed mental health providers.

(c) DEFINITIONS.—In this section:

(1) BEHAVIORAL HEALTH.—The term “behav-
ioral health” includes psychiatry, clinical psychology,
social work, counseling, and related fields.
Title VIII—Acquisition Policy, Acquisition Management, and Related Matters

Subtitle A—Acquisition Policy and Management

Sec. 801. Modifications to Middle Tier Acquisition Authority.

Section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 note prec.) is amended by adding at the end the following new subsection:
“(e) Acquisition Planning.—Within one year of a program being designated as either a rapid prototyping or rapid fielding program, as defined by this section, the component acquisition executive concerned shall approve an acquisition plan that includes—

“(1) the potential transition pathway or pathways to an existing or planned program of record;

“(2) a life-cycle cost estimate; and

“(3) a test plan to verify desired performance goals.”.

SEC. 802. EXTENSION OF DEFENSE MODERNIZATION ACCOUNT AUTHORITY.


SEC. 803. PROHIBITION ON CERTAIN PROCUREMENTS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Prohibition on Procurement.—The Secretary of Defense may not enter into, extend, or renew a contract to procure any major defense acquisition program that contains covered items.

(b) Certification Required.—The Secretary of Defense shall include in any solicitation for contract pro-
posals, extensions, or renewals a requirement for prime contractors to certify compliance with subsection (a) based on the prime contractor’s performance of vendor verification of all suppliers or potential suppliers in all tiers of such prime contractor’s supply chain.

(c) Waiver Authority.—The Secretary may, on a one-time basis, waive the requirements under subsection (a) with respect to a prime contractor that requests such a waiver. The waiver may be provided, for a period of not more than five years after the effective date described in subsection (d), if the prime contractor seeking the waiver—

(1) provides a sufficient justification for the additional time to implement the requirements under such subsection, as determined by the Secretary; and

(2) submits to the Secretary, who shall not later than 30 days thereafter submit to the congressional defense committees, a full and complete laydown of the presence of covered items in the prime contractor’s supply chain and a phase-out plan to eliminate such covered items from the entity’s systems.

(d) Effective Date.—Subsections (a), (b), and (c) shall take effect one year after the date of the enactment of this Act.
(e) Rulemaking.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to implement this section.

(f) Definitions.—In this section:

(1) Covered foreign country.—The term “covered foreign country” means the People’s Republic of China.

(2) Covered items.—The term “covered item” means an item produced or provided by an entity—

(A) owned or controlled by the government of a covered foreign country; or

(B) where the place of performance is in a covered foreign country.

(3) Major defense acquisition program.—The term “major defense acquisition program” has the meaning given the term in section 4201 of title 10, United States Code.

SEC. 804. REVISION OF AUTHORITY FOR PROCEDURES TO ALLOW RAPID ACQUISITION AND DEPLOYMENT OF CAPABILITIES NEEDED UNDER SPECIFIED HIGH-PRIORITY CIRCUMSTANCES.

(a) Revision and codification of rapid acquisition authority.—Chapter 253 of part V of title 10, United States Code, is amended to read as follows:
"CHAPTER 253—RAPID ACQUISITION

PROCEDURES

"Sec.

"3601. Procedures for urgent acquisition and deployment of capability needed in response to urgent operational needs or vital national security interest.

§ 3601. Procedures for urgent acquisition and deployment of capability needed in response to urgent operational needs or vital national security interest

(a) PROCEDURES.—

“(1) IN GENERAL.—The Secretary of Defense shall prescribe procedures for the urgent acquisition and deployment of capability needed in response to urgent operational needs. The capabilities for which such procedures may be used in response to an urgent operational need are those—

“(A) that, subject to such exceptions as the Secretary considers appropriate for purposes of this section—

“(i) can be fielded within a period of two to 24 months;

“(ii) do not require substantial development effort;

“(iii) are based on technologies that are proven and available; and
“(iv) can appropriately be acquired
under fixed price contracts; or
“(B) that can be developed or procured
under a section 804 rapid acquisition pathway.
“(2) DEFINITION.—In this section, the term
‘ssection 804 rapid acquisition pathway’ means the
rapid fielding acquisition pathway or the rapid
prototyping acquisition pathway authorized under
section 804 of the National Defense Authorization
Act for Fiscal Year 2016 (Public Law 114–92; 10
U.S.C. 321 prec.).
“(b) MATTERS TO BE INCLUDED.—The procedures
prescribed under subsection (a) shall include the following:
“(1) A process for streamlined communications
between the Chairman of the Joint Chiefs of Staff,
the acquisition community, and the research and de-
development community, including—
“(A) a process for the commanders of the
combatant commands and the Chairman of the
Joint Chiefs of Staff to communicate their
needs to the acquisition community and the re-
search and development community; and
“(B) a process for the acquisition commu-
nity and the research and development commu-
nity to propose capability that meet the needs
communicated by the combatant commands and the Chairman of the Joint Chiefs of Staff.

“(2) Procedures for demonstrating, rapidly acquiring, and deploying a capability proposed pursuant to paragraph (1)(B), including—

“(A) a process for demonstrating performance and evaluating for current operational purposes the performance of the capability;

“(B) a process for developing an acquisition and funding strategy for the deployment of the capability; and

“(C) a process for making deployment and utilization determinations based on information obtained pursuant to subparagraphs (A) and (B).

“(3) A process to determine the disposition of a capability, including termination (demilitarization or disposal), continued sustainment, or transition to a program of record.

“(4) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 321 prece.).

“(c) RESPONSE TO COMBAT EMERGENCIES AND CERTAIN URGENT OPERATIONAL NEEDS.—
“(1) Determination of need for urgent acquisition and deployment.—(A) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that has resulted in combat casualties, or is likely to result in combat casualties, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

“(B) In the case of any capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a documented deficiency that impacts an ongoing or anticipated contingency operation and that, if left unfulfilled, could potentially result in loss of life or critical mission failure, the Secretary may use the procedures developed under this section in order to accomplish the urgent acquisition and deployment of the needed capability.

“(C)(i) In the case of any cyber capability that, as determined in writing by the Secretary of Defense, is urgently needed to eliminate a deficiency that as the result of a cyber attack has resulted in critical mission failure, the loss of life, property destruction, or economic effects, or if left unfilled is
likely to result in critical mission failure, the loss of
life, property destruction, or economic effects, the
Secretary may use the procedures developed under
this section in order to accomplish the urgent acqui-
sition and deployment of the needed offensive or de-
defensive cyber capability.

“(ii) In this subparagraph, the term ‘cyber at-
tack’ means a deliberate action to alter, disrupt, de-
ceive, degrade, or destroy computer systems or net-
works or the information or programs resident in or
transiting these systems or networks.

“(2) Designation of senior official re-
sponsible.—(A)(i) Except as provided under clause
(ii), whenever the Secretary makes a determination
under subparagraph (A), (B), or (C) of paragraph
(1) that a capability is urgently needed to eliminate
a deficiency described in that subparagraph, the Sec-
retary shall designate a senior official of the Depart-
ment of Defense to ensure that the needed capability
is acquired and deployed as quickly as possible, with
a goal of awarding a contract for the acquisition of
the capability within 15 days.

“(ii) Clause (i) does not apply to an acquisition
initiated in the case of a determination by the Sec-
retary that funds are necessary to immediately ini-
tiate a project under a section 804 rapid acquisition
pathway if the designated official for acquisitions
using such pathway is a service acquisition execu-
tive.

“(B) Upon designation of a senior official under
paragraph (A) with respect to a needed capa-
bility, the Secretary shall authorize that official to
waive any provision of law or regulation described in
subsection (d) that such official determines in writ-
ing would unnecessarily impede the urgent acquisi-
tion and deployment of the needed capability. In a
case in which the needed capability cannot be ac-
quired without an extensive delay, the senior official
shall require that an interim solution be imple-
mented and deployed using the procedures developed
under this section to minimize adverse consequences
resulting from the urgent need.

“(3) USE OF FUNDS.—(A) In any fiscal year in
which the Secretary makes a determination de-
scribed in subparagraph (A), (B), or (C) of para-
graph (1), or upon the Secretary making a deter-
mination that funds are necessary to immediately
initiate a project under a section 804 rapid acquisi-
tion pathway based on a compelling national security
need, the Secretary may use any funds available to
the Department of Defense if the determination in-
cludes a written finding that the use of such funds
is necessary to address in a timely manner the defi-
ciency documented or identified under such subpara-
graph (A), (B), or (C) or the compelling national se-
curity need identified for purposes of such section
804 pathway, respectively.

“(B) The authority provided by this section
may only be used to acquire capability—

“(i) in the case of determinations by the
Secretary under paragraph (1)(A), in an
amount aggregating not more than
$200,000,000 during any fiscal year;

“(ii) in the case of determinations by the
Secretary under paragraph (1)(B), in an
amount aggregating not more than
$200,000,000 during any fiscal year;

“(iii) in the case of determinations by the
Secretary under paragraph (1)(C), in an
amount aggregating not more than
$200,000,000 during any fiscal year; and

“(iv) in the case of a determination by the
Secretary that funds are necessary to imme-
diately initiate a project under a section 804
rapid acquisition pathway, in an amount aggre-
gating not more than $50,000,000 during any fiscal year.

“(C) In exercising the authority under this section, the use of funds is limited as follows:

“(i) When operation and maintenance (O&M) funds are utilized as a source, special O&M funds established for a dedicated or proscribed purpose may not be used.

“(ii) When funds are utilized for sustainment purposes, this authority may not be used for more than 2 years.

“(4) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—(A) In the case of a determination by the Secretary under subparagraph (A) or (C) of paragraph (1), the Secretary shall notify the congressional defense committees of the determination within 15 days after the date of the determination.

“(B) In the case of a determination by the Secretary under paragraph (1)(B), the Secretary shall notify the congressional defense committees of the determination at least 10 days before the date on which the determination is effective.

“(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are nec-
necessary to immediately initiate a project under a section 804 rapid acquisition pathway, the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.

“(D) A notice under this paragraph shall include the following:

“(i) Identification of the capability to be acquired.

“(ii) The amount anticipated to be expended for the acquisition.

“(iii) The source of funds for the acquisition.

“(E) A notice under this paragraph shall fulfill any requirement to provide notification to Congress for a program (referred to as a ‘new start program’) that has not previously been specifically authorized by law or for which funds have not previously been appropriated.

“(F) A notice under this paragraph shall be provided in consultation with the Director of the Office of Management and Budget.

“(5) LIMITATION ON OFFICERS WITH AUTHORITY.—The authority to make determinations under subparagraph (A), (B), or (C) of paragraph (1) and
under paragraph (3)(A) that funds are necessary to immediately initiate a project under a section 804 rapid acquisition pathway, to designate a senior official responsible under paragraph (3), and to provide notification to the congressional defense committees under paragraph (4) may be exercised only by the Secretary or Deputy Secretary of Defense.

“(d) Authority to Waive Certain Laws and Regulations.—

“(1) Authority.—The Secretary or Deputy Secretary of Defense, for a capability required to address the needs described in subsection (c)(1) or, upon a determination described in subsection (c)(1), and the senior official designated in accordance with subsection (c)(2), with respect to that designation, is authorized to waive any provision of law or regulation addressing—

“(A) the establishment of a requirement or specification for the capability to be acquired;

“(B) the research, development, test, and evaluation of the capability to be acquired;

“(C) the production, fielding, and sustainment of the capability to be acquired; or
“(D) the solicitation, selection of sources, and award of the contracts for procurement of the capability to be acquired.

“(2) LIMITATIONS.—Nothing in this subsection authorizes the waiver of—

“(A) the requirements of this section;

“(B) any provision of law imposing civil or criminal penalties; or

“(C) any provision of law governing the proper expenditure of appropriated funds.

“(e) OPERATIONAL ASSESSMENTS.—

“(1) IN GENERAL.—The process prescribed under subsection (b)(2)(A) for demonstrating performance and evaluating the current operational performance of a capability proposed pursuant to subsection (b)(1)(B) shall include the following:

“(A) An operational assessment in accordance with procedures prescribed by the Director of Operational Test and Evaluation.

“(B) A requirement to provide information about any deficiency of the capability in meeting the original requirements for the capability (as stated in a statement of the urgent operational need or similar document) to the deployment decision-making authority.
“(2) LIMITATION.—The process may not include a requirement for any deficiency of capability identified in the operational assessment to be the determining factor in deciding whether to deploy the capability.

“(3) DIRECTOR OF OPERATIONAL TEST AND EVALUATION ACCESS.—If a capability is deployed under the procedures prescribed pursuant to this section, or under any other authority, before operational test and evaluation of the capability is completed, the Director of Operational Test and Evaluation shall have access to operational records and data relevant to such capability in accordance with section 139(e)(3) of this title for the purpose of completing operational test and evaluation of the capability. Such access shall be provided in a time and manner determined by the Secretary of Defense consistent with requirements of operational security and other relevant operational requirements.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle A, and at the beginning of part V of subtitle A, of title 10, United States Code, are each amended by striking the item relating to chapter 253 and inserting the following:

“253. Rapid Acquisition Procedures ......................................................... 3601”.
(c) CONFORMING REPEALS.—The following provisions of law are repealed:


SEC. 805. ACQUISITION REPORTING SYSTEM.

(a) IN GENERAL.—The Secretary of Defense shall institute a defense acquisition reporting system to replace the requirements of section 4351 of title 10, United States Code, as soon as practicable but not later than June 30, 2023.

(b) ELEMENTS.—The reporting system required under subsection (a) may include such elements as determined by the Secretary to support the acquisition information reporting needs of the Department, and at a minimum shall—

(1) continue to produce the information necessary to carry out the actions specified in chapter 325 of title 10, United States Code;

(2) continue to produce the information necessary to carry out the actions specified in sections
4217 and 4311 of the Atomic Energy Defense Act
(50 U.S.C. 2537, 2577);

(3) incorporate the findings of section 805 of
the National Defense Authorization Act for Fiscal
Year 2022 (Public Law 117–81); and

(4) provide the congressional defense commit-
tees and other designated Government entities with
access to updated acquisition reporting on a not less
than quarterly basis.

SEC. 806. MODIFICATION OF REPORTING REQUIREMENT IN
CONNECTION WITH REQUESTS FOR
MULTIYEAR PROCUREMENT AUTHORITY FOR
LARGE DEFENSE ACQUISITIONS.

Section 3501(i)(2) of title 10, United States Code,
is amended—

(1) by striking “shall include in the request the
following:” and all that follows through “(A) A re-
port” and inserting “shall include in the request a
report”; and

(2) by striking subparagraph (B).
SEC. 807. MODIFICATION OF LIMITATION ON CANCELLATION OF DESIGNATION OF EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

Section 226 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1335) is amended—

(1) in subsection (a), by striking “The Secretary” and inserting “Except as provided for under subsection (e), the Secretary”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

“(e) DESIGNATION OF OTHER EXECUTIVE AGENTS.—The Secretary of Defense may designate other Executive Agents within the Department to implement Defense Production Act transactions entered into under the authority of sections 4002, 4003 and 4004 of title 10, United States Code.”.

SEC. 808. COMPTROLLER GENERAL ASSESSMENT OF ACQUISITION PROGRAMS AND RELATED EFFORTS.

(a) IN GENERAL.—Section 3072 of title 10, United States Code, is amended—
(1) in the section heading, by striking “initiatives” and inserting “efforts”;

(2) by striking “initiatives” each place it appears and inserting “efforts”;

(3) in subsection (a), by striking “through 2023” and inserting “through 2026”; and

(4) in subsection (c), in the subsection heading, by striking “INITIATIVES” and inserting “EFFORTS”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 203 of title 10, United States Code, is amended in the item relating to section 3072 by striking “initiatives” and inserting “efforts”.

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

SEC. 821. TREATMENT OF CERTAIN CLAUSES IMPLEMENTING EXECUTIVE ORDER MANDATES.

(a) In General.—Section 3862 of title 10, United States Code, is amended—

(1) in the section heading, by striking “: certification”;

(2) by redesignating subsection (c) as subsection (d);
(3) by inserting after subsection (b) the following new subsection:

“(c) TREATMENT OF CERTAIN CLAUSES IMPLEMENTING EXECUTIVE ORDER MANDATES.—(1) The insertion of a covered clause into an existing Department of Defense contract, order, or other transaction shall be treated as a change directed by the contracting officer pursuant to, and subject to, the Changes clause of the underlying contractual instrument.

“(2) In this subsection, the term ‘covered clause’ means any clause implementing the requirements of an Executive order issued by the President.”; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in the subsection heading, by striking “DEFINITION” and inserting “DEFINITIONS”;

(B) by striking “section, the term” and inserting the following: “section:

“(1) The term”; and

(C) by adding at the end the following new paragraph:

“(2) The term ‘Changes clause’ means the clause described in part 52.243–4 of the Federal Acquisition Regulation or any successor regulation.”.
(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 281 of title 10, United States Code, is amended by striking the item relating to section 3862 and inserting the following:

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(3) by adding at the end the following new paragraph:

“(2) For subsystems proposed as commercial as defined in section 103(1) of title 41 and that have not been previously determined commercial in accordance with section 3703(d) of this title, the offeror shall be required to identify the comparable commercial product that is customarily used by the general public or non-governmental entities that serves as the basis for the 'of a type' assertion. The offeror shall submit a comparison of the essential physical characteristics and functionality between the proposed 'of a type' product and the comparable commercial product in support of the 'of a type' assertion. The offeror shall also provide the National Stock Numbers for both the comparable commercial product used by the general public, if one is assigned, and the product proposed to meet the Government's requirement, if one is assigned.’’

(b) Amendments Relating to Components and Spare Parts.—Section 3455(c) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):
“(2) For components or spare parts proposed as commercial as defined in section 103(1) of title 41 and that have not previously been determined commercial in accordance with section 3703(d) of this title, the offeror shall be required to identify the comparable commercial product that is customarily used by the general public or non-governmental entities that serves as the basis for the ‘of a type’ assertion. The offeror shall submit a comparison of the essential physical characteristics and functionality between the proposed ‘of a type’ product and the comparable commercial product in support of the ‘of a type’ assertion. The offeror shall also provide the National Stock Numbers for both the comparable commercial product used by the general public, if one is assigned, and the product proposed to meet the Government’s requirement, if one is assigned.”; and

(3) in paragraph (3), as so redesignated—

(A) by striking “only”; and

(B) by striking “on which the prime contractor adds no, or negligible, value”.

(c) **Amendments Relating to Information Submitted.**—Section 3455(d) of such title is amended—

(1) in the subsection heading, by inserting after “Submitted” the following: “for procurements
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THAT ARE NOT COVERED BY THE EXCEPTIONS IN

SECTION 3703(a)(1) OF THIS TITLE’’;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph

(A), by striking “the contracting officer shall

require the offeror to submit—” and inserting

“the offeror shall be required, on an unredacted

basis, to submit to the contracting officer or

provide access to—”;

(B) in subparagraph (A)—

(i) by inserting “all” before “prices

paid”; and

(ii) by inserting “, and the terms and

conditions,” after “terms and conditions”; 

(C) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and

(iv); and

(ii) by striking “information on—”

and all that follows through “terms and

conditions;” and inserting “information on

all prices for the same or similar items sold

under different terms and conditions, and

the terms and conditions; and”; and

(D) in subparagraph (C), by inserting

after “reasonableness of price” the following:
“because either the comparable products provided by the offeror are not a valid basis for a price analysis or the contracting officer determines the proposed price is not reasonable after evaluating sales data”; and

(3) by adding at the end the following new paragraph:

“(4) A request for cost data under paragraph (1)(C) must be approved at a level above the contracting officer.”.

SEC. 823. TASK AND DELIVERY ORDER CONTRACTING FOR ARCHITECTURAL AND ENGINEERING SERVICES.

Section 3406 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) ARCHITECTURAL AND ENGINEERING SERVICES.—(1) Task or delivery orders for architectural and engineering services issued under section 3403 or 3405 of this title shall be qualification-based selections executed in accordance with chapter 11 of title 40.

“(2) When issuing a task or delivery orders for architectural and engineering services under a multiple award contract, the head of an agency shall not routinely request additional information from contractors, but may request
additional information or conduct discussions with con-
tractors when available information is insufficient, in
order to determine the most highly qualified contractor to
perform the work in accordance with chapter 11 of title
40.”.

SEC. 824. EXTENSION OF PILOT PROGRAM FOR DISTRIBUTION SUPPORT AND SERVICES FOR WEAPONS SYSTEMS CONTRACTORS.

Section 883 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
4292 note prec.) is amended—

(1) in subsection (a), by striking “six-year pilot program” and inserting “seven-year pilot program”; and

(2) in subsection (g), by striking “six years” and inserting “seven years”.

SEC. 825. PILOT PROGRAM TO ACCELERATE CONTRACTING AND PRICING PROCESSES.

Section 890(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law
115–232; 10 U.S.C. 2306a note) is amended by striking “January 2, 2023” and inserting “January 2, 2024”.

SEC. 826. EXTENSION OF NEVER CONTRACT WITH THE ENEMY.


SEC. 827. PROGRESS PAYMENT INCENTIVE PILOT.

(a) Pilot Program.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish and implement a pilot program, to be known as the “Progress Payment Incentive Pilot Program”, to make accelerated progress payments contingent upon responsiveness to Department of Defense goals for effectiveness, efficiency, and increasing small business contract opportunities.

(b) Purpose.—The purpose of the pilot program is to reward Department of Defense contractors who meet contract delivery dates, respond to Department solicitations for required certified cost or pricing data, meet small business contracting goals, and provide subcontracting opportunities for AbilityOne contracts.

(c) Progress Payments.—

(1) Limitations for Large Contractors.—Except as provided under paragraph (2), under the pilot program, the Department of Defense may not
award to large business contractors progress payments in excess of 50 percent.

(2) EXCEPTIONS.—The Department of Defense may increase the rate of progress payments, up to a total of 95 percent, by the following percentages:

(A) 10 percent if the relevant division of the contractor met contract delivery dates for contract end items and contract data requirement lists or performance milestone schedule, as the case may be, at least 95 percent of the time during the preceding Government fiscal year.

(B) 10 percent if the division does not have open level III or IV corrective action requests.

(C) 10 percent if all applicable contractor business systems are acceptable, without significant deficiencies.

(D) 7.5 percent if at least 95 percent of the time during the preceding Government fiscal year, when responding to solicitations that required submission of certified cost or pricing data, the division met the due date in the request for proposal.
(E) 5 percent if the contractor has met its
small business subcontracting goals during the
preceding Government fiscal year.

(F) 2.5 percent if the contractor has pro-
vided subcontracting opportunities for the blind
and severely disabled.

(d) Sunset.—The authority to make accelerated
payments under the pilot program shall terminate on the
date that is four years after the date of the enactment
of the National Defense Authorization Act for Fiscal Year
2023.

(e) Definitions.—In this section:

(1) Large Defense Contractor.—The term
“large defense contractor” means a contractor
(other than an institution of higher education or a
federally funded research and development center)
that received more than $10,000,000 in annual rev-
ue from the Department of Defense contracts or
licenses in any of the previous three years.

(2) Progress Payments.—The term
“progress payments” means payments provided for
under section 3804 of title 10, United States Code.
SEC. 828. REPORT ON DEPARTMENT OF DEFENSE STRATEGIC CAPABILITIES OFFICE CONTRACTING

CAPABILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2023, the Secretary of Defense, in coordination with the
Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Director of the Strategic Capabilities Office (SCO), shall submit to the congressional defense committees a report on the adequacy of
SCO contracting authorities.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) a summary of the existing authorities of the
SCO, including the mechanisms for contracting in
support of existing programs;

(2) an assessment of the average amount of
time needed to conduct contracting actions through
current mechanisms described in paragraph (1);

(3) an assessment of the pros and cons of the
current contracting processes for SCO in relation to
their ability to rapidly develop and deploy technology
in support of Department of Defense operational units;

(4) an assessment of the type or types of con-
tracting authority that would be most beneficial to
the SCO in carrying out its mission in order to
achieve desired speed and scale for the organization,
including any limits or oversight measures that
should be put into place;

(5) an assessment of structural changes that
may be needed in order to accommodate the pre-
ferred contracting approach for SCO; and

(6) the Secretary of Defense’s recommendations
for future authorities for the SCO.

Subtitle C—Industrial Base
Matters

SEC. 841. ANALYSES OF CERTAIN ACTIVITIES FOR ACTION
TO ADDRESS SOURCING AND INDUSTRIAL CAPACITY.

(a) Analysis Required.—

(1) In general.—The Secretary of Defense,
acting through the Under Secretary of Defense for
Acquisition and Sustainment and other appropriate
officials, shall review the items under subsection (c)
to determine and develop appropriate actions, con-
sistent with the policies, programs, and activities re-

quired under subpart I of part V of subtitle A of
title 10, United States Code, chapter 83 of title 41,
United States Code, and the Defense Production Act
of 1950 (50 U.S.C. 4501 et seq.), including—
(A) restricting procurement, with appropriate waivers for cost, emergency requirements, and non-availability of suppliers, including restricting procurement to—

   (i) suppliers in the United States;

   (ii) suppliers in the national technology and industrial base (as defined in section 4801 of title 10, United States Code);

   (iii) suppliers in other allied nations;

   or

   (iv) other suppliers;

(B) increasing investment through use of research and development or procurement activities and acquisition authorities to—

   (i) expand production capacity;

   (ii) diversify sources of supply; or

   (iii) promote alternative approaches for addressing military requirements;

(C) prohibiting procurement from selected sources or nations;

(D) taking a combination of actions described under subparagraphs (A), (B), and (C); or

(E) taking no action.
(2) CONSIDERATIONS.—The analyses conducted pursuant to paragraph (1) shall consider national security, economic, and treaty implications, as well as impacts on current and potential suppliers of goods and services.

(b) REPORTING ON ANALYSES, RECOMMENDATIONS, AND ACTIONS.—

(1) INTERIM BRIEF.—Not later than January 15, 2024, the Secretary of Defense shall submit to the congressional defense committees—

(A) a summary of the findings of the analyses undertaken for each item pursuant to subsection (a);

(B) relevant recommendations resulting from the analyses; and

(C) descriptions of specific activities undertaken as a result of the analyses, including schedule and resources allocated for any planned actions.

(2) REPORTING.—The Secretary of Defense shall include the analyses conducted under subsection (a), and any relevant recommendations and descriptions of activities resulting from such analyses, as appropriate, in each of the following submitted during the 2024 calendar year:
(A) The annual or quarterly reports to Congress required under section 4814 of title 10, United States Code.

(B) The annual report on unfunded priorities of the national technology and industrial base required under section 4815 of such title.

(C) Department of Defense technology and industrial base policy guidance prescribed under section 4811(c) of such title.

(D) Activities to modernize acquisition processes to ensure the integrity of the industrial base pursuant to section 4819 of such title.

(E) Defense memoranda of understanding and related agreements considered in accordance with section 4851 of such title.

(F) Industrial base or acquisition policy changes.

(G) Legislative proposals for changes to relevant statutes which the Department shall consider, develop, and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not less frequently than once per fiscal year.
(H) Other actions as the Secretary of Defense determines appropriate.

(c) List of Goods and Services for Analyses, Recommendations, and Actions.—The items described in this subsection are the following:

(1) Solar components for satellites.

(2) Satellite ground station service contracts.

SEC. 842. MODIFICATION TO MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

Section 4864 of title 10, United States Code, is amended by inserting after subsection (j) the following new subsection:

“(k) Periodic Review Requirement.—

“(1) Required determination.—Not later than November 1, 2024, and every five years thereafter, the Under Secretary of Defense for Acquisition and Sustainment shall review each item described in subsections (a) and (e) of this section and make and submit to the congressional defense committees a written determination with one of the following recommendations:

“(A) Recommend continued inclusion of the item under this section.
“(B) Recommend continued inclusion of the item under this section with modifications.

“(C) Recommend discontinuing inclusion of the item under this section.

“(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements for the most recent five-year period:

“(A) The criticality of the item to a military unit’s mission accomplishment or other national security objectives.

“(B) The extent to which such item is fielded in current programs of record.

“(C) The number of such items to be procured by current programs of record.

“(D) The extent to which cost and pricing data for such item has been deemed fair and reasonable.

“(3) JUSTIFICATION.—The determination required under paragraph (1) shall also include the findings of the review conducted under such paragraph and other key justifications for the determination.”
SEC. 843. DEMONSTRATION EXERCISE OF ENHANCED PLANNING FOR INDUSTRIAL MOBILIZATION AND SUPPLY CHAIN MANAGEMENT.

(a) Demonstration Exercise Required.—Not later than December 31, 2024, the Secretary of Defense shall conduct a demonstration exercise of industrial mobilization and supply chain management planning capabilities in support of an operational or contingency plan use case, as selected in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition and Sustainment. The demonstration exercise shall identify a current program that is both fielded and still in production from each military service, Defense Agency, and Department of Defense Field Activity in order to model a notional plan for mobilization or supply chain management, as associated with the selected operational or contingency plan.

(b) Elements.—The demonstration exercise required under subsection (a) shall include the following elements:

(1) The exercise of processes and authorities that support the Department for industrial mobilization in support of declared hostilities or other contingency operations.

(2) The identification of process improvements or gaps in resources, capabilities, or authorities that
require remediation, including those related to gov-
ernment or contractor production facilities, tooling,
or workforce development.

(3) The implementation of analytical tools and
processes to monitor and assess the health of the in-
dustrial base and use near real-time data and visual-
ization capabilities in making production and dis-
tribution decisions, with an emphasis on identifying,
assessing, and demonstrating commercially available
tools.

(4) The establishment and tracking of goals
and metrics to support institutionalization of defense
industrial base health assessment and planning.

(e) BRIEFING REQUIRED.—Not later than November
1, 2023, the Secretary shall provide to the congressional
defense committees an interim briefing on the demonstra-
tion exercise required under subsection (a), including—

(1) an identification of the programs and use
cases to be demonstrated;

(2) a description of methodology for executing
the demonstration exercise, including analytical tools
or metrics identified to support the process; and

(3) any preliminary findings.

(d) ASSESSMENT.—Not later than March 1, 2025,
the Secretary shall submit to the congressional defense
committees a final assessment report of the demonstration exercise, including a description of—

(1) the use cases considered in this demonstration exercise;

(2) the elements required under subsection (b);

(3) outcomes and conclusions;

(4) lessons learned; and

(5) any recommendations for legislative action that may be required as a result.

(e) Definitions.—In this section, the terms “military department”, “Defense Agency”, and Defense Field Activity” have the meanings given those terms in section 101 of title 10, United States Code.

SEC. 844. PROCUREMENT REQUIREMENTS RELATING TO RARE EARTH ELEMENTS AND STRATEGIC AND CRITICAL MATERIALS.

(a) Disclosures Concerning Rare Earth Elements and Strategic and Critical Materials by Contractors of Department of Defense.—

(1) Requirement.—Beginning on the date that is 30 months after the date of the enactment of this Act, the Secretary of Defense shall require that any contractor that provides to the Department of Defense a system with a permanent magnet that contains rare earth elements or strategic and critical
materials disclose, along with delivery of the system, the provenance of the magnet.

(2) ELEMENTS.—A disclosure under paragraph (1) shall include an identification of the country or countries in which—

(A) any rare earth elements and strategic and critical materials used in the magnet were mined;

(B) such elements and minerals were refined into oxides;

(C) such elements and minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized.

(3) IMPLEMENTATION OF SUPPLY CHAIN TRACKING SYSTEM.—If a contractor cannot make the disclosure required by paragraph (1) with respect to a system described in that paragraph, the Secretary shall require the contractor to establish and implement a supply chain tracking system in order to make the disclosure not later than 180 days after providing the system to the Department of Defense.

(4) WAIVERS.—
(A) In general.—The Secretary may waive a requirement under paragraph (1) or (3) with respect to a system described in paragraph (1) for a period of not more than 180 days if the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that—

(i) the continued procurement of the system is necessary to meet the demands of a national emergency declared under section 201 of the National Emergencies Act (50 U.S.C. 1621); or

(ii) the contractor cannot currently make the disclosure required by paragraph (1) but is making significant efforts to comply with the requirements of that paragraph.

(B) Waiver renewals.—The Secretary—

(i) may renew a waiver under subparagraph (A)(i) as many times as the Secretary considers appropriate; and

(ii) may not renew a waiver under subparagraph (A)(ii) more than twice.

(5) Briefing required.—Not later than 30 days after the submission of each report required by
subsection (c)(3), the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

(A) a summary of the disclosures made under this subsection;

(B) an assessment of the extent of reliance by the United States on foreign countries, and especially countries that are not allies of the United States, for rare earth elements and strategic and critical materials;

(C) a determination with respect to which systems described in paragraph (1) are of the greatest concern for interruptions of supply chains with respect to rare earth elements and strategic and critical materials; and

(D) any suggestions for legislation or funding that would mitigate security gaps in such supply chains.

(1) in the section heading, by striking “COM-
MUNIST CHINESE MILITARY COMPANIES” and
inserting “CHINESE MILITARY COMPANIES”;

(2) in subsection (a), by inserting after “mili-
tary company” the following: “, any Chinese military
company, or any Non-SDN Chinese military-indus-
trial complex company”;

(3) by amending subsection (b) to read as fol-
loss:

“(b) GOODS AND SERVICES COVERED.—

“(1) IN GENERAL.—For purposes of subsection
(a), and except as provided in paragraph (2), the
goods and services described in this subsection are
goods and services—

“(A) on the munitions list of the Inter-
national Traffic in Arms Regulations; or

“(B) on the Commerce Control List that—

“(i) are classified in the 600 series; or

“(ii) contain strategic and critical ma-
terials, rare earth elements, or energetic
materials used to manufacture missiles or
munitions.

“(2) EXCEPTIONS.—Goods and services de-
scribed in this subsection do not include goods or
services procured—
“(A) in connection with a visit by a vessel or an aircraft of the United States Armed Forces to the People’s Republic of China;
“(B) for testing purposes; or
“(C) for purposes of gathering intelligence.”; and

(4) in subsection (e)—
(A) by striking paragraph (3);
(B) by redesignating paragraphs (1) and (2) as paragraphs (3) and (5), respectively;
(C) by inserting before paragraph (3), as redesignated by subparagraph (B), the following:
“(2) The term ‘Commerce Control List’ means the list maintained by the Bureau of Industry and Security and set forth in Supplement No. 1 to part 774 of the Export Administration Regulations.”;
(D) by inserting after paragraph (3), as so redesignated, the following:
“(4) The term ‘Export Administration Regulations’ has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).”; and

(E) by adding at the end the following:

“(6) The term ‘Non-SDN Chinese military-industrial complex company’ means any entity on the Non-SDN Chinese Military-Industrial Complex Companies List—

“(A) established pursuant to Executive Order 13959 (50 U.S.C. 1701 note; relating to addressing the threat from securities investments that finance Communist Chinese military companies), as amended before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023; and

“(B) maintained by the Office of Foreign Assets Control of the Department of the Treasury.

“(7) The term ‘strategic and critical materials’ means materials designated as strategic and critical under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(a)).”.

(c) Review of Compliance With Contracting Requirements.—
(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and periodically thereafter until the termination date specified in paragraph (5), the Comptroller General of the United States shall assess the extent of the efforts of the Department of Defense to comply with the requirements of—

(A) subsection (a);

(B) section 1211 of the National Defense Authorization Act for Fiscal Year 2006, as amended by subsection (b); and

(C) section 4872 of title 10, United States Code.

(2) BRIEFING REQUIRED.—The Comptroller General shall periodically, until the termination date specified in paragraph (5), provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the assessments conducted under paragraph (1) that includes an assessment of—

(A) the inclusion by the Department of Defense of necessary contracting clauses in relevant contracts to meet the requirements described in subparagraphs (A), (B), and (C) of paragraph (1); and
(B) the efforts of the Department of Defense to assess the compliance of contractors with such clauses.

(3) REPORT REQUIRED.—The Comptroller General shall, not less frequently than every 2 years until the termination date specified in paragraph (5), submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the assessments conducted under paragraph (1) that includes an assessment of—

(A) the inclusion by the Department of Defense of necessary contracting clauses in relevant contracts to meet the requirements described in subparagraphs (A), (B), and (C) of paragraph (1); and

(B) the efforts of the Department of Defense to assess the compliance of contractors with such clauses.

(4) REFERRAL.—If, in conducting an assessment under paragraph (1), the Comptroller General determines that a contractor has failed to comply with any of the requirements described in subparagraphs (A), (B), and (C) of paragraph (1), the Comptroller General shall refer the matter to the
Department of Justice, relevant Inspectors General, or other enforcement agencies, as appropriate, for further examination and possible enforcement actions.

(5) TERMINATION.—The requirements of this subsection shall terminate on the date that is 10 years after the date of the enactment of this Act.

(d) STRATEGIC AND CRITICAL MATERIALS DEFINED.—In this section, the term “strategic and critical materials” means materials designated as strategic and critical under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(a)).

SEC. 845. MODIFICATION TO THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

Section 4801(1) of title 10, United States Code, is amended by inserting “New Zealand,” after “Australia,”.

SEC. 846. MODIFICATION OF PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.

Section 848(d)(1) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 4871 note; Public Law 116–92) is amended by striking “means the People’s Republic of China.” and inserting “means any of the following:

“(A) The People’s Republic of China.”
“(B) The Russian Federation.

“(C) The Islamic Republic of Iran.

“(D) The Democratic People’s Republic of Korea.”

SEC. 847. ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.

(a) BRIEFING ON FULFILLMENT OF MUNITIONS REQUIREMENTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall deliver a briefing to the congressional defense committees regarding the current process for fulfilling the requirements of section 222c of title 10, United States Code, in a timely fashion with standardization across the Department of Defense.

(b) ANNUAL REPORT ON INDUSTRIAL BASE CONSTRAINTS FOR MUNITIONS.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222e the following new section:

“§ 222d. Annual report on industrial base constraints for munitions

“(a) IN GENERAL.—Not later than 30 days after the submission of all reports required under section 222e(a) of this title, the Under Secretary of Defense for Acquisi-
tion and Sustainment, in coordination with the Service Ac-
quision Executive for each military service, shall submit
to the congressional defense committees a report setting
forth in detail the industrial base constraints for each mu-
nition identified in the Out-Year Unconstrained Total Mu-
nitions Requirement.

“(b) ELEMENTS.—The report required under sub-
section (a) shall include the following elements, by munici-

“(1) Programmed purchase quantities per year.

“(2) Average procurement unit cost per year.

“(3) Contract type.

“(4) Current minimum sustaining rate of pro-
duction per month and year.

“(5) Current maximum rate of production per
month and year.

“(6) Expected date to meet the total require-
ment in section 222e of this title under the current
programmed purchase profile.

“(7) A description of industrial base constraints
on increased production.

“(8) A description of investments or policy
changes made by the contractor to increase produc-
tion, enable more efficient production, or mitigate
significant loss of stability in potential production.
“(9) A description of investments or policy changes made by the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

“(10) A description of potential investments or policy changes identified by the contractor or the United States Government to increase production, enable more efficient production, or mitigate significant loss of stability in potential production.

“(11) A list of contracts for munitions with DX or DO ratings under the Defense Priorities and Allocations System.

“(12) A prioritized list of munitions or capabilities judged to have high value for export for which additional work would be necessary to enable export, including a description of required investments to enhance exportability.

“(c) WORKING DEFINITION OF MUNITION.—The Under Secretary may define munition for the purposes of this section given the multiple subtypes of munitions.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 10, United States Code, is amended by inserting after
the item relating to section 222c the following new item:

“222d. 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.

(a) In General.—Section 4061 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “fielding of technologies developed pursuant to phase II Small Business Innovation Research Program projects, phase II Small Business Technology Transfer Program projects” and inserting “fielding of technologies developed pursuant to other programs within the Department of Defense or the Federal Government to mature fundamental or applied technology”;

(2) in subsection (b)—

(A) by striking the first sentence and inserting the following: “The Secretary shall direct the Director of the Office of Small Business Programs to issue guidelines for the operation of the program in coordination with the Under Secretary of Defense for Research and Engineering.”;
(B) by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively;

(C) in paragraph (1), by adding at the end the following: “This may include candidate proposals that have been previously selected through other agency competitive procedures.”;

(D) in paragraph (2), by adding at the end the following: “Projects that have been selected through this competitive process are eligible to receive sole-source awards subsequently for production or integration into a system of record.”;

(E) in paragraph (3), as redesignated by subparagraph (B), by striking “No project shall receive more than a total of two years of funding under the program” and inserting “Projects may be funded to develop an initial concept (Phase I), mature a technology (Phase II), or integrate the technology in a system of record or operational environment (Phase III). No project shall receive more than a total of one year of funding under the program for Phase I, four years for Phase II, or three years for Phase III”;}
(F) in paragraph (6), as so redesignated, by inserting “and universities that make proposals with significant small business participation” after “small business concerns”; and

(G) by adding at the end the following new paragraph:

“(7) A requirement that no agreement may be entered into unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.”;

(3) in subsection (c), by inserting “congressional” before “earmark”; 

(4) by amending subsection (d) to read as follows:

“(d) FUNDING.—(1) Not less than 3.2 percent of the extramural budget for research, development, test, and evaluation of the Department of Defense in excess of $100,000,000 shall be used to field technologies under the program.

“(2) Up to 0.5 percent of the amount required under paragraph (1) may be used to cover administrative costs associated with the program.”; and
(5) by adding at the end the following new subsection:

“(f) GOAL FOR TECHNOLOGY INSERTION.—The Director of the Office of Small Business Programs shall—

“(1) set a goal to increase the number of contracts awarded by the Secretary that lead to technology transition into programs of record or fielded systems;

“(2) use incentives in effect on December 31, 2021, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under paragraph (1); and

“(3) submit to the congressional defense committees—

“(A) the number and percentage of contracts awarded by the Secretary that led to technology transition into programs of record or fielded systems;

“(B) information on the status of each project that received funding the program and efforts to transition those projects into programs of record or fielded systems; and

“(C) a description of each incentive that has been used by the Secretary under paragraph (2) and the effectiveness of that incentive
with respect to meeting the goal under paragraph (1).”.

(b) Public-private Partnership Technology Investment Pilot Program.—

(1) In general.—Chapter 303 of title 10, United States Code, is amended by inserting after section 4062 the following new section:

“§ 4063. Public-private partnership technology investment pilot program

“(a) Establishment.—(1) Subject to the availability of appropriations for this purpose, the Secretary of Defense shall, acting through the Under Secretary of Defense for Research and Engineering and in coordination with the Under Secretary of Defense for Acquisition and Sustainment, carry out a pilot program, for no less than five years, to accelerate the development of advanced technology for national security by creating incentives for trusted private capital to invest in domestic small businesses or nontraditional businesses that are developing technology that the Secretary considers necessary to support the modernization of the Department of Defense and national security priorities.

“(2) The purposes of the program required by paragraph (1) are as follows:
“(A) To promote the global superiority of the United States in advanced technologies of importance to national security, which are not adequately supported by private sector investment.

“(B) To accelerate the transition and deployment of advanced technologies into the Armed Forces.

“(C) To inform Department investment through coordinating planning consideration, technology roadmaps, and other analysis, as appropriate.

“(b) Public-Private Partnership.—(1) In carrying out subsection (a), the Secretary shall enter into a public-private partnership with one or more for-profit persons using criteria that the Secretary shall establish for purposes of this subsection.

“(2) The criteria established under paragraph (1) for entering into a public-private partnership with a person shall include the following:

“(A) The person shall be independent.

“(B) The person shall be free from foreign oversight, control, influence, or beneficial ownership.

“(C) The person shall have commercial private capital fund experience with technology development in the defense and commercial sectors.
“(D) The person shall be eligible for access to classified information (as defined in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a))).

“(3) The Secretary and a person with whom the Secretary enters a partnership under paragraph (1) shall enter into an operating agreement that sets forth the roles, responsibilities, authorities, reporting requirements, and governance framework for the partnership and its operations.

“(c) INVESTMENT AND RAISING OF CAPITAL.—

(1)(A) Pursuant to a public-private partnership entered into under subsection (b), a person with whom the Secretary has entered the partnership shall invest equity in domestic small businesses or nontraditional businesses consistent with subsection (a).

“(B) Investments under subparagraph (A) shall be selected based on their technical merit, economic considerations, and ability to support modernization goals of the Department.

“(2) Pursuant to a public-private partnership entered into under subsection (b), a person described in paragraph (1)(A) shall, in order to support investment of equity under paragraph (1), raise private capital only from trusted capital sources.
“(3) A person described in subparagraph (A) shall have sole authority to raise funds for, operate, manage, and invest capital raised under such subparagraph.

“(d) Briefings.—(1) Not later than one year after the date of the enactment of this section, the Secretary shall provide to the congressional defense committees—

“(A) a briefing on the implementation of this section; and

“(B) a report on the feasibility of implementing loan guarantees as an aspect to enhance the effectiveness of this program, including—

“(i) a detailed description of how loan guarantees would be vetted, approved, and managed, including mechanisms to protect the government’s interests; and

“(ii) how such loan guarantees would be coordinated with other government invest mechanisms or other private sector financing.

“(2) Not later than five years after the date of the enactment of this section, the Secretary shall provide the congressional defense committees a briefing on the outcomes of the pilot program and the feasibility and advisability of making it permanent.

“(e) Definitions.—In this section:
“(1) The term ‘domestic business’ has the meaning given the term ‘U.S. business’ in section 800.252 of title 31, Code of Federal Regulations, or successor regulation.

“(2) The term ‘domestic small businesses or nontraditional businesses’ means—

“(A) a small businesses that is a domestic business; or

“(B) a nontraditional business that is a domestic business.

“(3) The term ‘free from foreign oversight, control, influence, or beneficial ownership’, with respect to a person, means a person who has not raised and managed capital from a person or entity that is not trusted and is otherwise free from foreign oversight, control, influence, or beneficial ownership.

“(4) The term ‘independent’, with respect to a person, means a person who lacks a conflict of interest accomplished by not having entity or manager affiliation or ownership with an existing fund.

“(5) The term ‘nontraditional business’ has the meaning given the term ‘nontraditional defense contractors’ in section 3014 of this title.
“(6) The term ‘small business’ has the meaning
given the term ‘small business concern’ in section 3
of the Small Business Act (15 U.S.C. 632).”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of such chapter is amended
by inserting after the item relating to section 4062
the following new item:

“4063. Public-private partnership technology investment program.”.

SEC. 862. PERMANENT EXTENSION AND MODIFICATION OF
MENTOR-PROTEGE PROGRAM.

(a) PERMANENT EXTENSION AND MODIFICATION.—
Chapter 387 of title 10, United States Code, is amended
by adding at the end the following new section:

§ 4902. Mentor-Protege Program

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary
of Defense shall establish a program to be known as the
‘Mentor-Protege Program’.

“(b) PURPOSE.—The purpose of the program is to
provide incentives for major Department of Defense con-
tractors to furnish disadvantaged small business concerns
with assistance designed to—

“(1) enhance the capabilities of disadvantaged
small business concerns to perform as subcontra-
tors and suppliers under Department of Defense
contracts and other contracts and subcontracts; and
“(2) increase the participation of such business concerns as subcontractors and suppliers under Department of Defense contracts, other Federal Government contracts, and commercial contracts.

“(c) PROGRAM PARTICIPANTS.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to disadvantaged small business concerns upon making application to the Secretary of Defense and being approved for participation in the program by the Secretary. A business concern participating in the program pursuant to such an approval shall be known, for the purposes of the program, as a ‘mentor firm’.

“(2) A disadvantaged small business concern eligible for the award of Federal contracts may obtain assistance from a mentor firm upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern may not be a party to more than one agreement concurrently, and the authority to enter into agreements under subsection (e) shall only be available to such concern during the 5-year period beginning on the date such concern enters into the first such agreement. A disadvantaged small business concern receiving such assistance shall be known, for the purposes of the program, as a ‘protege firm’.
“(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If at any time the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the program.

“(d) MENTOR FIRM ELIGIBILITY.—(1) Subject to subsection (c)(1), a mentor firm may enter into an agreement with one or more protege firms under subsection (e) and provide assistance under the program pursuant to that agreement if the mentor firm—

“(A) is eligible for award of Federal contracts; and

“(B) demonstrates that it—

“(i) is qualified to provide assistance that will contribute to the purpose of the program;
“(ii) is of good financial health and character and does not appear on a Federal list of debarred or suspended contractors; and

“(iii) can impart value to a protege firm because of experience gained as a Department of Defense contractor or through knowledge of general business operations and government contracting, as demonstrated by evidence that—

“(I) during the fiscal year preceding the fiscal year in which the mentor firm enters into the agreement, the total amount of the Department of Defense contracts awarded such mentor firm and the subcontracts awarded such mentor firm under Department of Defense contracts was equal to or greater than $100,000,000; or

“(II) the mentor firm demonstrates the capability to assist in the development of protege firms, and is approved by the Secretary of Defense pursuant to criteria specified in the regulations prescribed pursuant to subsection (j).
“(2) A mentor firm may not enter into an agreement with a protege firm if the Administrator of the Small Business Administration has made a determination finding affiliation between the mentor firm and the protege firm.

“(3) If the Administrator of the Small Business Administration has not made such a determination and if the Secretary has reason to believe (based on the regulations promulgated by the Administrator regarding affiliation) that the mentor firm is affiliated with the protege firm, the Secretary shall request a determination regarding affiliation from the Administrator of the Small Business Administration.

“(e) MENTOR-PROTEGE AGREEMENT.—Before providing assistance to a protege firm under the program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be provided by the mentor firm. The agreement shall include the following:

“(1) A developmental program for the protege firm, in such detail as may be reasonable, including—

“(A) factors to assess the protege firm’s developmental progress under the program;
“(B) a description of the quantitative and qualitative benefits to the Department of Defense from the agreement, if applicable;

“(C) goals for additional awards that the protege firm can compete for outside the Mentor-Protege Program; and

“(D) the assistance the mentor firm will provide to the protege firm in understanding contract regulations of the Federal Government and the Department of Defense (including the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement) after award of a subcontract under this section, if applicable.

“(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.

“(3) Procedures for the protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

“(f) FORMS OF ASSISTANCE.—A mentor firm may provide a protege firm the following:
“(1) Assistance, by using mentor firm personnel, in—

“(A) general business management, including organizational management, financial management, and personnel management, marketing, and overall business planning;

“(B) engineering and technical matters such as production, inventory control, and quality assurance; and

“(C) any other assistance designed to develop the capabilities of the protege firm under the developmental program referred to in subsection (e).

“(2) Award of subcontracts on a noncompetitive basis to the protege firm under the Department of Defense or other contracts.

“(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

“(4) Advance payments under such subcontracts.

“(5) Loans.
“(6) Assistance obtained by the mentor firm for
the protege firm from one or more of the following—
“(A) small business development centers
established pursuant to section 21 of the Small
Business Act (15 U.S.C. 648);
“(B) entities providing procurement tech-
nical assistance pursuant to this chapter;
“(C) a historically Black college or univer-
sity or a minority institution of higher edu-
cation; or
“(D) women’s business centers described
in section 29 of the Small Business Act (15
“(g) INCENTIVES FOR MENTOR FIRMS.—(1) The
Secretary of Defense may provide to a mentor firm reim-
bursement for the total amount of any progress payment
or advance payment made under the program by the men-
tor firm to a protege firm in connection with a Depart-
ment of Defense contract awarded the mentor firm.
“(2)(A) The Secretary of Defense may provide to a
mentor firm reimbursement for the costs of the assistance
furnished to a protege firm pursuant to paragraphs (1)
and (6) of subsection (f) (except as provided in subpara-
graph (D)) as provided for in a line item in a Department
of Defense contract under which the mentor firm is fur-
nishing products or services to the Department, subject
to a maximum amount of reimbursement specified in such
contract, except that this sentence does not apply in a case
in which the Secretary of Defense determines in writing
that unusual circumstances justify reimbursement using
a separate contract.

“(B) The determinations made in annual perform-
ance reviews of a mentor firm’s mentor-protege agreement
shall be a major factor in the determinations of amounts
of reimbursement, if any, that the mentor firm is eligible
to receive in the remaining years of the program participa-
tion term under the agreement.

“(C) The total amount reimbursed under this para-
graph to a mentor firm for costs of assistance furnished
in a fiscal year to a protege firm may not exceed
$1,000,000, except in a case in which the Secretary of De-
fense determines in writing that unusual circumstances
justify a reimbursement of a higher amount.

“(D) The Secretary may not reimburse any fee as-
sessed by the mentor firm for services provided to the pro-
tege firm pursuant to subsection (f)(6) or for business de-
velopment expenses incurred by the mentor firm under a
contract awarded to the mentor firm while participating
in a joint venture with the protege firm.
“(3)(A) Costs incurred by a mentor firm in providing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be recognized as credit in lieu of subcontract awards for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract, under a contract with another executive agency, or under a divisional or company-wide subcontracting plan negotiated with the Department of Defense or another executive agency.

“(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

“(i) four times the total amount of such costs attributable to assistance provided by entities described in subsection (f)(6);

“(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm’s employees; and

“(iii) two times the total amount of any other such costs.

“(C) Under regulations prescribed pursuant to subsection (j), the Secretary of Defense shall adjust the amount of credit given a mentor firm pursuant to subparagraphs (A) and (B) if the Secretary determines that the firm’s performance regarding the award of sub-
contracts to disadvantaged small business concerns has declined without justifiable cause.

“(4) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

“(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern; and

“(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

“(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act (15 U.S.C. 631 et seq.), no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm
pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f).

“(2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine a disadvantaged small business concern to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

“(3) The Small Business Administration may not require a firm that is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.

“(i) Participation in Mentor-Protege Program Not to Be a Condition for Award of a Contract or Subcontract.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including
a subcontract under a contract awarded to the mentor firm.

“(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the Mentor-Protege Program. Such regulations shall include the requirements set forth in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and shall prescribe procedures by which mentor firms may terminate participation in the program. The Department of Defense policy regarding the Mentor-Protege Program shall be published and maintained as an appendix to the Department of Defense Supplement to the Federal Acquisition Regulation.

“(k) REPORT BY MENTOR FIRMS.—To comply with section 8(d)(7) of the Small Business Act (15 U.S.C. 637(d)(7)), each mentor firm shall submit a report to the Secretary not less than once each fiscal year that includes, for the preceding fiscal year—

“(1) all technical or management assistance provided by mentor firm personnel for the purposes described in subsection (f)(1);

“(2) any new awards of subcontracts on a competitive or noncompetitive basis to the protege firm under Department of Defense contracts or other contracts, including the value of such subcontracts;
“(3) any extensions, increases in the scope of work, or additional payments not previously reported for prior awards of subcontracts on a competitive or noncompetitive basis to the protege firm under Department of Defense contracts or other contracts, including the value of such subcontracts;

“(4) the amount of any payment of progress payments or advance payments made to the protege firm for performance under any subcontract made under the Mentor-Protege Program;

“(5) any loans made by the mentor firm to the protege firm;

“(6) all Federal contracts awarded to the mentor firm and the protege firm as a joint venture, designating whether the award was a restricted competition or a full and open competition;

“(7) any assistance obtained by the mentor firm for the protege firm from one or more—

“(A) small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648);

“(B) entities providing procurement technical assistance pursuant to this chapter; or
“(C) historically Black colleges or universities or minority institutions of higher edu-
cation;
“(8) whether there have been any changes to the terms of the mentor-protege agreement; and
“(9) a narrative describing the success assistance provided under subsection (f) has had in ad-
dressing the developmental needs of the protege firm, the impact on Department of Defense con-
tracts, and addressing any problems encountered.
“(l) REVIEW OF REPORT BY THE OFFICE OF SMALL
BUSINESS PROGRAMS.—The Office of Small Business
Programs of the Department of Defense shall review the
report required by subsection (k) and, if the Office finds
that the mentor-protege agreement is not furthering the
purpose of the Mentor-Protege Program, decide not to ap-
prove any continuation of the agreement.
“(m) ESTABLISHMENT OF PERFORMANCE GOALS
AND PERIODIC REVIEWS.—The Office of Small Business
Programs of the Department of Defense shall—
“(1) establish performance goals consistent with
the stated purpose of the Mentor-Protege Program
and outcome-based metrics to measure progress in
meeting those goals; and
“(2) submit to the congressional defense committees, not later than February 1, 2020, a report on progress made toward implementing these performance goals and metrics, based on periodic reviews of the procedures used to approve mentor-protege agreements.

“(n) DEFINITIONS.—In this section:

“(1) The term ‘affiliation’, with respect to a relationship between a mentor firm and a protege firm, means a relationship described under section 121.103 of title 13, Code of Federal Regulations (or any successor regulation).

“(2) The term ‘disadvantaged small business concern’ means a firm that is not more than the size standard corresponding to its primary North American Industry Classification System code, is not owned or managed by individuals or entities that directly or indirectly have stock options or convertible securities in the mentor firm, and is—

“(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

“(B) a business entity owned and controlled by an Indian tribe as defined by section
8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

"(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15));

"(D) a qualified organization employing severely disabled individuals;

"(E) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D));

"(F) a small business concern owned and controlled by service-disabled veterans (as defined in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)));

"(G) a qualified HUBZone small business concern (as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b))); or

"(H) a small business concern that—

"(i) is a nontraditional defense contractor, as such term is defined in section 3014 of this title; or

"(ii) currently provides goods or services in the private sector that are critical
to enhancing the capabilities of the defense supplier base and fulfilling key Department of Defense needs.

“(3) The term ‘historically Black college and university’ means any of the historically Black colleges and universities referred to in section 2323 of this title, as in effect on March 1, 2018.

“(4) The term ‘minority institution of higher education’ means an institution of higher education with a student body that reflects the composition specified in section 312(b)(3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(3), (4), and (5)).

“(5) The term ‘qualified organization employing the severely disabled’ means a business entity operated on a for-profit or nonprofit basis that—

“(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

“(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;
“(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

“(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

“(6) The term ‘severely disabled individual’ means an individual who is blind (as defined in section 8501 of title 41) or a severely disabled individual (as defined in such section).

“(7) The term ‘small business concern’ has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

“(8) The term ‘small business concern owned and controlled by socially and economically disadvantaged individuals’ has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

“(9) The term ‘subcontracting participation goal’, with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontracts awarded under such contract, as estab-
lished pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 387 of title 10, United States Code, is amended by inserting after the item relating to section 4901 the following new item:

“4902. Mentor-Protege Program.”.


SEC. 863. SMALL BUSINESS INTEGRATION WORKING GROUP.

(a) IN GENERAL.—The Secretary of Defense shall create a small business integration working group, to be led by the Director of the Department of Defense Office of Small Business Programs, which convenes at least four times per year to better ensure the integration of department-wide small business efforts, including by—

(1) improving the alignment between disparate small business and industrial base programs across the Department of Defense;

(2) providing oversight of small business efforts department-wide;

(3) unifying small business policy, acquisition workforce development, and transition of emerging
technologies into programs of record as required under the Small Business Strategy; and

(4) reducing barriers to entry for small businesses and non-traditional vendors into the defense industrial base.

(b) MEMBERSHIP.—The integration working group shall be comprised of representatives from each of the following organizations:

(1) Each of the military service’s small business offices.

(2) Each of the military service’s small business innovation research and small business technology transfer programs.

(3) The office of the Under Secretary of Defense for Acquisition and Sustainment.

(4) The office of the Under Secretary of Defense for Research and Engineering.

(c) BRIEFING REQUIRED.—Not later than March 1, 2023, the Director of the Office of Small Business Programs shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the establishment and activities of the working group, policies enacted to allow for the sharing of best practices, and practices for conducting oversight.
SEC. 864. DEMONSTRATION OF COMMERCIAL DUE DILIGENCE FOR SMALL BUSINESS PROGRAMS.

(a) Demonstration Required.—Not later than December 31, 2027, the Secretary of Defense shall conduct a demonstration of commercial due diligence tools, techniques, and processes in order to support small businesses in identifying attempts by malicious foreign actors to gain undue access or foreign oversight, control, and influence over technology they are developing on behalf of the Department of Defense.

(b) Elements.—The demonstration required under subsection (a) shall include the following elements:

(1) Identification of an entity to be responsible for the commercial due diligence process, including interfacing with small business and law enforcement community.

(2) An assessment of existing commercial due diligence processes conducted by component small business offices.

(3) Development of tactics, techniques, and procedures for tools and processes that support commercial due diligence analysis to monitor and assess attempts by malicious foreign actors to gain undue access or foreign oversight, control, and influence over technologies under development by the small business community, including—
(A) providing a feedback loop with small business to provide two-way information sharing; and

(B) identifying, assessing, and demonstrating commercially available tools and services.

(4) Identification of process improvements or gaps in resources, capabilities, or authorities, as well as other lessons learned.

(5) Development of training and awareness material for small businesses that can be shared directly or through the Procurement Technical Assistance Centers.

(6) Implementation of metrics or measures of performance that can be tracked to assess the effectiveness of the commercial due diligence demonstration.

(c) BRIEFING REQUIRED.—Not later than April 1, 2023, the Secretary of Defense shall provide to the congressional defense committees an interim briefing on the demonstration required under subsection (a), including—

(1) identification of the designated organization for conducting the demonstration;
(2) a description of the methodology for executing the demonstration, including any analytical tools or metrics identified to support the process;

(3) a description of any identified instances of attempts by malicious foreign actors to gain undue access or foreign oversight, control, and influence over small business technology, and

(4) any preliminary findings.

(d) ASSESSMENT.—Not later than March 1, 2028, the Secretary shall provide a final assessment report of the demonstration required under subsection (a), including any identified instances of attempts by malicious foreign actors to gain undue access or foreign oversight, control, and influence over small business technology, any general lessons learned, and any recommendations for legislative action that may be required as a result.

SEC. 865. IMPROVEMENTS TO PROCUREMENT TECHNICAL ASSISTANCE CENTER PROGRAM.

(a) Funding Limit Applicable to Programs Operating on Statewide Basis.—Section 4955(a)(1) of title 10, United States Code, is amended by striking "$1,000,000" and inserting "$1,500,000".

(b) Administrative Costs.—Section 4961 of title 10, United States Code, is amended—
(1) by striking “Director of the Defense Logistics Agency” and inserting “Secretary”;

(2) in paragraph (1), by striking “three percent” and inserting “four percent”; and

(3) in paragraph (2)—

(A) by striking “Director” and inserting “Secretary”; and

(B) in subparagraph (A), by inserting “, including meetings of any association of such entities,” after “for meetings”.

Subtitle E—Other Matters

SEC. 871. RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAINS.

(a) Risk Management for All Department of Defense Pharmaceutical Supply Chains.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall—

(1) develop and issue implementing guidance for risk management for Department of Defense supply chains for pharmaceutical materiel for the Department;

(2) identify, in coordination with the Secretary of Health and Human Services, supply chain information gaps regarding the Department’s reliance on
foreign suppliers of drugs, including active pharmaceutical ingredients and final drug products; and

(3) submit to Congress a report regarding—

(A) existing information streams, if any, that may be used to assess the reliance by the Department of Defense on high-risk foreign suppliers of drugs;

(B) vulnerabilities in the drug supply chains of the Department of Defense; and

(C) any recommendations to address—

(i) information gaps identified under paragraph (2); and

(ii) any risks related to such reliance on foreign suppliers.

(b) RISK MANAGEMENT FOR DEPARTMENT OF DEFENSE PHARMACEUTICAL SUPPLY CHAIN.—The Director of the Defense Health Agency shall—

(1) not later than one year after the issuance of the guidance required under subsection (a)(1), develop and publish implementing guidance for risk management for the Department of Defense supply chain for pharmaceuticals; and

(2) establish a working group—

(A) to assess risks to the Department’s pharmaceutical supply chain;
(B) to identify the pharmaceuticals most critical to beneficiary care at military treatment facilities; and

(C) to establish policies for allocating scarce pharmaceutical resources of the Department of Defense in case of a supply disruption.

SEC. 872. KEY ADVANCED SYSTEM DEVELOPMENT INDUSTRY DAYS.

(a) In General.—Not later than March 1, 2023, and every 180 days thereafter, the Secretary of each of the military departments and the Commanders of the United States Special Operations Command and the United States Cyber Command shall ensure that each such department and Command conducts an industry day—

(1) to raise awareness within the private sector of—

(A) key advanced system development areas; and

(B) capability needs and existing and potential requirements related to the key advanced system development areas; and

(2) to raise awareness within such departments and Commands of potential material solutions for capability needs and existing and potential require-
ments related to key advanced system development areas.

(b) Responsibilities.—

(1) Chiefs of Armed Forces.—The chief of each of the armed forces residing in a military department and the Commanders of the United States Special Operations Command and the United States Cyber Command shall have primary responsibility for the following tasks at the industry days required under subsection (a) for each key advanced system development area:

(A) Identifying related or potentially related existing, planned, or potential military requirements, including urgent and emergent operational needs.

(B) Identifying and describing related or potentially related capability needs or gaps in warfighting mission areas.

(C) Identifying and describing related or potentially related capability needs or gaps in non-warfighting support areas.

(D) Identifying and describing related or potentially related exercise, demonstration, or experimentation opportunities.
(2) ACQUISITION EXECUTIVES.—Each service acquisition executive and the acquisition executives of the United States Special Operations Command and the United States Cyber Command shall have primary responsibility for the following tasks at the industry days required under subsection (a) for each key advanced system development area:

(A) Identifying and describing related or potentially related existing, planned, or potential acquisition plans and strategies.

(B) Identifying and describing related or potentially related existing, planned, or potential funding opportunities, including—

(i) broad agency announcements;

(ii) requests for information;

(iii) funding opportunity announcements;

(iv) special program announcements;

(v) requests for proposals;

(vi) requests for quotes;

(vii) special notices;

(viii) transactions pursuant to sections 4002, 4003, and 4004 of title 10, United States Code;

(ix) unsolicited proposals; and
(x) other methods.

(e) FORM.— The industry days required under subsection (a) shall seek to maximize industry and government participation, while minimizing cost to the maximum extent practicable, by—

(1) being held at the unclassified security level with classified portions only as necessary;

(2) being publicly accessible through teleconference or other virtual means; and

(3) having supporting materials posted on a publicly accessible website.

(d) DEFINITIONS.— In this section:

(1) MILITARY DEPARTMENTS; ARMED FORCES; SERVICE ACQUISITION EXECUTIVE.—The terms “military departments”, “armed forces”, and “service acquisition executive” have the meanings given the terms in section 101 of title 10, United States Code.

(2) KEY ADVANCED SYSTEM DEVELOPMENT AREA.— The term “key advanced system development area” means the following:

(A) For the Department of the Navy—

(i) unmanned surface vessels;

(ii) unmanned underwater vessels;
(iii) unmanned deployable mobile ocean systems;
(iv) unmanned deployable fixed ocean systems; and
(v) autonomous unmanned aircraft systems.

(B) For the Department of the Air Force, autonomous unmanned aircraft systems.

(C) For the Department of the Army, autonomous unmanned aircraft systems.

(D) For the United States Special Operations Command, autonomous unmanned aircraft systems.

(E) For the United States Cyber Command, cybersecurity situational awareness systems.

SEC. 873. MODIFICATION OF PROVISION RELATING TO TERMINATION OF CERTAIN ACTIVITIES WITH UNUSUALLY HAZARDOUS RISKS.

Section 1684 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(1) in subsection (a), by striking “2022 and 2023” and inserting “2022 through 2024”; and
SEC. 874. INCORPORATION OF CONTROLLED UNCLASSIFIED INFORMATION GUIDANCE INTO PROGRAM CLASSIFICATION GUIDES AND PROGRAM PROTECTION PLANS.

(a) Updates Required.—

(1) In general.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Research and Engineering, ensure that all program classification guides (for classified programs) and all program protection plans (for unclassified programs) include guidance for the proper marking for controlled unclassified information (CUI) at their next regularly scheduled update.

(2) Elements.—Guidance under paragraph (1) shall include the following:

(A) A requirement to use document portion markings for controlled unclassified information

(B) A process to ensure controlled unclassified information document portion markings are used properly and consistently.
(b) MONITORING OF PROGRESS.—In tracking the progress in carrying out subsection (a), the Under Secretary of Defense for Intelligence and Security and the Under Secretary of Defense for Research and Engineering shall implement a process for monitoring progress that includes the following:

(1) Tracking of all program classification guides and program protection plans so they include document portion marking for controlled unclassified information, and the dates when controlled unclassified information guidance updates are completed.

(2) Updated training in order to ensure that all government and contractor personnel using the guides described in subsection (a)(1) receive instruction, as well as periodic spot checks, to ensure that training is sufficient and properly implemented to ensure consistent application of document portion marking guidance.

(3) A process for feedback to ensure that any identified gaps or lessons learned are incorporated into guidance and training instructions.

(c) REQUIRED COMPLETION.—The Secretary shall ensure that the updates required by subsection (a) are completed before January 1, 2029.
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.

(a) Assistant Secretary of Defense for Cyber Policy.—

(1) In general.—Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Cyber Policy. The principal duty of the Assistant Secretary shall be the overall supervision of policy and matters relating to cyber activities of the Department of Defense. The Assistant Secretary is the Principal Cyber Advisor described in section 932(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2224 note).”.

(2) Conforming amendments.—

(A) Section 932(c) of the National Defense Authorization Act for Fiscal Year 2014 (Public
Law 113–66; 10 U.S.C. 2224 note) is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(B) Section 1643(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2224 note) is amended by striking “by section 932(c)(3)” and inserting “by section 932(c)(2)”.

(b) INCREASE IN AUTHORIZED NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—

(1) INCREASE.—Section 138(a)(1) of title 10, United States Code, is amended by striking “15” and inserting “18”.

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Defense (14).” and inserting “Assistant Secretaries of Defense (18).”.

(c) INCREASE IN AUTHORIZED NUMBER OF DEPUTY ASSISTANT SECRETARIES OF DEFENSE.—

(1) INCREASE.—Section 138 of title 10, United States Code, is amended by adding at the end the following new subsection:
“(e) The number of Deputy Assistant Secretaries of Defense may not exceed 57.”.


(d) ADDITIONAL AMENDMENTS.—Section 138(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) in the second sentence in the matter preceding clause (i), by striking “He shall have as his principal duty” and inserting “The principal duty of the Assistant Secretary shall be”;

and

(B) in clause (ii), by striking subclause (III);

(2) in paragraph (3), in the second sentence, by striking “He shall have as his principal duty” and inserting “The principal duty of the Assistant Secretary shall be”;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking the semicolon and inserting “; and”;

(B) in subparagraph (B), by striking “; and” inserting a period; and
(C) by striking subparagraph (C); and

(4) in paragraph (6), by striking “shall—” and all that follows and inserting “shall advise the Under Secretary of Defense for Acquisition and Sustainment on industrial base policies.”.

SEC. 902. CONFORMING AMENDMENTS RELATING TO REPEAL OF POSITION OF CHIEF MANAGEMENT OFFICER.

Section 2222 of title 10, United States Code, is amended—

(1) in subsection (c)(2), by striking “the Chief Management Officer of the Department of Defense, the Under Secretary of Defense for Acquisition and Sustainment, the Chief Information Officer, and the Chief Management Officer” and inserting “the Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Acquisition and Sustainment, and the Chief Information Officer”;

(2) in subsection (e)—

(A) in paragraph (1), by striking “the Chief Management Officer” and inserting “the Chief Information Officer”; and

(B) in paragraph (6)—

(i) in subparagraph (A), in the matter preceding clause (i)—
(I) in the first sentence, by striking “the Chief Management Officer of
the Department of Defense” and inserting “the Chief Information Officer
of the Department of Defense, in co-
ordination with the Chief Data and
Artificial Intelligence Officer,”; and

(II) in the second sentence, by
striking “the Chief Management Offi-
cer shall” and inserting “the Chief In-
formation Officer shall”; and

(ii) in subparagraph (B), in the mat-
ter preceding clause (i), by striking “the
Chief Management Officer” and inserting
“the Chief Information Officer”;

(3) in subsection (f)—

(A) in paragraph (1), in the second sen-
tence, by striking “the Chief Management Offi-
cer and”; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs
(A) and (B) as subparagraphs (B) and
(C), respectively;
(ii) by inserting before subparagraph (B), as redesignated by clause (i), the following new subparagraph (A):

“(A) The Chief Information Officers of the military departments, or their designees.”; and

(iii) in subparagraph (C), as so redesignated, by adding at the end the following new clause:

“(iv) The Chief Data and Artificial Intelligence Officer of the Department of Defense.”;

(4) in subsection (g)(2), by striking “the Chief Management Officer” each place it appears and inserting “the Chief Information Officer”; and

(5) in subsection (i)(5)(B), by striking “the Chief Management Officer” and inserting “the Chief Information Officer”.

SEC. 903. LIMITATION ON AVAILABILITY OF FUNDS FOR OPERATION AND MAINTENANCE FOR OFFICE OF SECRETARY OF DEFENSE.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date that is 15 days after the date
on which the Secretary of Defense submits the information
operations strategy and posture review, including the des-
ignation of Information Operations Force Providers and
Information Operations Joint Force Trainers for the De-
partment of Defense, to the Committee on Armed Services
of the Senate and the Committee on Armed Services of
the House of Representatives as required by section
1631(g) of the National Defense Authorization Act for
Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397
note).
SEC. 904. LIMITATION ON USE OF FUNDS UNTIL DEM-
ONSTRATION OF PRODUCT TO IDENTIFY,
TASK, AND MANAGE CONGRESSIONAL RE-
PORTING REQUIREMENTS.

Of the funds authorized to be appropriated by section
301 for fiscal year 2023 for operation and maintenance,
Defense-wide, and available as specified in the funding
table in section 4301 for the Office of the Secretary of
Defense, not more than 75 percent may be obligated or
expended until the Secretary of Defense demonstrates a
minimum viable product—

(1) to optimize and modernize the process de-
scribed in section 908(a) of the William M. (Mac)
Thornberry National Defense Authorization Act for
Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
111 note) for identifying reports to Congress required by annual national defense authorization Acts, assigning responsibility for preparation of such reports, and managing the completion and delivery of such reports to Congress; and

(2) that includes capabilities to enable—

(A) direct access by the congressional defense committees to the follow-on system to that process using secure credentials;

(B) rapid automatic ingestion of data provided by those committees with respect to reports and briefings required to be submitted to Congress in a comma-separated value spreadsheet;

(C) sortable and exportable database views for tracking and research purposes;

(D) automated notification of relevant congressional staff and archival systems; and

(E) integration with Microsoft Office.

SEC. 905. LIMITATION ON USE OF FUNDS UNTIL DEPARTMENT OF DEFENSE COMPLIES WITH REQUIREMENTS RELATING TO ALIGNMENT OF CLOSE COMBAT LETHALITY TASK FORCE.

Of the funds authorized to be appropriated by section 301 for fiscal year 2023 for operation and maintenance,
Defense-wide, and available as specified in the funding table in section 4301 for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the Department of Defense complies with the requirements of section 911 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1878) (relating to alignment of the 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.**

Section 181(e) of title 10, United States Code, is amended to read as follows:

"(e) Performance Requirements as Responsibility of Armed Forces.—"

"(1) In general.—The Chief of Staff of an armed force is responsible for—"

"(A) all performance requirements for that armed force; and"

"(B) except as provided in paragraph (3), all inventory objective requirements for that armed force."

"(2) Exception.—Paragraph (1) does not apply to an armed force if the Secretary of Defense determines that the inventory objective requirements, when satisfied, are consistent with the national security strategy and objectives, and after the Secretary makes such determination, the Secretary submits to Congress a report that—"

"(A) describes the national security strategy and objectives of the Armed Forces;
"(B) provides the information necessary for Congress to assess the consistency of the inventory objective requirements with the national security strategy and objectives; and"

"(C) unless the Secretary determines that such a report is inconsistent with the national security strategy and objectives, contains a statement that the inventory objective requirements are consistent with the national security strategy and objectives."
armed force, including categories of weapons
systems and overall levels of weapons systems.

“(2) Requirements not required to be
validated.—Except for requirements specified in
subsections (b)(4) and (b)(5), requirements de-
scribed in paragraph (1) are not required to be vali-
dated by the Joint Requirements Oversight Council.

“(3) Inventory objective requirements
for naval vessels to transport marines.—The
Commandant of the Marine Corps shall be respon-
sible for inventory objective requirements for naval
vessels with the primary mission of transporting Ma-
rines.”.

SEC. 912. BRIEFING ON REVISIONS TO UNIFIED COMMAND
PLAN.

Section 161(b)(2) of title 10, United States Code, is
amended—

(1) by redesignating subparagraphs (A) and
(B) as clauses (i) and (ii), respectively, and by mov-
ing such clauses, as so redesignated, two ems to the
right;

(2) by striking “the President shall notify” and
inserting the following: “the President shall—

“(A) notify”;
(3) in clause (ii), as redesignated by paragraph
(1), by striking the period at the end and inserting
"; and"; and

(4) by adding at the end the following new sub-
paragraph:

"(B) during that 60-day period, provide to the
congressional defense committees a briefing on the
revisions described in subparagraph (A)(ii).".

SEC. 913. UPDATES TO MANAGEMENT REFORM FRAME-
WORK.

Section 125a of title 10, United States Code, is
amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "2022"
and inserting "2023"; and

(B) in paragraph (3), by inserting "the Di-
rector for Administration and Management of
the Department of Defense," after "the Chief
Information Officer of the Department of De-
fense,"; and

(2) in subsection (d)—

(A) by redesignating paragraph (6) as
paragraph (9); and

(B) by inserting after paragraph (5) the
following new paragraphs:
“(6) Development and implementation of a uniform methodology for tracking and assessing cost savings and cost avoidance from reform initiatives.

“(7) Implementation of reform-focused research to improve management and administrative science.

“(8) Tracking and implementation of technological approaches to improve management decision-making, such as artificial intelligence tools.”

SEC. 914. STRATEGIC MANAGEMENT DASHBOARD DEMONSTRATION.

(a) In general.—The Secretary of Defense shall conduct a demonstration of a strategic management dashboard to automate the data collection and visualization of the primary management goals of the Department of Defense.

(b) Elements.—The Secretary shall ensure that the strategic management dashboard demonstrated under subsection (a) includes the following:

(1) The capability for real-time monitoring of the performance of the Department in meeting the management goals of the Department.

(2) An integrated analytics capability, including the ability to dynamically add or upgrade new capabilities when needed.
(3) Integration with the framework required by subsection (c) of section 125a of title 10, United States Code, for measuring the progress of the Department toward covered elements of reform (as defined in subsection (d) of that section).

(4) Incorporation of the elements of the strategic management plan required by section 904(d) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2201 note prec.), as derived from automated data feeds from existing information systems and databases.

(5) Incorporation of the elements of the most recent annual performance plan of the Department required by section 1115(b) of title 31, United States Code, and the most recent update on performance of the Department required by section 1116 of that title.

(6) Use of artificial intelligence and machine learning tools to improve decision making and assessment relating to data analytics.

(7) Adoption of leading and lagging indicators for key strategic management goals.

(e) AUTHORITIES.—

(1) IN GENERAL.—In conducting the demonstration required by subsection (a), the Secretary
may use the authorities described in paragraph (2), and such other authorities as the Secretary considers appropriate—

(A) to help spur innovative technological or process approaches; and

(B) to attract new entrants to solve the data management and visualization challenges of the Department.

(2) AUTHORITIES DESCRIBED.—The authorities described in this paragraph are the authorities provided under the following provisions of law:

(A) Section 4025 of title 10, United States Code (relating to prizes for advanced technology achievements).

(B) Section 217 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2222 note) (relating to science and technology activities to support business systems information technology acquisition programs).

(d) Use of Best Practices.—In conducting the demonstration required by subsection (a), the Secretary shall leverage commercial best practices in management and leading research in management and data science.

SEC. 915. DEMONSTRATION PROGRAM FOR COMPONENT CONTENT MANAGEMENT SYSTEMS.

(a) In General.—Not later than July 1, 2023, the Chief Information Officer of the Department of Defense, in coordination with the Chief Digital and Artificial Intelligence Officer and the Director of the Joint Artificial Intelligence Center, shall complete a pilot program to demonstrate the application of component content management systems to a distinct set of data of the Department.

(b) Selection of Data Set.—In selecting a distinct set of data of the Department for purposes of the pilot program required by subsection (a), the Chief Information Officer shall consult with, at a minimum, the following:

(1) The Office of the Secretary of Defense with respect to directives, instructions, and other regulatory documents of the Department.

(2) The Office of the Secretary of Defense and the Joint Staff with respect to execution orders.
(3) The Office of the Under Secretary of Defense for Research and Engineering and the military departments with respect to technical manuals.

(4) The Office of the Under Secretary of Defense for Acquisition and Sustainment with respect to Contract Data Requirements List documents.

(e) Authority to Enter Into Contracts.—Subject to the availability of appropriations, the Secretary of Defense may enter into contracts or transactions with public or private entities to conduct studies and demonstration projects under the pilot program required by subsection (a).

(d) Briefing Required.—Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall provide to the congressional defense committees a briefing on plans to implement the pilot program required by subsection (a).

Subtitle C—Space Force Matters

SEC. 921. VICE CHIEF OF SPACE OPERATIONS.

(a) Codification of Position of Vice Chief of Space Operations.—Chapter 908 of title 10, United States Code, is amended by inserting after section 9082 the following new section:
§ 9082a. Vice Chief of Space Operations

(a) Appointment.—There is a Vice Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Space Force not restricted in the performance of duty.

(b) Grade.—The Vice Chief of Space Operations, while so serving, has the grade of general without vacating his permanent grade.

(c) Authority and Duties.—The Vice Chief has such authority and duties with respect to the Space Force as the Chief, with the approval of the Secretary of the Air Force, may delegate to or prescribe for the Vice Chief. Orders issued by the Vice Chief in performing such duties have the same effect as those issued by the Chief.

(d) Vacancies.—When there is a vacancy in the office of the Chief of Space Operations, or during the absence or disability of the Chief—

(1) the Vice Chief of the Space Operations shall perform the duties of the Chief until a successor is appointed or the absence or disability ceases; or

(2) if there is a vacancy in the office of the Vice Chief of Space Operations or the Vice Chief is absent or disabled, unless the President directs otherwise, the most senior officer of the Space Force in
the Headquarters, Space Force, who is not absent or
disabled and who is not restricted in performance of
duty shall perform the duties of the Chief until a
successor to the Chief or the Vice Chief is appointed
or until the absence or disability of the Chief or Vice
Chief ceases, whichever occurs first.”.

(b) Clerical Amendment.—The table of sections
at the beginning of chapter 908 of title 10, United States
Code, is amended by inserting after the item relating to
section 9082 the following new item:

“9082a. Vice Chief of Space Operations.”.

SEC. 922. ESTABLISHMENT OF FIELD OPERATING AGEN-
CIES AND DIRECT REPORTING UNITS OF
SPACE FORCE.

(a) In General.—Chapter 908 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 9087. Field operating agencies and direct reporting
units

“(a) Authority.—The Secretary of the Air Force
may establish within the Space Force the following:

“(1) An Enterprise Talent Management Office
to provide whole-of-life-cycle talent management
aligned to the needs of the Space Force.

“(2) A Space Warfighting Analysis Center to
conduct analysis, modeling, wargaming, and experi-
mentation to create operational concepts and develop future force design options.

“(b) Organization.—

“(1) Enterprise Talent Management Office.—If, pursuant to the authority provided by subsection (a)(1), the Secretary establishes a Enterprise Talent Management Office, the Office shall operate as a field operating agency of the headquarters of the Space Force.

“(2) Space Warfighting Analysis Center.—If, pursuant to the authority provided by subsection (a)(2), the Secretary establishes a Space Warfighting Analysis Center, the Center shall operate as a direct reporting unit of the Chief of Space Operations.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 908 of such title is amended by adding at the end the following new item:

“9087. Field operating agencies and direct reporting units.”.

SEC. 923. FRAMEWORK FOR NEW SUBTITLE F OF TITLE 10, UNITED STATES CODE, ON SPACE COMPONENT.

(a) In General.—Title 10, United States Code, is amended by adding at the end the following new subtitle:

“Subtitle F—Space Component

“Chap. .....................................................................................................
“CHAPTER 2001—[RESERVED]"

"Sec.
"20101. [Reserved].

"§ 20101. [Reserved]

"[Reserved].

“CHAPTER 2002—[RESERVED]"

"Sec.
"20201. [Reserved].

"§ 20201. [Reserved]

"[Reserved].

“CHAPTER 2003—[RESERVED]"

"Sec.
"20301. [Reserved].

"§ 20301. [Reserved]

"[Reserved].

“CHAPTER 2004—[RESERVED]"

"Sec.
"20401. [Reserved].

"§ 20401. [Reserved]

"[Reserved].

“CHAPTER 2005—[RESERVED]"

"Sec.
"20501. [Reserved].

"§ 20501. [Reserved]

"[Reserved].”.
(b) CLERICAL AMENDMENTS.—

(1) TABLE OF SUBTITLES.—The table of subtitles at the beginning of title 10, United States Code, is amended by adding at the end the following new item:

"F. Space Component .............................................................................. 20101".

(c) CONTINGENT REPEAL.—If subtitle F of title 10, United States Code, as added by subsection (a), or any chapter of that subtitle, as so added, is not amended during the period beginning on the day after the date of the enactment of this Act and ending on December 31, 2026, such subtitle or chapter, as the case may be, is repealed effective on January 1, 2027.

SEC. 924. STUDY OF PROPOSED SPACE FORCE REORGANIZATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with one or more federally funded research and development centers to conduct a study on the proposed reorganization of the Space Force and the establishment of the Space Component.

(b) ELEMENTS.—The study referred to in subsection (a) shall include a comprehensive review and assessment of—

(1) the feasibility and advisability of—
(A) exempting the proposed Space Component from the existing “up or out” system of officer career advancement first established by the amendments to title 10, United States Code, made by the Defense Officer Personnel Management Act (Public Law 96–513; 94 Stat. 2835);

(B) combining active and reserve components in a new, single Space Component and whether a similar outcome could be achieved using the existing active and reserve component frameworks with modest statutory changes to allow reserve officers to serve on sustained active duty;

(C) creating career flexibility for reserve members of the Space Component, including in shifting retirement points earned from one year to the next and allowing members of the Space Component to move back and forth between active and reserve status for prolonged periods of time across a career;

(2) the implications of the proposed reorganization of the Space Force on the development of space as a warfighting domain in the profession of arms,
particularly with respect to officer leadership, development, and stewardship of the profession;

(3) whether existing government ethics regulations are adequate to address potential conflicts of interest for Space Component officers who seek to move back and forth between sustained active duty and working for private sector organizations in the space industry as reserve officers in the Space Component;

(4) whether the proposed Space Component framework is consistent with the joint service requirements of chapter 38 of title 10, United States Code;

(5) budgetary implications of the establishment of the Space Component;

(6) the nature of the relationship with private industry and civilian employers that would be required and consistent with professional ethics to successfully implement the Space Component; and

(7) any other issues the Secretary or the federally funded research and development center considers relevant.

(e) DIVERSITY AND INCLUSION.—The study referred to in subsection (a) shall include an assessment of the proposed reorganization of the Space Force and the establish-
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ment of the Space Component on advancing diversity and
inclusion in the Space Component.

(d) LIMITATION ON DELEGATION.—The authority of
the Secretary to enter into a contract under subsection
(a) may not be delegated below the level the Under Sec-
retary of Defense for Personnel and Readiness.

(e) REPORT REQUIRED.—Not later than December
31, 2023, the Secretary shall submit to the Committees
on Armed Services of the Senate and the House of Rep-
resentatives a report on the results of the study referred
to in subsection (a).

TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the
Secretary of Defense that such action is necessary in
the national interest, the Secretary may transfer
amounts of authorizations made available to the De-
partment of Defense in this division for fiscal year
2023 between any such authorizations for that fiscal
year (or any subdivisions thereof). Amounts of au-
thorizations so transferred shall be merged with and
be available for the same purposes as the authoriza-
tion to which transferred.
(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that
the Secretary may transfer under the authority of this section may not exceed $6,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
fer of funds between military personnel authoriza-
tions under title IV shall not be counted toward the
dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by sub-
section (a) to transfer authorizations—

(1) may only be used to provide authority for
items that have a higher priority than the items
from which authority is transferred; and

(2) may not be used to provide authority for an
item that has been denied authorization by Con-
gress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A
transfer made from one account to another under the au-
thority of this section shall be deemed to increase the
amount authorized for the account to which the amount
is transferred by an amount equal to the amount trans-
ferred.
(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REPORT ON BUDGETARY EFFECTS OF INFLATION.

(a) Annual Report.—Not later than 30 days following the submission of the President’s budget under section 1105 of title 31, United States Code, the Secretary of Defense shall deliver to the congressional defense committees a report on observed and anticipated budgetary effects related to inflation, including—

(1) the relevant inflation index used and the estimated and actual inflationary budgetary effects by sub-appropriation account for the previous two fiscal years and the current budget year;

(2) the enacted or requested appropriation amount by sub-appropriation;

(3) a calculation of estimated budgetary effects due to inflation using the previous fiscal year’s estimated indices compared to those of the current fiscal year;

(4) a summary of any requests for equitable adjustment, exercising of economic price adjustment (EPA) clauses, or bilateral contract modifications to include an EPA, including the contract type and fis-
cal year and type and amount of appropriation used for the contract;

(5) a summary of any methodological changes in Department of Defense cost estimation practices for inflationary budgetary effects; and

(6) any other matters the Secretary determines appropriate.

(b) PERIODIC BRIEFING.—Not later than 60 days following the conclusion of the Department of Defense budget mid-year review, the Secretary of Defense shall provide the congressional defense committees with a briefing on—

(1) any changes in the observed or anticipated inflation indices included in the report required under subsection (a);

(2) any actions taken by the Department of Defense to respond to changes discussed in such report, with specific dollar value figures; and

(3) any requests for equitable adjustment received by the Department of Defense, economic price adjustment clauses exercised, or bilateral contract modifications to include an EPA made since the transmission of the report required under subsection (a).
Subtitle B—Counterdrug Activities

SEC. 1011. EXTENSION OF AUTHORITY AND ANNUAL REPORT ON UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.


(1) in subsection (a)(1), by striking “2023” and inserting “2024”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2023” and inserting “2024”; and

(3) by adding at the end the following:

“(h) ANNUAL REPORT ON PLAN COLOMBIA.—During each of fiscal years 2023 and 2024, the Secretary of Defense shall submit to Congress a report that includes the following:

“(1) An assessment of the threat to Colombia from narcotics trafficking and activities by organizations designated as foreign terrorist organizations
under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

“(2) A description of the plan of the Government of Colombia for the unified campaign described in subsection (a).

“(3) A description of the activities supported using the authority provided by subsection (a).

“(4) An assessment of the effectiveness of the activities described in paragraph (3) in addressing the threat described in paragraph (1).”.

**Subtitle C—Naval Vessels**

**SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.**

Section 231(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(J) For any class of battle force ship for which the procurement of the final ship of the class is proposed in the relevant future-years defense program submitted under section 221 of this title, a detailed plan that includes a description of specific impacts with respect to the transition of such class and the associated industrial base to a new program, a modified existing program, or no program. Each plan required by the preceding sentence shall include a de-
tailed schedule with planned decision points, solicita-
tions, and contract awards.”.

SEC. 1022. AMPHIBIOUS WARSHIP FORCE STRUCTURE.

Section 8062 of title 10, United States Code, is
amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting “and
not less than 31 operational amphibious war-
fare ships, of which not less than 10 shall be
amphibious assault ships” before the period;
and

(B) in the second sentence—

(i) by inserting “or amphibious war-
fare ship” before “includes”; and

(ii) by inserting “or amphibious war-
fare ship” before “that is temporarily un-
available”;

(2) in subsection (e)—

(A) in paragraph (2) by striking “; and”
and inserting a semicolon;

(B) in paragraph (3) by striking the period
at the end and inserting “; and”; and

(C) by adding at the end the following new
paragraph:
“(4) the Navy adjusts scheduled maintenance
and repair actions to maintain a minimum of 24 am-
phibious warfare ships operationally available for
worldwide deployment.”; and

(3) by adding at the end the following new sub-
section:

“(g) In this section, the term ‘amphibious warfare
ship’ means a ship that is classified as an amphibious as-
ault ship (general purpose) (LHA), an amphibious as-
ault ship (multi-purpose) (LHD), an amphibious trans-
port dock (LPD), or a dock landing ship (LSD).”.

SEC. 1023. MODIFICATION TO LIMITATION ON DECOMMIS-
SIONING OR INACTIVATING A BATTLE FORCE
SHIP BEFORE THE END OF EXPECTED SERV-
ICE LIFE.

(a) In General.—Section 8678a(b) of title 10,
United States Code, is amended—

(1) in paragraph (1), by inserting “with the
budget materials submitted by the President under
section 1105(a) of title 31, United States Code, for
the fiscal year in which such waiver is sought” after
“such ship”; and

(2) in paragraph (2), by striking “such certifi-
cation was submitted” and inserting “the National
Defense Authorization Act for such fiscal year is enacted”.

(b) **No Effect on Certain Ships.**—The amendments made by subsection (a) shall have no effect on battle force ships (as defined in section 8678a(e) of title 10, United States Code) proposed for decommissioning or inactivation in fiscal year 2023.

**SEC. 1024. CONTRACT REQUIREMENTS RELATING TO MAIN- TENANCE AND MODERNIZATION AVAILABILITIES FOR CERTAIN NAVAL VESSELS.**

(a) **Submarine Maintenance and Modernization Availabilities.**—The Secretary of the Navy may only enter into a contract with a private entity for a maintenance and modernization availability for a fast attack submarine that requires drydocking the submarine if the following conditions are met:

1. The submarine is a Virginia-class submarine.
2. The submarine has not conducted a previous drydock availability.
3. The work package for the contract is sufficiently detailed and provided to the private entity with sufficient time to enable a high-confidence contracting strategy for—
   (A) planning;
(B) material procurement;
(C) cost;
(D) schedule; and
(E) performance.

(4) At least 70 percent of the work package for the contract is common to the work packages for previous contracts entered into under this subsection.

(b) Surface Ship Maintenance and Modernization Availabilities.—In awarding contracts for maintenance and modernization availabilities for surface ships, issuing task orders for such availabilities, or carrying out other contracting actions with respect to such availabilities, the Secretary of the Navy may not limit evaluation factors to price only.

SEC. 1025. PROHIBITION ON RETIREMENT OF CERTAIN NAVAL VESSELS.

None of the funds authorized to be appropriated by this Act for fiscal year 2023 may be obligated or expended to retire, prepare to retire, or place in storage any of the following naval vessels:

(1) USS Vicksburg (CG 69).
(2) USS Sioux City (LCS 11).
(3) USS Wichita (LCS 13).
(4) USS Billings (LCS 15).
(5) USS Indianapolis (LCS 17).
(6) USS St. Louis (LCS 19).
(7) USS Germantown (LSD 42).
(8) USS Gunston Hall (LSD 44).
(9) USS Tortuga (LSD 46).
(10) USS Ashland (LSD 48).
(11) USNS Montford Point (T–ESD 1).
(12) USNS John Glenn (T–ESD 2).

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.


(1) by striking “December 31, 2022” and inserting “December 31, 2023”;
(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and
(3) by inserting before paragraph (2), as so re-designated, the following new paragraph:

“(1) Afghanistan.”.

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.

is further amended by striking “December 31, 2022” and inserting “December 31, 2023”.

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.

(a) Establishment of Joint Executive Committee.—

(1) In general.—There is established an interagency committee to advise the Under Secretary of Defense for Personnel and Readiness and the Deputy Secretary of Veterans Affairs on matters relating to the review boards under section 1553 of title 10, United States Code.
(2) DESIGNATION.—The interagency committee established under paragraph (1) shall be known as the “Department of Defense-Department of Veterans Affairs Discharge Review Board Committee” (hereinafter in this section referred to as the “Committee”).

(b) MEMBERSHIP.—The Committee shall be composed of the following:

(1) The Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Manpower and Reserve Affairs for each of the military services, and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

(2) The Deputy Secretary of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate.

(c) ADMINISTRATIVE MATTERS.—

(1) IN GENERAL.—The Under Secretary and the Deputy Secretary shall jointly determine the size and structure of the Committee, as well as the administrative and procedural guidelines for the operation of the Committee.
(2) **Subcommittees.**—The Committee may establish subcommittees to assist the Committee in carrying out subsections (d) and (e), including the following:

(A) A subcommittee on outreach and education.

(B) A subcommittee on training for members of the review boards under section 1553 of title 10, United States Code.

(3) **Support.**—The Under Secretary and the Deputy Secretary shall jointly supply appropriate staff and resources to provide administrative support and services for the Committee. Support for such purposes shall be provided at a level that the Under Secretary and the Deputy Secretary jointly determine sufficient for the efficient operation of the Committee, including any subcommittees established under paragraph (2).

(d) **Recommendations.**—

(1) **In General.**—The Committee shall provide the Secretary of Defense and the Secretary of Veterans Affairs with recommendations on the strategic direction for the joint coordination and sharing efforts between and within the Department of Defense and the Department of Veterans Affairs on matters
regarding the review boards described in subsection (a)(1).

(2) Annual report.—Not less frequently than once each year, the Committee shall submit to the two Secretaries and to Congress an annual report containing such recommendations regarding the review boards described in subsection (a)(1) as the Committee considers appropriate.

(e) Functions.—In order to enable the Committee to make recommendations in its annual report under subsection (e)(2), the Committee shall do the following:

(1) Review existing policies, procedures, and practices regarding reviews under section 1553 of title 10, United States Code, with respect to matters that pertain to the coordination and sharing of resources between the Department of Defense and the Department of Veterans Affairs.

(2) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of services and resources of the two Departments, with the goal of improving the quality, efficiency, and effectiveness of the review boards under section 1553 of such title for veterans, members of the Armed Forces, individuals who re-
tired from service in the Armed Forces, and their families through an enhanced partnership between the two Departments.

(3) Identify and assess further opportunities for the coordination and collaboration between the Departments that, in the judgment of the Committee, would positively affect the review process under section 1553 of such title.

(4) Review the implementation of activities designed to promote the coordination and sharing of resources between the Departments for matters relating to the review process under section 1553 of such title.

(5) Identify and assess strategies, which either or both Departments may implement, that would increase outreach to former members of the Armed Forces described in subsection (d)(3)(B) of section 1553 of such title who may qualify for relief under such section.
SEC. 1042. MODIFICATION OF PROVISIONS RELATING TO CROSS-FUNCTIONAL TEAM FOR EMERGING THREAT RELATING TO ANOMALOUS HEALTH INCIDENTS.

Section 910 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 111 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and any other” and all that follows through “necessary; and” and inserting “, including the causation, attribution, mitigation, identification, and treatment for such incidents;”;

(B) in paragraph (2)—

(i) by inserting “and deconflict” after “integrate”; 

(ii) by striking “agency” and inserting “agencies”; and

(iii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(3) any other efforts regarding such incidents that the Secretary considers appropriate.”; and

(2) in subsection (e)(2), by striking “90 days” and all that follows through “of enactment” and in-
serting “March 1, 2023, and not less frequently than once every 180 days thereafter until March 1, 2026”.

SEC. 1043. CIVILIAN CASUALTY PREVENTION, MITIGATION, AND RESPONSE.

(a) Establishment of Office for Civilian Casualty Prevention, Mitigation, and Response.—

(1) In general.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 148. Office for Civilian Casualty Prevention, Mitigation, and Response

“(a) Establishment.—The Secretary of Defense shall establish an office within the Department of Defense, to be known as the ‘Office for Civilian Casualty Prevention, Mitigation, and Response’ (in this section referred to as the ‘Office’), to serve as the focal point for matters related to civilian casualties and other forms of civilian harm resulting from military operations involving the United States Armed Forces.

“(b) Responsibilities.—Subject to the authority, direction, and control of the Secretary, the Office shall be responsible for—

“(1) collecting data and reports of investigations related to civilian casualty incidents;
“(2) analyzing data and trends with respect to civilian casualties;

“(3) conducting regular reviews of civilian harm prevention, mitigation, and response policies and practices across the Department of Defense;

“(4) referring civilian casualty incidents for investigation by appropriate components within the Department of Defense, when necessary;

“(5) making recommendations to the Secretary and the Joint Chiefs of Staff to improve civilian harm prevention, mitigation, and response;

“(6) ensuring lessons learned from investigations of civilian casualty incidents are captured and institutionalized within policy, training, and tactics, techniques, and procedures of the Department of Defense;

“(7) coordinating and synchronizing efforts across combatant commands, the Department of State, and other relevant United States Government departments and agencies to prevent, mitigate, and respond to civilian casualty incidents;

“(8) engaging with nongovernmental organizations and civilian casualty experts; and

“(9) such other responsibilities as are directed by the Secretary.
“(c) Director.—The head of the Office shall be the Director, who shall be appointed by the Secretary from among individuals qualified to serve as the Director who have significant experience and expertise relating to the protection of civilians.

“(d) Analysis Required.—

“(1) In General.—Not later than one year after the date of the enactment of this section, the Office shall complete and submit to the Secretary an analysis of a representative sample of civilian casualty assessment reports and other reports of investigations of civilian casualty incidents on or after August 1, 2014—

“(A) to identify trends in civilian casualty incidents;

“(B) to identify factors contributing to civilian casualties;

“(C) to capture lessons learned from civilian casualty incidents; and

“(D) to evaluate the extent to which such lessons have been incorporated into policy, training, and tactics, techniques, and procedures of the Department of Defense.

“(2) Recommendations.—The analysis required by paragraph (1) shall include recommenda-
tions to the Secretary for improving civilian harm
prevention, mitigation, and response.

“(e) SEMIANNUAL REPORTS.—Not later than 180
days after the date of the enactment of this section, and
every 180 days thereafter until the date is 2 years after
such date of enactment, the Director shall submit to the
congressional defense committees a report on the status
of the implementation by the Department of Defense of
recommendations included in—

“(1) the Civilian Casualty Review released by
the Joint Staff in April 2018;

“(2) the independent assessment of Department
of Defense standards, processes, procedures, and
policy relating to civilian casualties resulting from
United States military operations required by section
1721 of the National Defense Authorization Act for
Fiscal Year 2020 (Public Law 116–92; 133 Stat.
1809); and

“(3) the Civilian Harm Mitigation and Re-
response Action Plan the Secretary of Defense di-
rected to be developed on January 27, 2022.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 4 of such title is
amended by adding at the end the following new
item:

“148. Office for Civilian Casualty Prevention, Mitigation, and Response.”.
(b) LIMITATION ON USE OF FUNDS.—Of the amount authorized to be appropriated by section 301 for operation and maintenance, Defense-wide, and available as specified in the funding table in section 4301 for the Office of the Secretary of Defense, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Secretary submits to the congressional defense committees the report required by section 1077 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3867) relating to civilian casualty resourcing and authorities.

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.

(a) Prohibition on Delegation.—The authority to designate foreign partner forces as eligible for the provision of collective self-defense support by the United States Armed Forces may not be delegated below the Secretary of Defense.

(b) Review.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review existing designations of foreign partner forces
as eligible for the provision of collective self-defense sup-
port by the United States Armed Forces and provide the 
congressional defense committees a certification that such 
designations remain valid.

(c) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed as invalidating a designation of for-
eign partner forces as eligible for the provision of collective 
self-defense support by the United States Armed Forces 
that is in effect as of the date of the enactment of this 
Act.

(d) COLLECTIVE SELF-DEFENSE DEFINED.—In this 
section, the term “collective self-defense” means the use 
of United States military force to defend designated for-
eign partner forces, their facilities, and their property.

SEC. 1045. PERSONNEL SUPPORTING THE OFFICE OF THE 
ASSISTANT SECRETARY OF DEFENSE FOR 
SPECIAL OPERATIONS AND LOW INTENSITY 
CONFLICT.

(a) PLAN REQUIRED.—Not later than 90 days after 
the date of the enactment of this Act, the Secretary of 
Defense shall submit to the congressional defense commit-
tees a plan for adequately staffing the Office of the Assistant 
Secretary of Defense for Special Operations and Low 
Intensity Conflict to fulfill the requirements of section 
138(b)(2)(A)(i) of title 10, United States Code, for exer-
cising authority, direction, and control of all special-opera-
tions peculiar administrative matters relating to the or-
ganization, training, and equipping of special operations
forces.

(b) ADDITIONAL INFORMATION.—The Secretary shall
ensure the plan required under subsection (a) is informed
by the manpower study required by the Joint Explanatory
Statement accompanying the National Defense Authoriza-
tion Act for Fiscal Year 2022 (Public Law 117–81).

(c) ELEMENTS.—The plan required under subsection
(a) shall include the following elements:

(1) A validated number of personnel necessary
to fulfill the responsibilities of the Secretariat for
Special Operations outlined in section 139b of title
10, United States Code, and associated funding
across the future years defense plan.

(2) A hiring plan with milestones for gradually
increasing the number of required personnel.

(3) A breakdown of the optimal mix of required
military, civilian, and contractor personnel.

(4) An analysis of the feasibility and advis-
ability of assigning a member of the Senior Execu-
tive Service as the Deputy Director of the Secre-
tariat for Special Operations.
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(5) An identification of any anticipated funding shortfalls for personnel supporting the Secretariat for Special Operations across the future years defense plan.

(6) Any other matters the Secretary determines relevant.

SEC. 1046. JOINT ALL DOMAIN COMMAND AND CONTROL.

(a) Direction and Control of Cross-functional Team for Joint All Domain Command and Control.—The cross-functional team (CFT) tasked with joint all domain command and control (JADC2) shall remain under the direction of the Director, Information, Command, Control, Communications and Computers (IC4) of the Joint Chiefs of Staff to ensure—

(1) close collaboration with the Joint Requirements Oversight Council, the combatant commands, and the military services regarding operational requirements and requirements satisfaction; and

(2) objective assessments and reporting to the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff about Joint All Domain Command and Control implementation plan execution by offices of primary responsibility.

(b) Demonstrations and Fielding of Effects Chains.—In support of the emphasis of the National De-
fense Strategy on adversary-specific deterrence postures, in support of actions that can be taken within the Future Years Defense Program focused on critical kill chains and integrated concepts of operation, in support of demonstrations and experimentation, and to achieve objectives of the joint all domain command and control strategy and implementation plan that was approved by the Deputy Secretary of Defense in the United States Indo-Pacific Command area of operations, the Deputy Secretary and the Vice Chairman of the Joint Chiefs of Staff shall take the following actions:

(1) In consultation with the Commander of United States Indo-Pacific Command (INDOPACOM)—

(A) identify a prioritized list of difficult mission-critical operational challenges specific to the area of operations of such command;

(B) design, using existing systems and capabilities and resource through the Office of Cost Analysis and Program Evaluation and the Management Action Group of the Deputy Secretary, a series of multi-domain, multi-service and multi-agency, multi-platform, and multi-system end-to-end integrated kinetic and non-kinetic effects chains, including necessary battle
management functions, to solve the operational challenges identified in subparagraph (A);

(C) using mission command principles of joint all domain command and control, demonstrate the ability to execute the integrated effects chains identified in subparagraph (B) in realistic conditions on a repeatable basis, including the ability to achieve interoperability among effects chain components that do not conform to common interface standards, including through the use of the System of Systems Technology Integration Tool Chain for Heterogeneous Electronic Systems (STITCHES) managed by the 350th Spectrum Warfare Wing of the Department of the Air Force; and

(D) create a plan to deploy the effects chains to the area of operations of United States Indo-Pacific Command and execute them at the scale and pace required to solve the identified operational challenges, including necessary logistics and sustainment capabilities.

(2) Designate the Commander of United States Indo-Pacific Command to serve as the transition partner for the integrated effects chains, and to
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1 maintain and exercise them as operational capabilities.

2 (3) Designate the Strategic Capabilities Office
3 and such other organizations as the Deputy Sec-
4 retary deems appropriate to be responsible for—

5 (A) composing and demonstrating the inte-
6 grated effects chains under the mission man-
7 agement pilot program established by section
8 871 of the National Defense Authorization Act
9 for Fiscal Year 2022 (Public Law 117–81); and
10 (B) providing continuing support and
11 sustainment for, and training and exercising of,
12 the integrated effects chains under the oper-
13 tional command of the Commander of United
14 States Indo-Pacific Command.
15
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-
sion Partner Environment and the Maven Smart System.

(c) PERFORMANCE GOALS.—The Deputy Secretary, the Vice Chairman, and the Commander shall seek to—

(1) demonstrate at least one new integrated effects chain on a quarterly basis, beginning with the third quarter of fiscal year 2023; and

(2) include such demonstrations, as feasible, in Valiant Shield, Northern Edge, the Large Scale Global Exercise, the quarterly Scarlet Dragon exercises, the Global Information Dominance Experiments (GIDE), and annual force exercises in the area of responsibility of United States Indo-Pacific Command.

(d) IMPLEMENTATION PLAN AND ESTABLISHMENT OF JOINT FORCE HEADQUARTERS.—

(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commander, in consultation and coordination with the Deputy Secretary and the Vice Chairman, shall submit to the congressional defense committees an implementation plan for the establishment of a joint force headquarters to serve as an operational command, including for —
(A) integrating joint all domain command and control effects chains and mission command and control, including in conflicts that arise with minimal warning;

(B) integrating the capabilities of Assault Breaker II, developed by the Defense Advanced Research Projects Agency, and related developmental efforts as they transition to operational deployment;

(C) exercising other joint all domain command and control capabilities and functions; and

(D) such other missions and operational tasks as the Commander may assign.

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

(A) A description of the operational chain of command of the joint force headquarters to be established.

(B) An identification of the manning and resourcing required for the joint force headquarters, relative to assigned missions, particularly the sources of personnel required.

(C) A description of the mission and lines of effort of the joint force headquarters.
(D) A description of the relationship with existing entities in United States Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.

(E) An identification of infrastructure required to support the joint force headquarters.

(F) Such other matters as the Commander considers appropriate.

(3) ESTABLISHMENT.—Not later than October 1, 2024, the Commander shall, in consultation and coordination with the Deputy Secretary and the Vice Chairman, establish a joint force headquarters as described in paragraph (1).

(e) SUPPORT FOR JOINT FORCE HEADQUARTERS.—
The commander of the joint force headquarters established under subsection (d)(3) shall be supported by the United States Indo-Pacific Command subordinate unified commands, subordinate component commands, standing joint task force, and the military services.

(f) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter until December 31, 2028, the Deputy Secretary and Vice
Chairman, in coordination with the Commander of the United States Indo-Pacific Command, and the commander of the joint force headquarters established under subsection (d)(3), shall submit to the congressional defense committees an annual report on such joint force headquarters.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the mission and lines of effort of the joint force headquarters.

(B) An accounting of the personnel and other resources supporting the joint force headquarters, including support external to the headquarters.

(C) A description of the operational chain of command of the joint force headquarters.

(D) An assessment of the manning and resourcing of the joint force headquarters, relative to assigned missions.

(E) A description of the relationship with existing entities in Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.
(3) **FORM.**—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**(g) DEFINITIONS.**—In this section:

(1) The term “Family of Integrated Targeting Cells” means the Maritime Targeting Cell-Afloat, the Maritime Targeting Cell-Expeditionary, the Tactical Intelligence Targeting Access Node, and other interoperable tactical ground stations able to task the collection of, receive, process, and disseminate track and targeting information from many sensing systems in austere communications conditions.

(2) The term “joint all domain command and control” means the warfighting capability to sense, make sense, and act at all levels and phases of war, across all domains, and with partners, to deliver information advantage at the speed of relevance.

(3) The term “mission command” means predetermined, pre-approved, operational event-driven authorities and capabilities that ensure decentralized mission execution and operational effectiveness during situations where communications are denied, disconnected, intermittent, and limited.
SEC. 1047. EXTENSION OF ADMISSION TO GUAM OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR CERTAIN NONIMMIGRANT H–2B WORKERS.

Section 6(b)(1)(B) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (48 U.S.C. 1806(b)(1)(B)), is amended, in the matter preceding clause (i), by striking “December 31, 2023” and inserting “December 31, 2029”.

SEC. 1048. DEPARTMENT OF DEFENSE SUPPORT FOR CIVIL AUTHORITIES TO ADDRESS THE ILLEGAL IMMIGRATION CRISIS AT THE SOUTHWEST BORDER.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense has provided critical support to U.S. Customs and Border Protection along the southwest border.

(2) The Department of Defense’s presence along the southwest border assisted U.S. Customs and Border Protection in deterring illegal crossings at the southwest border.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) Department of Defense personnel have provided outstanding support to U.S. Customs and Border Protection along the southwest border; and

(2) the Department of Defense’s Support of Civil Authority Mission has significantly contributed to mitigating the impact of the current security challenges along the southwest border of the United States.

(e) QUARTERLY BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter through December 31, 2024, the Undersecretary of Defense for Policy shall provide an unclassified briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, with a classified component, if necessary, regarding—

(1) Department of Defense planning to address current and anticipated border support mission requirements as part of the Department of Defense’s annual planning, programming, budgeting, and execution process;

(2) the security situation along the southwest border of the United States;
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(3) any Department of Defense efforts, or updates to existing efforts, to cooperate with Mexico with respect to border security;

(4) the type of support that is currently being provided by the Department of Defense along the southwest border of the United States;

(5) the impact of such efforts and support on National Guard readiness; and

(6) any recommendations for whether the southwest border mission of the Department of Defense should be expanded to respond to the security situation referred to in paragraph (2).

SEC. 1049. DEPARTMENT OF DEFENSE SUPPORT FOR FUNERALS AND MEMORIAL EVENTS FOR MEMBERS AND FORMER MEMBERS OF CONGRESS.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130 the following new section:

“§ 130a. Department of Defense support for funerals
and related memorial events for Members
and former Members of Congress

“(a) Support for Funerals.—The Secretary of Defense may provide such support as the Secretary considers appropriate for the funeral or related memorial events of a Member or former Member of Congress, in-
including support with respect to transportation to and from
the funeral or other memorial events, in accordance with
this section.

“(b) Requests for Support; Secretary Determination.—The Secretary may provide support under
this section—

“(1) upon request from the Speaker of the
House of Representatives, the Minority Leader of
the House of Representatives, the Majority Leader
of the Senate, or the Minority Leader of the Senate;
or

“(2) if the Secretary determines such support is
necessary to carry out duties or responsibilities of
the Department of Defense.

“(c) Use of Funds.—The Secretary may use funds
authorized to be appropriated for operations and mainte-
nance to provide support under this section.”.

(b) Clerical Amendment.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 130 the following new
item:

“130a. 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.

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “; or” and inserting a semicolon;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) that results in enrollment in a Warriors in Transition program, as defined in section 738(e) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1071 note); or”; and

(2) in subsection (c), by striking “or (3)” and inserting “, (3), or (4)”.

SEC. 1051. TECHNICAL AMENDMENTS RELATED TO RECENTLY ENACTED COMMISSIONS.

(a) ASSISTANCE FROM DEPARTMENT OF DEFENSE.—The Department of Defense may provide to each covered commission on a reimbursable basis such services,
funds, facilities, staff, and other support services as necessary for the performance of such commission’s functions, at the request of such commission, and amounts may be paid to a covered commission for the purposes of funding such commission from amounts appropriated to the Department of Defense, as provided in advance in appropriations Acts.

(b) Covered Commission Defined.—In this section, the term “covered commission” means a commission established pursuant to the following sections of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81):

(1) Section 1004 (Commission on Planning, Programming, Budgeting, and Execution Reform).

(2) section 1091 (National Security Commission on Emerging Biotechnology).

(3) section 1094 (Afghanistan War Commission).

(4) section 1095 (Commission on the National Defense Strategy).

(5) section 1687 (Congressional Commission on the Strategic Posture of the United States).
Subtitle F—Studies and Reports

SEC. 1061. SUBMISSION OF NATIONAL DEFENSE STRATEGY IN CLASSIFIED AND UNCLASSIFIED FORM.

Section 113(g)(1)(D) of title 10, United States Code, is amended by striking “in classified form with an unclassified summary.” and inserting “in both classified and unclassified form. The unclassified form may not be a summary of the classified document.”.

SEC. 1062. REPORT ON IMPACT OF CERTAIN ETHICS REQUIREMENTS ON DEPARTMENT OF DEFENSE HIRING, RETENTION, AND OPERATIONS.

(a) Study.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center to conduct a study assessing whether the statutory ethics requirements unique to the Department of Defense and as set forth in paragraph (3) have had an impact on the hiring or retention of personnel at the Department of Defense, particularly those with specialized experience or training.

(2) ELEMENTS.—The study required under paragraph (1) shall include the following elements:

(A) An examination of how the statutory ethics requirements set forth in paragraph (3)
are inconsistent or incongruent with ethics statutes that apply to all executive branch employees.

(B) An examination of how the statutory ethics requirements set forth in paragraph (3) have impacted hiring and retention of personnel, particularly those with specialized experience or training, at the Department of Defense in comparison to other executive branch agencies not subject to such requirements.

(C) An examination of how any confusion in the interpretation of the statutory ethics requirements set forth in paragraph (3)(B) may have impacted the hiring or retention of personnel, particularly those with specialized experience or training, at the Department of Defense.

(D) An examination of how the statutory restrictions set forth in subparagraphs (B) and (C) of paragraph (3) may impact the ability of the Department of Defense to obtain expertise from industry and other groups in support of technology development, supply chain security, and other national security matters.
(E) Any suggested changes to the statutory ethics requirements set forth in paragraph (3) to further the goals behind the requirements while also supporting the Department of Defense’s ability to hire and retain personnel, and obtain expertise from academia, think tanks, industry, and other groups to support national security.

(3) COVERED ETHICS REQUIREMENTS.—The ethics requirements referred to in paragraph (1) are the following provisions of law:


(B) Section 1045 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 971 note prec.).

(C) Section 1117 of the National Defense Authorization Act for Fiscal Year 2022 (10 U.S.C. 971 note prec.).

(D) Section 988 of title 10, United States Code.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the fed-
erally funded research and development center with
which the Secretary contracts under subsection (a)
shall submit to the Secretary a report containing the
results of the study conducted pursuant to that sub-
section.

(2) TRANSMITTAL TO CONGRESS.—Not later
than 30 days after the Secretary receives the report
under paragraph (1), the Secretary shall transmit a
copy of the report to the Committee on Armed Serv-
ices of the Senate and the Committee on Armed
Services of the House of Representatives.

SEC. 1063. EXTENSION OF CERTAIN REPORTING DEAD-
LINES.

(a) COMMISSION ON PLANNING, PROGRAMMING,
BUDGETING, AND EXECUTION REFORM.—Section
1004(g) of the National Defense Authorization Act for
Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1886)
is amended—

(1) in paragraph (1), by striking “February 6,
2023” and inserting “August 6, 2023”; and

(2) in paragraph (2), by striking “September 1,
2023” and inserting “March 1, 2024”.

(b) NATIONAL SECURITY COMMISSION ON EMERGING
BIOTECHNOLOGY.—Section 1091(g) of the National De-

(1) in paragraph (1), by striking “2 years after” and inserting “2 years and 6 months after”; and

(2) in paragraph (2), by striking “1 year after” and inserting “1 year and 6 months after”.

(c) Commission on the National Defense Strategy.—Section 1095(g) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1945) is amended—

(1) in paragraph (1), by striking “one year after” and inserting “one year and 6 months after”; and

(2) in paragraph (2), by striking “180 days after” and inserting “one year after”.

(d) Congressional Commission on the Strategic Posture of the United States.—Section 1687(d) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2128) is amended—

(1) in paragraph (1), by striking “December 31, 2022” and inserting “June 30, 2023”; and

(2) in paragraph (3), by striking “180 days after” and inserting “one year after”.
Subtitle G—Other Matters

SEC. 1071. ANNUAL RISK ASSESSMENT.

Section 222a of title 10, United States Code, is amended—

(1) in the section heading, by inserting “and risk assessment” after “priorities”;

(2) in subsection (a), by inserting “and risk assessment” after “priorities”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “ELEMENTS” and inserting “UNFUNDED PRIORITY REPORT ELEMENTS”; and

(B) by striking “report under this subsection” and inserting “unfunded priority report required under subsection (a)”;

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (e) the following new subsection:

“(d) RISK ASSESSMENT ELEMENTS.—Each risk assessment required under subsection (a) shall specify, in writing, the following:

“(1) An assessment of the risks associated with the most current National Military Strategy (or update) under section 153(b)(1) of this title.
“(2) Any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions.

“(3) Military strategic risks to United States interests and military risks in executing the National Military Strategy (or update).

“(4) Identification and definition of levels of risk, including an identification of what constitutes ‘significant’ risk in the judgment of the officer.

“(5) Identification and assessment of risk in the National Military Strategy (or update) by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time.

“(6) For each category of risk, an assessment of the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the current future-years defense program under section 221 of this title.

“(7) Identification and assessment of risks associated with the assumptions or plans of the National Military Strategy (or update) about the contributions of external support, as appropriate.
“(8) Identification and assessment of the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) and identification and assessment of the effect of such deficiencies and strengths for the National Military Strategy (or update).

“(9) Identification and assessment of risk resulting from, or likely to result from, current or projected effects on military installation resilience.”

SEC. 1072. JOINT CONCEPT FOR COMPETING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop a Joint Concept for Competing.

(b) PURPOSES.—The purposes of the Joint Concept for Competing are to—

(1) define the role of the United States Armed Forces in long-term strategic competition with specific adversaries;

(2) conceptualize the campaigning of Department of Defense joint forces and employment of capabilities to eliminate opportunities for adversary aggression during day-to-day competition, deter adversary military action, and set conditions for victory during sustained conflict;
(3) describe the manner in which the Department of Defense will utilize its forces, capabilities, posture, indications and warning systems, and authorities to protect United States national interests, including integration with other instruments of national power and through security cooperation with partners and allies and operations, particularly below the threshold of traditional armed conflict;

(4) identify priority lines of effort and assign responsibility to relevant military services, combatant commands, and other elements of the Department of Defense for each specified line of effort in support of the Joint Concept for Competing; and

(5) provide a means for integrating and continuously improving the Department’s ability to engage in long-term strategic competition.

(c) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 2 years, the Secretary of Defense shall provide a report to the congressional defense committees on the implementation of the Joint Concept for Competing.

(2) Elements.—The report required under paragraph (1) shall include the following elements:
(A) A detailed description of actions taken by the Department of Defense relative to the purposes specified under subsection (b).

(B) An articulation of any new concepts or strategies necessary to support the Joint Concept for Competing.

(C) An articulation of any capabilities, resources, or authorities necessary to implement the Joint Concept for Competing.

(D) An explanation of the manner in which the Joint Concept for Competing relates to and integrates with the Joint Warfighting Concept.

(E) An explanation of the manner in which the Joint Concept for Competing synchronizes and integrates with efforts of other departments and agencies of the United States Government to address long-term strategic competition.

(F) Any other matters the Secretary of Defense determines relevant.
SEC. 1073. PRIORITIZATION AND ACCELERATION OF INVESTMENTS TO ATTAIN THREAT MATRIX FRAMEWORK LEVEL 4 CAPABILITY AT TRAINING RANGES SUPPORTING F–35 OPERATIONS.

(a) SENSE OF CONGRESS.—It is the sense of the Senate that—

(1) the Air Force must train to fight and win in highly contested and competitive environments against technologically advanced adversaries;

(2) in order for the Air Force to be proficient in tactics, techniques, and procedures and effectively execute at an operational level, the Air Force must train in an accurately replicated multi-domain environment for joint operations;

(3) the Air Force can emulate only a fraction of existing and emerging threats to a level suitable for advanced sensors and cannot provide a contested or degraded environment with the threats available at the two major training ranges of the Air Force; and

(4) since the Secretary of the Air Force says the Air Force cannot afford to allocate advanced capabilities across all ranges, the Air Force must prioritize developments and upgrades for ranges to ensure that one or more ranges have a complete
suite of capability to conduct advanced F–35 training.

(b) UPGRADE OF FACILITIES.—

(1) IN GENERAL.—The Secretary of the Air Force shall prioritize and accelerate investments to develop and upgrade one or more ranges to attain threat matrix framework level 4 capability, such as peer capability, by not later than fiscal year 2026.

(2) ELEMENTS.—In carrying out paragraph (1), the Secretary of the Air Force shall prioritize—

(A) advanced radar threat systems;

(B) live mission operations capability common architecture;

(C) infrastructure, including roads, site preparation, secure facilities, power and communications infrastructure, and modernized range operations centers;

(D) advanced integrated air defense systems;

(E) air combat maneuvering instrumentation modernization;

(F) global positioning system jamming suites;

(G) contested-degraded operations jamming suites;
(H) higher fidelity targets with more advanced characteristics;
  (I) modernized weapons scoring systems;
  and
  (J) secure, live-virtual-constructive advanced air combat training systems.

SEC. 1074. MODIFICATION OF ARCTIC SECURITY INITIATIVE.

Section 1090(b)(2) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—

(1) in subparagraph (A), by striking “the Secretary may” and inserting “the Secretary shall”;

and

(2) in subparagraph (B)(i), by striking “If the Initiative is established” and inserting “On the establishment of the Initiative”.

SEC. 1075. PILOT PROGRAM ON SAFE STORAGE OF PERSONALLY OWNED FIREARMS.

(a) Establishment.—The Secretary of Defense shall establish a pilot program to promote the safe storage of personally owned firearms.

(b) Elements.—Under the pilot program under subsection (a), the Secretary of Defense shall furnish to members of the Armed Forces who are participating in the
pilot program at military installations selected under subsection (e) locking devices or firearm safes, or both, for the purpose of securing personally owned firearms when not in use (including by directly providing, subsidizing, or otherwise making available such devices or safes).

(e) Participation.—

(1) VOLUNTARY PARTICIPATION.—Participation by members of the Armed Forces in the pilot program under subsection (a) shall be on a voluntary basis.

(2) LOCATION OF PARTICIPANTS.—A member of the Armed Forces may participate in the pilot program under subsection (a) carried out at a military installation selected under subsection (e) regardless of whether the member resides at the military installation.

(d) PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of the pilot program under subsection (a).

(e) SELECTION OF INSTALLATIONS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than five mili-
tary installations at which to carry out the pilot program under subsection (a).

(f) Effect on Existing Policies.—Nothing in this section shall be construed to circumvent or undermine any existing safe storage policies, laws, or regulations on military installations.

(g) Report.—Upon the termination under subsection (f) of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number and type of locking devices and firearm safes furnished to members of the Armed Forces under the pilot program.

(2) The cost of carrying out the pilot program.

(3) An analysis of the effect of the pilot program on suicide prevention.

(4) Such other information as the Secretary may determine appropriate, which shall exclude any personally identifiable information about participants in the pilot program.

(h) Termination.—The pilot program under subsection (a) shall terminate on the date that is six years after the date of the enactment of this Act.
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.

It is the sense of the Senate that—

(1) Senator James M. Inhofe—

(A) has, during his more than three decades of service in the United States Congress—

(i) demonstrated a profound commitment to strengthening United States-Africa relations; and

(ii) been one of the foremost leaders in Congress on matters related to United States-Africa relations;

(B) was a key advocate for the establishment of United States Africa Command; and

(C) has conducted 170 visits to countries in Africa; and

(2) as a recognition of Senator Inhofe’s long history of engaging with, and advocating for, Africa, the Department of Defense Africa Center for Strategic Studies should be renamed 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.

Section 3304 of title 5, United States Code, is amended by adding at the end the following:

“(g) Eligibility of Department of Defense employees in time-limited appointments to compete for permanent appointments.—

“(1) Definitions.—In this subsection—

“(A) the term ‘Department’ means the Department of Defense; and

“(B) the term ‘time-limited appointment’ means a temporary or term appointment in the competitive service.

“(2) Eligibility.—Notwithstanding any other provision of this chapter or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, an employee of the Department serving under a time-limited appointment is eligible to compete for a permanent appointment in the competitive service when the Department is accepting applications from
individuals within its own workforce, or from individuals outside its own workforce, under merit promotion procedures, if—

“(A) the employee was appointed initially under open, competitive examination under subchapter I of this chapter to the time-limited appointment;

“(B) the employee has served under 1 or more time-limited appointments within the Department for a period or periods totaling more than 2 years without a break of 2 or more years; and

“(C) the employee’s performance has been at an acceptable level of performance throughout the period or periods referred to in sub-paragraph (B).

“(3) CAREER-CONDITIONAL STATUS; COMPETITIVE STATUS.—An individual appointed to a permanent position under this section—

“(A) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

“(B) acquires competitive status upon appointment.
“(4) FORMER EMPLOYEES.—If the Department is accepting applications as described in paragraph (2), a former employee of the Department who served under a time-limited appointment and who otherwise meets the requirements of this section shall be eligible to compete for a permanent position in the competitive service under this section if—

“(A) the employee applies for a position covered by this section not later than 2 years after the most recent date of separation; and

“(B) the employee’s most recent separation was for reasons other than misconduct or performance.

“(5) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection.”.

SEC. 1102. EMPLOYMENT AUTHORITY FOR CIVILIAN FACULTY AT CERTAIN MILITARY DEPARTMENT SCHOOLS.

(a) ADDITION OF ARMY UNIVERSITY AND ADDITIONAL FACULTY.—

(1) IN GENERAL.—Section 7371 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “the Army War College or the United States Army
Command and General Staff College” and inserting “the Army War College, the United States Army Command and General Staff College, and the Army University”; and

(B) by striking subsection (c).

(2) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 7371. Army War College, United States Army Command and General Staff College, and Army University: civilian faculty members”.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 747 of such title is amended by striking the item relating to section 7371 and inserting the following new item:

“7371. Army War College, United States Army Command and General Staff College, and Army University: civilian faculty members.”.

(b) NAVAL WAR COLLEGE AND MARINE CORPS UNIVERSITY.—Section 8748 of such title is amended by striking subsection (c).

(c) AIR UNIVERSITY.—Section 9371 of such title is amended by striking subsection (c).
SEC. 1103. EMPLOYMENT AND COMPENSATION OF CIVILIAN
FACULTY MEMBERS AT INTER-AMERICAN DEFENSE COLLEGE.

(a) In General.—Subsection (c) of section 1595 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(9) The United States Element of the Inter-American Defense College.”.

(b) Conforming Amendments.—Such section is further amended—

(1) in subsection (a), by striking “institutions” and inserting “organizations”; and

(2) in subsection (c)—

(A) in the subsection heading, by striking “INSTITUTIONS” and inserting “ORGANIZATIONS”; and

(B) in the matter preceding paragraph (1), by striking “institutions” and inserting “organizations”.

SEC. 1104. MODIFICATION TO PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.

Section 4092 of title 10, United States Code, is amended—
(1) in subsection (a)(8), in the second sentence, by striking “December 31, 2025” and inserting “December 31, 2030”;

(2) in subsection (b)—

(A) in paragraph (1)(H)—

(i) by striking “10 positions” and inserting “15 positions”; and

(ii) by striking “3 such positions” and inserting “5 such positions”; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i), by striking “paragraph (1)(B)” and inserting “subparagraphs (B) and (H) of paragraph (1)”;

(ii) in clause (i)—

(I) by striking “to any of” and inserting “to any of the”; and

(II) by inserting “and any of the 5 positions designated by the Director of the Space Development Agency” after “Projects Agency”; and

(iii) in clause (ii), by striking “the Director” and inserting “the Director of the Defense Advanced Research Projects Agen-
SEC. 1105. ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) In General.—Chapter 303 of title 10, United States Code, is amended by inserting after section 4093 the following new section:

“§ 4094. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories

“(a) In General.—The Secretary of Defense may carry out a program using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high-cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.
“(b) Approval Required.—The program may be carried out in a military department only with the approval of the service acquisition executive of the military department concerned.

“(c) Positions.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

“(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

“(2) are critical to the successful accomplishment of an important research or technology development mission.

“(d) Rate of Basic Pay.—The pay authority specified in this subsection is authority as follows:

“(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the service acquisition executive concerned.

“(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive
Schedule, upon the approval of the Secretary of the military department concerned.

“(e) Limitations.—

“(1) In general.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

“(2) Number of positions.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time, unless the Under Secretary of Defense for Research and Engineering, in concurrence with the Secretaries of the military departments concerned, authorizes the transfer of positions from one military department to another.

“(3) Term of positions.—The authority in subsection (a) may be used only for positions having a term of less than five years.

“(f) Science and Technology Reinvention Laboratories of the Department of Defense Defined.—In this section, the term ‘science and technology reinvention laboratories of the Department of Defense’ means the laboratories designated as science and tech-
ology reinvention laboratories by section 4121(b) of this
title.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 303 of such title is amended
by inserting after the item relating to section 4093 the
following new item:

“4094. Enhanced pay authority for certain research and technology positions in
science and technology reinvention laboratories.”.

SEC. 1106. MODIFICATION AND EXTENSION OF PILOT PRO-
GRAM ON DYNAMIC SHAPING OF THE WORK-
FORCE TO IMPROVE THE TECHNICAL SKILLS
AND EXPERTISE AT CERTAIN DEPARTMENT
OF DEFENSE LABORATORIES.

(a) REPEAL OF OBSOLETE PROVISION.—Section
1109(b)(1) of the National Defense Authorization Act for
Fiscal Year 2016 (Public Law 114–92) is amended by
striking subparagraph (D).

(b) EXTENSION OF AUTHORITY.—Section 1109(d)(1)
of such Act is amended by striking “December 31, 2023”
and inserting “December 31, 2027”.

SEC. 1107. MODIFICATION OF EFFECTIVE DATE OF REPEAL
OF TWO-YEAR PROBATIONARY PERIOD FOR
EMPLOYEES.

Section 1106 of the National Defense Authorization
Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
1950) is amended—
(1) in subsection (a)(1), by striking “December 31, 2022” and inserting “December 31, 2024”; and

(2) in subsection (b), by adding at the end the following new paragraph:

“(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on December 31, 2024.”.

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.


(1) by striking “that is in the area of responsibility” and all that follows through “United States Africa Command,”; and

(2) by striking “through 2022” and inserting “through 2023”.

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.

(a) Extension of Sunset.—Subsection (e) of section 573 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 5 U.S.C. 3330d note) is amended, in the matter preceding paragraph (1), by striking “the date that is 5 years after the date of the enactment of this Act” and inserting “December 31, 2028”.

(b) Repeal of OPM Limitation and Reports.—Subsection (d) of such section is repealed.

SEC. 1111. DEPARTMENT OF DEFENSE CYBER AND DIGITAL SERVICE ACADEMY.

(a) Establishment.—

(1) In general.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Director of the Office of Personnel and Management, shall establish a program to provide financial support for pursuit of programs of education at institutions of high education in covered disciplines.

(2) Covered disciplines.—For purposes of the Program, a covered discipline is a discipline that the Secretary of Defense determines is critically needed and is cyber- or digital technology-related, including the following:

(A) Computer-related arts and sciences.

(B) Cyber-related engineering.

(C) Cyber-related law and policy.

(D) Applied analytics related sciences, data management, and digital engineering, including artificial intelligence and machine learning.

(E) Such other disciplines relating to cyber, cybersecurity, digital technology, or sup-
porting functions as the Secretary of Defense considers appropriate.

(3) Designation.—The program established under paragraph (1) shall be known as the “Department of Defense Cyber and Digital Service Academy” (in this section the “Program”).

(b) Program Description and Components.—The Program shall—

(1) provide scholarships through institutions of higher education to students who are enrolled in programs of education at such institutions leading to degrees or specialized program certifications in covered disciplines; and

(2) prioritize the placement of scholarship recipients fulfilling the post-award employment obligation under this section.

(c) Scholarship Amounts.—

(1) Amount of Assistance.—(A) Each scholarship under the Program shall be in such amount as the Secretary determines necessary—

(i) to pay all educational expenses incurred by that person, including tuition, fees, cost of books, and laboratory expenses, for the pursuit of the program of education for which the assistance is provided under the Program; and
(ii) to provide a stipend for room and board.

(B) The Secretary shall ensure that expenses paid are limited to those educational expenses normally incurred by students at the institution of higher education involved.

(2) SUPPORT FOR INTERNSHIP ACTIVITIES.—The financial assistance for a person under this section may also be provided to support internship activities of the person in the Department of Defense and combat support agencies in periods between the academic years leading to the degree or specialized program certification for which assistance is provided the person under the Program.

(3) PERIOD OF SUPPORT.—Each scholarship under the Program shall be for not more than 5 years.

(4) ADDITIONAL STIPEND.—Students demonstrating financial need, as determined by the Secretary, may be provided with an additional stipend under the Program.

(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the Program, shall enter into an agreement under which the recipient agrees to work for a period
equal to the length of the scholarship, following receipt of the student’s degree or specialized program certification, in the cyber- and digital technology-related missions of the Department, in accordance with the terms and conditions specified by the Secretary in regulations the Secretary shall promulgate to carry out this subsection.

(e) Hiring Authority.—In carrying out this section, specifically with respect to enforcing the obligations and conditions of employment under subsection (d), the Secretary may use any authority otherwise available to the Secretary for the recruitment, employment, and retention of civilian personnel within the Department, including authority under section 1599f of title 10, United States Code.

(f) Eligibility.—To be eligible to receive a scholarship under the Program, an individual shall—

(1) be a citizen or lawful permanent resident of the United States;

(2) demonstrate a commitment to a career in improving the security of information technology or advancing the development and application of digital technology;

(3) have demonstrated a high level of competency in relevant knowledge, skills, and abilities, as defined by the national cybersecurity awareness
and education program under section 303 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7443);

(4) be a full-time student, or have been accepted as a full-time student, in a program leading to a degree or specialized program certification in a covered discipline at an institution of higher education;

(5) enter into an agreement accepting and acknowledging the post award employment obligations, pursuant to section (d);

(6) accept and acknowledge the conditions of support under section (g); and

(7) meet such other requirements for a scholarship as determined appropriate by the Secretary.

(g) CONDITIONS OF SUPPORT.—

(1) IN GENERAL.—As a condition of receiving a scholarship under this section, a recipient shall agree to provide the Office of Personnel Management (in coordination with the Department of Defense) and the institutions of higher education described in subsection (a)(1) with annual verifiable documentation of post-award employment and up-to-date contact information.
(2) TERMS.—A scholarship recipient under the Program shall be liable to the United States as provided in subsection (i) if the individual—

(A) fails to maintain an acceptable level of academic standing at the applicable institution of higher education, as determined by the Secretary;

(B) is dismissed from the applicable institution of higher education for disciplinary reasons;

(C) withdraws from the eligible degree program before completing the Program;

(D) declares that the individual does not intend to fulfill the post-award employment obligation under this section;

(E) fails to maintain or fulfill any of the post-graduation or post-award obligations or requirements of the individual; or

(F) fails to fulfill the requirements of paragraph (1).

(h) MONITORING COMPLIANCE.—As a condition of participating in the Program, an institution of higher education shall—

(1) enter into an agreement with the Secretary to monitor the compliance of scholarship recipients
with respect to their post-award employment obligations; and

(2) provide to the Secretary and the Director of the Office of Personnel Management, on an annual basis, the post-award employment documentation required under subsection (g)(1) for scholarship recipients through the completion of their post-award employment obligations.

(i) AMOUNT OF REPAYMENT.—

(1) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in subsection (g)(2) occurs before the completion of 1 year of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program shall be considered a debt to the Government and repaid in its entirety.

(2) 1 OR MORE YEARS OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of subsection (g)(2) occurs after the completion of 1 or more years of a post-award employment obligation under the Program, the total amount of scholarship awards received by the individual under the Program, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be considered a debt to the
Government and repaid in accordance with subsection (j).

(j) Repayments.—A debt described subsection (i) shall be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the Secretary in regulations promulgated to carry out this subsection.

(k) Collection of Repayment.—

(1) In general.—In the event that a scholarship recipient is required to repay the scholarship award under the Program, the institution of higher education providing the scholarship shall—

(A) determine the repayment amounts and notify the recipient, the Secretary, and the Director of the Office of Personnel Management of the amounts owed; and

(B) collect the repayment amounts within a period of time as determined by the Secretary.

(2) Returned to Treasury.—Except as provided in paragraph (3), any repayment under this subsection shall be returned to the Treasury of the United States.
(3) Retain Percentage.—An institution of higher education may retain a percentage of any repayment the institution collects under this subsection to defray administrative costs associated with the collection. The Secretary shall establish a single, fixed percentage that will apply to all eligible entities.

(l) Public Information.—

(1) Evaluation.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall periodically evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under the Program and on hiring and retaining those individuals in the Department of Defense workforce, including information on—

(A) placement rates;

(B) where students are placed, including job titles and descriptions;

(C) salary ranges for students not released from obligations under this section;

(D) how long after graduation students are placed;
(E) how long students stay in the positions they enter upon graduation;

(F) how many students are released from obligations; and

(G) what, if any, remedial training is required.

(2) REPORTS.—The Secretary, in consultation with the Office of Personnel Management, shall submit, not less frequently than once every two years, to Congress a report, including—

(A) the results of the evaluation under paragraph (1);

(B) the disparity in any reporting between scholarship recipients and their respective institutions of higher education; and

(C) any recent statistics regarding the size, composition, and educational requirements of the relevant Department of Defense workforce.

(3) RESOURCES.—The Secretary, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

(A) searchable, up-to-date, and accurate information about participating institutions of
higher education and job opportunities relating to covered disciplines; and

(B) a modernized description of careers in covered disciplines.

(m) **Allocation of Funding.**—

(1) **In General.**—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of programs of education referred to in subsection (b)(1) at institutions of higher education that have established, improved, or are administering programs of education in disciplines under the grant program established in section 2200b of title 10, United States Code, as determined by the Secretary.

(2) **Associate Degrees.**—Not less than five percent of the amount available for financial assistance under this section for a fiscal year shall be available for providing financial assistance for the pursuit of an associate degree at an institution described in paragraph (1).

(n) **Board of Directors.**—In order to help identify workforce needs and trends relevant to the Program, the Secretary may establish a board of directors for the Pro-
gram that consists of representatives of Federal departments and agencies.

(o) COMMENCEMENT OF PROGRAM.—The Secretary shall commence the Program as early as practicable, with the first scholarships awarded under the Program for the academic year beginning no later than the Fall semester of 2024.

SEC. 1112. CIVILIAN CYBERSECURITY RESERVE PILOT PROJECT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on Armed Services of the House of Representatives.

(2) COMPETITIVE SERVICE.—The term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code.
(3) EXCEPTED SERVICE.—The term “excepted service” has the meaning given the term in section 2103 of title 5, United States Code.

(4) SIGNIFICANT INCIDENT.—The term “significant incident”—

(A) means an incident or a group of related incidents that results, or is likely to result, in demonstrable harm to—

(i) the national security interests, foreign relations, or economy of the United States; or

(ii) the public confidence, civil liberties, or public health and safety of the people of the United States; and

(B) does not include an incident or a portion of a group of related incidents that occurs on—

(i) a national security system, as defined in section 3552 of title 44, United States Code; or

(ii) an information system described in paragraph (2) or (3) of section 3553(e) of title 44, United States Code.
(5) **TEMPORARY POSITION.**—The term “temporary position” means a position in the competitive or excepted service for a period of 180 days or less.

(6) **UNIFORMED SERVICES.**—The term “uniformed services” has the meaning given the term in section 2101 of title 5, United States Code.

(b) **PILOT PROJECT.**—

(1) **IN GENERAL.**—The Secretary of the Army shall carry out a pilot project to establish a Civilian Cybersecurity Reserve.

(2) **PURPOSE.**—The purpose of the Civilian Cybersecurity Reserve is to enable the Army to provide manpower to the cyberspace operations forces of the United States Cyber Command to effectively respond to significant incidents.

(3) **ALTERNATIVE METHODS.**—Consistent with section 4703 of title 5, United States Code, in carrying out the pilot project required under paragraph (1), the Secretary may, without further authorization from the Office of Personnel Management, provide for alternative methods of—

(A) establishing qualifications requirements for, recruitment of, and appointment to positions; and

(B) classifying positions.
(4) APPOINTMENTS.—Under the pilot project required under paragraph (1), upon occurrence of a significant incident, the Secretary—

(A) may activate members of the Civilian Cybersecurity Reserve by—

(i) noncompetitively appointing members of the Civilian Cybersecurity Reserve to temporary positions in the competitive service; or

(ii) appointing members of the Civilian Cybersecurity Reserve to temporary positions in the excepted service;

(B) shall notify Congress whenever a member is activated under subparagraph (A); and

(C) may appoint not more than 50 members to the Civilian Cybersecurity Reserve under subparagraph (A) at any time.

(5) STATUS AS EMPLOYEES.—An individual appointed under paragraph (4) shall be considered a Federal civil service employee under section 2105 of title 5, United States Code.

(6) ADDITIONAL EMPLOYEES.—Individuals appointed under paragraph (4) shall be in addition to any employees of the United States Cyber Command who provide cybersecurity services.
(7) Employment protections.—The Secretary of Labor shall prescribe such regulations as necessary to ensure the reemployment, continuation of benefits, and non-discrimination in reemployment of individuals appointed under paragraph (4), provided that such regulations shall include, at a minimum, those rights and obligations set forth under chapter 43 of title 38, United States Code.

(8) Status in reserve.—During the period beginning on the date on which an individual is recruited to serve in the Civilian Cybersecurity Reserve and ending on the date on which the individual is appointed under paragraph (4), and during any period in between any such appointments, the individual shall not be considered a Federal employee.

(c) Eligibility; Application and Selection.—

(1) In general.—Under the pilot project required under subsection (b)(1), the Secretary of the Army shall establish criteria for—

   (A) individuals to be eligible for the Civilian Cybersecurity Reserve; and

   (B) the application and selection processes for the Civilian Cybersecurity Reserve.
(2) **Requirements for Individuals.**—The criteria established under paragraph (1)(A) with respect to an individual shall include—

(A) if the individual has previously served as a member of the Civilian Cybersecurity Reserve, that the previous appointment ended not less than 60 days before the individual may be appointed for a subsequent temporary position in the Civilian Cybersecurity Reserve; and

(B) cybersecurity expertise.

(3) **Prescreening.**—The Secretary shall—

(A) conduct a prescreening of each individual prior to appointment under subsection (b)(4) for any topic or product that would create a conflict of interest; and

(B) require each individual appointed under subsection (b)(4) to notify the Secretary if a potential conflict of interest arises during the appointment.

(4) **Agreement Required.**—An individual may become a member of the Civilian Cybersecurity Reserve only if the individual enters into an agreement with the Secretary to become such a member, which shall set forth the rights and obligations of the individual and the Army.
(5) Exception for continuing military service commitments.—A member of the Selected Reserve under section 10143 of title 10, United States Code, may not be a member of the Civilian Cybersecurity Reserve.

(6) Prohibition.—Any individual who is an employee of the executive branch may not be recruited or appointed to serve in the Civilian Cybersecurity Reserve.

(d) Security clearances.—

(1) In general.—The Secretary of the Army shall ensure that all members of the Civilian Cybersecurity Reserve undergo the appropriate personnel vetting and adjudication commensurate with the duties of the position, including a determination of eligibility for access to classified information where a security clearance is necessary, according to applicable policy and authorities.

(2) Cost of sponsoring clearances.—If a member of the Civilian Cybersecurity Reserve requires a security clearance in order to carry out the duties of the member, the Army shall be responsible for the cost of sponsoring the security clearance of the member.

(e) Study and implementation plan.—
(1) **STUDY.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall begin a study on the design and implementation of the pilot project required under subsection (b)(1), including—

(A) compensation and benefits for members of the Civilian Cybersecurity Reserve;

(B) activities that members may undertake as part of their duties;

(C) methods for identifying and recruiting members, including alternatives to traditional qualifications requirements;

(D) methods for preventing conflicts of interest or other ethical concerns as a result of participation in the pilot project and details of mitigation efforts to address any conflict of interest concerns;

(E) resources, including additional funding, needed to carry out the pilot project;

(F) possible penalties for individuals who do not respond to activation when called, in accordance with the rights and procedures set forth under title 5, Code of Federal Regulations; and
(G) processes and requirements for training and onboarding members.

(2) IMPLEMENTATION PLAN.—Not later than one year after beginning the study required under paragraph (1), the Secretary shall—

(A) submit to the appropriate congressional committees an implementation plan for the pilot project required under subsection (b)(1); and

(B) provide to the appropriate congressional committees a briefing on the implementation plan.

(3) PROHIBITION.—The Secretary may not take any action to begin implementation of the pilot project required under subsection (b)(1) until the Secretary fulfills the requirements under paragraph (2).

(f) PROJECT GUIDANCE.—Not later than two years after the date of the enactment of this Act, the Secretary of the Army shall, in consultation with the Office of Personnel Management and the Office of Government Ethics, issue guidance establishing and implementing the pilot project required under subsection (b)(1).

(g) BRIEFINGS AND REPORT.—
(1) Briefings.—Not later than one year after the date of the enactment of this Act, and every year thereafter until the date on which the pilot project required under subsection (b)(1) terminates under subsection (i), the Secretary of the Army shall provide to the appropriate congressional committees a briefing on activities carried out under the pilot project, including—

(A) participation in the Civilian Cybersecurity Reserve, including the number of participants, the diversity of participants, and any barriers to recruitment or retention of members;

(B) an evaluation of the ethical requirements of the pilot project;

(C) whether the Civilian Cybersecurity Reserve has been effective in providing additional capacity to the Army during significant incidents; and

(D) an evaluation of the eligibility requirements for the pilot project.

(2) Report.—Not earlier than 180 days and not later than 90 days before the date on which the pilot project required under subsection (b)(1) terminates under subsection (i), the Secretary shall sub-
mit to the appropriate congressional committees a report and provide a briefing on recommendations relating to the pilot project, including recommendations for—

(A) whether the pilot project should be modified, extended in duration, or established as a permanent program, and if so, an appropriate scope for the program;

(B) how to attract participants, ensure a diversity of participants, and address any barriers to recruitment or retention of members of the Civilian Cybersecurity Reserve;

(C) the ethical requirements of the pilot project and the effectiveness of mitigation efforts to address any conflict of interest concerns; and

(D) an evaluation of the eligibility requirements for the pilot project.

(h) Evaluation.—Not later than three years after the pilot project required under subsection (b)(1) is established, the Comptroller General of the United States shall—

(1) conduct a study evaluating the pilot project; and

(2) submit to Congress—
(A) a report on the results of the study;

and

(B) a recommendation with respect to

whether the pilot project should be modified.

(i) SUNSET.—The pilot project required under sub-
section (b)(1) shall terminate on the date that is four
years after the date on which the pilot project is estab-
lished.

(j) No Additional Funds.—

(1) In general.—No additional funds are au-

thorized to be appropriated for the purpose of car-

rying out this section.

(2) Existing Authorized Amounts.—Funds
to carry out this section may, as provided in advance
in appropriations Acts, only come from amounts au-

thorized to be appropriated to the Army.

SEC. 1113. MODIFICATION TO PILOT PROGRAM FOR THE
TEMPORARY ASSIGNMENT OF CYBER AND IN-
FORMATION TECHNOLOGY PERSONNEL TO
PRIVATE SECTOR ORGANIZATIONS.

Section 1110(d) of the National Defense Authoriza-
tion Act for Fiscal Year 2010 (5 U.S.C. 3702 note; Public
Law 111–84) is amended by striking “September 30, 2022” and inserting “December 31, 2026”.
SEC. 1114. REPORT ON CYBER EXCEPTED SERVICE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter until September 30, 2028, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on cyber excepted service positions during the most recent one-year period.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) A discussion of the process used in accepting applications, assessing candidates, process for and effect of adhering to provisions of law establishing preferences for hiring preference eligible veterans, and selecting applicants for vacancies to be filled by an individual for a cyber excepted service position.

(2) A description of the following:

(A) How the Secretary plans to recruit and retain employees in cyber excepted service positions.

(B) Cyber excepted service performance metrics.
(C) Any actions taken during the reporting period to improve cyber excepted service implementation.

(3) A discussion of how the planning and actions taken described in paragraph (2) are integrated into the strategic workforce planning of the Department.

(4) The metrics on actions occurring during the reporting period, including the following:

   (A) The number of employees in cyber excepted service positions hired, disaggregated by occupation, grade, and level or pay band.

   (B) The placement of employees in cyber excepted service positions, disaggregated by military department, Defense agency, or other component within the Department.

   (C) The total number of veterans hired.

   (D) The number of separations of employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

   (E) The number of retirements of employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.
(F) The number and amounts of recruitment, relocation, and retention incentives paid to employees in cyber excepted service positions, disaggregated by occupation, grade, and level or pay band.

(G) The number of employees who declined transition to qualified cyber excepted service positions.

(5) An assessment of the training provided to supervisors of employees in cyber excepted service positions at the Department on the use of the new authorities.

(6) An assessment of the implementation of section 1599f(a)(1)(A) of title 10, United States Code, including—

(A) how each military department, Defense agency, or other component within the Department is incorporating or intends to incorporate cyber excepted service personnel in their cyber mission workforce; and

(B) how the cyber excepted service has allowed each military department, Defense agency, or other component within the Department to establish, recruit for, and retain personnel to fill cyber mission workforce needs.
(7) An assessment of the effect of section 1599f of title 10, United States Code, on the ability of the Department to recruit, retain, and develop cyber professionals in the Department.

(8) An assessment of barriers to participation in cyber excepted service positions, including challenges to transition between general and excepted service, differences between compensation, incentives, and benefits, access to career broadening experiences, or any other barriers as determined by the Secretary.

(9) Proposed modifications to the cyber excepted service.

(10) Such other matters as the Secretary considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term “cyber excepted service” consists of those positions established under section 1599f(a)(1)(A) of title 10, United States Code.

(2) The term “cyber excepted service position” means a position in the 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.

Subsection (h) of section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note) is amended by striking “December 31, 2023” and inserting “December 31, 2025”.

SEC. 1202. MODIFICATION OF REPORTING REQUIREMENT FOR PROVISION OF SUPPORT TO FRIENDLY FOREIGN COUNTRIES FOR CONDUCT OF OPERATIONS.

Section 331(d)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E) A description of the one or more entities with which the applicable friendly foreign country is engaged in hostilities and whether
each such entity is covered by an authorization
for the use of military force.”.

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.

(a) IN GENERAL.—Subchapter IV of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section 335:

“§ 335. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security

“(a) AUTHORITY.—The Secretary of Defense may pay the expendable training supplies, travel, subsistence, and similar personnel expenses of, and special compensation for, the following that the Secretary considers necessary for participation in the training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security:

“(1) Defense personnel of friendly foreign govern-
“(2) With the concurrence of the Secretary of State, other personnel of friendly foreign governments and nongovernmental personnel.

“(b) LIMITATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided in subsection (a) may only be used for the payment of such expenses of, and special compensation for, such personnel from developing countries.

“(2) EXCEPTION.—The Secretary may authorize the payment of such expenses of, and special compensation for, such personnel from a country other than a developing country if the Secretary determines that such payment is—

“(A) necessary to respond to extraordinary circumstances; and

“(B) in the national security interest of the United States.”.

(b) ANNUAL REPORT.—Paragraph (1) of section 386(c) of title 10, United States Code, is amended to read as follows:

“(1) Sections 311, 321, 331, 332, 333, 335, 341, 344, 348, 349, and 350 of this title.”.

(c) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 16 of
title 10, United States Code, is amended by adding at the 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.”

SEC. 1204. MODIFICATION OF AUTHORITY FOR PARTICIPATION IN MULTINATIONAL CENTERS OF EXCELLENCE.

Section 344(f) of title 10, United States Code, is amended—

(1) in paragraph (1)(D), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) the International Special Training Centre, established in 1979 and located in Pfullendorf, Germany.”

SEC. 1205. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM AND IRREGULAR WARFARE FELLOWSHIP PROGRAM AND PLAN FOR IRREGULAR WARFARE CENTER.

(a) Modification of Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program.—
(1) IN GENERAL.—Section 345 of title 10, United States Code, is amended—

(A) in the section heading, by striking “Regional Defense Combating Terrorism and Irregular Warfare Fellowship Program” and inserting “Irregular Warfare Security Cooperation”;

(B) in subsection (a)—

(i) in the subsection heading, by striking “PROGRAM AUTHORIZED” and inserting “AUTHORITY”;

(ii) in paragraph (1), in the matter preceding subparagraph (A), by inserting “operate and administer a Center for Security Studies in Irregular Warfare, to be known as the ‘Irregular Warfare Center’, and” after “The Secretary of Defense may”;

(iii) by amending paragraph (2) to read as follows:

“(2) COVERED COSTS.—

“(A) IN GENERAL.—Costs for which payment may be made under this section include the costs of—
“(i) transportation, travel, and subsistence costs of foreign national personnel and United States governmental personnel necessary for administration and execution of the authority granted to the Secretary of Defense under this section;

“(ii) strategic engagement with alumni of the program referred to in paragraph (1) to address Department of Defense objectives and planning on irregular warfare and combating terrorism topics; and

“(iii) administration and operation of the Irregular Warfare Center, including expenses associated with—

“(I) research, communication, the exchange of ideas, curriculum development and review, and training of military and civilian participants of the United States and other countries, as the Secretary considers necessary; and

“(II) maintaining an international network of irregular warfare policymakers and practitioners to achieve the objectives of the Depart-
ment of Defense and the Department of State.

“(B) PAYMENT BY OTHERS PERMITTED.—Payment of costs described in subparagraph (A)(i) may be made by the Secretary of Defense, the foreign national participant, the government of such participant, or by the head of any other Federal department or agency.”;

(iv) by striking paragraph (3);

(C) in subsection (b)(1), by striking “The program authorized by” and inserting “The authority granted to the Secretary of Defense under”;

(D) by redesignating subsections (e) and (d) as subsections (e) and (g), respectively;

(E) by inserting after subsection (b) the following new paragraphs (c) and (d):

“(c) EMPLOYMENT AND COMPENSATION OF FACULTY.—With respect to the Irregular Warfare Center, the Secretary of Defense may employ a Director, a Deputy Director, and such civilians as professors, instructors, and lecturers, as the Secretary considers necessary.

“(d) ACADEMIC COOPERATION ON IRREGULAR WARFARE.—To promote integration across the United States Government and with allies in activities across the irreg-
ular warfare competition and conflict spectrum, the Secretary of Defense may enter into partnerships and re-
source sharing agreements with academic institutions of the Department of Defense and other academic institu-
tions engaged in irregular warfare security studies.”;

(F) in subsection (e), as so redesignated, in the first sentence, by striking “$35,000,000” and inserting “$40,000,000”; and

(G) by inserting after subsection (e), as so redesignated, the following new subsection:

“(f) ANNUAL REVIEW.—The Secretary of Defense—

“(1) shall conduct an annual review of the structure and activities of the Irregular Warfare Center and the program referred to in subsection (a) to determine whether such structure and activities are appropriately aligned with the strategic priorities of the Department of Defense and the applicable combatant commands; and

“(2) may, after an annual review under para-

graph (1), revise the relevant structure and activities so as to more appropriately align such structure and activities with the strategic priorities and combatant commands.”.

(2) CLERICAL AMENDMENT.—The table of sec-

tions at the beginning of subchapter V of chapter 16
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of title 10, United States Code, is amended by strik-
ing the item relating to section 345 and inserting
the following:

“345. Irregular Warfare Security Cooperation.”.

(b) PLAN FOR IRREGULAR WARFARE CENTER.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the Committees on
Armed Services of the Senate and the House of Rep-
resentatives a plan for establishing the structure, op-
erations, and administration of the Irregular War-
fare Center described in section 345(a)(1) of title
10, United States Code.

(2) ELEMENTS.—The plan required by para-
graph (1) shall include—

(A) a timeline and milestones for the es-
tablishment of the Irregular Warfare Center;
and

(B) steps to enter into partnerships and
resource agreements with academic institutions
of the Department of Defense or other aca-
demic institutions, including any agreement for
hosting or operating the Irregular Warfare Cen-
ter.

(c) SENSE OF THE SENATE.—It is the sense of the
Senate that a Center for Security Studies in Irregular
Warfare established under section 345 of title 10, United States Code, should be known as the “John S. McCain III Center for Security Studies in Irregular Warfare”.

SEC. 1206. MODIFICATION OF AUTHORITY FOR HUMANITARIAN DEMINING ASSISTANCE AND Stock-Piled Conventional Munitions Assistance.

(a) EXPANSION OF AUTHORITY.—Subsection (a)(1) of section 407 of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “carry out” and inserting “provide”; and

(B) by striking “in a country” and inserting “to a country”; and

(2) in subparagraph (A), by striking “in which the activities are to be carried out” and inserting “to which the assistance is to be provided”.

(b) EXPENSES.—Subsection (c) of such section is amended—

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

“(C) Travel, transportation, and subsistence expenses of foreign personnel to attend
training provided by the Department of Defense under this section.”; and

(2) in paragraph (3), by striking “$15,000,000” and inserting “$20,000,000”.

c) ANNUAL REPORT.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “include in the annual report under section 401 of this title a separate discussion of” and inserting “submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on”;

(2) in paragraph (1)—

(A) by striking “in which” and inserting “to which”; and

(B) by striking “carried out” and inserting “provided”;

(3) in paragraph (2), by striking “carried out in” and inserting “provided to”;

(4) in paragraph (3)—

(A) by striking “in which” and inserting “to which”; and
(B) by striking “carried out” and inserting “provided”; and

(5) in paragraph (4), by striking “in carrying out such assistance in each such country” and inserting “in providing such assistance to each such country”.

SEC. 1207. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) Extension.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended by striking “beginning on October 1, 2021, and ending on December 31, 2022” and inserting “beginning on October 1, 2022, and ending on December 31, 2023”.

(b) Modification to Limitation.—Subsection (d)(1) of such section is amended—

(1) by striking “beginning on October 1, 2021, and ending on December 31, 2022” and inserting “beginning on October 1, 2022, and ending on December 31, 2023”; and

(2) by striking “$60,000,000” and inserting “$30,000,000”.
SEC. 1208. MODIFICATIONS TO HUMANITARIAN ASSISTANCE.

Section 2561 of title 10, United States Code, is amended to read as follows:

"§ 2561. Humanitarian assistance

"(a) Authorized assistance.—To the extent provided in defense authorization Acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for collaborative Department of Defense engagements with partner country government authorities in permissive environments to achieve the objectives of—

"(1) directly relieving or reducing human suffering, disease, hunger, or privation; and

"(2) increasing partner country capacity—

"(A) to provide essential human services to vulnerable populations; and

"(B) to address disaster risk reduction, mitigation, and preparedness.

"(b) Purposes.—The Secretary of Defense may use funds authorized under subsection (a) for the following purposes:

"(1) Procurement, transportation, and pre-positioning of supplies and equipment.

"(2) Small-scale construction and renovation of facilities and basic infrastructure."
“(3) Health-related projects and activities.

“(4) Any other activity the Secretary of Defense considers necessary to achieve the objectives described in subsection (a).

“(c) Availability of Funds.—To the extent provided in appropriations Acts, funds appropriated for humanitarian assistance for purposes of this section shall remain available until expended.

“(d) Status Reports.—(1) The Secretary of Defense shall submit to the appropriate committees of Congress an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

“(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for purposes of this section.

“(3) Each report under this subsection shall set forth the following information regarding activities during the preceding fiscal year:

“(A) The total amount of funds obligated for humanitarian assistance under this section.
“(B) A comprehensive list of funded humanitarian assistance efforts, disaggregated by foreign partner country, amount obligated, and purpose specified in subsection (b).

“(C) A description of the manner in which such expenditures address—

“(i) the humanitarian needs of the foreign partner country; and

“(ii) United States national security objectives.

“(D) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2557 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.

“(e) NOTIFICATION.—In the case of activities under a program that results in the provision of small-scale construction under subsection (b)(2) costing more than $750,000, not later than 15 days before the commencement of such activities, the Secretary of Defense shall submit to the appropriate committees of Congress a notification that includes the location, project title, and cost of
each small-scale construction project that will be carried out.

“(f) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

“(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

“(2) DEFENSE AUTHORIZATION ACT.—The term ‘defense authorization Act’ means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including authorizations of appropriations for the activities described in paragraph (7) of section 114(a) of this title.”.

SEC. 1209. DEFENSE ENVIRONMENTAL INTERNATIONAL CO-OPERATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the commanders of the geographic com-
batant commands, shall establish a program, to be known as the “Defense Environmental International Cooperation Program”, to support engagement with partner countries on defense-related environmental and operational energy issues in support of the theater campaign plans of the geographic combatant commands.

(b) Objectives.—The Defense Environmental International Cooperation Program shall be carried out to achieve the following objectives:

(1) To build military-to-military relationships in support of the Department of Defense’s efforts to engage in long-term strategic competition.

(2) To sustain the mission capability and forward posture of the United States Armed Forces.

(3) To enhance the capability, capacity, and resilience of the military forces of partner countries.

(c) Funding.—Of amounts authorized to be appropriated for a fiscal year for the Department and available for operation and maintenance, the Secretary may make available $10,000,000 for purposes of supporting the Defense Environmental International Cooperation Program, consistent with the priorities of the commanders of the geographic combatant commands.

(d) Annual Report.—
(1) IN GENERAL.—Not later than March 1 each year, the Secretary shall submit to the congressional defense committees a report on obligations and expenditures made to carry out the Defense Environmental International Cooperation Program during the preceding fiscal year.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) An accounting of each obligation and expenditure made to carry out the Defense Environmental International Cooperation Program, by partner country and military force.

(B) An explanation of the manner in which each such obligation or expenditure supports the objectives described in subsection (b).

(C) Any other matter the Secretary considers relevant.

SEC. 1210. SECURITY COOPERATION PROGRAMS WITH FOREIGN PARTNERS TO ADVANCE WOMEN, PEACE, AND SECURITY.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may, in fiscal years 2023 through 2025, conduct or support security cooperation programs and activities involving the national military or national-level security forces of a foreign country or
other covered personnel to advise, train, and educate such
forces or such other covered personnel with respect to—

(1) the recruitment, employment, development,
retention, promotion, and meaningful participation
in decisionmaking of women;

(2) sexual harassment, sexual assault, domestic
abuse, and other forms of violence that disproport-
ionately impact women;

(3) the requirements of women, including pro-
viding appropriate equipment and facilities; and

(4) the implementation of activities described in
this subsection, including the integration of such ac-
tivities into security-sector policy, planning, exer-
cises, and trainings, as appropriate.

(b) ANNUAL REPORT.—Not later than 90 days after
the end of each of fiscal years 2023, 2024, and 2025, the
Secretary of Defense shall submit to the congressional de-
fense committees a report detailing the assistance pro-
vided under this section and the recipients of such assist-
ance.

(c) OTHER COVERED PERSONNEL DEFINED.—In
this section, the term “other covered personnel” means
personnel of—
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(1) the ministry of defense, or a governmental
entity with a similar function, of a foreign country;

or

(2) a regional organization with a security mis-

sion.

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.

(a) Sense of Congress.—It is the sense of Con-
gress that the promotion of human rights is a critical ele-
ment of Department of Defense security cooperation pro-
grams and activities that advance United States national
security interests and values.

(b) Review.—

(1) In general.—Not later than 60 days after
the date of the enactment of this Act, the Secretary
of Defense, in consultation with the commanders of
the geographic combatant commands, shall initiate a
review of the policies, guidance, and processes for
Department of Defense-wide implementation of sec-
section 362 of title 10, United States Code.
(2) ELEMENTS.—The review required by paragraph (1) shall include an assessment of the following:

(A) The standards and procedures by which the Secretary, before making a decision to provide assistance to a unit of a foreign security force under section 362 of title 10, United States Code, gives full consideration to credible information that the unit has committed a gross violation of human rights, including credible information available to the Department of State relating to human rights violations by such unit.

(B) The roles and responsibilities of Department of Defense components in implementing such section, including the Under Secretary of Defense for Policy, the Deputy Assistant Secretary of Defense for Global Partnerships, the geographic combatant commands, and the Office of the General Counsel, and whether such components are adequately funded to carry out their respective roles and responsibilities.

(C) The standards and procedures by which the Secretary implements the exception
under subsection (b) of such section based on a
determination that all necessary corrective steps
have been taken.

(D) The standards and procedures by
which the Secretary exercises the waiver au-
thority under subsection (c) of such section
based on a determination that a waiver is re-
quired by extraordinary circumstances.

(E) The policies, standards, and processes
for the remediation of units of foreign security
forces described in such section and resumption
of assistance consistent with such section, and
the effectiveness of such remediation process.

(F) The process by which the Secretary de-
termines whether a unit of a foreign security
force designated to receive training, equipment,
or other assistance under such section is new or
fundamentally different from its predecessor for
which there was determined to be credible infor-
mation that the unit had committed a gross vio-
lation of human rights.

(c) Reports.—

(1) Findings of review.—Not later than 180
days after the date of the enactment of this Act, the
Secretary shall submit to the congressional defense
committees a report on the findings of the review conducted under subsection (b) that includes any recommendations or corrective actions necessary with respect to the policies, guidance, and processes for Department of Defense-wide implementation of section 362 of title 10, United States Code.

(2) Remediation process.—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through fiscal year 2025, the Secretary shall submit to the appropriate committees of Congress a report on the remediation process under section 362 of title 10, United States Code, and resumption of assistance consistent with such section.

(B) Elements.—Each report required by subparagraph (A) shall include the following:

(i) An identification of the units of foreign security forces that currently have been determined under section 362 of title 10, United States Code, to be ineligible to receive Department of Defense training, equipment, or other assistance.
(ii) With respect to each unit identified under clause (i), the date on which such determination was made.

(iii) The number of requests submitted by geographic combatant commands for review by a remediation review panel with respect to resumption of assistance to a unit of a foreign security force that has been denied assistance under such section, disaggregated by geographic combatant command.

(iv) For the preceding reporting period, the number of —

(I) remediation review panels convened; and

(II) cases resolved.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term “appropriate committees of Congress” means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the
Committee on Appropriations of the House of Representatives.

SEC. 1212. INDEPENDENT ASSESSMENT OF UNITED STATES EFFORTS TO TRAIN, ADVISE, ASSIST, AND EQUIP THE MILITARY FORCES OF SOMALIA.

(a) In General.—The Secretary of Defense shall provide for an independent assessment of Department of Defense efforts to train, advise, assist, and equip the military forces of Somalia.

(b) Conduct of Assessment.—To conduct the assessment required by subsection (a), the Secretary shall select—

(1) a federally funded research and development center; or

(2) an independent, nongovernmental institute described in section 501(e)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) Elements.—The assessment required by subsection (a) shall include an assessment of the following:

(1) The evolution of United States approaches to training, advising, assisting, and equipping the military forces of Somalia.
(2) The extent to which—

(A) the Department has an established plan, with objectives and milestones, for the effort to train, advise, assist, and equip such forces;

(B) advisory efforts are meeting objectives, including whether and the manner in which—

(i) advisors track the operational effectiveness of such forces; and

(ii) any such data informs future training and advisory efforts;

(C) the Department sufficiently engages, collaborates, and deconflicts with—

(i) other Federal departments and agencies that conduct assistance and advisory engagements with such forces; and

(ii) international and multilateral entities that conduct assistance and advisory engagements with such forces; and

(D) the Department has established and enforced a policy, processes, and procedures for accountability relating to equipment provided by the United States to such forces.
(3) Factors that have hindered, or may in the future hinder, the development of professional, sustainable, and capable such forces.

(4) With respect to the effort to train, advise, assist, and equip such forces, the extent to which the December 2020 decision to reduce and reposition outside Somalia the majority of the members of the United States Armed Forces assigned to carry out the effort has impacted the effectiveness of the effort.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity selected to conduct the assessment required by subsection (a) shall submit to the Secretary and the congressional defense committees a report containing the findings of the assessment.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2023 and available for operation and maintenance for Defense-wide activities, up to $1,000,000 shall be made available for the assessment required by subsection (a).
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.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Commander of the United States Africa Command, shall conduct an assessment of the adequacy of authorities available to the Secretary for the purpose of providing support, including training, equipment, supplies and services, facility and infrastructure repair and renovation, and sustainment, to military and other security forces of governments in the area of responsibility of the United States Africa Command that are actively engaged in defending their territory and people from the threat posed by ISIS and al-Qaeda.

(2) ELEMENT.—The assessment required by paragraph (1) shall identify any gaps in existing authorities and associated resourcing that would inhibit the ability of the Secretary to support the United States Africa Command theater campaign plan objectives.

(b) REPORT.—Not later than December 31, 2022, 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).

**Subtitle B—Matters Relating to**

**Syria, Iraq, and Iran**

**SEC. 1221. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-
ANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.**

(a) Extension.—Subsection (a) of section 1209 of
the Carl Levin and Howard P. “Buck” McKeon National
Defense Authorization Act for Fiscal Year 2015 (Public
Law 113–291; 128 Stat. 3541) is amended, in the matter
preceding paragraph (1), by striking “December 31,
2022” and inserting “December 31, 2023”.

(b) Limitation on Cost of Construction and
Repair Projects.—Subsection (l)(3)(D) of such section
is amended by striking “December 31, 2022” and insert-
ing “December 31, 2023”.

**SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY**

**TO SUPPORT OPERATIONS AND ACTIVITIES**

**OF THE OFFICE OF SECURITY COOPERATION**

**IN IRAQ.**

(a) Limitation on Amount.—Subsection (e) of sec-
tion 1215 of the National Defense Authorization Act for
Fiscal Year 2012 (10 U.S.C. 113 note)) is amended—
(1) by striking “fiscal year 2022” and inserting “fiscal year 2023”; and

(2) by striking “$25,000,000” and inserting “$20,000,000”.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by striking “fiscal year 2022” and inserting “fiscal year 2023”.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.


(b) FUNDING.—Subsection (g) of such section is amended—

(1) by striking “fiscal year 2022” and inserting “fiscal year 2023”; and

(2) by striking “$345,000,000” and inserting “$358,000,000”.

(e) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (o)(5) of such section is
amended by striking “December 31, 2022” and inserting “December 31, 2023”.

SEC. 1224. ASSESSMENT OF SUPPORT TO IRAQI SECURITY FORCES AND KURDISH PESHMERGA FORCES TO COUNTER AIR AND MISSILE THREATS.

(a) In General.—Not later than April 1, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.

(b) Contents.—The report submitted under subsection (a) shall include the following:

(1) An assessment of the threat from missiles, rockets, and unmanned aerial systems (UAS) to United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(2) An assessment of the current state of air defense capabilities of United States and coalition armed forces located in Iraq, including the Iraqi Kurdistan Region.

(3) Identification of perceived gaps in air defense capabilities of United States and coalition armed forces and the implications for the security of such forces in Iraq, including the Iraqi Kurdistan Region.
(4) Recommendations for training or equipment needed to overcome the assessed air defense deficiencies of United States and coalition armed forces in Iraq, including the Iraqi Kurdistan Region.

(5) An assessment of the current state of the air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(6) An assessment of the perceived gaps in air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(7) An assessment of recommended training and equipment and available level of equipment to maximize air defense capabilities of partner armed forces in Iraq, including the Iraqi Security Forces and Kurdish Peshmerga Forces.

(8) Such other matters as the Secretary considers appropriate.

SEC. 1225. UPDATES TO ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) In General.—Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended—
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(1) in subparagraph (B), by striking “and the Special Groups in Iraq,” and inserting “Houthis, and the Special Groups in Iraq, including Kata’ib Hezbollah and Asa’ib Ahl al-Haq,”;

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(3) by inserting after subparagraph (B) the following:

“(C) the threat from Special Groups in Iraq, including Kata’ib Hezbollah and Asa’ib Ahl al-Haq, to United States and coalition forces located in Iraq and Syria.”; and

(4) in subparagraph (D), as redesignated, by striking “and” at the end;

(5) in subparagraph (E), as redesignated, by striking the period at the end and inserting “; and”; and

(6) by adding at the end the following:

“(F) all formal or informal agreements involving a strategic military or security partnership with the Russian Federation, the People’s Republic of China, or any proxies of either such country.”.
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.

Section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “for fiscal year 2017, 2018, 2019, 2020, 2021, or 2022” and inserting “for any fiscal year”; and

(B) by striking “in the fiscal year concerned”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “with respect to funds for a fiscal year”.

SEC. 1232. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

Section 1234(a) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended by striking “None of the funds”
and all that follows through “2022” and inserting “None of the funds authorized to be appropriated for fiscal year 2022 or 2023”.

SEC. 1233. EXTENSION AND MODIFICATION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) Authority To Provide Assistance.—Subsection (a) of section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1608) is amended to read as follows:

“(a) Authority To Provide Assistance.—

“(1) In general.—Amounts available for a fiscal year under subsection (f) shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide, for the purposes described in paragraph (2), appropriate security assistance and intelligence support, including training, equipment, logistics support, supplies and services, salaries and stipends, and sustainment to—

“(A) the military and national security forces of Ukraine; and

“(B) other forces or groups recognized by, and under the authority of, the Government of Ukraine, including governmental entities within Ukraine, that are engaged in resisting Russian aggression.
“(2) PURPOSES DESCRIBED.—The purposes described in this paragraph are as follows:

“(A) To enhance the capabilities of the military and other security forces of the Government of Ukraine to defend against further aggression.

“(B) To assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity.

“(C) To replace, from the inventory of the United States, weapons and articles provided to the Government of Ukraine.

“(D) To recover or dispose of equipment procured using funds made available under this section.”.

(b) UNITED STATES INVENTORY AND OTHER SOURCES.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) ACCEPTANCE OF RETURNED EQUIPMENT.—

“(A) IN GENERAL.—The Secretary of Defense may accept equipment procured under the authority of this section that was transferred to the military or national security forces of Ukraine or to other assisted entities and has
been returned by such forces to the United States.

“(B) Treatment as stocks of the Department.—Equipment procured under the authority of this section that has not been transferred to the military or national security forces of Ukraine or to other assisted entities, or that has been returned by such forces or other assisted entities to the United States, may, upon written notification by the Secretary of Defense to the congressional defense committees, be treated as stocks of the Department.”.

(c) Funding.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

“(8) For fiscal year 2023, $800,000,000.”.

(d) Notice to Congress; Reports.—Such section is further amended—

(1) by striking the second subsection (g);

(2) by redesignating the first subsection (g) (as added by section 1237(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2496)) and subsection (h) as subsections (i) and (j), respectively; and
(3) by inserting after subsection (f) the following new subsections (g) and (h):

“(g) NOTICE TO CONGRESS.—

“(1) IN GENERAL.—Not less than 15 days before providing assistance or support under this section (or if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable), the Secretary of Defense shall submit to the congressional defense committees a written notification of the details of such assistance or support.

“(2) SUPPORT TO OTHER FORCES OR GROUPS.—Not less than 15 days before providing assistance or support under this section to other forces or groups described in subsection (a)(1)(B) (or if the Secretary of Defense determines, on a case-by-case basis, that extraordinary circumstances exist that impact the national security of the United States, as far in advance as is practicable but not later than 48 hours in advance) the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification detailing the intended recipient forces or groups, the command and control
relationship that each such entity has with the Government of Ukraine, and the assistance or support to be provided.

“(h) QUARTERLY REPORTS.—Not less frequently than quarterly, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under this section.”.

(c) TERMINATION OF AUTHORITY.—Subsection (i) of such subsection, as redesignated, is amended by striking “December 31, 2024” and inserting “December 31, 2025”.

SEC. 1234. NORTH ATLANTIC TREATY ORGANIZATION SPECIAL OPERATIONS HEADQUARTERS.

(a) In General.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section 2350r:

“§ 2350r. North Atlantic Treaty Organization Special Operations Headquarters

“(a) Authorization.—Of the amounts authorized to be appropriated for each fiscal year for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (referred to in this section as ‘NATO’) operations, the Secretary of Defense is authorized to use up
to $50,000,000 for each such fiscal year for the purposes set forth in subsection (b).

“(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Headquarters—

“(1) to improve coordination and cooperation between the special operations forces of NATO nations and nations approved by the North Atlantic Council as NATO partner nations;

“(2) to facilitate joint operations by the special operations forces of NATO nations and such NATO partner nations;

“(3) to support special operations forces peculiar command, control, and communications capabilities;

“(4) to promote special operations forces intelligence and informational requirements within the NATO structure; and

“(5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new item:

“2350r. North Atlantic Treaty Organization Special Operations Headquarters.”.
(c) REPEAL.—Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is repealed.

SEC. 1235. REPORT ON UNITED STATES MILITARY FORCE POSTURE AND RESOURCING REQUIREMENTS IN EUROPE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an assessment of the United States military force posture requirements for the United States European Command to support the following objectives:

(1) Implementation of the National Defense Strategy with respect to the area of responsibility of the United States European Command.

(2) Fulfillment of the commitments of the United States to NATO operations, missions, and activities, as modified and agreed upon at the 2022 Madrid Summit.

(3) Reduction of the risk of executing the contingency plans of the Department of Defense.

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

(1) For each military service and warfighting domain, a description of the force structure and pos-
ture of assigned and allocated forces in Europe, including consideration of the balance of permanently stationed forces and forces rotating from the United States, to support the objectives described in subsection (a).

(2) An assessment of the military training and all domain exercises to support such objectives, including—

(A) training and exercises on interoperability; and

(B) joint activities with allies and partners.

(3) An assessment of logistics requirements, including personnel, equipment, supplies, pre-positioned storage, host country support and agreements, and maintenance needs, to support such objectives.

(4) An identification of required infrastructure, facilities, and military construction investments to support such objectives.

(5) A description of the requirements for United States European Command integrated air and missile defense throughout the area of responsibility of the United States European Command.
(6) An assessment of United States security cooperation activities and resources required to support such objectives.

(7) A detailed assessment of the resources necessary to address the elements described in paragraphs (1) through (6), categorized by the budget accounts for—

(A) procurement;

(B) research, development, test, and evaluation;

(C) operation and maintenance;

(D) military personnel; and

(E) military construction.

(8) The projected timeline to achieve fulfillment of each such element.

(9) Any other information the Secretary considers relevant.

(c) Form.—The report required by subsection (a) may be submitted in classified form but shall include an unclassified summary.

SEC. 1236. SENSE OF THE SENATE AND REPORT ON CIVILIAN HARM.

(a) Sense of the Senate.—It is the sense of the Senate that—
(1) the members of the Armed Forces of the United States—

(A) uphold the highest standards of professionalism during the conduct of effective, efficient, and decisive military operations around the world in defense of the people of the United States; and

(B) go to great lengths to minimize civilian harm during the conduct of military operations;

and

(2) the Russian Federation has demonstrated a complete disregard for the safety of civilians during its unlawful and unprovoked invasion of Ukraine, which has involved indiscriminate bombing of civilian areas and executions of noncombatants.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing the atrocities committed by the Russian Federation against civilians in Ukraine since February 24, 2022.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form.
SEC. 1237. SENSE OF THE SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

It is the sense of the Senate that—

(1) the success of the North Atlantic Treaty Organization (NATO) is critical to advancing United States national security objectives in Europe and around the world;

(2) NATO remains the strongest and most successful military alliance in the world, founded on a commitment by its members to uphold the principles of democracy, individual liberty, and the rule of law;

(3) the contributions of NATO to the collective defense are indispensable to the security, prosperity, and freedom of its members;

(4) the United States reaffirms its ironclad commitment—

(A) to NATO as the foundation of transatlantic security; and

(B) to upholding the obligations of the United States under the North Atlantic Treaty, done at Washington, DC, April 4, 1949, including Article 5 of the Treaty;

(5) the 2022 National Defense Strategy correctly highlights the criticality of alliances and partnerships, stating that “[m]utually-beneficial alliances and partnerships are an enduring strength for the
United States, and are critical to achieving our objectives, as the unified response to Russia’s further invasion of Ukraine has demonstrated’;

(6) the Russian Federation’s premeditated and unprovoked invasion of Ukraine poses the most direct threat to security and stability in Europe since the end of World War II and requires the full attention of the NATO alliance;

(7) the unprovoked and illegal war conducted by the Russian Federation against Ukraine has fundamentally altered the concept of transatlantic security and requires—

(A) a reinvigorated commitment to the shared principles of the NATO alliance; and

(B) a commensurate response to deter further revanchism by the Russian Federation in the Euro-Atlantic region;

(8) as NATO refocuses its deterrence and defense posture to respond to the Russian Federation’s escalatory actions, allies must simultaneously address threats posed across all domains and all areas of the Euro-Atlantic region, including—

(A) threats posed by predatory investments and influence operations carried out by the People’s Republic of China;
(B) border disruptions emanating from
Belarus; and

(C) the persistent threat of violent extremist organizations;

(9) to respond to aggression by the Russian Federation and address other threats, the NATO alliance should—

(A) assess opportunities to further bolster the NATO enhanced Forward Presence and enhanced Vigilance Activity battlegroups;

(B) focus efforts on burden sharing agreements made in the Wales Pledge, capability targets, contributions to NATO missions and operations, and resilience commitments;

(C) consider force posture adjustments to address emerging security concerns highlighted by the Russian Federation’s invasion of Ukraine;

(D) explore additional opportunities to strengthen cooperation with non-NATO countries to counter malign activities carried out by the Russian Federation;

(E) continue efforts to identify, coordinate, and deliver humanitarian aid and security assistance to Ukraine;
(F) intensify efforts to work with NATO allies to establish and enhance rapid and assured movement of military forces throughout the North Atlantic region and across the continent of Europe on land, on and under the sea, and in the air, including through increased investment, coordination, and standardization intended to identify and reduce obstacles to the movement of United States and allied military forces in a time of crisis or conflict;

(G) reaffirm the open-door policy of NATO to allow any European country to apply for membership and be considered on its merits for admission, including—

(i) aspirants such as Ukraine, Georgia, and Bosnia and Herzegovina; and

(ii) Finland and Sweden, which in the wake of the Russian Federation’s invasion of Ukraine, have sought NATO membership to further bolster their own security and the security of the Euro-Atlantic region; and

(H) continue efforts to evaluate whether the NATO alliance is sufficiently funded and resourced to carry out its objectives;
(10) the United States and fellow NATO allies should continue long-term efforts—

(A) to improve interoperability among the military forces of NATO allies and non-NATO allies so as to enhance effective and efficient collective operations, including by the divestment of Soviet-era platforms;

(B) to strive for continued progress on key initiatives set forth in recent NATO summits, including readiness, military mobility, multi-domain operations, and resilience;

(C) to enhance security sector cooperation and explore opportunities to reinforce civil sector preparedness and resilience measures, which may be likely targets of malign influence and hybrid campaigns;

(D) to mitigate the impact of hybrid warfare operations, particularly such operations in the information and cyber domains;

(E) to expand joint research and development initiatives, with a focus on emerging technologies such as quantum computing, artificial intelligence, and machine learning;

(F) to enhance interoperability, build institutional capacity, and strengthen the collective
ability of NATO allies to resist malign influence from the Russian Federation and the People’s Republic of China; and

(G) to coordinate and de-conflict security efforts and the dedication of resources with the European Union—

(i) to ensure the fulfilment of European Union and NATO common interests and objectives; and

(ii) to minimize unnecessary overlaps;

(11) the European Deterrence Initiative remains critically important, including for purposes of strengthening allied and partner capability and power projection along the eastern flank of NATO, and has demonstrated its unique value during the current Russian Federation attack on Ukraine;

(12) NATO should maintain cooperation on COVID–19 pandemic response efforts and expand cooperation for future pandemic and disaster preparedness;

(13) the policy of the United States should be to work with NATO and other allies and partners to build permanent mechanisms to strengthen supply chains, enhance supply chain security, fill supply chain gaps, and maintain commitments made at the
June 2020 NATO Defense Ministerial, particularly with respect to pandemic response preparations;

(14) the United States and NATO should expand cooperation efforts on cybersecurity issues to prevent adversaries and criminals from compromising critical systems and infrastructure; and

(15) the adoption by NATO of a robust strategy toward the Black Sea is in the interest of the United States, and the United States should consider collaborating with interested allies and partner countries to advance a coordinated strategy that includes diverse elements of the transatlantic security architecture.

SEC. 1238. SENSE OF THE SENATE ON UKRAINE.

It is the sense of the Senate that—

(1) the United States stands with the people of Ukraine as they defend their freedom and sovereignty and the pursuit of further Euro-Atlantic integration;

(2) the Russian Federation’s premeditated and unprovoked invasion of Ukraine—

(A) willfully violates the territorial sovereignty of Ukraine and the democratic aspirations of the people of Ukraine; and
(B) presents the gravest threat to transatlantic security since World War II;

(3) the Russian Federation continues to commit heinous acts against Ukrainian civilians and members of the military forces of Ukraine;

(4) the Russian Federation has no right or authority to veto Ukraine’s pursuit of membership in the North Atlantic Treaty Organization (NATO), or the determination of any country to make its own decision to pursue such membership in accordance with NATO’s open door policy;

(5) the United States, fellow NATO allies and partners, and the international community have—

(A) rallied support and coordinated assistance for Ukraine;

(B) bolstered NATO presence and engagement along NATO’s eastern flank; and

(C) imposed a severe and far-reaching set of economic measures to respond to the Russia Federation’s violation of the sovereignty and territorial integrity of Ukraine; and

(6) the United States should—

(A) continue to work closely with NATO allies and non-NATO allies and partners to support the ability of Ukraine to repel and re-
build from the Russian Federation’s invasion,
including by—

(i) continuing to provide the Government of Ukraine with targeted security, intelligence, and humanitarian assistance to strengthen the defenses of Ukraine and mitigate suffering wrought by the Russian Federation’s brutality, consistent with the security interests of the United States;

(ii) coordinating sanctions, export restrictions, and other economic penalties against the Russian Federation and any country that enables the Russian Federation’s invasion of Ukraine; and

(iii) supporting efforts to enhance the cybersecurity capabilities of Ukraine;

(B) consider whether further adjustments to United States strategy or military force posture within the area of responsibility of the United States European Command are necessitated by the upheaval of the security environment caused by the Russian Federation;

(C) explore opportunities to further strengthen partnerships with non-NATO partners in Europe;
(D) continue to support—

(i) efforts to counter disinformation; and

(ii) free media sources such as Voice of America and Radio Free Europe/Radio Liberty; and

(E) support energy diversification efforts across the Euro-Atlantic region to reduce the dependency on energy from the Russian Federation.

Subtitle D—Matters Relating to the Indo-Pacific Region

SEC. 1241. EXTENSION AND MODIFICATION OF PACIFIC DETERRENCE INITIATIVE.

(a) EXTENSION.—Subsection (c) of section 1251 of the National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) is amended—

(1) by striking “the National Defense Authorization Act for Fiscal Year 2022” and inserting “the National Defense Authorization Act for Fiscal Year 2023”; and

(2) by striking “fiscal year 2022” and inserting “fiscal year 2023”.

(b) REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION
and Study on Competitive Strategies.—Subsection (d)(1) of such section is amended—

(1) in subparagraph (A), by striking “fiscal years 2023 and 2024” and inserting “fiscal years 2024 and 2025”; and

(2) in subparagraph (B)—

(A) in clause (vi)(I)(aa)—

(i) in subitem (AA), by striking “to modernize and strengthen the” and inserting “to improve the posture and”; and

(ii) in subitem (FF)—

(I) by striking “to improve” and inserting “to modernize and improve”;

(II) by striking the semicolon and inserting “; and”; and

(B) by adding at the end the following new clause:

“(vii) A budget display that compares the independent assessment of the Commander of the United States Pacific Command with the amounts contained in the budget display for the applicable fiscal year under subsection (f).”.


SEC. 1242. EXTENSION OF AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

Section 1253(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3955) is amended by striking “fiscal year 2022” and inserting “fiscal year 2023”.

SEC. 1243. MODIFICATION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE TO AUTHORIZE USE OF FUNDS FOR THE COAST GUARD.

Section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended by striking subsection (f) and inserting the following new subsection (f):

“(f) AVAILABILITY OF FUNDS FOR COAST GUARD PERSONNEL AND CAPABILITIES.—The Secretary of Defense may use funds made available under this section to facilitate the participation of Coast Guard personnel in, and the use of Coast Guard capabilities for, trainings, exercises, and other activities with foreign partners under this section.”.

SEC. 1244. DEFENSE OF TAIWAN.

(a) DEFINITIONS.—In this section:

(1) DENY.—The term “deny” means to use combined joint operations to delay, degrade, and ultimately defeat an attempt by the People’s Republic
of China to execute a fait accompli against Taiwan, resulting in—

(A) the termination of hostilities or at least the attempted fait accompli; or

(B) the neutralization of the ability of the People’s Republic of China to execute a fait accompli against Taiwan.

(2) FAIT ACCOMPLI.—The term “fait accompli” refers to the strategy of the People’s Republic of China for invading and seizing control of Taiwan before the United States Armed Forces can respond effectively, while simultaneously deterring an effective combined joint response by the United States Armed Forces by convincing the United States that mounting such a response would be prohibitively difficult or costly.

(b) STATEMENT OF POLICY.—Consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), it shall be the policy of the United States to maintain the ability of the United States Armed Forces to deny a fait accompli against Taiwan in order to deter the People’s Republic of China from using military force to unilaterally change the status quo with 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.

(a) MULTI-YEAR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the American Institute in Taiwan, shall seek to engage with appropriate officials of Taiwan to develop and implement a multi-year plan to provide for the acquisition of appropriate defensive capabilities by Taiwan and to engage with Taiwan in a series of combined trainings, exercises, and planning activities, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

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

(1) An identification of the defensive capability gaps and capacity shortfalls of Taiwan.

(2) An assessment of the relative priority assigned by appropriate officials of Taiwan to address such capability gaps and capacity shortfalls.

(3) An explanation of the annual resources committed by Taiwan to address such capability gaps and capacity shortfalls.

(4) An assessment of—
(A) the defensive capability gaps and capacity shortfalls that could be addressed in a sufficient and timely manner by unilateral efforts of Taiwan; and

(B) the defensive capability gaps and capacity shortfalls that are unlikely to be addressed in a sufficient and timely manner solely through unilateral efforts.

(5) An assessment of the capability gaps and capacity shortfalls described in paragraph (4)(B) that could be addressed in a sufficient and timely manner by—

(A) Department of Defense security assistance authorized by chapter 16 of title 10, United States Code;

(B) the Foreign Military Financing and Foreign Military Sales programs of the Department of State;

(C) the provision of excess defense articles pursuant to the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(D) section 614(a)(1) of the Foreign Assistance Act of 1961; or

(E) any other authority available to the Secretary of Defense or the Secretary of State.
(6) An identification of opportunities to build interoperability, combined readiness, joint planning capability, and share situational awareness among the United States, Taiwan, and other foreign partners and allies, as appropriate, through combined trainings, exercises, and planning activities, including—

(A) table-top exercises and wargames that allow operational commands to improve joint and combined war planning for contingencies involving a well-equipped adversary in a counter-intervention campaign;

(B) joint and combined exercises that test the feasibility of counter-intervention strategies, develop interoperability across services, and develop the lethality and survivability of combined forces against a well-equipped adversary;

(C) logistics exercises that test the feasibility of expeditionary logistics in an extended campaign with a well-equipped adversary;

(D) service-to-service exercise programs that build functional mission skills for addressing challenges posed by a well-equipped adversary in a counter-intervention campaign; and
(E) any other combined training, exercise, or planning activity with the military forces of Taiwan that the Secretary of Defense considers relevant.


(1) in subsection (a)—

(A) by striking paragraph (7);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by inserting after paragraph (5) the following new paragraph (6):

"(6) With respect to capabilities and capacities the Secretary of Defense assesses to be most effective in deterring, defeating, or delaying military aggression by the People’s Republic of China, a prioritized list of capability gaps and capacity shortfalls of the military forces of Taiwan, including—

“(A) an identification of—

“(i) any United States, Taiwan, or ally or partner country defense production timeline challenge related to potential materiel solutions to such capability gaps;
“(ii) the associated investment costs of enabling expanded production for items currently at maximum production;

“(iii) the associated investment costs of, or mitigation strategies for, enabling export for items currently not exportable; and

“(iv) existing stocks of such capabilities in the United States and ally and partner countries;

“(B) the feasibility and advisability of procuring solutions to such gaps and shortfalls through United States allies and partners, including through co-development or co-production;

“(C) the feasibility and advisability of assisting Taiwan in the domestic production of solutions to capability gaps, including through—

“(i) the transfer of intellectual property; and

“(ii) co-development or co-production arrangements;

“(D) the estimated costs, expressed in a range of options, of procuring sufficient capa-
abilities and capacities to address such gaps and shortfalls;

“(E) an assessment of the relative priority assigned by appropriate officials of Taiwan to each such gap and shortfall; and

“(F) a detailed explanation of the extent to which Taiwan is prioritizing the development, production, or fielding of solutions to such gaps and shortfalls within its overall defense budget.”;

(D) by redesignating paragraph (11) as paragraph (15); and

(E) by inserting after paragraph (10) the following new paragraphs:

“(11) An assessment of the implications of current levels of pre-positioned war reserve materiel on the ability of the United States to respond to a crisis or conflict involving Taiwan with respect to—

“(A) providing military or non-military aid to the Government of Taiwan; and

“(B) sustaining military installations and other infrastructure of the United States in the Indo-Pacific region.
“(12) An evaluation of the feasibility and advis-
ability of establishing war reserve stockpiles for al-
lies and pre-positioned facilities in Taiwan.

“(13) An assessment of the current intelligence,
surveillance, and reconnaissance capabilities of Tai-
wan, including any existing gaps in such capabilities
and investments in such capabilities by Taiwan since
the preceding report.

“(14) A summary of changes to pre-positioned
war reserve materiel of the United States in the
Indo-Pacific region since the preceding report.”;

(2) in subsection (b)—

(A) in the subsection heading, by striking
“PLAN” and inserting “PLANS”;

(B) by redesignating paragraphs (1)
through (3) as subparagraphs (A) through (C),
respectively, and moving such subparagraphs 2
ems to the right;

(C) in the matter preceding subparagraph
(A), as so redesignated, by striking “The Sec-
retary” and inserting the following:

“(1) ASSISTANCE TO IMPROVE TAIWAN’S DE-
FENSIVE ASYMMETRIC CAPABILITIES.—The Sec-
retary”; and
(D) by adding at the end the following new paragraph:

“(2) EXPEDITED MILITARY ASSISTANCE.—

“(A) IN GENERAL.—The Secretary of De-

fense, in coordination with the heads of other
relevant Federal departments and agencies,
shall develop options for the United States to
use, to the maximum extent practicable, exist-
ing authorities or programs to expedite military
assistance to Taiwan in the event of a crisis or
conflict.

“(B) ELEMENTS.—The plan required by
subparagraph (A) shall include the following:

“(i) A list of defense articles of the
United States that may be transferred to
Taiwan during a crisis or conflict.

“(ii) A list of authorities that may be
used to provide expedited military assist-
ance to Taiwan during a crisis or conflict.

“(iii) An assessment of methods that
could be used to deliver such assistance to
Taiwan during a crisis or conflict, includ-
ing—
“(I) the feasibility of employing such methods in different scenarios; and

“(II) recommendations for improving the ability of the Armed Forces to deliver such assistance to Taiwan.

“(iv) An assessment of any challenges in providing such assistance to Taiwan in the event of a crisis or conflict and recommendations for addressing such challenges.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “; and” and inserting a semicolon;

(B) by amending paragraph (2) to read as follows:

“(2) the plans required by subsection (b), and any updates to such plans, as determined by the Secretary of Defense; and”; and

(C) by adding at the end the following new paragraph:

“(3) a report on—

“(A) the status of efforts to develop and implement a joint multi-year plan to provide for
the acquisition of appropriate defensive capabilities by Taiwan and to engage with Taiwan in a series of combined trainings, exercises, and planning activities consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.); and

“(B) any other matter the Secretary considers necessary.”; and

(4) in subsection (d), by striking “report” and inserting “reports”.

SEC. 1246. ENHANCING MAJOR DEFENSE PARTNERSHIP WITH INDIA.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct appropriate personnel within the Department of Defense to seek to engage their counterparts within the Ministry of Defence of India for the purpose of expanding cooperation on emerging technologies, readiness, and logistics.

(b) Topics.—At a minimum, the personnel described in subsection (a) shall seek to engage their counterparts in the Ministry of Defense of India on the following topics:

(1) Intelligence collection capabilities.

(2) Unmanned aerial vehicles.

(3) Fourth and fifth generation aircraft.
(4) Depot-level maintenance.

(5) Joint research and development.

(6) 5G and Open Radio Access Network technologies.

(7) Cyber.

(8) Cold-weather capabilities.

(9) Any other matter the Secretary considers relevant.

(e) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide a briefing to the appropriate committees of Congress that includes—

(1) an assessment of the feasibility and advisability of expanding cooperation with the Ministry of Defence of India on the topics described in subsection (b);

(2) a description of other opportunities to expand cooperation with the Ministry of Defence of India on topics other than the topics described in such subsection;

(3) a description of any challenges, including agreements, authorities, and resourcing, that need to be addressed so as to expand cooperation with the Ministry of Defence of India on the topics described in such subsection;
(4) an articulation of security considerations to ensure the protection of research and development, intellectual property, and United States-provided equipment from being stolen or exploited by adversaries;

(5) an identification of opportunities for academia and private industry to participate in expanded cooperation with the Ministry of Defence of India; and

(6) any other matter the Secretary considers relevant.

(d) **Appropriate Committees of Congress Defined.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1247. ENHANCED INDICATIONS AND WARNING FOR DETERRENCE AND DISSUASION.**

(a) **Establishment of Program for Enhanced Indications and Warning.**—
(1) IN GENERAL.—The Director of the Defense Intelligence Agency shall establish a program to increase warning time of potential aggression by adversary nation states, focusing especially on the United States Indo-Pacific Command and United States European Command areas of operations.

(2) DESIGNATION.—The program established under paragraph (1) shall be known as the “Program for Enhanced Indications and Warning” (in this section the “Program”).

(3) PURPOSE.—The purpose of the Program is to gain increased warning time to provide time for the Department to mount deterrence and dissuasion actions to persuade adversaries to refrain from aggression, including through potential revelations or demonstrations of capabilities and actions to create doubt in the minds of adversary leaders regarding the prospects for military success.

(b) HEAD OF PROGRAM.—

(1) IN GENERAL.—The Director shall appoint a defense intelligence officer to serve as the mission manager for the Program.

(2) DESIGNATION.—The mission manager for the Program shall be known as the “Program Man-
ager for Enhanced Indications and Warning’’ (in this section the ‘‘Program Manager’’).

(c) SOURCES OF INFORMATION AND ANALYSIS.—The Program Manager shall ensure that the Program makes use of all available sources of information, from public, commercial, and classified sources across the intelligence community and the Department of Defense, as well as advanced analytics, including artificial intelligence, to establish a system capable of discerning deviations from normal patterns of behavior and activity that may indicate preparations for military actions.

(d) INTEGRATION WITH OTHER PROGRAMS.—

(1) SUPPORT.—The Program shall be supported by the Chief Digital and Artificial Intelligence Officer, the Maven project, by capabilities sponsored by the Office of the Under Secretary of Defense for Intelligence and Security, and programs already underway within the Defense Intelligence Agency.

(2) AGREEMENTS.—The Director shall seek to engage in agreements to integrate information and capabilities from other components of the intelligence community to facilitate the purpose of the Program.
(e) Briefings.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter through 2027, the Program Manager shall provide the appropriate committees of Congress a briefing on the status of the activities of the Program.

(f) Definitions.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the congressional defense committees;

and

(B) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(2) The term “intelligence community” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 1248. PILOT PROGRAM TO DEVELOP YOUNG CIVILIAN DEFENSE LEADERS IN THE INDO-PACIFIC REGION.

(a) In General.—The Secretary of Defense may establish, using existing authorities of the Department of Defense, a pilot program to enhance engagement of the Department with young civilian defense and security leaders in the Indo-Pacific region.
(b) PURPOSES.—The activities of the pilot program under subsection (a) shall include training of, and engagement with, young civilian leaders from foreign partner ministries of defense and other appropriate ministries with a national defense mission in the Indo-Pacific region for purposes of—

(1) enhancing bilateral and multilateral cooperation between—

(A) civilian leaders in the Department; and

(B) civilian leaders in foreign partner ministries of defense; and

(2) building the capacity of young civilian leaders in foreign partner ministries of defense to promote civilian control of the military, respect for human rights, and adherence to the law of armed conflict.

(c) PRIORITY.—In carrying out the pilot program under subsection (a), the Secretary of Defense shall prioritize engagement with civilian defense leaders from foreign partner ministries of defense who are 40 years of age or younger.

(d) BRIEFINGS.—

(1) DESIGN OF PILOT PROGRAM.—Not later than June 1, 2023, the Secretary of Defense, in consultation with the Secretary of State, shall provide
a briefing to the appropriate committees of Congress on the design of the pilot program under subsection (a).

(2) PROGRESS BRIEFING.—Not later than December 31, 2023, and annually thereafter until the date on which the pilot program terminates under subsection (e), the Secretary of Defense, in consultation with the Secretary of State, shall provide a briefing to the appropriate committees of Congress on the pilot program that includes—

(A) a description of the activities conducted and the results of such activities;

(B) an identification of existing authorities used to carry out the pilot program;

(C) any recommendations related to new authorities or modifications to existing authorities necessary to more effectively achieve the objectives of the pilot program; and

(D) any other matter the Secretary of Defense considers relevant.

(e) TERMINATION.—The pilot program under subsection (a) shall terminate on December 31, 2026.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and
(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1249. CROSS-FUNCTIONAL TEAM FOR MATTERS RELATING TO THE PEOPLE’S REPUBLIC OF CHINA.

(a) Establishment.—Using the authority provided pursuant to section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), the Secretary of Defense shall establish a cross-functional team—

(1) to integrate Department of Defense efforts to address national security challenges posed by the People’s Republic of China; and

(2) to ensure alignment across Department strategies, policies, resourcing, and fielding of relevant capabilities.

(b) Duties.—The duties of the cross-functional team established under subsection (a) shall be—

(1) to assist the Secretary with integrating Department efforts to address national security challenges posed by the People’s Republic of China;
(2) to integrate the efforts of the Department regarding the People’s Republic of China with the efforts of other relevant Federal departments and agencies; and

(3) to streamline and strengthen cooperation with United States allies and partners, particularly such allies and partners in the Indo-Pacific region.

(c) TEAM LEADERSHIP.—

(1) IN GENERAL.—The Secretary shall select an appropriate civilian official to lead the cross-functional team and a senior military officer to serve as the deputy to the civilian official so selected.

(2) DIRECT REPORTING.—The leadership of the cross-functional team shall report directly to the Secretary and the Deputy Secretary of Defense.

(d) BRIEFING.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on—

(1) the progress of the Secretary in establishing the cross-functional team; and

(2) the progress the team has made in—

(A) determining the roles and responsibilities of the organizations and elements of the Department with respect to the cross-functional team; and
(B) carrying out the duties under subsection (b).

SEC. 1250. REPORT ON BILATERAL AGREEMENTS SUPPORTING UNITED STATES MILITARY POSTURE IN THE INDO-PACIFIC REGION.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the adequacy of existing bilateral agreements between the United States and foreign governments that support the existing and planned military posture of the United States in the Indo-Pacific region.

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

(1) An accounting of existing bilateral agreements that support the military posture of the United States in the Indo-Pacific region, by country and type.

(2) An articulation of the need for new bilateral agreements, by country and type, to support a more distributed United States military posture in the Indo-Pacific region, as outlined by the Global Force Posture Review, including agreements necessary—

(A) to establish new cooperative security locations, forward operating locations, and
other locations in support of distributed operations; and

(B) to enable exercises and a more rotational force presence.

(3) A description of the relative priority of the agreements articulated under paragraph (2).

(4) Any specific request, financial or otherwise, made by a foreign government or a Federal agency other than the Department of Defense that complicates the completion of such agreements.

(5) A description of Department activities planned for the current and subsequent fiscal year that are intended to contribute to the completion of such agreements.

(6) A description of the manner in which the necessity for such agreements is communicated to, and coordinated with, the Secretary of State.

(7) Any other matter the Secretary of Defense considers relevant.


It is the sense of the Senate that the Senate—
(1) supports the designations by the Department of Defense, as reflected in the 2022 National Defense Strategy and statements by Secretary of Defense Lloyd Austin and other senior Department officials, of—

(A) the People’s Republic of China as the Department’s pacing challenge;

(B) the Indo-Pacific as the Department’s priority theater; and

(C) a Taiwan contingency as the Department’s pacing scenario;

(2) underscores the importance of the Department continuing to prioritize the deterrence of aggression by the People’s Republic of China, particularly in the form of an invasion of Taiwan by the People’s Republic of China, as the Government of the People’s Republic of China expands and modernizes the People’s Liberation Army; and

(3) strongly urges the Department to manage force allocations across theaters to ensure, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), that the United States Armed Forces maintain the ability to deny a fait accompli against Taiwan by the People’s Republic of China in order to deter the People’s Republic of
China from using force to unilaterally change the status quo with Taiwan.

SEC. 1252. SENSE OF CONGRESS ON DEFENSE ALLIANCES AND PARTNERSHIPS IN THE INDO-PACIFIC REGION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Indo-Pacific strategy states, “we will prioritize our single greatest asymmetric strength: our network of security alliances and partnerships. Across the region, the United States will work with allies and partners to deepen our interoperability and develop and deploy advanced warfighting capabilities as we support them in defending their citizens and their sovereign interests.”.

(2) The fact sheet accompanying the National Defense Strategy states, “[m]utually-beneficial Alliances and partnerships are an enduring strength for the United States, and are critical to achieving our objectives . . . the Department [of Defense] will incorporate ally and partner perspectives, competencies, and advantages at every stage of defense planning.”.

(3) Chairman of the Joint Chiefs of Staff General Milley testified on April 7, 2022, that “our alli-
ances and partnerships are our most significant asymmetric advantages and are key to maintaining the international rules-based order that offers the best opportunities for peace and prosperity for America and the globe.”.

(4) Commander of the United States Indo-Pacific Command Admiral Aquilino testified on March 10, 2022, that “a key U.S. asymmetric advantage that our security challengers do not possess is our network of strong alliances and partnerships. Because these relationships are based on shared values and people-to-people ties, they provide significant advantages such as long-term mutual trust, understanding, respect, interoperability, and a common commitment to a free and open Indo-Pacific.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should continue efforts that strengthen United States defense alliances and partnerships in the Indo-Pacific region so as to further the comparative advantage of the United States in strategic competition with the People’s Republic of China, including by—

(1) enhancing cooperation with Japan, consistent with the Treaty of Mutual Cooperation and Security Between the United States of America and
Japan, signed at Washington, January 19, 1960, including by developing advanced military capabilities, fostering interoperability across all domains, and improving sharing of information and intelligence;

(2) reinforcing the United States alliance with the Republic of Korea, including by maintaining the presence of approximately 28,500 members of the United States Armed Forces deployed to the country and affirming the United States commitment to extended deterrence using the full range of United States defense capabilities, consistent with the Mutual Defense Treaty Between the United States and the Republic of Korea, signed at Washington, October 1, 1953, in support of the shared objective of a peaceful and stable Korean Peninsula;

(3) fostering bilateral and multilateral cooperation with Australia, consistent with the Security Treaty Between Australia, New Zealand, and the United States of America, signed at San Francisco, September 1, 1951, and through the partnership among Australia, the United Kingdom, and the United States (commonly known as “AUKUS”)—

(A) to advance shared security objectives;

(B) to accelerate the fielding of advanced military capabilities; and
(C) to build the capacity of emerging partners;

(4) advancing United States alliances with the Philippines and Thailand and United States partnerships with other partners in the Association of Southeast Asian Nations to enhance maritime domain awareness, promote sovereignty and territorial integrity, leverage technology and promote innovation, and support an open, inclusive, and rules-based regional architecture;

(5) broadening United States engagement with India, including through the Quadrilateral Security Dialogue—

(A) to advance the shared objective of a free and open Indo-Pacific region through bilateral and multilateral engagements and participation in military exercises, expanded defense trade, and collaboration on humanitarian aid and disaster response; and

(B) to enable greater cooperation on maritime security and the threat of global pandemics, including COVID–19;

(6) strengthening the United States partnership with Taiwan, consistent with the Three Communiques, the Taiwan Relations Act (Public Law 96–
8; 22 U.S.C. 3301 et seq.), and the Six Assurances, with the goal of improving Taiwan’s asymmetric defensive capabilities and promoting peaceful cross-strait relations;

(7) reinforcing the status of the Republic of Singapore as a Major Security Cooperation Partner of the United States and continuing to strengthen defense and security cooperation between the military forces of the Republic of Singapore and the Armed Forces of the United States, including through participation in combined exercises and training;

(8) engaging with the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and other Pacific Island countries, with the goal of strengthening regional security and addressing issues of mutual concern, including protecting fisheries from illegal, unreported, and unregulated fishing;

(9) collaborating with Canada, the United Kingdom, France, and other members of the European Union and the North Atlantic Treaty Organization to build connectivity and advance a shared vision for the region that is principled, long-term, and anchored in democratic resilience; and
(10) investing in enhanced military posture and capabilities in the area of responsibility of the United States Indo-Pacific Command and strengthening cooperation in bilateral relationships, multilateral partnerships, and other international fora to uphold global security and shared principles, with the goal of ensuring the maintenance of a free and open 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.

None of the funds authorized to be appropriated by this Act may be used to knowingly provide active and direct support to any film, television, or other entertainment project with respect to which any producer or other person associated with the project—

(1) seeks pre-approval of the content of the project from any entity of the Government of the People’s Republic of China or the Chinese Communist Party; or

(2) modifies or deletes in any way the content of the project as a result of any direction from any entity of the Government of the People’s Republic of China or the Chinese Communist Party.
Subtitle E—Reports

SEC. 1261. REPORT ON FIFTH FLEET CAPABILITIES UPGRADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) capabilities upgrades necessary to enable the Fifth Fleet to address emerging threats in its area of responsibility; and

(2) any costs associated with such upgrades.

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

(1) An assessment of seaborne threats posed by Iran, and groups linked to Iran, to the military forces of United States allies and partners operating in the waters in and around the broader Middle East.

(2) A description of any capabilities upgrades necessary to enable the Fifth Fleet to address such threats.

(3) An estimate of the costs associated with any such upgrades.

(4) A description of any United States plan to deepen cooperation with other member countries of
the Combined Maritime Forces at the strategic, policy, and functional levels for the purpose of addressing such threats, including by—

(A) enhancing coordination on defense planning;
(B) improving intelligence sharing; and
(C) deepening maritime interoperability.

(c) **Broader Middle East Defined.**—In this section, the term “broader Middle East” means—

(1) the land around the southern and eastern shores of the Mediterranean Sea;
(2) the Arabian Peninsula;
(3) Iran; and
(4) North Africa.

**Subtitle F—Other Matters**

**SEC. 1271. PROHIBITION ON PARTICIPATION IN OFFENSIVE MILITARY OPERATIONS AGAINST THE HOuthIS IN YEMEN.**

(a) **In General.**—None of the funds authorized to be appropriated by this Act shall be made available to provide for Department of Defense participation in offensive operations against the Houthis in Yemen by the coalition led by Saudi Arabia, unless a specific statutory authorization for such use of the United States Armed Forces has been enacted.
(b) WAIVER.—The Secretary of Defense may waive the prohibition under subsection (a) if the Secretary—

(1) determines that such a waiver is in the national security interests of the United States;

(2) issues the waiver in writing; and

(3) not more than 5 days after issuing the waiver, submits to the Committees on Armed Services of the Senate and the House of Representatives a notification that includes the text of the waiver and a justification for the waiver.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

(1) United States counterterrorism cooperation with Saudi Arabia or the United Arab Emirates against al-Qaeda, the Islamic State of Iraq and Syria, or associated forces;

(2) support intended to assist Saudi Arabia, the United Arab Emirates, or other members of the Saudi-led coalition in defending against threats emanating from Yemen to their sovereignty or territorial integrity, the sovereignty or territorial integrity of any other United States partner or ally, or the safety of United States persons or property, including—

(A) threats from ballistic missiles, cruise missiles, or unmanned aerial vehicles; and
(B) explosive boat threats to international maritime traffic;
(3) the provision of humanitarian assistance; or
(4) the preservation of freedom of navigation.

(d) Extension of prohibition on in-flight refueling to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen.—Section 1273 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1699) is amended to read as follows:

“SEC. 1273. PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN YEMEN.

“For the two-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023, the Department of Defense may not provide in-flight refueling pursuant to section 2342 of title 10, United States Code, or any other applicable statutory authority, to non-United States aircraft that engage in hostilities in the ongoing civil war in Yemen unless and until a declaration of war or a specific statutory authorization for such use of United States Armed Forces has been enacted.”.
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.

Section 1213(a) of the National Defense Authorization Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is amended by striking “December 31, 2023” and inserting “December 31, 2024”.

SEC. 1274. MODIFICATION OF SECRETARY OF DEFENSE STRATEGIC COMPETITION INITIATIVE.

(a) Authority.—Subsection (a) of section 1332 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2007; 10 U.S.C. 301 note) is amended by striking “that advance” and all that follows through the period at the end and inserting “that—

“(1) advance United States national security objectives for strategic competition by supporting Department of Defense efforts to compete below the threshold of armed conflict; or
“(2) support other Federal departments and agencies in advancing United States interests relating to strategic competition.”.

(b) AUTHORIZED ACTIVITIES AND PROGRAMS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(5) Other activities or programs of the Department of Defense, including activities to coordinate with or support other Federal departments and agencies, that the Secretary of Defense determines would advance United States national security objectives for strategic competition.”.

SEC. 1275. ASSESSMENT OF CHALLENGES TO IMPLEMENTATION OF THE PARTNERSHIP AMONG AUSTRALIA, THE UNITED KINGDOM, AND THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with a federally funded research and development center for the conduct of an independent assessment of resourcing, policy, and process challenges to implementing the partnership among Australia, the United Kingdom, and United States (commonly known as the “AUKUS partnership”) announced on September 21, 2021.
(b) MATTERS TO BE CONSIDERED.—In conducting
the assessment required by subsection (a), the federally
funded research and development center shall consider the
following with respect to each of Australia, the United
Kingdom, and the United States:

(1) Potential resourcing and personnel short-
falls.

(2) Information sharing, including foreign dis-
closure policy and processes.

(3) Statutory, regulatory, and other policies and
processes.

(4) Intellectual property, including patents.

(5) Export controls, including technology trans-
fer and protection.

(6) Security protocols and practices, including
personnel, operational, physical, facility, cybersecu-
rity, counterintelligence, marking and classifying in-
formation, and handling and transmission of classi-
fied material.

(7) Any other matter the Secretary considers
appropriate.

(c) RECOMMENDATIONS.—The federally funded re-
search and development center selected to conduct the as-
essment under this section shall include, as part of such
assessment, recommendations for improvements to
resourcing, policy, and process challenges to implementing
the AUKUS partnership.

(d) Report.—

(1) In general.—Not later than January 1, 2024, the Secretary shall submit to the congressional defense committees a report that includes an unaltered copy of such assessment, together with the views of the Secretary on the assessment and on the recommendations included in the assessment pursuant to subsection (c).

(2) Form of report.—The report required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

**TITLE XIII—COOPERATIVE THREAT REDUCTION**

**SEC. 1301. COOPERATIVE THREAT REDUCTION FUNDS.**

(a) Funding Allocation.—Of the $341,598,000 authorized to be appropriated to the Department of Defense for fiscal year 2023 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:
(1) For strategic offensive arms elimination, $6,860,000.

(2) For chemical weapons destruction, $15,000,000.

(3) For global nuclear security, $18,090,000.

(4) For cooperative biological engagement, $225,000,000.

(5) For proliferation prevention, $45,890,000.

(6) For activities designated as Other Assessments/Administrative Costs, $30,760,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2023, 2024, and 2025.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the use of the Armed Forces and other activities and agencies of the Department of Defense for
providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2023 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2023 for expenses, not otherwise provided for, for Drug Interdiction
and Counter-Drug Activities, Defense-wide, as specified in
the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for
the Department of Defense for fiscal year 2023 for ex-

Sec. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for
fiscal year 2023 for the Defense Health Program for use
of the Armed Forces and other activities and agencies of
the Department of Defense for providing for the health
of eligible beneficiaries, as specified in the funding table
in section 4501.

Subtitle B—National Defense Stockpile

SEC. 1411. MODIFICATION OF ACQUISITION AUTHORITY
UNDER STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

(a) In General.—Section 5 of the Strategic and
Critical Materials Stock Piling Act (50 U.S.C. 98d) is
amended—

(1) in subsection (a)—

(A) in paragraph (1)—
(i) in the first sentence, by inserting “under the authority of paragraph (3) or” after “Except for acquisitions made”; and

(ii) in the second sentence, by striking “for such acquisition” and inserting “for any acquisition of materials under this Act”; and

(B) by adding at the end the following:

“(3) Using funds appropriated for acquisition of materials under this Act, the National Defense Stockpile Manager may acquire materials determined to be strategic and critical under section 3(a) without regard to the requirement of the first sentence of paragraph (1) if the Stockpile Manager determines there is a shortfall of such materials in the stockpile.”; and

(2) in subsection (e), by striking “to carry out the purposes for which appropriated for a period of two fiscal years, if so provided in the appropriations Acts” and inserting “until expended, unless otherwise provided in appropriations Acts”.

(b) INCREASE IN QUANTITIES OF MATERIALS TO BE STOCKPILED.—Section 3(c)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)(2)) is amended—
(1) by amending the first sentence to read as follows: “The President shall notify Congress in writing of any increase proposed to be made in the quantity of any material to be stockpiled that involves the acquisition of additional materials for the stockpile.”;

(2) in the second sentence, by striking “the change after the end of the 45-day period” and inserting “the increase after the end of the 30-day period”; and

(3) in the third sentence, by striking “change” and inserting “increase”.

SEC. 1412. BRIEFINGS ON SHORTFALLS IN NATIONAL DEFENSE STOCKPILE.

Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5) is amended by adding at the end the following new subsection:

“(f)(1) Not later than March 1 each year, the National Defense Stockpile Manager shall provide to the congressional defense committees a briefing on strategic and critical materials that—

“(A) are determined to be in shortfall in the most recent report on stockpile requirements submitted under subsection (a); and
“(B) the acquisition or disposal of which is included in the annual materials plan for the operation of the stockpile during the next fiscal year submitted under section 11(b).

“(2) Each briefing required by paragraph (1) shall include—

“(A) a description of each material described in that paragraph, including the objective to be achieved if funding is provided, in whole or in part, for the acquisition of the material to remedy the shortfall;

“(B) an estimate of additional amounts required to provide such funding, if any; and

“(C) an assessment of the supply chain for each such material, including any assessment of any relevant risk in any such supply chain.”.

SEC. 1413. AUTHORITY TO ACQUIRE MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) ACQUISITION AUTHORITY.—Of the funds appropriated into the National Defense Stockpile Transaction Fund pursuant to the authorization of appropriations under subsection (c), the National Defense Stockpile Manager may use up to $1,003,500,000 for acquisition of the following materials determined to be strategic and critical
materials required to meet the defense, industrial, and essential civilian needs of the United States:

(1) Neodymium oxide, praseodymium oxide, and neodymium iron boron (NdFeB) magnet block.
(2) Titanium.
(3) Energetic materials.
(4) Iso-molded graphite.
(5) Grain-oriented electric steel.
(6) Tire cord steel.
(7) Cadmium zinc telluride.
(8) Any additional materials identified as stockpile requirements in the most recent report submitted to Congress under section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5).

(b) Fiscal Year Limitation.—The authority under subsection (a) is available for purchases during fiscal years 2023 through 2032.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the National Defense Stockpile Transaction Fund $1,003,500,000 for the acquisition of strategic and critical materials under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)).
(d) Compliance With Strategic and Critical Materials Stock Piling Act.—Any acquisition using funds appropriated pursuant to the authorization of appropriations under subsection (e) shall be carried out in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2023 from the Armed Forces Retirement Home Trust Fund the sum of $152,360,000 for the operation of the 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.

(a) Authority for Transfer of Funds.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $167,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of sec-

(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).
TITLE XV—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS
Subtitle A—Space Activities

SEC. 1501. ADDITIONAL AUTHORITIES OF CHIEF OF SPACE OPERATIONS.

Section 9082(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ‘‘; and’’ and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ‘‘; and’’; and

(3) by adding at the end the following new paragraph:

“(7) be the force design architect for space systems of the armed forces.”.

SEC. 1502. COMPREHENSIVE STRATEGY FOR THE SPACE FORCE.

(a) STRATEGIC OBJECTIVES.—The Secretary of the Air Force and the Chief of Space Operations shall jointly develop strategic objectives required to organize, train, and equip the Space Force, including objectives that emphasize achieving and maintaining—

(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.

(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).

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

(A) A description of the strategic objectives developed under subsection (a).

(B) A specific and detailed plan for achieving such strategic objectives that includes—

(i) a budget plan;

(ii) a ground-based infrastructure plan;

(iii) a space architecture plan; and

(iv) a systems acquisitions plan.
(C) An identification of units and resources from other Department of Defense organizations, as applicable, required by the Space Force to achieve and implement such strategic objectives efficiently and effectively.

(D) A plan to provide the number of general officer and senior executive service positions required to meet the needs of the Space Force, and a justification for such number.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(4) PUBLIC AVAILABILITY.—Not later than 5 days after the date on which the report is submitted, the Secretary and the Chief shall make the unclassified form of the report available to the public on an internet website of the Department of Defense.

(c) BRIEFING.—Not later than 30 days after the date on which the report is submitted, the Secretary and the Chief shall provide a briefing to the congressional defense committees on—

(1) the information contained in the report; and

(2) the plan of the Department of the Air Force to provide the Space Force with the resources re-
required to achieve the objectives described in the report.

(d) **SPACE SUPERIORITY** **DEFINED.**—In this section, the term “space superiority” means the degree of control in space of one force over any others that permits the conduct of its operations at a given time and place without prohibitive interference from terrestrial or space-based threats.

**SEC. 1503. REVIEW OF SPACE DEVELOPMENT AGENCY EXEMPTION FROM JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.**

(a) **IN GENERAL.**—Not later than March 31, 2023, the Secretary of Defense shall complete a review of the exemption of the Space Development Agency from the Joint Capabilities Integration and Development System.

(b) **RECOMMENDATION.**—Not later than 30 days after the date on which the review under subsection (a) is completed, the Secretary of Defense shall submit to the congressional defense committees a recommendation as to whether such exemption should continue to apply to the Space Development Agency.

(c) **IMPLEMENTATION.**—Not later than 60 days after the date on which the recommendation is submitted under subsection (b), the Secretary of the Air Force and the Di-
The rector of the Space Development Agency shall implement the recommendation.

SEC. 1504. APPLIED RESEARCH AND EDUCATIONAL ACTIVITIES TO SUPPORT SPACE TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Air Force and the Chief of Space Operations, in coordination with the Chief Technology and Innovation Office of the Space Force, may carry out applied research and educational activities to support space technology development.

(b) ACTIVITIES.—Activities carried out under subsection (a) shall support the applied research, development, and demonstration needs of the Space Force, including by addressing and facilitating the advancement of capabilities related to—

(1) space domain awareness;
(2) positioning, navigation, and timing;
(3) communications;
(4) hypersonics;
(5) cybersecurity; and
(6) any other matter the Secretary of the Air Force considers relevant.

(e) EDUCATION AND TRAINING.—Activities carried 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

(2) explore opportunities for international collaboration.

(d) Termination.—The authority provided by this section shall expire on December 31, 2027.

SEC. 1505. CONTINUED REQUIREMENT FOR NATIONAL SECURITY 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.

SEC. 1506. EXTENSION OF ANNUAL REPORT ON SPACE COMMAND AND CONTROL.

Section 1613(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1731) is amended by striking “2025” and inserting “2030”.

 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.

Section 2275(f) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 1508. UPDATE TO PLAN TO MANAGE INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT SYSTEM AND MULTI-DOMAIN SENSORS.

(a) UPDATE REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall update the plan that was developed pursuant to section 1669 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(b) COORDINATION WITH OTHER AGENCIES.—In developing the update required by subsection (a), the Secretary shall—

(1) coordinate with the Secretary of the Army, the Secretary of the Navy, the Director of the Missile Defense Agency, the Director of the National Reconnaissance Office, and the Director of the Space Development Agency; and

(2) solicit comments on the plan, if any, from the Commander of United States Strategic Command, the Commander of United States Northern
Command, and the Commander of United States Space Command.

(c) Submittal to Congress.—Not later than 90 days after the update required by subsection (a) is complete, the Secretary of the Air Force shall submit to the congressional defense committees—

(1) the plan updated pursuant to subsection (a); and

(2) the comments from the Commander of United States Strategic Command, the Commander of United States Northern Command, and the Commander of United States Space Command, if any, solicited under subsection (b)(2).

Subtitle B—Nuclear Forces

SEC. 1511. MATTERS RELATING TO ROLE OF NUCLEAR WEAPONS COUNCIL WITH RESPECT TO BUDGET FOR NUCLEAR WEAPONS PROGRAMS.

(a) Repeal of Termination of Nuclear Weapons Council Certification and Reporting Requirement.—Section 1061(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) is amended by striking paragraph (10).

(b) Modification to Responsibilities of Nuclear Weapons Council.—Section 179(d)(9) of title
10, United States Code, is amended by inserting “, in coordi-
3 nation with the Joint Requirements Oversight Coun-
4 cil,” after “capabilities, and”.

(c) Amendment to Budget and Funding Matters for Nuclear Weapons Programs.—

(1) In general.—Section 179(f) of title 10,

United States Code, is amended—

(A) by redesignating paragraphs (1)

through (7) as paragraphs (2) through (8), re-

respectively;

(B) striking the heading and inserting the

following:

“Budget and Funding Matters.—(1)(A) The Council shall review each budget request transmitted by the Secretary of Energy to the Council under section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) and make a determination regarding the adequacy of each such request.

“(B) Not later than 30 days after making a deter-

mination described in subparagraph (A), the Council shall notify Congress that such a determination has been made.”; and

(C) by striking paragraph (7), as so redes-

ignated, and inserting the following new para-

graph (7):
“(7) If a House of Congress adopts a bill authorizing or appropriating funds for the Department of Defense that, as determined by the Council, provides funds in an amount that will result in a delay in the nuclear certification or delivery of F–35A dual-capable aircraft, the Sentinel weapon system, the Columbia class ballistic missile submarine, the Long Range Standoff Weapon, the B–21 Raider long range bomber, a modernized nuclear command, control, and communications system, or other such nuclear weapons delivery or communications systems in development as of January 1, 2022, the Council shall notify the congressional defense committees of the determination.”

(2) Transfer of determination of adequacy requirement.—Subparagraph (B) of section 4717(a)(2) of the Atomic Energy Defense Act (50 U.S.C. 2757) is—

(A) transferred to section 179(f) of title 10, United States Code, as amended by paragraph (1);

(B) inserted after paragraph (1)(A) of such section; and

(C) amended—

(i) by moving such subparagraph 4 ems to the left;
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(ii) by striking “DETERMINATION OF ADEQUACY.—” and all that follows through “(i) INADEQUATE REQUESTS.—” and inserting “(i)”;

(iii) in clause (i), by striking “paragraph (1)” and inserting “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)”;

(iv) in clause (ii)—

(I) by moving such clause 6 ems to the left;

(II) by striking the heading; and

(III) by striking “paragraph (1)” and inserting “section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)”; and

(v) in clause (iii)—

(I) by moving such clause 6 ems to the left; and

(II) by striking the heading.

(d) MODIFICATION OF BUDGET REVIEW BY NUCLEAR WEAPONS COUNCIL.—Section 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757) is amended—

(1) in subsection (a)—
(A) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) REVIEW.—The Council shall review each budget request transmitted to the Council under paragraph (1) in accordance with section 179(f) of title 10, United States Code.”; and

(B) in paragraph (3)(A)—

(i) in the matter preceding clause (i), by striking “paragraph (2)(B)(i)” and inserting “section 179(f)(1)(B)(i) of title 10, United States Code,”; and

(ii) in clause (i), by striking “the description under paragraph (2)(B)(i)” and inserting “that description”; and

(2) in subsection (b)—

(A) by striking “COUNCIL.—” in the heading and all that follows through “At the time” and inserting “COUNCIL.—At the time”; and

(B) by striking paragraph (2).

SEC. 1512. DEVELOPMENT OF RISK MANAGEMENT FRAMEWORK FOR THE UNITED STATES NUCLEAR ENTERPRISE.

(a) FRAMEWORK.—Not later than June 1, 2023, the Under Secretary of Defense for Acquisition and Sustainment and the Administrator for Nuclear Security,
in coordination with the other members of the Nuclear Weapons Council, shall develop a joint risk management framework—

(1) to periodically identify, analyze, and respond to risks that affect the nuclear enterprise of the United States; and

(2) to report, internally to other members of the Nuclear Weapons Council and externally to relevant stakeholders, such risks and any associated mitigation efforts.

(b) ELEMENTS.—The framework required by subsection (a) shall address—

(1) programs to sustain and modernize the nuclear weapons stockpile of the United States;

(2) efforts to sustain and recapitalize infrastructure and facilities of the National Nuclear Security Administration that support programs of the Department of Defense;

(3) programs to sustain and modernize nuclear weapons delivery systems of the Department of Defense; and

(4) programs to sustain and modernize the nuclear command, control, and communications infrastructure of the United States.
(c) **Subject Matter Expertise.**—The Under Secretary and the Administrator shall draw upon public and private sector resources to inform the development of the framework required by subsection (a), including by leveraging, to the maximum extent possible, the program management expertise within the Defense Acquisition University.

(d) **Briefings.**—The Under Secretary and the Administrator shall jointly brief the congressional defense committees—

(1) not later than February 1, 2023, on the progress made toward developing the framework required by subsection (a); and

(2) not later than June 30, 2023, on the completed framework.

**SEC. 1513. BIENNIAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES.**

Chapter 24 of title 10, United States Code, is amended by inserting after section 492a the following new section:

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“SEC. 492b. BIENNIAL BRIEFING ON NUCLEAR WEAPONS AND RELATED ACTIVITIES.

“(a) In General.—On or about May 1 and November 1 of each calendar year, the officials specified in subsection (b) shall brief the Committees on Armed Services
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of the Senate and the House of Representatives on mat-
ters relating to nuclear weapons policies, operations, tech-
nology development, and other similar topics as requested
by such committees.

“(b) OFFICIALS SPECIFIED.—The officials specified
in this subsection are the following:

“(1) the Assistant Secretary of Defense for Ac-
quision.

“(2) the Assistant Secretary of Defense for Nu-
clear, Chemical, and Biological Defense Programs.

“(3) the Assistant Secretary of Defense for
Space Policy.

“(4) the Deputy Administrator for Defense
Programs of the National Nuclear Security Adminis-
tration.

“(5) the Director for Strategy, Plans, and Pol-
icy (J5) of the Joint Staff.

“(6) the Director for Capability and Resource
Integration (J8) for the United States Strategic
Command.

“(c) DELEGATION.—An official specified in sub-
section (b) may delegate the authority to provide a brief-
ing required by subsection (a) to any employee of such
official who is a member of the Senior Executive Service.
“(d) Termination.—This section terminates on January 1, 2028.”.

SEC. 1514. PLAN FOR DEVELOPMENT OF REENTRY VEHICLES.

(a) In General.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security and the Under Secretary of Defense for Research and Engineering, shall produce a plan for the development, during the 20 year period beginning on the date of the enactment of this Act, of—

(1) the Mark 21A reentry vehicle for the Air Force;

(2) the Mark 7 reentry vehicle for the Navy;

and

(3) any other reentry vehicles for—

(A) the Sentinel intercontinental ballistic missile weapon system;

(B) the Trident II (D5) submarine-launched ballistic missile, or subsequent missile; and

(C) any other long range ballistic or hypersonic strike missile that may rely upon technologies similar to the technologies used in
the missiles described in subparagraphs (A) and (B).

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) with respect to the development of each re-entry vehicle described in subsection (a), describe—

(A) timed phases of production for the re-entry aeroshell and the planned production and fielding of the reentry vehicle;

(B) the required developmental and operational testing capabilities and capacities, including such capabilities and capacities of the reentry vehicle;

(C) the technology development and manufacturing capabilities that may require use of authorities under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.); and

(D) the industrial base capabilities and capacities, including the availability of sufficient critical materials and staffing to ensure adequate competition between entities developing the reentry vehicle;

(2) provide estimated cost projections for the development of the first operational reentry vehicle
and the production of subsequent reentry vehicles to meet Navy and Air Force requirements; and

(3) provide for the coordination with and account for the needs of the development by the Department of Defense of hypersonic systems using materials, staffing, and an industrial base similar to that required for the development of reentry vehicles described in subsection (a).

(e) ASSESSMENTS.—

(1) COST PROJECTIONS.—The Director of the Office of Cost Assessment and Program Evaluation of the Department of Defense and the Director of the Office of Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall jointly conduct an assessment of the costs of the plan required by subsection (a).

(2) TECHNOLOGY AND MANUFACTURING READINESS.—The Under Secretary of Defense for Acquisition and Sustainment shall enter into an agreement with a federally funded research and development center to conduct an assessment of the technology and manufacturing readiness levels with respect to the plan required by subsection (a).

(d) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Under
Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees the plan required by subsection (a) and the assessments required by subsection (c).

SEC. 1515. INDUSTRIAL BASE MONITORING FOR B–21 AND SENTINEL PROGRAMS.

(a) IN GENERAL.—The Secretary of the Air Force, acting through the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics, shall designate a senior official to monitor the combined industrial base supporting the acquisition of B–21 aircraft and Sentinel programs.

(b) REQUIREMENTS FOR MONITORING.—In monitoring the combined industrial base described in subsection (a), the senior official designated under that subsection shall—

(1) appoint individuals to key staff positions;

(2) monitor the acquisition of—

(A) personnel with critical skills;

(B) materials, technologies, and components associated with nuclear weapons systems; and

(C) commodities purchased on a large scale; and
(3) assess whether public and private personnel with critical skills and knowledge, intellectual property on manufacturing processes, and facilities and equipment necessary to design, develop, manufacture, repair, and support a program are available and affordable within the scopes of the B–21 aircraft and Sentinel programs.

(c) Annual Report.—Contemporaneously with the submission of the budget of the President pursuant to section 1105(a) of title 31 for a fiscal year, the Secretary shall submit to the congressional defense committees a report with respect to the status of the combined industrial base described in subsection (a).

SEC. 1516. ESTABLISHMENT OF INTERCONTINENTAL BALISTIC MISSILE SITE ACTIVATION TASK FORCE FOR SENTINEL PROGRAM.

(a) Establishment.—

(1) In General.—There is established within the Air Force Global Strike Command a directorate to be known as the Sentinel Intercontinental Ballistic Missile Site Activation Task Force (referred to in this section as the “Task Force”).

(2) Site activation task force.—The Task Force shall serve as the Site Activation Task Force (as that term is defined in Air Force Instruction 10–
(b) DIRECTOR.—

(1) IN GENERAL.—The Task Force shall be headed by the Director of Intercontinental Ballistic Missile Modernization (referred to in this section as the “Director”).

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Air Force shall appoint the Director from among general officers (as defined in section 101(b) of title 10, United States Code) of the Air Force.

(B) QUALIFICATIONS.—In appointing the Director, the Secretary of the Air Force shall give preference to individuals with expertise in large construction projects.
(3) Term of Office.—

(A) Term.—The Director shall be appointed for a term of three years. The Secretary may reappoint the Director for one additional three-year term.

(B) Removal.—The Secretary may remove the Director for cause at any time.

(4) Duties of the Director.—The Director shall—

(A) oversee—

(i) the deployment of the LGM-35A Sentinel intercontinental ballistic missile weapon system; and

(ii) the retirement of the LGM-30G Minuteman III intercontinental ballistic missile weapon system; and

(B) subject to the authority, direction, and control of the Commander of the Air Force Global Strike Command, the Chief of Staff of the Air Force, and the Secretary of the Air Force, prepare, justify, and execute the personnel, operation and maintenance, and construction budgets for such deployment and retirement.

(c) Reports.—
(1) Report to Secretaries.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director, in consultation with the milestone decision authority (as defined in section 2366a(d) of title 10, United States Code) for the LGM-35A Sentinel intercontinental ballistic missile program, shall submit to the Secretary of the Air Force and the Secretary of Defense a report on the progress of the Air Force in achieving initial and full operational capability for the LGM-35A Sentinel intercontinental ballistic missile weapon system.

(2) Report to Congress.—Not later than 30 days after receiving a report required by paragraph (1), the Secretary of the Air Force and the Secretary of Defense jointly shall transmit the report to the congressional defense committees.

(3) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) Quarterly Briefing.—Not later than one year after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Air Force shall brief the congressional defense committees with respect to progress made on activities by
the Task Force to bring the LGM-35A Sentinel intercontinental ballistic missile weapon system to operational capability at each intercontinental ballistic missile wing.

(d) Weapon System Designation.—

(1) In general.—For purposes of nomenclature and life cycle maintenance, each wing level configuration of the LGM-35A Sentinel intercontinental ballistic missile shall be considered a weapon system.

(2) Definitions.—In this subsection:

(A) Weapon system.—The term “weapon system” has the meaning given the term in Department of the Air Force Pamphlet 63-128, updated February 3, 2021.

(B) Wing level configuration.—The term “wing level configuration” means the complete arrangement of subsystems and equipment of the LGM-35A Sentinel intercontinental ballistic missile required to function as a wing.

(e) Termination.—The Task Force shall terminate not later than 90 days after the Commander of the United States Strategic Command and the Commander of the Air Force Global Strike Command (or the heads of successor agencies of the United States Strategic Command and the
Air Force Global Strike Command) jointly declare that the LGM-35A Sentinel intercontinental ballistic missile weapon system has achieved full operational capability.

SEC. 1517. SENSE OF THE SENATE AND BRIEFING ON NUCLEAR COOPERATION BETWEEN THE UNITED STATES AND THE UNITED KINGDOM.

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

(1) the United States strategic nuclear deterrent, and the independent strategic nuclear deterrents of the United Kingdom and the French Republic, are the supreme guarantee of the security of the North Atlantic Treaty Organization (commonly referred to as “NATO”) and continue to underwrite peace and security for all members of the NATO alliance;

(2) the security of the NATO alliance also relies upon nuclear sharing arrangements that predate, and are fully consistent with, the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1960 (commonly referred to as the “Nuclear Non-Proliferation Treaty”);
(3) such arrangements provide for the forward deployment of United States nuclear weapons in Europe, along with the supporting capabilities, infrastructure, and dual-capable aircraft dedicated to the delivery of United States nuclear weapons, provided by European NATO allies;

(4) in parallel to the independent commitments of the United States and the United Kingdom to the enduring security of NATO, the nuclear programs of the United States and the United Kingdom have enjoyed significant collaborative benefits as a result of the cooperative relationship formalized in the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958, and entered into force August 4, 1958, between the United States and the United Kingdom (commonly referred to as the “Mutual Defense Agreement”);

(5) the unique partnership between the United States and the United Kingdom has enhanced sovereign military and scientific capabilities, strengthened bilateral ties, and resulted in the sharing of costs;

(6) as the international security environment deteriorates and potential adversaries expand and
enhance their nuclear forces, the extended deter-
rence commitments of the United Kingdom play an
increasingly important role in supporting the secu-
rrity interests of the United States and allies of the
United States and the United Kingdom;

(7) additionally, the extension of the nuclear de-
terrence commitments of the United Kingdom to
members of the NATO alliance strengthens collective
security while reducing the burden placed on United
States nuclear forces to deter potential adversaries
and assure allies of the United States;

(8) it is in the national security interest of the
United States to support the United Kingdom with
respect to the decision of the Government of the
United Kingdom to maintain its nuclear forces to
deter countries that are “significantly increasing and
diversifying their nuclear arsenals” and “investing in
novel nuclear technologies and developing new
‘warfighting’ nuclear systems” that could threaten
NATO allies, as outlined in the March 2021 report
of the Government of the United Kingdom entitled,
“Global Britain in a Competitive Age: The Inte-
grated Review of Security, Defence, Development
and Foreign Policy”;}
(9) as the United States continues to modernize its aging nuclear forces to ensure its ability to con-
tinue to field a nuclear deterrent that is safe, secure,
and effective, the United Kingdom faces a similar
challenge;

(10) bilateral cooperation on such programs as the Trident II D5 weapons system, the common mis-
sile compartment for the future Dreadnought and Columbia classes of submarines, and the parallel de-
velopment of the W93/Mk7 warhead of the United States and the replacement warhead of the United
Kingdom, will allow the United States and the United Kingdom to responsibly address challenges within their legacy nuclear forces in a cost-effective manner that—

(A) preserves independent, sovereign con-
trol;

(B) is consistent with each country’s obli-
gations under the Nuclear Non-Proliferation Treaty; and

(C) supports nonproliferation objectives;

and

(11) continued cooperation between the nuclear programs of United States and the United Kingdom is essential to ensuring that the NATO alliance con-
continues to be supported by credible nuclear forces capable of preserving peace, preventing coercion, and deterring aggression.

(b) BRIEFING.—Not later than March 4, 2023, the Under Secretary of Defense for Acquisition and Sustainment shall brief the Committees on Armed Services of the Senate and the House of Representatives on opportunities to further enhance and strengthen the bilateral partnership between the nuclear enterprises of the United States and the United Kingdom, including potential cooperation in areas such as advanced manufacturing, microelectronics, supercomputing, and production modernization.

SEC. 1518. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORTS ON INTERCONTINENTAL BALLISTIC MISSILE FORCE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Office of the Under Secretary of Defense for Policy, not more than 50 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the reports and documents required under section 1647 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2097).

(b) REPORT REQUIRED.—
IN GENERAL.—Not later than the date specified in paragraph (2), the Secretary of Defense shall submit to the congressional defense committees—

(A) any covered review completed in 2021 or 2022; and

(B) a report summarizing any policy, programmatic, operational, or budgetary decisions of the Secretary of Defense arising from the results of any covered review completed in 2021 or 2022.

DATE SPECIFIED.—The date specified in this paragraph is the latter of—

(A) the date that is 15 days after the date of the enactment of this Act; or

(B) the date that is 15 days after the President submits to Congress a budget for fiscal year 2023 pursuant to section 1105 of title 31, United States Code.

COVERED REVIEW DEFINED.—In this section, the term “covered review” means any review initiated in 2021 or 2022 by an entity pursuant to an agreement or contract with the Federal Government regarding—
(A) a service life extension program for LGM–30G Minuteman III intercontinental ballistic missiles; or

(B) the future of the intercontinental ballistic missile force.

SEC. 1519. PROHIBITION ON REDUCTION OF THE INTER-CONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) Prohibition.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) Exception.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance, sustainment, or replacement of intercontinental ballistic missiles.
(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

SEC. 1520. LIMITATION ON USE OF FUNDS FOR B83–1 RETIREMENT AND REPORT ON DEFEATING HARD AND DEEPLY BURIED TARGETS.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (c), none of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Department of Defense or the Department of Energy for the purpose of deactivating, dismantling, or retiring the B83–1 nuclear gravity bomb may be obligated or expended until the Secretary of Defense and the Secretary of Energy submit to the Committees on Armed Services of the Senate and the House of Representatives the report required by subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Energy, acting through the Nuclear Weapons Council established under section 179 of title 10, United States Code, and the Joint Requirements Oversight Council and in consultation with the Director of National Intelligence, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defeat of hard and deeply buried targets.
(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a review of Department of Defense requirements for defeating hard and deeply buried targets, including facilities designed for the storage or manufacture of nuclear, chemical, and biological weapons and their precursors;

(B) an evaluation of the sufficiency of current and planned conventional and nuclear military capabilities to satisfy such requirements;

(C) an identification of likely future trajectories in the worldwide use and proliferation of hard and deeply buried targets;

(D) an assessment of the resources, research and development efforts, and capability options needed to ensure that the United States maintains the ability to defeat hard and deeply buried targets and other related requirements; and

(E) a determination of the capability and cost of each resource, effort, and option assessed under subparagraph (D).

(3) ASSESSMENT.—In order to perform the assessment required by paragraph (2)(D), the Secretary of Defense and the Secretary of Energy may
conduct any limited research and development that
either such Secretary determines is necessary to per-
form the assessment.

(4) FORM.—The report required under this
subsection shall be submitted in unclassified form,
but may include a classified annex if necessary.

(e) EXCEPTION.—The limitation on the use of funds
under subsection (a) does not apply to the deactivation,
dismantling, or retirement of B83–1 nuclear gravity
bombs for the express purpose of supporting sustainment,
life extension, or modification programs for other weapons
currently in, or planned to become part of, the United
States nuclear weapons stockpile.

SEC. 1521. LIMITATION ON USE OF FUNDS FOR NAVAL NU-
CLEAR FUEL SYSTEMS BASED ON LOW-EN-
RICHED URANIUM.

(a) LIMITATION.— None of the funds authorized to
be appropriated for fiscal year 2023 for the National Nu-
clear Security Administration for the purposes of con-
ducting research and development of an advanced naval
nuclear fuel system based on low-enriched uranium may
be obligated or expended until the following determina-
tions are submitted to the congressional defense commit-
tees:
(1) A determination made jointly by the Secretary of Energy and the Secretary of Defense with respect to whether the determination made jointly by the Secretary of Energy and the Secretary of the Navy pursuant to section 3118(c)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) and submitted to the congressional defense committees on March 25, 2018, that the United States should not pursue research and development of an advanced naval nuclear fuel system based on low-enriched uranium, remains valid.

(2) A determination by the Secretary of the Navy with respect to whether an advanced naval nuclear fuel system based on low-enriched uranium can be produced that would not reduce vessel capability, increase expense, or reduce operational availability as a result of refueling requirements.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on activities conducted using amounts made available for fiscal year 2022 for non-proliferation fuels development, including a description of
any progress made toward technological or nonproliferation goals as a result of such activities.

SEC. 1522. FURTHER LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF ANALYSIS OF ALTERNATIVES FOR NUCLEAR SEA-LAUNCHED CRUISE MISSILE.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the Office of the Under Secretary of Defense for Policy, not more than 75 percent may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the analysis and provides to such committees the briefing required by section 1641 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2092).

SEC. 1523. MODIFICATION OF REPORTS ON NUCLEAR POSTURE REVIEW IMPLEMENTATION.

Section 491(c) of title 10, United States Code is amended—

(1) in the heading, by striking “2010” and inserting “2022”;

(2) in the matter preceding paragraph (1)—

(A) by striking “2012 through 2021” and inserting “2022 through 2031”; and
(B) by striking “2010” and inserting “2022”; and

(3) by striking paragraph (1) and inserting the following new paragraph (1.):

“(1) ensure that the report required by section 492a of this title is transmitted to Congress, if so required under such section;”.

SEC. 1524. MODIFICATION OF REQUIREMENTS FOR PLUTONIUM PIT PRODUCTION CAPACITY PLAN.

(a) Notification Required.—Section 4219(c) of the Atomic Energy Defense Act (50 U.S.C. 2538a(c)) is amended—

(1) by striking “that subsection, by” and inserting the following: “that subsection—”

“(1) by not later than March 5 of such year, the Chairman of the Nuclear Weapons Council shall notify the congressional defense committees whether the Administration has provided the Nuclear Weapons Council with sufficient information to develop the plan required by paragraph (2); and

“(2) by”; and

(2) by striking “subsection (a). Such plan” and inserting “subsection (a), which”.

(b) Limitation on Use of Funds.—Of the funds authorized to be appropriated by this Act for fiscal year
2023 for the Office of the Under Secretary of Defense for Acquisition and Sustainment, not more than 75 percent may be obligated or expended until the Chairman of the Nuclear Weapons Council submits to the congressional defense committees a plan required by section 4219(c)(2) of the Atomic Energy Defense Act, as amended by subsection (a).

SEC. 1525. EXTENSION OF REQUIREMENT TO REPORT ON NUCLEAR WEAPONS STOCKPILE.

Section 492a(a)(1) of title 10, United States Code, is amended by striking “2024” and inserting “2029”.

SEC. 1526. EXTENSION OF REQUIREMENT FOR ANNUAL ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

Section 499(e) of title 10, United States Code, is amended by striking “December 31, 2027” and inserting “December 31, 2032”.

SEC. 1527. EXTENSION OF REQUIREMENT FOR UNENCUMBERED URANIUM PLAN.

Section 4221(a) of the Atomic Energy Defense Act (50 U.S.C. 2538c(a)) is amended by striking “2026” and inserting “2030”.
SEC. 1528. EXTENSION OF PIT PRODUCTION ANNUAL CERTIFICATION.

Section 3120(e) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2294) is amended in the matter preceding paragraph (1) by striking “2025” and inserting “2030”.

SEC. 1529. ELIMINATION OF OBSOLETE REPORTING REQUIREMENTS RELATING TO PLUTONIUM PIT PRODUCTION.


(1) by striking subsections (b), (c), (d), and (g);

(2) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively;

(3) in subsection (b), as so redesignated—

   (A) in the matter preceding paragraph (1), by striking “2025” and inserting “2029”; and

   (B) in paragraph (3), by inserting “, as in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023” after “subsection (c)(1)”; and
(4) in subsection (c), as so redesignated, by
striking “subsection (e)” each place it appears and
inserting “subsection (b)”.

SEC. 1530. TECHNICAL AMENDMENT TO ADDITIONAL RE-
PORT MATTERS ON STRATEGIC DELIVERY
SYSTEMS.

Section 495(b) of title 10, United States Code, is
amended in the matter preceding paragraph (1) by strik-
ing “1043 of the National Defense Authorization Act for
Fiscal Year 2012” and inserting “492a of this title”.

Subtitle C—Missile Defense

SEC. 1541. PERSISTENT CYBERSECURITY OPERATIONS FOR
BALLISTIC MISSILE DEFENSE SYSTEMS AND
NETWORKS.

(a) PLAN.—Not later than May 1, 2023, the Director
of the Missile Defense Agency, in coordination with the
Director for Operational Test and Evaluation, shall de-
velop a plan to conduct persistent cybersecurity operations
across all networks and information systems supporting
the Ballistic Missile Defense System.

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

(1) An inventory of all networks and informa-
tion systems that support the Ballistic Missile De-
fense System.
(2) A strategy—
   (A) for coordinating with the applicable Combatant Commands on persistent cybersecurity operations; and
   (B) in which the Director for Operational Test and Evaluation monitors and reviews such operations and provides independent assessments of their adequacy and sufficiency.
(3) A plan for how the Missile Defense Agency will respond to cybersecurity testing recommendations made by the Director for Operational Test and Evaluation.
(4) The timeline required to execute the plan.
(c) BRIEFINGS.—The Director of the Missile Defense Agency shall provide to the congressional defense committees a briefing—
   (1) not later than May 15, 2023, on the plan developed under subsection (a); and
   (2) not later than December 30, 2023, on progress made towards implementing such plan.

SEC. 1542. MIDDLE EAST INTEGRATED AIR AND MISSILE DEFENSE.
(a) IN GENERAL.—The Secretary of Defense shall seek to cooperate with allies and partners in the Middle East to identify an architecture and develop an acquisition
approach for the countries specified in subsection (b) to implement an integrated air and missile defense capability to protect the people, infrastructure, and territory of such countries from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran.

(b) COUNTRIES SPECIFIED.—The countries specified in this subsection are as follows:

(1) Countries of the Gulf Cooperation Council.
(2) Iraq.
(3) Israel.
(4) Jordan.
(5) Egypt.
(6) Such other regional allies or partners of the United States as the Secretary may identify.

(e) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a strategy on cooperation with allies and partners in the Middle East to identify an architecture and develop an acquisition approach for the countries specified in subsection (b) to implement an integrated air and missile defense capability to protect the people, infrastructure, and territory of such
countries from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran.

(2) CONTENTS.—The strategy submitted under paragraph (1) shall include the following:

(A) An assessment of the threat of ballistic and cruise missiles, manned and unmanned aerial systems, and rocket attacks from Iran and groups linked to Iran to the countries specified in subsection (b).

(B) A description of current efforts to coordinate indicators and warnings from such attacks with the countries specified in subsection (b).

(C) A description of current systems to defend against attacks in coordination with the countries specified in subsection (b).

(D) An explanation of how an integrated air and missile defense architecture would improve collective security in the region covered by the countries specified in subsection (b).

(E) A description of efforts to engage specified foreign partners in establishing such an architecture.
(F) An identification of elements of the integrated air and missile defense architecture that—

(i) can be acquired and operated by specified foreign partners; and

(ii) can only be provided and operated by members of the Armed Forces.

(G) An identification of any challenges in establishing an integrated air and missile defense architecture with specified foreign partners.

(H) An assessment of progress, and key challenges, in the implementation of the strategy using such metrics identified under paragraph (4).

(I) Recommendations for improvements in the implementation of the strategy based on the metrics identified under paragraph (4).

(J) Such other matters as the Secretary considers relevant.

(3) PROTECTION OF SENSITIVE INFORMATION.—Any activity carried out under paragraph (1) shall be conducted in a manner that appropriately protects sensitive information and the national security interests of the United States.
(4) Metrics.—The Secretary shall identify metrics to assess progress in the implementation of the strategy required in paragraph (1).

(5) Format.—The strategy submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) Feasibility Study.—

(1) In general.—Not later than 180 days after the date of the enactment of this act, the Secretary of Defense shall—

(A) complete a study on the feasibility and advisability of establishing a fund for an integrated air and missile defense system to counter the threats from cruise and ballistic missiles, manned and unmanned aerial systems, and rocket attacks for the countries specified in subsection (b) from Iran and groups linked with Iran; and

(B) submit to the congressional defense committees the findings of the Secretary with respect to the study completed under subparagraph (A).

(2) Assessment of contributions.—The study completed under paragraph (1)(A) shall include an assessment of funds that could be contrib-
uted by allies of the United States and countries
that are partners with the United States.

SEC. 1543. DESIGNATION OF A DEPARTMENT OF DEFENSE

INDIVIDUAL RESPONSIBLE FOR MISSILE DEFENSE OF GUAM.

(a) IN GENERAL.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of Defense
shall designate a senior Department of Defense individual
responsible for the missile defense of Guam.

(b) DUTIES.—The duties of the individual designated
under subsection (a) shall include the following:

(1) Designing the architecture of the missile de-
defense system for defending Guam.

(2) Overseeing development of an integrated
missile defense acquisition strategy for the missile
defense of Guam.

(3) Ensuring the military service and Defense
agency component budgets are appropriate for the
strategy described in paragraph (2).

(4) Siting the integrated missile defense system
described in paragraph (2).

(5) Overseeing long-term acquisition and
sustainment of the missile defense system for Guam.

(6) Such other duties as the Secretary considers
appropriate.
(c) Program Treatment.—The integrated missile defense system referred to in subsection (b) shall be designated as special interest acquisition category 1D program and shall be managed as consistent with Department of Defense Instruction 5000.85 “Major Capability Acquisition”.

(d) Report.—Concurrent with the submittal of each budget of the President under section 1105(a) of title 31, United States Code, the individual designated under subsection (a) shall submit to the congressional defense committees a report on the actions taken by the individual to carry out the duties set forth under subsection (b).

(e) Termination.—Subsections (a) and (d) shall terminate on the date that is three years after the date on which the individual designated under subsection (a) determines that the integrated missile defense system described in subsection (b)(2) has achieved initial operational capability.

SEC. 1544. MODIFICATION OF PROVISION REQUIRING FUNDING PLAN FOR NEXT GENERATION INTERCEPTORS FOR MISSILE DEFENSE OF UNITED STATES HOMELAND.

Section 1668 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81) is amended—
(1) in subsection (a)(2), by striking “at least 20” and inserting “no fewer than 64”; 

(2) in subsection (b), by striking “fiscal year 2023” and inserting “fiscal year 2024”; and 

(3) in subsection (c)— 

(A) in the matter before paragraph (1)— 

(i) by striking “30 days prior to any” and inserting “90 days prior to implementation of a”; and 

(ii) by striking “Director” and inserting “Secretary of Defense”; and 

(B) in paragraph (2), by striking “Director” and inserting “Secretary”. 

SEC. 1545. BIANNUAL BRIEFING ON MISSILE DEFENSE AND RELATED ACTIVITIES. 

(a) In General.—On or about June 1 and December 1 of each calendar year, the officials specified in subsection (b) shall brief the Committees on Armed Services of the Senate and the House of Representatives on matters relating to missile defense policies, operations, technology development, and other similar topics as requested by such committees. 

(b) Officials Specified.—The officials specified in this subsection are the following: 

(1) The Assistant Secretary of Defense for Acquisition.

(2) The Assistant Secretary of Defense for Space Policy.

(3) The Director of the Missile Defense Agency.

(4) The Director for Strategy, Plans, and Policy (J5) of the Joint Staff.

(c) DELEGATION.—An official specified in subsection (b) may delegate the authority to provide a briefing required by subsection (a) to any employee of such official who is a member of the Senior Executive Service.

(d) TERMINATION.—This section terminates on January 1, 2028.

SEC. 1546. IMPROVING ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 225 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(C), by striking “and flight” and inserting “, flight, and cybersecurity”;

(B) in paragraph (2), by striking subparagraph (C) and inserting the following new subparagraph (C):
“(C) how the proposed capability satisfies
a capability requirement or performance at-
ttribute identified through—

“(i) the missile defense warfighter in-
volvement process, as governed by United
States Strategic Command Instruction
538-03 or the document that amends or
replaces it; or

“(ii) processes and products approved
by the Joint Chiefs of Staff or Joint Re-
quirements Oversight Council;”; 

(C) in paragraph (3)—

(i) in subparagraph (C), by striking “;
and” and inserting a semicolon;

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

(iii) by adding at the end the fol-
lowing new subparagraph:

“(E) an explanation for why a program
joint cost analysis requirements description has
not been prepared and approved, and, if a pro-
gram joint cost analysis requirements descrip-
tion is not applicable, the rationale.”;

(2) in subsection (c)(2)—
(A) in subparagraph (B)(ii)—

(i) in subclause (I)—

(I) by striking “initial” and inserting “original”; and

(II) by striking “; and” and inserting a semicolon;

(ii) in subclause (II), by striking the period at the ending and inserting “; and”;

and

(iii) by adding at the end the following new subclause:

“(III) the most recent adjusted or revised acquisition baseline for such program element or major subprogram under subsection (d).”;

and

(B) by adding at the end the following new subparagraph:

“(C)(i) In this paragraph, the term ‘original acquisition baseline’ means the first acquisition baseline created.

“(ii) An original acquisition baseline has no previous iterations; it has not been adjusted or revised.

“(iii) Any acquisition baselines resulting from adjustments or revisions to the original acquisition baseline shall not be considered the original acquisition baseline for the purposes of reporting under this section.
“(iv) Any acquisition baseline adjusted or revised pursuant to subsection (d) shall not be considered an original acquisition baseline.”;

(3) in subsection (e)—

(A) in paragraph (1), by striking “; and” and inserting a semicolon;

(B) by paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(3) the amount of operations and sustainment costs (dollar value and base year) for which the military department or other Department entity is responsible; and

“(4)(A) a citation to the source (such as a joint cost estimate or one or more military department estimates) that captures the operations and sustainment costs for which a military department or other Department entity is responsible;

“(B) the date the source was prepared; and

“(C) if and when the source was independently verified by the Office for Cost Assessment and Program Evaluation.”; and

(4) by adding at the end the following new subsections:
“(f) TOTAL SYSTEM COSTS.—(1) The Director shall identify the total system costs for each element that comprises the missile defense system, without regard to funding source or management control (such as the Missile Defense Agency, a military department, or other Department entity), in annual reports submitted under subsection (c).

“(2) The elements referred to in paragraph (1) shall include the following:

“(A) Research and development.

“(B) Procurement.

“(C) Military construction.

“(D) Operations and sustainment.

“(E) Disposal.

“(3) In this subsection, the term ‘total system costs’ means all combined costs from closed, canceled, and active acquisition baselines, as well as any costs shifted to or a part of future efforts without an established acquisition baseline, and any costs under the responsibility of a military department or other Department entity.”.

SEC. 1547. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—
(1) **AVAILABILITY OF FUNDS.**—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $80,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) **CONDITIONS.**—

(A) **AGREEMENT.**—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) **CERTIFICATION.**—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment
shall submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement;

(ii) an assessment detailing any risks relating to the implementation of such agreement; and

(iii) for system improvements resulting in modified Iron Dome components and Tamir interceptor sub-components, a certification that the Government of Israel has demonstrated successful completion of Production Readiness Reviews, including the validation of production lines, the verification of component conformance, and the verification of performance to specification as defined in the Iron Dome Defense System Procurement Agreement, as further amended.

(b) Israeli Cooperative Missile Defense Program, David’s Sling Weapon System Co-production.—
(1) **IN GENERAL.**—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2023 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $40,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) **AGREEMENT.**—Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(A) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(B) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David’s Sling Weapon System is not less than 50 percent.

(3) **CERTIFICATION AND ASSESSMENT.**—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—
(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and Production Readiness Reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David’s Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

c) Israeli Cooperative Missile Defense Program, Arrow 3 Upper Tier Interceptor Program Co-production.—

(1) In General.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2023 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $80,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) Certification.—The Under Secretary of Defense for Acquisition and Sustainment shall sub-
mit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and Production Readiness Reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes
nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (e), the Under Secretary may submit—
(1) one certification covering both the David’s Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (e)(2) no later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1548. MAKING PERMANENT PROHIBITIONS RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

Section 130h of title 10, United States Code, is amended by striking subsection (e).
SEC. 1549. LIMITATION ON USE OF FUNDS UNTIL MISSILE DEFENSE DESIGNATIONS HAVE BEEN MADE.

Of the funds authorized to be appropriated by this Act for fiscal year 2023 for operation and maintenance, Defense-wide, and available for the Office of the Secretary of Defense, not more than 90 percent may be obligated or expended until the date on which the Secretary notifies the congressional defense committees that designations required by section 1684(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) have been made.

Subtitle D—Other Matters

SEC. 1551. INTEGRATION OF ELECTRONIC WARFARE INTO TIER 1 AND TIER 2 JOINT TRAINING EXERCISES.

(a) In General.—During fiscal years 2023 through 2027, the Chairman of the Joint Chiefs of Staff shall require that offensive and defensive electronic warfare capabilities be integrated into Tier 1 and Tier 2 joint training exercises.

(b) Requirement to Include Opposing Force.—The Chairman shall require exercises conducted under subsection (a) to include an opposing force design based on a current intelligence assessment of the electronic warfare order of battle and capabilities of an adversary.
(c) WAIVER.—The Chairman may waive the requirement under subsection (a) with respect to an exercise if the Chairman determines that—

(1) the exercise does not require—

(A) a demonstration of electronic warfare capabilities; or

(B) a militarily significant threat from electronic warfare attack; or

(2) the integration of offensive and defensive electronic warfare capabilities into the exercise is cost prohibitive or not technically feasible based on the overall goals of the exercise.

(d) BRIEFING REQUIRED.—Concurrent with the submission of the budget of the President to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal years 2023 through 2027, the Chairman shall provide to the congressional defense committees a briefing on exercises conducted under subsection (a) that includes—

(1) a description of such exercises planned and included in the budget submission for that fiscal year; and

(2) the results of each such exercise conducted in the preceding fiscal year, including—
(A) the extent to which offensive and defensive electronic warfare capabilities were integrated into the exercise;

(B) an evaluation and assessment of the exercise to determine the impact of the adversary on the participants in the exercise, including—

(i) joint lessons learned;

(ii) high interest training issues; and

(iii) high interest training requirements; and

(C) whether offensive and defense electronic warfare capabilities were part of an overall joint fires and, if so, a description of how.

e. DEFINITIONS.—In this section:

(1) JOINT FIRES.—The term “joint fires” has the meaning of that term as used in the publication of the Joint Staff entitled, “Insights and Best Practices Focus Paper on Integration and Synchronization of Joint Fires”, and dated July 2018.

(2) TIER 1; TIER 2.—The term “Tier 1” and “Tier 2”, with respect to joint training exercises, have the meanings given those terms in the Joint Training Manual for the Armed Forces of the
United States (Document No. CJCSM 3500.03E), dated April 20, 2015.

**SEC. 1552. RESPONSIBILITIES AND FUNCTIONS RELATING TO ELECTROMAGNETIC SPECTRUM OPERATIONS.**


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

(2) by inserting the following new paragraph (1):

“(1) REPORT REQUIRED.—(A) Not later than March 31, 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate alignment of electromagnetic spectrum operations responsibilities and functions.

“(B) CONSIDERATIONS.—In developing the report required by subparagraph (A), the Secretary shall consider the following:

“(i) All appropriate entities that are in effect, including elements of the Joint Staff, the functional and geographic combatant commands, the offices and agencies of the Depart-
ment of Defense, and other organizations and
the establishment of a new entity for electro-
magnetic spectrum operations within any of the
entities currently in effect.

“(ii) Whether electromagnetic spectrum
operations organization should have unitary
structure or hybrid structure (in which oper-
tional and capability development and direc-
tion are headed by separate organizations).

“(C) The resources required to fulfill the speci-
ified responsibilities and functions.”;

(3) by redesigning paragraphs (3) through
(5) as paragraphs (2) through (4), respectively; and

(4) in the subsection heading, by inserting “Re-
ports and Plans Concerning” before “Trans-
fer”.

SEC. 1553. EXTENSION OF AUTHORIZATION FOR PROTEC-
TION OF CERTAIN FACILITIES AND ASSETS
FROM UNMANNED AIRCRAFT.

Section 130I(i) of title 10, United States Code, is
amended by striking “2023” both places it appears and
inserting “2026”.
SEC. 1554. DEPARTMENT OF DEFENSE SUPPORT FOR REQUIREMENTS OF THE WHITE HOUSE MILITARY OFFICE.

(a) Membership on Council on Oversight of the National Leadership Command, Control, and Communications System.—Section 171a(b) of title 10, United States Code, is amended by—

(1) redesignating paragraph (7) as paragraph (8); and

(2) inserting after paragraph (6) the following new paragraph (7):

“(7) The Director of the White House Military Office.”.

(b) Acquisition Portfolio Manager.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall designate a senior official to oversee, coordinate, and advocate for the portfolio of Department of Defense acquisitions in support of requirements of the White House Military Office.

(c) Accessibility of Information.—The programmatic and budgetary information required to assess the efficacy of Department of Defense acquisitions supporting requirements of the White House Military Office shall be provided to the senior official designated under subsection (b) by the following officials:
(1) The Secretary of each military department.

(2) The Under Secretary of Defense for Policy.

(3) The Under Secretary of Defense for Research and Engineering.

(4) The Chairman of the Joint Chiefs of Staff.

(5) The Director of Cost Assessment and Program Evaluation.

(d) Annual Briefing.—Not later than 30 days after the date on which the President submits to Congress a budget for each of fiscal years 2024 through 2027 pursuant to section 1105(a) of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment and the Director of the White House Military Office shall jointly brief the congressional defense committees on acquisition programs, plans, and other activities supporting the 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 AS-
SIGNMENT OF CERTAIN BUDGET CONTROL
RESPONSIBILITY TO COMMANDER OF
UNITED STATES CYBER COMMAND.

(a) ANNUAL ASSESSMENTS.—

(1) IN GENERAL.—In fiscal year 2023 and not
less frequently than once each fiscal year thereafter
through fiscal year 2028, the Commander of United
States Cyber Command, in coordination with the
Principal Cyber Advisor of the Department of De-
fense, shall assess the implementation of the transi-
tion of responsibilities assigned to the Commander
by section 1507(a)(1) of the National Defense Au-
thorization Act for Fiscal Year 2022 (Public Law
117–81).

(2) ELEMENTS.—Each assessment carried out
under paragraph (1) shall include the following:

(A) Assessment of the operational and or-
ganizational effect of the transition on the
training, equipping, operation, sustainment, and
readiness of the Cyber Mission Forces.

(B) Development of a description of the
cyber systems, activities, capabilities, resources,
and functions that have been transferred from
the military departments to control of the Com-
mander and those that have not been
transitioned.

(C) Formulation of an opinion by the Com-
mander as to whether the cyber systems, activi-
ties, capabilities, resources, and functions that
have not been transitioned should be
transitioned.

(D) Assessment of the adequacy of re-
sources, authorities, and policies required to im-
plement the transition, including organizational,
functional, and personnel matters.

(E) Assessment of reliance on resources,
authorities, policies, or personnel external to
United States Cyber Command in support of
the budget control of the Commander.

(F) Identification of any outstanding areas
for transition.

(G) Such other matters as the Commander
considers appropriate.
(b) ANNUAL REPORTS.—For each fiscal year in which the Commander conducted an assessment under subsection (a)(1), the Commander shall, not later than 90 days after the end of such fiscal year, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the Commander with respect to such assessment.

SEC. 1602. ALIGNMENT OF DEPARTMENT OF DEFENSE CYBER INTERNATIONAL STRATEGY WITH NATIONAL DEFENSE STRATEGY AND DEPARTMENT OF DEFENSE CYBER STRATEGY.

(a) ALIGNMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Policy and in coordination with the Commander of United States Cyber Command, the Director of the Joint Staff J5, and the commanders of geographic combatant commands, undertake efforts to align the Department of Defense cybersecurity cooperation enterprise and the Department’s cyberspace operational partnerships with the National Defense Strategy, Department of Defense Cyber Strategy, and the 2019 Department of Defense International Cyberspace Security Cooperation Guidance.
(b) ELEMENTS.—The alignment efforts required by subsection (a) shall include the following efforts within the Department of Defense:

(1) Efforts to build the Department’s internal capacity to support international strategy policy engagements with allies and partners.

(2) Efforts to coordinate and align cyberspace operations with foreign partners, including alignment between hunt forward missions and other cyber international strategy activities conducted by the Department, including identification of processes, working groups, and methods to facilitate coordination between geographic combatant commands and United States Cyber Command.

(3) Efforts to deliberately cultivate operational and intelligence-sharing partnerships with key allies and partners to advance the cyberspace operations objectives of the Department.

(4) Efforts to identify key allied and partner networks, infrastructure, and systems that the Joint Force will rely upon for warfighting and to—

(A) support the cybersecurity and cyber defense of those networks, infrastructure, and systems;
(B) build partner capacity to actively defend those networks, infrastructure, and systems;

(C) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems, such as when identified through hunt forward operations; and

(D) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

(5) Efforts to secure United States mission partner environments and networks used to hold United States origin intelligence and information.

(6) Prioritization schemas, funding requirements, and efficacy metrics to drive cyberspace security investments in the tools, technologies, and capacity-building efforts that will have the greatest positive impact on the ability of the Department’s resilience and ability to execute its operational plans and achieve integrated deterrence.

(e) ORGANIZATION.—The Under Secretary of Defense for Policy shall lead efforts to implement this section. In doing so, the Under Secretary shall consult with the Secretary of State, the National Cyber Director, the
Director of Cybersecurity and Infrastructure Security Agency, and the Director of the Federal Bureau of Investigation, to align plans and programs as appropriate.

(d) Annual Briefings.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each fiscal year until September 30, 2025, the Under Secretary of Defense for Policy shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives annual briefings on the implementation of this section.

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

(A) An overview of efforts undertaken pursuant to this section.

(B) An accounting of all the Department’s security cooperation activities germane to cyberspace and changes made pursuant to implementation of this section.

(C) A detailed schedule with target milestones and required expenditures for all planned activities related to the efforts described in subsection (b).
(D) Interim and final metrics for building the cyberspace security cooperation enterprise of the Department.

(E) Identification of such additional funding, authorities, and policies, as the Under Secretary determines may be required.

(F) Such recommendations as the Under Secretary may have for legislative action to improve the effectiveness of cyberspace security cooperation of the Department with foreign partners and allies.

(e) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter until January 1, 2025, the Under Secretary of Defense for Policy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report summarizing the cyber international strategy activities of the Department, including within the cybersecurity cooperation enterprise of the Department and the cyber operational partnerships of the Department.
SEC. 1603. CORRECTING CYBER MISSION FORCE READINESS SHORTFALLS.

(a) Plan and Briefing Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly—

(1) develop a plan to correct readiness shortfalls in the Cyber Mission Forces;

(2) develop recommendations for such legislative action as the Secretary and the Chairman jointly consider appropriate to correct the readiness shortfalls described in paragraph (1); and

(3) provide the congressional defense committees a briefing on the plan developed under paragraph (1) and the recommendations developed under paragraph (2).

(b) Implementation.—Not later than 30 days after the date of the briefing provided under paragraph (3) of subsection (a), the Secretary and the Chairman shall commence implementation of the aspects of the plan developed under paragraph (1) of such subsection that are not dependent upon legislative action.

(c) Matters to Be Addressed.—In developing the plan, the Secretary and the Chairman shall consider and explicitly address through analysis the following potential
courses of action, singly and in combination, to increase
the availability of personnel in key work roles:

(1) Determining the correct number of per-
sonnel necessary to fill key work roles, including the
proper force mix of civilian, military, and contractor
personnel, and the means necessary to meet those
requirements.

(2) Employing civilians rather than military
personnel in key work roles.

(3) Expanding training capacity.

(4) Modifying or creating new training models.

(5) Maximizing use of compensation and incen-
tive authorities, including increasing bonuses and
special pays, and alternative compensation mecha-

nisms.

(6) Modifying career paths and service policies
to permit consecutive assignments in key work roles
without jeopardizing promotion opportunities.

(7) Increasing service commitments following
training commensurate with the value of the key
work role training.

(8) Standardizing compensation models across
the services.

(9) Requiring multiple rotations within the
Cyber Mission Forces for key work roles.
(10) Adopting and implementing what are known as “rank in person” policies that enable civilian personnel to be promoted on the basis of skills and abilities demonstrated in a given position.

(d) **Key Work Roles Defined.**—In this section, the term “key work roles” means work roles that consist of access development, tool development, and exploitation analysis.

**SEC. 1604. CYBERSECURITY COOPERATION TRAINING AT JOINT MILITARY ATTACHE´ SCHOOL.**

(a) **Refining and Expanding Training.**—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Intelligence and Security shall, in coordination with the Commander of United States Cyber Command and the Under Secretary of Defense for Policy, refine and expand current cybersecurity cooperation training at the Joint Military Attaché School.

(b) **Elements.**—The cybersecurity cooperation training developed under subsection (a) shall include the following:

(1) An overview of the different purposes of cyberspace engagements with partners and allies, including threat awareness, cybersecurity, mission assurance, and operations.
(2) An overview of the types of cybersecurity cooperation available for partners and allies of the United States, including bilateral and multilateral cyberspace engagements, information and intelligence sharing, training, and exercises.

(3) An overview of the United States Cyber Command cyberspace operations with partners, including an overview of the Hunt Forward mission and process.

(4) Description of roles and responsibilities of United States Cyber Command, the geographic combatant commands, and the Defense Security Cooperation Agency for cybersecurity cooperation within the Department of Defense.

(5) Such other matters as the Under Secretary of Defense for Intelligence and Security, in coordination with the Under Secretary of Defense for Policy and the Commander of United States Cyber Command, consider appropriate.

(e) REQUIREMENTS.—The training developed under subsection (a) shall be a required element for all participants in the Attaché Training Program and the Attaché Staff Training Program of the Joint Military Attaché School.
(d) **Briefing.**—Not later than 30 days after completing development of the training under subsection (a), the Under Secretary of Defense for Intelligence and Security shall, in coordination with the Commander of United States Cyber Command and the Under Secretary of Defense for Policy, provide a briefing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the training and the timeline for implementation within the program specified in subsection (c). Such briefing shall also include a plan for future updates and sustainment of the training developed in subsection (a).

**SEC. 1605. STRATEGY, FORCE, AND CAPABILITY DEVELOPMENT FOR CYBER EFFECTS AND SECURITY IN SUPPORT OF OPERATIONAL FORCES.**

(a) **Strategy Required.**—

(1) **In general.**—The Deputy Secretary of Defense shall, in coordination with the Vice Chairman of the Joint Chiefs of Staff and in consultation with the Director of National Intelligence, develop a strategy for converged cyber and electronic warfare conducted by and through deployed military and intelligence assets operating in the radiofrequency domain to provide strategic, operational, and tactical effects in support of combatant commanders.
(2) MEANS.—The strategy developed under paragraph (1) shall specify means for supporting the strategy that include apertures and emitters that are space-based, airborne, ground-based, and sea-based.

(3) TARGETS.—The strategy developed under paragraph (1) may specify targets of the strategy that include the range of electronic systems embedded in adversary space-based, airborne, ground-based, and maritime forces.

(4) ACCESS TO INFORMATION.—In developing the strategy required by paragraph (1), the Deputy Secretary shall ensure that the strategy development team has access to all relevant programs, activities, and capabilities ongoing within the Department of Defense, including special access programs and other compartmented access programs.

(b) RECOMMENDATIONS FOR DECONFLICTION AND COORDINATION.—The Vice Chairman shall, in consultation with the geographic combatant commanders, the Commander of United States Cyber Command, and the Commander of Strategic Command, submit to the Deputy Secretary and the Chairman of the Joint Chiefs of Staff recommendations regarding command and control, deconfliction, and coordination relationships and processes between combatant commanders and the Commander of
United States Cyber Command regarding tactical cyber operations and converged cyber and electronic warfare operations conducted prior to and during armed conflict.

(c) Requirements for Service Retained Cyber Forces.—In parallel and in coordination with the development of the strategy under subsection (a), the Deputy Secretary and the Vice Chairman shall develop requirements for service-retained tactical cyber forces for offensive and defensive cyber missions—

(1) to defend deployed information technology and operational technology networks, intelligence systems, command and control nodes, tactical data networks, and weapon platforms and systems;

(2) to conduct offensive actions to achieve effects against adversary weapons systems, platforms, sensor systems, and tactical and operational command and control networks and communications systems; and

(3) to develop the intelligence requirements, strategy, and requisite data flows to support converged cyber and electronic warfare operations.

(d) Capability Development and Transition Processes.—The Deputy Secretary shall identify, designate, and create organizational constructs and processes to continuously generate and deliver cyber and converged
cyber and electronic warfare capabilities into the Cyber Mission Forces, service-retained cyber forces, and other appropriate platforms and systems that can—

(1) achieve effects against adversary weapons systems, sensor systems, and tactical and operational command and control networks and communications systems; and

(2) enhance the cybersecurity of deployed information technology and operational technology networks, and weapon platforms and systems operating in or from space, air, ground, and maritime domains.

(e) BRIEFING REQUIRED.—Not later than one year after the date of the enactment of this Act, the Deputy Secretary shall brief the congressional defense committees and the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) on the status of the implementation of this section.

SEC. 1606. TOTAL FORCE GENERATION FOR THE CYBER-SPACE OPERATIONS FORCES.

(a) Study.—

(1) In general.—Not later than June 1, 2024, the Secretary of Defense shall complete a study on the responsibilities of the military services
for organizing, training, and presenting the total force to United States Cyber Command.

(2) ELEMENTS.—The study required by paragraph (1) shall assess the following:

(A) Which military services should organize, train, and equip civilian assets and military Cyberspace Operations Forces for assignment, allocation, and apportionment to United States Cyber Command.

(B) Sufficiency of the military service accession and training model to provide forces to the Cyberspace Operations Forces, as well as the sufficiency of the accessions and personnel resourcing of the supporting command and control staffs necessary as a component to United States Cyber Command.

(C) The organization of the Cyberspace Operations Forces and whether the total forces or elements of the forces function best as a collection of independent teams or through a different model.

(D) Under-represented work roles or skills within the Cyberspace Operations Forces, including additional work roles or skills required
to enable infrastructure management and access generation.

(E) What unique or training-intensive expertise is required for each of these work roles and whether native talents to master unique and training-intensive work roles can be identified and how personnel with those talents can be developed, retained, and employed across the active and reserve components.

(F) The appropriate pay scales, rotation or force management policies, career paths and progression, expertise-based grading, talent management practices, and training for each of those work roles, given expected operational requirements.

(G) Whether a single military service should be responsible for basic, intermediate, and advanced training for the Cyberspace Operations Forces, or at a minimum for the Cyber Mission Force.

(H) The level of training required before an individual should be assigned, allocated, or apportioned to United States Cyber Command.

(I) Whether or how the duties of the Director of the National Security Agency and the
duties of Commander of United States Cyber
Command, resting with a single individual, en-
able each respective organization, and whether
technical directors and intelligence experts of
the National Security Agency should serve rota-
tions in the Cyberspace Operations Forces.

(J) How nonmilitary personnel, such as ci-
vilian government employees, contracted ex-
perts, commercial partners, and domain or tech-
nology-specific experts in industry or the intel-
ligence community can augment or support
Cyber Mission Force teams.

(K) What work roles in the Cyberspace
Operations Forces can only be filled by military
personnel, which work roles can be filled by ci-
vilian employees or contractors, and which work
roles should be filled partially or fully by civil-
ians due to the need for longevity of service to
achieve required skill levels or retention rates.

(L) How specialized cyber experience, de-
veloped and maintained in the reserve compo-
nent, can be more effectively leveraged to sup-
port the Cyberspace Operations Forces through
innovative force generation models.
(M) Whether the Department of Defense should create a separate service to organize, train, and equip the Cyberspace Operations Forces or at a minimum the Cyber Mission Force.

(N) What resources, including billets, are required to account for any recommended changes.

(O) What resources the Commander of United States Cyber Command should be responsible for with respect to planning, programming, and budgeting as part of the implementation of section 1507 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(P) Whether the Department of Defense is maximizing partnerships with industry and other nontraditional sources of expertise in the areas of critical infrastructure protection and information sharing.

(Q) Whether the Defense Readiness Reporting System of the Department of Defense is sufficient to capture Cyberspace Mission Force readiness metrics.
(3) CONSIDERATIONS.—The study required by paragraph (1) shall consider existing models for total force generation practices and programs, as well as nontraditional and creative alternatives.

(b) RECOMMENDATION.—

(1) IN GENERAL.—Not later than June 1, 2024, the Principal Cyber Advisor and the Commander of United States Cyber Command shall, jointly or separately as they consider appropriate, submit to the Secretary of Defense a recommendation or recommendations, respectively, as to the future total force generation model for the Cyberspace Operations Forces.

(2) MATTERS ADDRESSED.—The recommendation or recommendations submitted under paragraph (1) shall address, at a minimum, each of the elements identified in subsection (a)(2).

(c) ESTABLISHMENT OF A NEW OR REVISED MODEL REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Defense shall establish a new or revised total force generation model for the Cyberspace Operations Forces.

(2) ELEMENTS.—In establishing a new total force generation model or revising a total force gen-
eration model under paragraph (1), the Secretary shall explicitly determine the following:

(A) Whether the Navy should no longer be responsible for developing and presenting forces to the United States Cyber Command as part of the Cyber Mission Force or Cyberspace Operations Forces, including recommendations for corresponding transfer of responsibilities and associated resources and personnel for the existing and future year programmed Cyberspace Operations Forces or Cyber Mission Force resources.

(B) Whether a single military service should be responsible for organizing, training, and equipping the Cyberspace Operations Forces, or if different services should be responsible for different components of the Cyberspace Operations Forces.

(C) Whether modification of United States Cyber Command enhanced budget control authorities are necessary to further improve total force generation for Cyberspace Operations Forces.

(D) Implications of low service retention rates for critical roles within the Cyberspace
Operations Forces, specifically addressing Cyber Mission Force rotations, length of service commitments, repeat tours within the Cyber Mission Force, retention incentives across the entire Cyberspace Operations Forces, and best practices for generating the future force.

(d) **IMPLEMENTATION PLAN.**—Not later than June 1, 2025, the Secretary shall submit to the congressional defense committees an implementation plan for effecting the total force generation model established or revised under subsection (c).

(e) **PROGRESS BRIEFING.**—Not later than 90 days after the date of the enactment of this Act and not less frequently than once every 180 days thereafter until receipt of the plan required by subsection (d), the Secretary shall provide the congressional defense committees with a briefing on the progress made in carrying out this section.

(f) **ADDITIONAL CONSIDERATIONS.**—The Secretary shall ensure that subsections (a) through (c) are carried out with consideration to matters relating to the following:

1. The cybersecurity service providers, local defenders, and information technology personnel who own, operate, and defend the information networks of the Department of Defense.
(2) Equipping the Cyberspace Operations Forces to include infrastructure management.

(3) Providing intelligence support to the Cyberspace Operations Forces.

(4) The resources, including billets, needed to account for any recommended changes.

SEC. 1607. MANAGEMENT AND OVERSIGHT OF JOINT CYBER WARFIGHTING ARCHITECTURE.

(a) Establishment of Program Executive Office.—The Deputy Secretary of Defense shall, in consultation with the Under Secretary of Defense for Acquisition and Sustainment and the Commander of United States Cyber Command, establish a program executive office (in this section referred to as the “Office”) to manage and provide oversight of the implementation and integration of the Joint Cyber Warfighting Architecture (in this section referred to as the “Architecture”) and the components of the Architecture.

(b) Independence of Office.—

(1) In general.—The Deputy Secretary shall establish the Office outside of a military service.

(2) Head of office.—The Deputy Secretary shall appoint the head of the Office and the head of the Office shall report to the Under Secretary and the Commander.
(c) **Chief Architect and Systems Engineer.**—The Deputy Secretary shall ensure that the Office includes a chief architect and a systems engineer to provide the management and oversight described in subsection (a).

(d) **Appointment of Experts.**—The Deputy Secretary shall appoint to the Office personnel from organizations with relevant and high levels of technical and operational expertise, including the following:

1. The Capabilities Directorate of the National Security Agency.
3. The Strategic Capabilities Office.
5. The Air Force Research Laboratory.
6. The Office of Special Projects in the Navy.
7. The operational units of the Cyber National Mission Force and cyber components of the military services.

(e) **Budget Execution Control.**—The head of the Office shall exercise budget execution control over component programs of the Architecture that are subject to the responsibilities assigned to the Commander by section 1507 of the National Defense Authorization Act for

(f) **Compliance With Direction.**—The program managers of the components of the Architecture shall comply with direction from the head of the Office, without intermediary communications from the Commander or the Under Secretary to the senior acquisition executive of the relevant military service.

(g) **Coordination.**—The Director of the Defense Advanced Research Projects Agency shall coordinate closely with the head of the Office in planning and executing the Constellation program via transactions under section 4021 of title 10, United States Code, between the Agency and the companies executing the components of the Architecture to create an effective framework and pipeline system for transitioning cyber applications for operational use from the Agency and other sources.

(h) **Briefing Required.**—Not later than 180 days after the date of the enactment of this Act, the head of the Office and the Director shall jointly provide to the congressional defense committees a briefing on the status of the implementation of this section.

(i) **Independent Review.**—

(1) **Agreement.**—Not later than 180 days after the date of the enactment of this Act, the Dep-
uty Secretary of Defense shall enter into an agree-
ment with an appropriate third-party to perform the
services covered by this subsection.

(2) INDEPENDENT REVIEW AND BRIEFING.—

(A) Under an agreement between the Deputy Sec-
retary and an appropriate third-party, the appro-
priate third-party shall—

(i) carry out an independent review of the
Joint Cyberspace Warfight Architecture con-
cept, activities, and programs of record that
comprise the Architecture; and

(ii) provide the congressional defense com-
mittees a briefing on the findings of the appro-
priate third-party with respect to the inde-
pendent review conducted under clause (i).

(B) The independent review conducted under
subsection (A)(i) shall include an assessment of
and recommendations for improving:

(i) The effectiveness of the system integra-
tion and systems engineering efforts and gov-
ernance structures of the Architecture.

(ii) The acquisition model of the activities
compromising the Architecture, including rec-
ommendations for expanded use of Budget Ac-
tivity 8 (BA–8) authorities.
(iii) The pipeline for rapidly developing and incorporating new capabilities to respond to the rapidly-evolving cyber threat environment.

(iv) Such other matters as the Deputy Secretary considers appropriate.

(3) APPROPRIATE THIRD-PARTY.—For purposes of this subsection, an appropriate third-party is a person who—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has such expertise and objectivity as the Deputy Secretary considers appropriate to carry out the independent review under paragraph (2).

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.

(a) Study.—

(1) IN GENERAL.—The Principal Cyber Advisor of the Department of Defense shall conduct a study
to determine the optimal strategy for structuring
and manning elements of the following:

(A) Joint Force Headquarters Cyber Orga-
nizations.

(B) Joint Mission Operations Centers.

(C) Cyber Operations–Integrated Planning
Elements.

(D) Joint Cyber Centers.

(2) ELEMENTS.—The study conducted under
paragraph (1) shall include assessment of the fol-
lowing:

(A) Operational effects on the military
services if each of the entities listed in subpara-
graphs (A) through (C) of paragraph (1) are
restructured from organizations that are service
component organizations to joint organizations.

(B) Organizational effects on the military
services if the billets associated with each of the
entities listed in subparagraphs (A) through (C)
of paragraph (1) are transferred to United
States Cyber Command and designated as joint
billets for joint qualification purposes.

(C) Operational and organizational effects
on the military services, United States Cyber
Command, other combatant commands, and the
Joint Staff if the entities listed in subparagraphs (A) through (D) of paragraph (1) are realigned, restructured, or consolidated.

(D) Operational and organizational effects and advisement of standardizing a minimum set of roles and responsibilities of the Joint Cyber Centers, or the equivalent entity, of the combatant commands.

(E) Clarification of the relationship and differentiation between Cyber Operations–Integrated Planning Elements and Joint Cyber Centers of the combatant commands.

(F) A description of mission essential tasks for the entities listed in subparagraphs (A) through (D) of paragraph (1).

(G) A description of cyber activities in geographic and functional combatant command campaign plans and resources aligned to those activities.

(b) BRIEFINGS.—Not later than 180 after the date of the enactment of this Act, and not less frequently than once every 120 days until March 31, 2024, the Principal Cyber Advisor shall provide the Committee on Armed Services of the Senate and the Committee on Armed Serv-
ices of the House of Representatives a briefing on the status of the study conducted under subsection (a).

(c) Report.—

(1) In general.—Not later than March 31, 2024, the Principal Cyber Advisor shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under subsection (a).

(2) Contents.—The report submitted under paragraph (1) shall contain the following:

(A) The findings of the Principal Cyber Advisor with respect to the study conducted under subsection (a).

(B) Details of the operational and organizational effects assessed under subsection (a)(2).

(C) A plan to carry out the transfer described in subsection (a)(2)(B) and the associated costs, as appropriate.

(D) A plan to realign, restructure, or consolidate the entities listed in subparagraphs (A) through (D) of subsection (a)(1).

(E) Such other matters as the Principal Cyber Advisor considers appropriate.
SEC. 1609. ANNUAL BRIEFING ON RELATIONSHIP BETWEEN NATIONAL SECURITY AGENCY AND UNITED STATES CYBER COMMAND.

(a) Annual Briefings Required.—Not later than March 1, 2023, and not less frequently than once each year thereafter until March 1, 2028, the Secretary of Defense shall provide the congressional defense committees a briefing on the relationship between the National Security Agency and United States Cyber Command.

(b) Elements.—Each briefing provided under subsection (a) shall include an annual assessment of the following:

(1) The resources, authorities, activities, missions, facilities, and personnel used to conduct the relevant missions at the National Security Agency as well as the cyber offense and defense missions of United States Cyber Command.

(2) The processes used to manage risk, balance tradeoffs, and work with partners to execute operations.

(3) An assessment of the operating environment and the continuous need to balance tradeoffs to meet mission necessity and effectiveness.

(4) An assessment of the operational effects resulting from the relationship between the National Security Agency and United States Cyber Com-
mand, including a list of specific operations conducted over the previous year that were enabled by or benefitted from the relationship.

(5) Such other topics as the Director of the National Security Agency and the Commander of United States Cyber Command may consider appropriate.

SEC. 1610. REVIEW OF CERTAIN CYBER OPERATIONS PERSONNEL POLICIES.

(a) Review Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall require the Secretaries of the military departments and the Commander of United States Cyber Command to complete a review of, and appropriately update, departmental guidance and processes consistent with section 167b(d)(2)(A)(x) of title 10, United States Code, with respect to the authority of the Commander to monitor the promotions of certain cyber operations forces and coordinate with the Secretaries regarding the assignment, retention, training, professional military education, and special and incentive pays of certain cyber operations forces.

(b) Elements of Review.—The review and updates to departmental guidance and processes required under subsection (a) shall address the respective roles of the
military departments and United States Cyber Command with respect to the following:

(1) The recruiting, retention, professional military education, and promotion of certain cyber operations personnel.

(2) The sharing of personnel data between the military departments and United States Cyber Command.

(3) Structures, departmental guidance, and processes developed between the military departments and United States Special Operations Command with respect to the authority of the Commander of United States Special Operations Command described in section 167(e)(2)(J) of title 10, United States Code, that could be used as a model for United States Cyber Command.

(4) Such other matters as the Secretary of Defense determines necessary.

(c) REPORT REQUIRED.—Not later than 90 days after the date on which the review and the updates required by subsection (a) are completed, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the Secretaries of the military departments and the Commander of United States Cyber Command with respect to the review and the up-
dates made pursuant to such subsection. Such report shall also include any such recommendations as the Secretary may have for legislative or administrative action.

SEC. 1611. MILITARY CYBERSECURITY COOPERATION WITH KINGDOM OF JORDAN.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Policy, in coordination with the Commander of United States Cyber Command, the Commander of United States Central Command, and the Secretary of State, seek to engage their counterparts within the Ministry of Defence of the Kingdom of Jordan for the purpose of expanding cooperation of military cybersecurity activities.

(b) Cooperation Efforts.—The efforts to expand cooperation required by subsection (a) may include the following efforts between the Department of Defense and the Ministry of Defence of the Kingdom of Jordan:

(1) Bilateral cybersecurity training activities and exercises.

(2) Efforts to—

(A) actively defend military networks, infrastructure, and systems;
(B) eradicate malicious cyber activity that has compromised those networks, infrastructure, and systems; and

(C) leverage United States commercial and military cybersecurity technology and services to harden and defend those networks, infrastructure, and systems.

(3) Establishment of a regional cybersecurity center.

(c) Briefings.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, provide to the appropriate committees of Congress a briefing on the implementation of this section.

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

(A) An overview of efforts undertaken pursuant to this section.

(B) A description of the feasibility and advisability of expanding cooperation with the Ministry of Defence of the Kingdom of Jordan on military cybersecurity.
(C) Identification of any challenges and resources that need to be addressed so as to expand cooperation with the Ministry of Defence of the Kingdom of Jordan on military cybersecurity.

(D) Any other matter the Secretary considers relevant.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1612. COMMANDER OF THE UNITED STATES CYBER COMMAND.

Section 167b(c) of title 10, United States Code, is amended

(1) by striking “GRADE OF COMMANDER.—The commander” and inserting “COMMANDER OF CYBER COMMAND.—(1) The commander”; and

(2) by adding at the end the following new paragraph:
“(2) The commander shall be appointed for a term of four years, and the President may nominate and appoint the commander for one additional 4-year term with the advice and consent of the Senate.”.

SEC. 1613. ASSESSMENT AND REPORT ON SHARING MILITARY CYBER CAPABILITIES WITH FOREIGN OPERATIONAL PARTNERS.

(a) ASSESSMENT REQUIRED.—Not later than April 1, 2023, the Secretary of Defense, with the concurrence of the Secretary of State, shall conduct an assessment on sharing military cyber capabilities of the Armed Forces with foreign partners of the United States for immediate operational use to cause effects on targets or enable collection of information from targets.

(b) ELEMENTS.—The assessment conducted under subsection (a) shall include—

(1) a description of the military requirements of the Department of Defense for rapid sharing of military cyber capabilities with foreign partners of the United States in relevant operational timeframes;

(2) a description of the understanding by the Secretary of Defense and the Secretary of State of the current legal framework governing the sharing of military cyber capabilities of the Department with foreign partners of the United States for operational
use by the foreign partner, including prohibitions or restrictions on sharing such military cyber capabilities with foreign partners in relevant operational timeframes, including under—

(A) the War Powers Resolution (50 U.S.C. 1541 et seq.);

(B) an alliance or treaty with a foreign country or countries; and

(C) export control laws or security assistance programs; and

(3) recommendations for legislative action that the Secretary of Defense and the Secretary of State jointly agree are necessary to address gaps or misalignment in authorities that would enhance the sharing of military cyber capabilities of the Department with foreign operational partners of the United States.

(c) Report Required.—Not later than April 1, 2023, the Secretary of Defense, with the concurrence of the Secretary of State, shall provide the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the assessment conducted under subsection (a).
SEC. 1614. REPORT ON PROGRESS IN IMPLEMENTING PILOT PROGRAM TO ENHANCE CYBERSECURITY AND RESILIENCY OF CRITICAL INFRASTRUCTURE.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Homeland Security, submit to Congress a report on the progress made in implementing the 2018 memorandum of understanding that was entered into by the Secretaries pursuant to the authority provided by section 1650(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 711 note prec.).

(b) Contents.—The report submitted under subsection (a) shall include the following:

(1) A description of the efforts to develop and approve plans of action and milestones for each line of effort in the memorandum of understanding described in subsection (a).

(2) A description of the activities executed pursuant to such memorandum of understanding.

(3) Identification of any impediments that limit the abilities of the Secretaries to fully implement all lines of effort in such memorandum of understanding.
SEC. 1615. PROTECTION OF CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—In the event that the President determines that there is an active, systematic, and ongoing campaign of attacks in cyberspace by a foreign power against the Government or the critical infrastructure of the United States, the President may authorize the Secretary of Defense, acting through the Commander of the United States Cyber Command, to conduct military cyber activities or operations pursuant to section 394 of title 10, United States Code, in foreign cyberspace to deter, safeguard, or defend against such attacks.

(b) AFFIRMATION OF SCOPE OF CYBER ACTIVITIES OR OPERATIONS.—Congress affirms that the cyber activities or operations referred to in subsection (a), when appropriately authorized, shall be conducted consistent with section 394 of title 10, United States Code.

(e) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this section, the term “critical infrastructure” has the meaning given that term in subsection (e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195e(e)).
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.

(a) DISPLAY REQUIRED.—Beginning with fiscal year 2024, and for each fiscal year thereafter, the Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a consolidated cryptographic modernization budget justification display for each Department of Defense system or asset that is protected by cryptography and subject to certification by the National Security Agency (in this section, referred to as “covered items”).

(b) ELEMENTS.—Each display included under subsection (a) for a fiscal year shall include the following:

(1) CRYPTOGRAPHIC MODERNIZATION ACTIVITIES.—(A) Whether, in accordance with the schedule established under section 153(a) of the William M. (Mac) Thornberry National Defense Authorization
Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 142 note), the cryptographic modernization for each covered item is pending, in progress, complete, or pursuant to paragraph (2) of such section, extended.

(B) The funding required for the covered fiscal year and for each subsequent fiscal year of the Future Years Defense Program to complete the pending or in progress cryptographic modernization by the required replacement date of each covered item.

(C)(i) A description of deviations between the funding annually required to complete the modernization prior to the required replacement date and the funding requested and planned within the Future Years Defense Program.

(ii) An explanation—

(I) justifying the deviations; and

(II) of whether or how any delays resulting from a deviation shall be overcome to meet the required replacement date.

(D) A description of operational or security risks resulting from each deviation from the modernization schedule required to meet replacement dates, including a current intelligence assessment of adversary progress on exploiting the covered item.
(E) For any covered item that remains in service past its required replacement date, a description of the number of times the covered item has been extended and the circumstances attending each such extension.

(2) Mitigation activities for covered items.—(A) Whether activities to mitigate the risks associated with projected failure to replace a covered item by the required replacement date are planned, in progress, or complete.

(B) The funding required for the covered fiscal year and for each subsequent fiscal year for required mitigation activities to complete any planned, pending, or in progress mitigation activities for a covered item.

(C) A description of the activities planned in the covered fiscal year and each subsequent fiscal year to complete mitigation activities and an explanation of the efficacy of the mitigations.

(e) Form.—The display required by subsection (a) shall be included in unclassified form, but may include a classified annex.
SEC. 1622. ESTABLISHING PROJECTS FOR DATA MANAGEMENT, ARTIFICIAL INTELLIGENCE, AND DIGITAL SOLUTIONS.

(a) Establishment of Priority Projects.—The Deputy Secretary of Defense shall—

(1) establish priority enterprise projects for data management, artificial intelligence, and digital solutions for both business efficiency and warfighting capabilities intended to accelerate decision advantage; and

(2) assign responsibilities for execution and funding of the projects established under paragraph (1).

(b) Actions Required.—To ensure implementation of the priority projects of the Deputy Secretary of Defense under subsection (a), and to instill data science and technology as a core discipline in the Department of Defense, the Deputy Secretary shall—

(1) hold the heads of Department components accountable for—

(A) making their component’s data available for use in common enterprise data sets in accordance with plans developed and approved by the head of the component and the Deputy Secretary;
(B) developing, implementing, and reporting measurable actions to acquire, preserve, and grow the population of government and contractor personnel with expertise in data management, artificial intelligence, and digital solutions;

(C) making their components use data management practices, analytics processes, computing environments, and operational test environments that are made available and specifically approved by the head of the component and the Deputy Secretary;

(D) identifying and reporting on an annual basis for Deputy Secretary approval those ongoing programs and activities and new initiatives within their components to which the component head determines should be applied advanced analytics, digital technology, and artificial intelligence; and

(E) developing and implementing cybersecurity solutions, including red team assessments, to protect artificial intelligence systems, data, development processes, and applications from adversary actions;
(2) require the Chief Digital and Artificial Intelligence Officer and the heads of Department components to develop and report on an actionable plan for the Deputy Secretary to promulgate to reform the technologies, policies, and processes used to support accreditation and authority to operate decisions to enable rapid deployment into operational environments of newly developed government, contractor, and commercial software;

(3) require the Chief Digital and Artificial Intelligence Officer and heads of Department components to define and establish career paths, work roles, and occupational specialties for civilian and military personnel in the fields of data management, artificial intelligence, and digital solutions for the Deputy Secretary’s approval; and

(4) establish a Departmental management reform goal for adoption and integration artificial intelligence or machine learning into business and warfighting processes, including the tracking of metrics, milestones, and initiatives to measure the progress of the Department in meeting that goal.

(e) Briefings Required.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every six months thereafter until De-
December 31, 2025, the Deputy Secretary shall provide to
the congressional defense committees a briefing on direc-
tives issued by the Deputy Secretary to implement the re-
quirements of this section and the status of implementa-
tion actions.

(d) Component Defined.—In this section, the term
“component” means a military department, a combatant
command, or a defense agency of the Department of De-
fense.

SEC. 1623. OPERATIONAL TESTING FOR COMMERCIAL CY-
BERSECURITY CAPABILITIES.

(a) Requirement.—Subject to subsection (c), the
Secretary of Defense may not operate a commercial cyber-
security capability on a network of the Department of De-
fense until such capability has received a satisfactory de-
termination from the Director of Operational Test and
Evaluation in each of the following areas:

(1) Operational effectiveness.

(2) Operational suitability.

(3) Cyber survivability.

(b) Assessments.—In determining whether a com-
mercial cybersecurity capability is satisfactory in each of
the areas set forth under subsection (a), the Director of
Operational Test and Evaluation shall conduct an assess-
ment that includes consideration of the following:
(1) Threat-realistic operational testing, including representative environments, variation of operational conditions, and inclusion of a realistic opposing force.

(2) The use of Department of Defense Cyber Red Teams, as well as any enabling contract language required to permit threat-representative Red Team assessments.

(3) Collaboration with the personnel using the commercial cybersecurity capability regarding the results of the testing to improve operators’ ability to recognize and defend against cyberattacks.

(4) The extent to which additional resources may be needed to remediate any shortfalls in capability to make the commercial cybersecurity capability effective, suitable, and cyber survivable in an operational environment of the Department.

(5) Identification of training requirements, and changes to training, sustainment practices, or concepts of operation or employment that may be needed to ensure the effectiveness, suitability, and cyber survivability of the commercial cybersecurity capability.

(c) WAIVER.—
(1) IN GENERAL.—An acquisition executive of a military service or a component of the Department may waive the requirement in subsection (a) for a commercial cybersecurity capability for the military service or component of the acquisition executive if the acquisition executive determines that operational necessity does not allow for time to conduct an assessment under subsection (b) in a timeframe to meet the needs of the military service or component.

(2) PERIOD OF WAIVER.—A waiver under paragraph (1) may be issued for a period of up to three years before a new waiver is required, or a waiver is otherwise no longer required.

(d) POLICIES AND REGULATIONS.—Not later than February 1, 2024, the Secretary shall issue such policies and guidance and promulgate such regulations as the Secretary considers necessary to carry out this section.

(e) REPORT.—Not later than January 31, 2025, and not less frequently than once each year thereafter until January 31, 2030, the Director shall include in each annual report required by section 139(h) of title 10, United States Code, the status of the determinations required by subsection (a), including the following:

(1) A summary of such determinations and the associated assessments under subsection (b).
(2) The number and type of test and evaluation events completed in the past year for such assessments, disaggregated by component of the Department, and including resources devoted to each event.

(3) The results from such test and evaluation events, including any resource shortfalls affecting the number of commercial cybersecurity capabilities that could be assessed.

(4) A summary of identified categories of common gaps and shortfalls found during testing.

(5) The extent to which entities responsible for developing and testing commercial cybersecurity capabilities have responded to recommendations made by the Director in an effort to gain favorable determinations.

(6) Any identified lessons learned that would impact training, sustainment, or concepts of operation or employment decisions relating to the assessed commercial cybersecurity capabilities.

(f) DEFINITION.—In this section, the term “commercial cybersecurity capabilities” means either—

(1) commercial products (as defined in section 103 of title 41, United States Code) acquired and deployed by the Department of Defense to satisfy
the cybersecurity requirements of one or more Department components; or

(2) commercially available off-the-shelf items (as defined in section 104 of title 41, United States Code) acquired and deployed by the Department of Defense to satisfy the cybersecurity requirements of one or more Department components.

(g) EFFECTIVE DATE.—This section shall take effect on February 1, 2024.

SEC. 1624. PLAN FOR COMMERCIAL CLOUD TEST AND EVALUATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with commercial industry, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a policy and plan for test and evaluation of the cybersecurity of the clouds of commercial cloud service providers.

(b) CONTENTS.—The policy and plan submitted under subsection (a) shall include the following:

(1) A requirement that all future contracts with cloud service providers include provisions that permit the Department to conduct independent, threat-realistic assessments, including penetration testing, of
the commercial cloud infrastructure, including the control plane and virtualization hypervisor.

(2) An explanation as to how the Department intends to proceed on amending existing contracts with cloud service providers to permit the same level of rigorous assessments that will be required for all future contracts.

(3) Identification and description of any proposed tiered test and evaluation requirements aligned with different impact and classification levels.

(c) Waiver Authority.—The policy and plan required under subsection (a) may provide an authority to waive any requirements described in subsection (b) conditioned upon the approval of the Chief Information Officer of the Department of Defense and the Director of Operational Test and Evaluation.

SEC. 1625. REPORT ON RECOMMENDATIONS FROM NAVY CIVILIAN CAREER PATH STUDY.

(a) Report Required.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the recommendations made in the report submitted to the congressional
defense committees under section 1653(a)(2) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; relating to improving cyber career paths in the Navy).

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of each recommendation described in such subsection that has already been implemented.

(B) A description of each recommendation described in such subsection that the Secretary has commenced implementing, including a justification for determining to commence implementing the recommendation.

(C) A description of each recommendation described in such subsection that the Secretary has not implemented or commenced implementing and a determination as to whether or not to implement the recommendation.

(D) For each recommendation under subparagraph (C) that the Secretary determines to implement, the following:

(i) A timeline for implementation.
(ii) A description of any additional resources or authorities required for implementation.

(iii) The plan for implementation.

(E) For each recommendation under subparagraph (C) that the Secretary determines not to implement, a justification for the determination not to implement.

(3) FORMAT.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) REVIEW.—Not later than 180 days after the date of the submittal of the report required by subsection (a)(1), the Comptroller General of the United States shall conduct a review of such report.

(2) ELEMENTS.—The review required by paragraph (1) shall include an assessment of the following:

(A) The extent to which the Navy has implemented the recommendations made in the study described in subsection (a)(1).
(B) Additional recommended actions for the Navy to take to improve the readiness and retention of their cyber workforce.

(3) INTERIM BRIEFING.—Not later than 90 days after the date of the submittal of the report required by subsection (a)(1), the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary findings of the Comptroller General with respect to the review conducted under paragraph (1).

(4) FINAL REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the findings of the Comptroller General with respect to the review conducted under paragraph (1) at such time and in such format as is mutually agreed upon by the committees and the Comptroller General at the time of the briefing under paragraph (3).

SEC. 1626. REVIEW OF DEPARTMENT OF DEFENSE IMPLEMENTATION OF RECOMMENDATIONS FROM DEFENSE SCIENCE BOARD CYBER REPORT.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2023, the Secretary of Defense shall complete a review of the findings and recommendations presented
in the June 2018 Defense Science Board report entitled “Cyber as a Strategic Capability”.

(2) ELEMENTS.—The review completed under paragraph (1) shall include the following:

(A) Identification of, and description of implementation for, recommendations that have been implemented by the Department of Defense.

(B) Identification of recommendations that have not yet been fully implemented by the Department.

(C) Development of a plan to fully implement the recommendations identified under subparagraph (B).

(D) Identification of the reasons why the recommendations identified under subparagraph (B) were not implemented.

(E) Identification of such legislative or administrative action as the Secretary determines necessary to implement the recommendations identified under subparagraph (B).

(b) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2023, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee
on Armed Services of the House of Representatives
a report on the review completed under paragraph
(1) of subsection (a). In such report, the Secretary
shall disclose the matters identified and developed
under paragraph (2) of such subsection.

(2) FORM.—The report submitted under para-
graph (1) shall be submitted in unclassified form,
but may include a classified annex.

SEC. 1627. REQUIREMENT FOR SOFTWARE BILL OF MATE-
RIALS.

(a) REQUIREMENT FOR SOFTWARE BILL OF MATE-
RIALS.—

(1) IN GENERAL.—The Secretary of Defense
shall amend the Department of Defense Supplement
to the Federal Acquisition Regulation to require a
software bill of materials (SBOM) for all non-
commercial software created for or acquired by the
Department of Defense.

(2) WAIVERS.—The amendment required by
paragraph (1) may provide for waivers that require
approval by an official whose appointment is subject
to confirmation by the Senate.

(b) RECOMMENDATIONS TO THE SECRETARY.—The
Chief Information Officer, the Under Secretary of Defense
for Acquisition and Sustainment, and the Under Secretary
of Defense for Research and Engineering shall jointly submit to the Secretary recommendations regarding the content of the amendment required by subsection (a).

(c) **Study Regarding Application to Software Already Acquired.**—

(1) **Study Required.**—The Secretary shall conduct a study of the feasibility and advisability of acquiring a software bill of materials for software already acquired by the Department.

(2) **Briefing.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the study conducted under paragraph (1) and such recommendations as the Secretary may have with respect to acquiring a software bill of materials for software already acquired by the Department.

(d) **Commercial Software.**—Not later than one year after the date of the enactment of this Act, the Secretary shall, in consultation with industry, develop an approach for commercial software in use by the Department and future acquisitions of commercial software that provides, to the maximum extent practicable, policies and processes for operationalizing software bills of materials to enable the Department to understand promptly the cy-
bersecurity risks to Department capabilities posed by discoveries of vulnerabilities and compromises in commercial and open source software.

(e) Solicitation of Information.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a request for information from the public and private sectors regarding technical and procedural options to identify software deployed in the Department to enable risk assessments and patching of security vulnerabilities when such vulnerabilities are discovered in the absence of reliable bills of materials.

(2) Briefing.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide the congressional defense committees a briefing on the findings of the Secretary with respect to the solicitation for information under paragraph (1).

(f) Definition of Software Bill of Materials.—In this section, the term “software bill of materials” means a complete, formally structured list of components, libraries, and modules that are required to build, compile, and link a given piece of software and an identi-
fication of the provenance and supply chain relationships between them.

SEC. 1628. ESTABLISHMENT OF SUPPORT CENTER FOR CONSORTIUM OF UNIVERSITIES THAT ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.

Section 1659 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 391 note) is amended by adding at the end the following new subsection:

“(f) SUPPORT CENTER.—

“(1) ESTABLISHMENT.—The Secretary shall establish a center to provide support to the consortium established under subsection (a).

“(2) COMPOSITION.—(A) The center established under paragraph (1) shall be composed of one or two universities, as the Secretary considers appropriate, that—

“(i) have been designated as centers of academic excellence by the Director of the National Security Agency or the Secretary of Homeland Security; and

“(ii) are eligible for access to classified information.
“(B) The Secretary shall publish in the Federal Register the process for selection of universities to serve as the center established under paragraph (1).

“(3) FUNCTIONS.—The functions of the center established under paragraph (1) are as follows:

“(A) To promote the consortium established under subsection (a).

“(B) To distribute on behalf of the Department requests for information or assistance to members of the consortium.

“(C) To collect and assemble responses from requests distributed under subparagraph (B).

“(D) To provide additional administrative support for the consortium, as determined by the National Center of Academic Excellence in Cybersecurity Program Management Office.”.

SEC. 1629. ROADMAP AND IMPLEMENTATION PLAN FOR CYBER ADOPTION OF ARTIFICIAL INTELLIGENCE.

(a) ROADMAP AND IMPLEMENTATION PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of United States Cyber Command and the Chief Information Officer of the Department of Defense, in coordination with the Chief
Digital and Artificial Intelligence Officer of the Department, the Director of the Defense Advanced Research Projects Agency, the Director of the National Security Agency, and the Under Secretary of Defense for Research and Engineering, shall jointly develop a five-year roadmap and implementation plan for rapidly adopting and acquiring artificial intelligence systems, applications, and supporting data and data management processes for the Cyberspace Operations Forces of the Department of Defense.

(b) **ELEMENTS.**—The roadmap and implementation plan required by subsection (a) shall include the following:

(1) Identification and prioritization of artificial intelligence systems, applications, data identification, and processing to cyber missions within the Department, and ameliorating threats to, and from, artificial intelligence systems, including—

(A) advancing the cybersecurity of Department systems with artificial intelligence;

(B) uses of artificial intelligence for cyber effects operations;

(C) assessing and mitigating vulnerabilities of artificial intelligence systems supporting cybersecurity and cyber operations to attacks; and
(D) defending against adversary artificial intelligence-based cyber attacks.

(2) A plan to develop, acquire, adopt, and sustain the artificial intelligence systems, applications, data, and processing identified in paragraph (1).

(3) Roles and responsibilities for the following for adopting and acquiring artificial intelligence systems, applications, and data to cyber missions within the Department:

(A) The Commander of United States Cyber Command.

(B) The Commander of Joint-Force Headquarters Department of Defense Information Networks.

(C) The Chief Information Officer of the Department.

(D) The Chief Digital and Artificial Intelligence Officer of the Department.

(E) The Under Secretary of Defense for Research and Engineering.

(F) The Secretaries of the military departments.

(G) The Director of the National Security Agency.
(4) Identification of currently deployed, adopted, and acquired artificial intelligence systems, applications, ongoing prototypes, and data.

(5) Identification of current capability and skill gaps that must be addressed prior to the development and adoption of artificial intelligence applications identified in paragraph (1).

(6) Identification of opportunities to solicit operator utility feedback through inclusion into research and development processes and wargaming or experimentation events by developing a roadmap for such processes and events, as well as a formalized process for capturing and tracking lessons learned from such events to inform the development community.

(7) Identification of long-term technology gaps for fulfilling the Department’s cyber warfighter mission to be addressed by research relating to artificial intelligence by the science and technology enterprise within the Department.

(8) Definition of a maturity model describing desired cyber capabilities, agnostic of the enabling technology solutions, including phases in the maturity model or identified milestones and clearly identified areas for collaboration with relevant commercial
off the shelf and government off the shelf developers
to address requirements supporting capability gaps.

(9) Assessment, in partnership with the Direc-
tor of the Defense Intelligence Agency, of the threat
posed by adversaries’ use of artificial intelligence to
the cyberspace operations and the security of the
networks and artificial intelligence systems of the
Department in the next five years, including a net
technical assessment of United States and adversary
activities to apply artificial intelligence to cyberspace
operations, and actions planned to address that
threat.

(10) A detailed schedule with target milestones,
investments, and required expenditures.

(11) Interim and final metrics of adoption of
artificial intelligence for each activity identified in
the roadmap.

(12) Identification of such additional funding,
authorities, and policies as the Commander of
United States Cyber Command and the Chief Infor-
mation Officer jointly determine may be required.

(13) Such other topics as the Commander and
the Chief Information Officer jointly consider appro-
priate.
(c) BRIEFING.—Not later than 30 days after the date on which the Commander and the Chief Information Officer complete development of the roadmap and implementation plan required in subsection (a), the Commander and the Chief Information Officer shall provide the congressional defense committees a classified briefing on the roadmap and implementation plan.

SEC. 1630. DEMONSTRATION PROGRAM FOR CYBER AND INFORMATION TECHNOLOGY BUDGET DATA ANALYTICS.

(a) DEMONSTRATION PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than February 1, 2024, the Chief Information Officer of the Department of Defense shall, in coordination with the Chief Digital and Artificial Intelligence Officer, complete a pilot program to demonstrate the application of data analytics to the fiscal year 2024 cyber and information technology budget data of a military service.

(2) COORDINATION WITH MILITARY SERVICES.—In carrying out the demonstration program required by subsection (a), the Chief Information Officer shall, in coordination with the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy, select a military service for participation in the demonstration program.
(b) **ELEMENTS.**—The demonstration program shall include—

1. efforts to determine, execute, and validate in an auditable manner data curation activities for the cyber and information technology budget of a military service;
2. efforts to improve transparency in cyber and information technology budget information to identify cybersecurity efforts funded out of noncyber information technology lines, including qualitative techniques such as semantic analysis or natural language processing techniques;
3. metrics developed to assess the effectiveness of the demonstration program;
4. a cost tradeoff analysis of implementing data analytics across the all of the cyber and information technology budgets of the Department of Defense;
5. effort to utilize data analytics to make budget trade-offs; and
6. efforts to incorporate data analytics into the into the congressional budget submission process.

(c) **BRIEFING.**—

1. **INITIAL BRIEFING.**—Not later than 120 days after the date of the enactment of this Act, the
Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a brief on the plans and status of the Chief Information Officer with respect to the demonstration program required by subsection (a).

(2) Final briefing.—(A) Not later than March 1, 2024, the Chief Information Officer shall provide the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a briefing on the results and findings of the Chief Information Officer with respect to the pilot program required by subsection (a).

(B) The briefing required by subparagraph (A) shall include the following:

(i) Recommendations for expansion of the demonstration program to the entire cyber and information technology budget of the Department.

(ii) Plans for incorporating data analytics into the congressional budget submission process for the cyber and information technology budget of the Department.
SEC. 1631. LIMITATION ON AVAILABILITY OF FUNDS FOR
OPERATION AND MAINTENANCE FOR OFFICE
OF SECRETARY OF DEFENSE UNTIL FRAME-
WORK TO ENHANCE CYBERSECURITY OF
UNITED STATES DEFENSE INDUSTRIAL BASE
IS COMPLETED.

(a) LIMITATION.—Of the funds authorized to be ap-
propriated by this Act for fiscal year 2023 for operation
and maintenance, Defense-wide, and available for the Of-
lice of the Secretary of Defense, not more than 75 percent
may be obligated or expended until the framework re-
quired by section 1648 of the National Defense Authoriza-
tion Act for Fiscal Year 2020 (Public Law 116–92; 10
U.S.C. 2224 note) is completed and submitted to the con-
gressional defense committees.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than 30 days after
the date of the submittal of the framework in ac-
cordance with subsection (a), the Secretary of De-
fense shall provide the congressional defense com-
mittees with a briefing on such framework.

(2) CONTENTS.—The briefing required by para-
graph (1) shall include the following:

(A) An overview of the framework sub-
mitted in accordance with subsection (a).
(B) Identification of such pilot programs as the Secretary considers may be required to improve the cybersecurity of the defense industrial base.

(C) Implementation timelines and identification of costs.

(D) Such recommendations as the Secretary may have for legislative action to improve the cybersecurity of the defense industrial base.

SEC. 1632. ASSESSMENTS OF WEAPONS SYSTEMS VULNERABILITIES TO RADIO-FREQUENCY ENABLED CYBER ATTACKS.

(a) In General.—The Secretary of Defense shall ensure that the activities required by and conducted pursuant to section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118), section 1637 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 221 note), and the amendments made by section 1712 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 4087) include regular assessments of the vulnerabilities to and risks presented by radio-frequency enabled cyber attacks with respect to the
operational technology embedded in weapons systems, aircraft, ships, ground vehicles, space systems, sensors, and datalink networks of the Department of Defense.

(b) ELEMENTS.—The assessments required under subsection (a) with respect to vulnerabilities and risks described in such subsection shall include—

(1) identification of such vulnerabilities and risks;

(2) ranking of vulnerability, severity, and priority;

(3) development and selection of options, with associated costs and schedule, to correct such vulnerabilities, including installation of intrusion detection capabilities; and

(4) development of integrated risk-based plans to implement the corrective actions selected.

(c) DEVELOPMENT OF CORRECTIVE ACTIONS.—In developing corrective actions under subsection (b)(3), the assessments required under subsection (a) shall address requirements for deployed members of the Armed Forces to analyze data collected on the weapons systems and respond to attacks.

(d) INTELLIGENCE INFORMED ASSESSMENTS.—The assessments required under subsection (a) shall be informed by intelligence, if available, and technical judgment
regarding potential threats to embedded operational technology during operations of the Armed Forces.

(c) COORDINATION.—

(1) COORDINATION AND INTEGRATION OF ACTIVITIES.—The assessments required under subsection (a) shall be fully coordinated and integrated with activities described in such subsection.

(2) COORDINATION OF ORGANIZATIONS.—The Secretary shall ensure that the organizations conducting the assessments under subsection (a) in the military departments, the United States Special Operations Command, and the Defense Agencies coordinate with each other and share best practices, vulnerability analyses, and technical solutions.

(f) BRIEFINGS.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees briefings from the organizations specified under subsection (c)(2), as appropriate, on the activities and plans required under this section.
DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2023”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2025; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2026.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-
curity Investment Program (and authorizations of appropri-
ations therefor), for which appropriated funds have
been obligated before the later of—
(1) October 1, 2025; or
(2) the date of the enactment of an Act author-
zizing funds for fiscal year 2026 for military con-
struction projects, land acquisition, family housing
projects and facilities, or contributions to the North
Atlantic Treaty Organization Security Investment
Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the
later of—
(1) October 1, 2022; or
(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY
CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropria-
tions in section 2103(a) and available for military con-
struction projects inside the United States as specified in
the funding table in section 4601, the Secretary of the
Army may acquire real property and carry out military
construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$96,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$14,200,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Shafter</td>
<td>$33,000,000</td>
</tr>
<tr>
<td></td>
<td>Schofield Barracks</td>
<td>$111,000,000</td>
</tr>
<tr>
<td></td>
<td>Tripler Army Medical Center</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Engineer Research and Development Center</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Letterkenny Army Depot</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Corpus Christi Army Depot</td>
<td>$103,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bliss</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$49,000,000</td>
</tr>
</tbody>
</table>

(b) **Outside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>East Camp Grafenwoehr</td>
<td>$168,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Force Base</td>
<td>$99,000,000</td>
</tr>
<tr>
<td>Kwajalein</td>
<td>Kwajalein Atoll</td>
<td>$69,000,000</td>
</tr>
</tbody>
</table>

**SEC. 2102. FAMILY HOUSING.**

(a) **Construction and Acquisition.**—Using amounts appropriated pursuant to the authorization of app-
propriations in section 2103(a) and available for military
family housing functions as specified in the funding table
in section 4601, the Secretary of the Army may construct
or acquire family housing units (including land acquisition
and supporting facilities) at the installations or locations,
in the number of units, and in the amounts set forth in
the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Baumholder</td>
<td>Family Housing Replacement</td>
<td>$77,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Construction</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>Vicenza</td>
<td>Family Housing New Construction</td>
<td>$95,000,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,339,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.
(b) LIMITATION ON TOTAL COST OF CONSTRUCTION

PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. EXTENSION AND MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) KUNSAN AIR BASE, KOREA.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorization contained in the table in section 2101(b) of that Act (131 Stat. 1819) for Kunsan Air Base, Korea, shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) MODIFICATION.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91;
792

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
13 (b) KWAJALEIN ATOLL, KWAJALEIN.—
14
15 (1) EXTENSION.—Notwithstanding section
16 2002 of the Military Construction Authorization Act
17 for Fiscal Year 2018 (division B of Public Law 115–
18 91; 131 Stat. 1817), the authorization contained in
19 the table in section 2102 of that Act (131 Stat.
20 1820) for Kwajalein Atoll, Kwajalein, shall remain
21 in effect until October 1, 2023, or the date of the
22 enactment of an Act authorizing funds for military
23 construction for fiscal year 2024, whichever is later.
24
25 (2) MODIFICATION.—Section 2879(a)(1)(A) of
26 the Military Construction Authorization Act for Fis-
27 cal Year 2018 (division B of Public Law 115–91;
28 131 Stat. 1874) is amended by striking “at least 26
family housing units” and inserting “not more than 26 family housing units”.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2019 PROJECT AT CAMP TANGO, KOREA.

In the case of the authorization contained in the table in section 2101(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2242) for Camp Tango, Korea, for construction of a command and control facility at the installation, the Secretary of the Army may increase scope for a dedicated, enclosed egress pathway out of the underground facility to facilitate safe escape in case of fire.

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations in-
side the United States, and in the amounts, set forth in
the following table:

### Navy: Inside the United States

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Marine Corps Air Ground Combat Center Twentynine Palms.</td>
<td>$120,382,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Pendleton</td>
<td>$117,310,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruit Depot San Diego</td>
<td>$83,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Lemoore</td>
<td>$201,261,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base San Diego</td>
<td>$132,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base Point Loma Annex</td>
<td>$56,450,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Corona Division</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Naval Submarine Base New London</td>
<td>$15,514,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station Jacksonville</td>
<td>$86,232,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station Whiting Field</td>
<td>$199,289,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Carderock Division</td>
<td>$2,073,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Naval Submarine Base Kings Bay</td>
<td>$279,171,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Marine Corps Base Camp Blaz</td>
<td>$330,589,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$3,754,192,000</td>
</tr>
<tr>
<td></td>
<td>Naval Corps Base Kaneohe Bay</td>
<td>$87,900,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Surface Warfare Center Indian Head Division</td>
<td>$8,039,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Marine Forces Reserve Battle Creek</td>
<td>$24,300,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Air Station Fallon</td>
<td>$146,165,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station Cherry Point</td>
<td>$38,415,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station New River</td>
<td>$210,600,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base Camp Lejeune</td>
<td>$47,475,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Naval Surface Warfare Center Philadelphia Division</td>
<td>$86,610,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Marine Corps Recruit Depot Parris Island</td>
<td>$75,900,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Station Norfolk</td>
<td>$16,863,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center Dahlgren Division</td>
<td>$2,503,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Air Station Whidbey Island</td>
<td>$105,561,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:
Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Royal Australian Air Force Base Darwin</td>
<td>$258,831,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonnier</td>
<td>$106,700,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$195,400,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station Rota</td>
<td>$76,300,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

<table>
<thead>
<tr>
<th>Territory</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>NAVSUPPACT Andersen</td>
<td>Replace Andersen</td>
<td>$86,390,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Housing PH IV</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NAVSUPPACT Andersen</td>
<td>Replace Andersen</td>
<td>$93,259,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Housing PH V</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NAVSUPPACT Andersen</td>
<td>Replace Andersen</td>
<td>$68,985,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Housing PH VI</td>
<td></td>
</tr>
</tbody>
</table>

(b) Improvements to Military Family Housing Units.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the

Navy may improve existing military family housing units in an amount not to exceed $74,540,000.

(c) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $14,123,000.

SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.
SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECT AT JOINT REGION MARIANAS, GUAM.

Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorization contained in the table in section 2201(a) of that Act (131 Stat. 1822) at Joint Region Marianas, Guam, for Navy-Commercial Tie-in Hardening, as specified in the funding table in section 4601 of that Act (131 Stat. 2001), shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:
798

Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Clear Space Force Station</td>
<td>$68,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>$7,500,000</td>
</tr>
<tr>
<td></td>
<td>Vandenberg Space Force Base</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Air Force Research Laboratory - Maui Experimental Site #1</td>
<td>$89,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$19,893,000</td>
</tr>
<tr>
<td>New York</td>
<td>Air Force Research Laboratory - Rome Research Site</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Patterson Air Force Base</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$247,600,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$328,000,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Arnold Air Force Base</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio-Randolph</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$84,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F.E. Warren Air Force Base</td>
<td>$186,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hungary</td>
<td>Pápa Air Base</td>
<td>$71,000,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Naval Air Station Keflavik</td>
<td>$94,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$46,500,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$307,000,000</td>
</tr>
<tr>
<td>Jordan</td>
<td>Muwaffaq Salti Air Base</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Norway</td>
<td>Rygge Air Station</td>
<td>$8,200,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Moron Air Base</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Molesworth</td>
<td>$421,000,000</td>
</tr>
</tbody>
</table>
SEC. 2302. FAMILY HOUSING.

(a) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $233,858,000.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,730,000.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.
b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) Air Force Construction and Land Acquisition.—

(1) In general.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section 2301(a) of that Act (131 Stat. 1825), for the projects specified in that table shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) Table.—The table referred to in paragraph (1) is as follows:
801

Air Force: Extension of 2018 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Tyndall Air Force Base</td>
<td>Fire Station</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base San Antonio</td>
<td>BMT Classrooms/Dining</td>
<td>$38,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Camp Bullis Dining Facility</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>F. E. Warren Air Force</td>
<td>Consolidated Helo/TRF Ops/AMU and Alert Fac.</td>
<td>$62,000,000</td>
</tr>
<tr>
<td></td>
<td>Base</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) OVERSEAS CONTINGENCY OPERATIONS.—

(1) IN GENERAL.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section 2903 of that Act (131 Stat. 1876), for the projects specified in that table shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hungary</td>
<td>Kecskemet Air Base</td>
<td>ERI: Airfield Upgrades</td>
<td>$12,900,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ERI: Construct Parallel Taxiway</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ERI: Increase POL Storage Capacity</td>
<td>$12,500,000</td>
</tr>
</tbody>
</table>
Air Force: Extension of 2018 Project Authorizations—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luxembourg</td>
<td>Sanem</td>
<td>ERI: ECAOS Deployable Air-base System Storage</td>
<td>$67,400,000</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Malacky</td>
<td>ERI: Airfield Upgrades</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Malacky</td>
<td>ERI: Increase POL Storage Capacity</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Sliac Airport</td>
<td>ERI: Airfield Upgrades</td>
<td>$22,000,000</td>
</tr>
</tbody>
</table>

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2020 PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA.

In the case of the authorization contained in section 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

(1) for construction of Lodging Facilities Phases 1–2, as specified in the funding table in section 4603 of that Act (133 Stat. 2103) and modified by subsection (a)(7) of section 2306 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat. 4302), the Secretary of the Air Force may construct an emergency backup generator;

(2) for construction of Dorm Complex Phases 1–2, as specified in such funding table and modified by subsection (a)(8) of such section 2306, the Sec-
Secretary of the Air Force may construct two emergency backup generators;

(3) for construction of Site Development, Utilities & Demo Phase 2, as specified in such funding table and modified by subsection (a)(6) of such section 2306, the Secretary of the Air Force may construct—

(A) up to 6,248 lineal meters of storm water utilities;

(B) up to 55,775 square meters of roads;

(C) up to 4,334 lineal meters of gas pipeline; and

(D) up to 28,958 linear meters of electrical;

(4) for construction of Tyndall AFB Gate Complex, as specified in such funding table and modified by subsection (a)(9) of such section 2306, the Secretary of the Air Force may construct up to 55,694 square meters of roadway with serpentes; and

(5) for construction of Deployment Center/Flight Line Dining/AAFES, as specified in such funding table and modified by subsection (a)(11) of such section 2306, the Secretary of the Air Force may construct up to 164 square meters of AAFES (Shoppette).
SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 PROJECT AT HILL AIR FORCE BASE, UTAH.

In the case of the authorization contained in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat. 4299) for Hill Air Force Base, Utah, for construction of GBSD Organic Software Sustainment Center, as specified in the funding table in section 4601 of such Act (134 Stat. 4502), the Secretary of the Air Force may construct—

(1) up to 7,526 square meters of surface parking lot in lieu of constructing a 13,434 square meters vehicle parking garage; and

(2) up to 402 square meters of storage igloo.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military
construction projects for the installations or locations inside the United States, and in the amounts, set forth in
the following table:

### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama ........</td>
<td>Redstone Arsenal ..................</td>
<td>$151,000,000</td>
</tr>
<tr>
<td>California ......</td>
<td>Naval Base Coronado ..............</td>
<td>$75,712,000</td>
</tr>
<tr>
<td>Florida ..........</td>
<td>Hurlburt Field ....................</td>
<td>$9,100,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg ........................</td>
<td>$34,470,000</td>
</tr>
<tr>
<td>Texas ...........</td>
<td>Joint Base San Antonio ...........</td>
<td>$58,600,000</td>
</tr>
<tr>
<td>Virginia ........</td>
<td>Dam Neck ..........................</td>
<td>$26,600,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon ..........................</td>
<td>$18,000,000</td>
</tr>
</tbody>
</table>

(b) **Outside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany ......</td>
<td>Baumholder .......................</td>
<td>$149,023,000</td>
</tr>
<tr>
<td>Japan ........</td>
<td>Yokota Air Base ..................</td>
<td>$72,154,000</td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.

(a) **Inside the United States.**—Using amounts appropriated pursuant to the authorization of appropria-
ations in section 2403(a) and available for energy conserva-
tion projects as specified in the funding table in section
4601, the Secretary of Defense may carry out energy con-
servation 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 fol-
lowing table:

**ERCIP Projects: Inside the United States**

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Missile and Space Intelligence Center, Redstone Arsenal</td>
<td>$10,700,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Mountain Warfare Training Center</td>
<td>$25,560,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base Ventura County</td>
<td>$13,360,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station Jacksonville</td>
<td>$2,400,000</td>
</tr>
<tr>
<td></td>
<td>Patrick Space Force Base</td>
<td>$15,700,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Stewart-Hunter Army Airfield</td>
<td>$25,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base Kings Bay</td>
<td>$11,200,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Base Guam</td>
<td>$34,360,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$25,780,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>National Security Agency-Washington, Fort Meade</td>
<td>$23,310,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$31,500,000</td>
</tr>
<tr>
<td></td>
<td>U.S. Army Reserve Center, Conroe</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>National Geospatial-Intelligence Agency Campus East, Fort Belvoir</td>
<td>$1,100,000</td>
</tr>
<tr>
<td></td>
<td>Naval Support Activity Hampton Roads</td>
<td>$22,400,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropta-
tions in section 2403(a) and available for energy conserva-
tion projects as specified in the funding table in section
4601, the Secretary of Defense may carry out energy con-
servation 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 fol-
lowing table:
ERCIP Projects: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonnier</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$780,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Camp Arifjan</td>
<td>$26,850,000</td>
</tr>
</tbody>
</table>

1 SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

18 SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

1 1817), the authorization set forth in the table in subsection (b), as provided in section 2401(b) of that Act (131 Stat. 1829), for the projects specified in that table shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Iwakuni</td>
<td>Construct Bulk Storage Tanks PH 1</td>
<td>$30,800,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>USCG Station; Punta Borinquen</td>
<td>Ramey Unit School Replacement</td>
<td>$61,071,000</td>
</tr>
</tbody>
</table>

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum 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 con-
struction 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 con-
tributions 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 De-
fense may accept military construction projects for the in-
stallations or locations in the Republic of Korea, and in
the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>Quartermaster Laundry/</td>
<td>$24,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dry Cleaner Facility ......</td>
<td></td>
</tr>
<tr>
<td>Army</td>
<td>Camp Humphreys</td>
<td>MILVAN CONNEX Storage Yard</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Navy</td>
<td>Camp Mujuk</td>
<td>Replace Ordnance Storage</td>
<td>$150,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Magazines ..................</td>
<td></td>
</tr>
</tbody>
</table>
### Republic of Korea-Funded Construction Projects—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navy ..........</td>
<td>Fleet Activities</td>
<td>Water Treatment Plant Relocation</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>Chinhae .................</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Force</td>
<td>Ginhae Air Base</td>
<td>Refueling Vehicle Shop</td>
<td>$8,800,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base ....</td>
<td>Combined Air and Space Operations Intelligence</td>
<td>$306,000,000</td>
</tr>
<tr>
<td>Air Force</td>
<td>Osan Air Base ....</td>
<td>Upgrade Electrical Distribution West, Phase 3</td>
<td>$235,000,000</td>
</tr>
</tbody>
</table>

1. **SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CONSTRUCTION PROJECT AT CAMP HUMPHREYS, REPUBLIC OF KOREA.**

   Section 2511 of the Military Construction Authorization Act for Fiscal Year 2022 (division B of Public Law 117–81; 135 Stat. 2177) is amended—

   (1) in subsection (a), by striking “‘(a) AUTHORITY TO ACCEPT PROJECTS.—Pursuant to’” and inserting “Pursuant to”; and

   (2) by striking subsection (b).

### TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

1. **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

   Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may
acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard**

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$63,000,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Camp Robinson</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>New Castle</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Gainesville</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Palm Coast</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kapolei</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Atlanta</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>West Des Moines</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>New Ulm</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Reno</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Troy</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>McLeansville</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Camp Umatilla</td>
<td>$14,243,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Arroyo</td>
<td>$28,602,000</td>
</tr>
<tr>
<td></td>
<td>Camp Santiago</td>
<td>$161,337,000</td>
</tr>
<tr>
<td></td>
<td>San Juan</td>
<td>$64,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Buckhannon</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Camp Guernsey</td>
<td>$19,500,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:
812

Army Reserve

<table>
<thead>
<tr>
<th>State or Territory</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Perrine</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Fort Buchanan</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Yakima</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Port McCoy</td>
<td>$64,000,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Marine Corps Base Kaneohe Bay</td>
<td>$102,600,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Forces Reserve Dam Neck Virginia Beach</td>
<td>$10,400,000</td>
</tr>
</tbody>
</table>

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force
may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Birmingham International Airport</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Montgomery Regional Airport</td>
<td>$9,200,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Morris Air National Guard Base</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Tucson International Airport</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville International Airport</td>
<td>$22,200,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Fort Wayne International Airport</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>McGhee-Tyson Airport</td>
<td>$23,800,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Quonset State Airport</td>
<td>$35,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>McLaughlin Air National Guard Base</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

**SEÇ. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Air Force Reserve**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$10,500,000</td>
</tr>
</tbody>
</table>
SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

SEC. 2607. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorizations set forth in the table in subsection (b), as provided in section 2604 of that Act (131 Stat. 1836), for the projects specified in that table shall remain in effect until October 1, 2023, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:
Army National Guard: Outside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Original Authorized Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana ........</td>
<td>Hulman Regional Airport .......</td>
<td>Construct Small Arms Range ..........</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Joe Foss Field ....</td>
<td>Aircraft Maintenance Shops ..........</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Wisconsin ......</td>
<td>Dane County Regional/Airport Truax Field ....</td>
<td>Construct Small Arms Range ..........</td>
<td>$8,000,000</td>
</tr>
</tbody>
</table>

SEC. 2608. CORRECTIONS TO AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2022 PROJECTS.

The table in section 2601 of the Military Construction Authorization Act Fiscal Year 2022 (division B of Public law 117–81; 135 Stat. 2178) is amended—

(1) in the item relating to Redstone Arsenal, Alabama, by striking “Redstone Arsenal” and inserting “Huntsville”;

(2) in the item relating to Jerome National Guard Armory, Idaho, by striking “National Guard Armory”;

(3) in the item relating to Nickell Memorial Armory Topeka, Kansas, by striking “Nickell Memorial Armory”;

(4) in the item relating to Lake Charles National Guard Readiness Center, Louisiana, by striking “National Guard Readiness Center”;

(5) in the item relating to Camp Grayling, Michigan, by striking “Camp”;
(6) in the item relating to Butte Military Entrance Testing Site, Montana, by striking “Military Entrance Testing Site”;

(7) in the item relating to Mead Army National Guard Readiness Center, Nebraska, by striking “Army National Guard Readiness Center” and inserting “Training Site”;

(8) in the item relating to Dickinson National Guard Armory, North Dakota, by striking “National Guard Armory”;

(9) in the item relating to Bennington National Guard Armory, Vermont, by striking “National Guard Armory”; and

(10) in the item relating to Camp Ethan Allen Training Site, Vermont, by striking “Camp Ethan Allen Training Site” and inserting “Ethan Allen Air Force Base TS”.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an 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.

Section 2663(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking “$750,000” and inserting “$6,000,000”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(4) in paragraph (2), as redesignated by paragraph (3), by striking “unless the total cost is not more than $750,000, in the case of an acquisition under paragraph (1), or $1,500,000, in the case of an acquisition under paragraph (2)” and inserting “unless the total cost is not more than $6,000,000”.
SEC. 2802. CLARIFICATION OF EXCEPTIONS TO LIMITATIONS ON COST VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Subparagraph (D) of section 2853(c)(1) of title 10, United States Code, is amended to read as follows:

“(D) The Secretary concerned may not use the authority provided by subparagraph (A) to waive the cost limitation applicable to a military construction project with a total authorized cost greater than $500,000,000 or a military family housing project with a total authorized cost greater than $500,000,000 if that waiver would increase the project cost by more than 50 percent of the total authorized cost of the project.”.

SEC. 2803. ELIMINATION OF SUNSET OF AUTHORITY TO CONDUCT UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR LAB REVITALIZATION.

Section 2805(d) of title 10, United States Code, is amended by striking paragraph (5).

SEC. 2804. REQUIREMENT FOR INCLUSION OF DEPARTMENT OF DEFENSE FORMS 1391 WITH ANNUAL BUDGET SUBMISSION BY PRESIDENT.

Concurrently with the submission to Congress by the President of the annual budget of the Department of Defense for a fiscal year under section 1105(a) of title 31, 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
13 (1) determine whether the Executive order
14 would cause a cost or scope of work variation for a
15 military construction project under the jurisdiction
16 of the Secretary concerned; and
17
18 (2) update the Department of Defense Form
19 1391 for each military construction project under
20 the jurisdiction of the Secretary concerned that
21 would be impacted by such cost or scope of work
22 variation that has not been submitted to Congress
23 for consideration, including—
24
25 (A) projects for the next fiscal year; and
26
27 (B) projects covered by the future-years
28 defense program submitted under section 221
29 of title 10, United States Code.
(b) Notification to Congress.—Not later than 10 days after determining under subsection (a)(1) that an Executive order would cause a cost or scope of work variation for a military construction project, the Secretary concerned shall submit to the congressional defense committees a report indicating all military construction projects under the jurisdiction of the Secretary concerned with respect to which costs would increase due to the Executive order.

(c) Certification.—Before the submission to Congress of the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code, each Secretary concerned shall certify to Congress that each Department of Defense Form 1391 provided to Congress for that fiscal year for a military construction project has been updated with any cost or scope of work variation specified in subsection (a)(1) caused by an Executive order signed during the four-year period preceding such certification, including an indication of any cost increases for such project that is directly attributable to such Executive order.

(d) Secretary Concerned Defined.—In this section, the term “Secretary concerned” has the meaning given that term in section 101 of title 10, United States Code.
SEC. 2806. EXTENSION OF AUTHORIZATION OF DEPOT WORKING CAPITAL FUNDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION.

Section 2208(u)(4) of title 10, United States Code, is amended by striking “September 30, 2023”, and inserting “September 30, 2025”.

SEC. 2807. TEMPORARY INCREASE OF AMOUNTS IN CONNECTION WITH AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION.

For the period beginning on the date of the enactment of this Act and ending on December 1, 2025, section 2805 of title 10, United States Code, shall be applied and administered—

(1) in subsection (a)(2), by substituting “$9,000,000” for “$6,000,000”;

(2) in subsection (c), by substituting “$4,000,000” for “$2,000,000”; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by substituting “$9,000,000” for “$6,000,000”; and

(ii) in subparagraph (B), by substituting “$9,000,000” for “$6,000,000”; and
B) in paragraph (2), by substituting “$9,000,000” for “$6,000,000”; and

(4) in subsection (f)(1), by substituting “$14,000,000” for “$10,000,000”.

SEC. 2808. ELECTRICAL CHARGING CAPABILITY CONSTRUCTION REQUIREMENTS RELATING TO PARKING FOR FEDERAL GOVERNMENT MOTOR VEHICLES.

(a) IN GENERAL.—If the Secretary concerned develops plans for a project to construct any facility that includes or will include parking for covered motor vehicles, the Secretary concerned shall include in any Department of Defense Form 1391, or successor form, submitted to Congress for that project—

(1) the provision of electric vehicle charging capability at the facility adequate to provide electrical charging, concurrently, for not less than 15 percent of all covered motor vehicles planned to be parked at the facility;

(2) the inclusion of the cost of constructing such capability in the overall cost of the project; and

(3) an analysis of whether a parking structure or lot will be the primary charging area for covered motor vehicles or if another area, such as public
works or the motor pool, will be the primary charging area.

(b) DEFINITIONS.—In this section:

(1) COVERED MOTOR VEHICLE.—The term “covered motor vehicle” means a Federal Government motor vehicle, including a motor vehicle leased by the Federal Government.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of a military department with respect to facilities under the jurisdiction of that Secretary; and

(B) the Secretary of Defense with respect to matters concerning the Defense Agencies and facilities of a reserve component owned by a State rather than the United States.

SEC. 2809. USE OF INTEGRATED PROJECT DELIVERY CONTRACTS.

(a) IN GENERAL.—In fiscal year 2023, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each enter into at least one integrated project delivery contract for the delivery of a military construction project.

(b) INTEGRATED PROJECT DELIVERY CONTRACT DEFINED.—In this section, the term “integrated project
delivery contract” means a contract, including a multi-
party contract, that—

(1) includes at least the owner, builder, and ar-
chitect engineer; and

(2) shares the risks and rewards among all par-
ties to the contract.

SEC. 2810. EXPANSION OF PILOT PROGRAM ON INCREASED
USE OF SUSTAINABLE BUILDING MATERIALS
IN MILITARY CONSTRUCTION TO INCLUDE
LOCATIONS THROUGHOUT THE UNITED
STATES.

Section 2861(b)(2) of the National Defense Author-
ization Act for Fiscal Year 2022 (Public Law 117–81; 10
U.S.C. 2802 note) is amended, in the matter preceding
subparagraph (A), by striking “continental”.

Subtitle B—Military Housing

SEC. 2821. SPECIFICATION OF ASSISTANT SECRETARY OF
DEFENSE FOR ENERGY, INSTALLATIONS, AND
ENVIRONMENT AS CHIEF HOUSING OFFICER.

Subsection (a) of section 2851a of title 10, United
States Code, is amended to read as follows:

“(a) In General.—The Assistant Secretary of De-
fense for Energy, Installations, and Environment shall
serve as the Chief Housing Officer, who shall oversee fam-
ily housing and military unaccompanied housing under the
SEC. 2822. DEPARTMENT OF DEFENSE MILITARY HOUSING READINESS COUNCIL.

(a) In General.—Chapter 88 of title 10, United States Code, is amended by inserting after section 1781c the following new section:

“§1781d. Department of Defense Military Housing Readiness Council

“(a) In General.—There is in the Department of Defense the Department of Defense Military Housing Readiness Council (in this section referred to as the ‘Council’).

“(b) Members.—

“(1) In General.—The Council shall be composed of the following members:

“(A) The Assistant Secretary of Defense for Energy, Installations, and Environment, who shall serve as chair of the Council and who may designate a representative to chair the Council in the absence of the Assistant Secretary.

“(B) One representative of each of the Army, Navy, Air Force, Marine Corps, and
Space Force, each of whom shall be a member of the armed force to be represented and not fewer than two of which shall be from an enlisted component.

“(C) One spouse of an active component member of each of the Army, Navy, Air Force, Marine Corps, and Space Force, not fewer than two of which shall be the spouse of an enlisted component member.

“(D) One individual appointed by the Secretary of Defense among representatives of the International Code Council.

“(E) One individual appointed by the Secretary of Defense among representatives of the Institute of Inspection Cleaning and Restoration Certification.

“(F) One individual appointed by the Chair of the Committee on Armed Services of the Senate who is not described in subparagraph (B) or (C) and is not a representative of an organization specified in subparagraph (D) or (E).

“(G) One individual appointed by the Ranking Member of the Committee on Armed Services of the Senate who is not described in
subparagraph (B) or (C) and is not a representative of an organization specified in subparagraph (D) or (E).

“(H) One individual appointed by the Chair of the Committee on Armed Services of the House of Representatives who is not described in subparagraph (B) or (C) and is not a representative of an organization specified in subparagraph (D) or (E).

“(I) One individual appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives who is not described in subparagraph (B) or (C) and is not a representative of an organization specified in subparagraph (D) or (E).

“(2) TERMS.—The term on the Council of the members specified under subparagraphs (B) through (H) of paragraph (1) shall be two years and may be renewed by the Secretary of Defense.

“(3) ATTENDANCE BY LANDLORDS.—The chair of the Council shall extend an invitation to each landlord for one representative of each landlord to attend such meetings of the Council as the chair considers appropriate.
“(c) MEETINGS.—The Council shall meet not less often than four times each year.

“(d) DUTIES.—The duties of the Council shall include the following:

“(1) To review and make recommendations to the Secretary of Defense regarding policies for privatized military housing, including inspections practices, resident surveys, landlord payment of medical bills for residents of housing units that have not maintained minimum standards of habitability, and access to maintenance work order systems.

“(2) To monitor compliance by the Department with and effective implementation by the Department of statutory improvements to policies for privatized military housing, including the Military Housing Privatization Initiative Tenant Bill of Rights developed under section 2890 of this title and the complaint database established under section 2894a of this title.

“(3) To make recommendations to the Secretary of Defense to improve collaboration, awareness, and promotion of accurate and timely information about privatized military housing, accommodations available through the Exceptional Family Member Program of the Department of Defense,
and other support services among policymakers, service providers, and targeted beneficiaries.

“(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.

“(2) **Minutes.**—

“(A) **In General.**—Detailed minutes of each meeting of the Council shall be kept and shall contain—

“(i) a record of the individuals present;

“(ii) a complete and accurate description of matters discussed and conclusions reached; and

“(iii) copies of all reports received, issued, or approved by the Council.
“(B) CERTIFICATION.—The chair of the Council shall certify the accuracy of the minutes of each meeting of the Council.

“(f) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not later than March 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on privatized military housing readiness.

“(2) ELEMENTS.—Each report under this subsection shall include the following:

“(A) An assessment of the adequacy and effectiveness of the provision of privatized military housing and the activities of the Department of Defense in meeting the needs of military families relating to housing during the preceding fiscal year.

“(B) A description of activities of the Council during the preceding fiscal year, including—

“(i) analyses of complaints of tenants of housing units;

“(ii) data received by the Council on maintenance response time and completion of maintenance requests relating to housing units;
'“(iii) assessments of dispute resolution processes;
“(iv) assessments of overall customer service for tenants;
“(v) assessments of results of housing inspections conducted with and without notice;
“(vi) any survey results conducted on behalf of or received by the Council.
“(C) Recommendations on actions to be taken to improve the capability of the provision of privatized military housing and the activities of the Department of Defense to meet the needs and requirements of military families relating to housing, including actions relating to the allocation of funding and other resources.
“(3) PUBLIC AVAILABILITY.—Each report under this subsection shall be made available in a publicly accessible format on a website of the Department of Defense.
“(g) DEFINITIONS.—In this section:
“(1) LANDLORD.—The term ‘landlord’ has the meaning given that term in section 2871 of this title.
'“(2) Privatized military housing.—The term ‘privatized military housing’ means housing provided under subchapter IV of chapter 169 of this title.”.'
“(1) A notification that mold could be present in the housing unit.

“(2) An instruction that any tenant that discovers mold in the housing unit should notify the landlord not later than 48 hours after discovering mold.

“(3) Information regarding the human health effects of mycotoxins.”.

(b) Clerical Amendment.—The table of sections for such subchapter is amended by inserting after the item relating to section 2890 the following new item:

“2890a. Disclosure of potential presence of mold and health effects of mycotoxins.”.

SEC. 2824. IMPLEMENTATION OF RECOMMENDATIONS FROM AUDIT OF MEDICAL CONDITIONS OF RESIDENTS IN PRIVATIZED MILITARY HOUSING.

Not later than March 1, 2023, the Secretary of Defense shall implement the recommendations contained in the report of the Inspector General of the Department of Defense dated April 1, 2022, and entitled, “Audit of Medical Conditions of Residents in Privatized Military Housing” (DODIG–2022–078).
Subtitle C—Land Conveyances

SEC. 2841. CONVEYANCE, JOINT BASE CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force (in this section referred to as the “Secretary”) may convey to the City of North Charleston, South Carolina (in this section referred to as the “City”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 26 acres known as the Old Navy Yard at Joint Base Charleston, South Carolina, for the purpose of permitting the City to use the property for economic development.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to not less than the fair market value, as determined by the Secretary, based on an appraisal of the property to be conveyed under such subsection, which may consist of cash payment, in-kind consideration as described under paragraph (3), or a combination thereof.

(2) SUFFICIENCY OF CONSIDERATION.—

(A) IN GENERAL.—Consideration paid to the Secretary under paragraph (1) must be suf-
cient, as determined by the Secretary, to pro-
vide replacement space for, and for the reloca-
tion of, any personnel, furniture, fixtures, 
equipment, and personal property of any kind 
belonging to any military department located 
upon the property to be conveyed under sub-
section (a).

(B) COMPLETION PRIOR TO CONVEY-
ANCE.—Any cash consideration must be paid in 
full and any in-kind consideration must be com-
plete, useable, and delivered to the satisfaction 
of the Secretary at or prior to the conveyance 
under subsection (a).

(3) IN-KIND CONSIDERATION.—In-kind consid-
eration paid by the City under paragraph (1) may 
include the acquisition, construction, provision, im-
provement, maintenance, repair, or restoration (in-
cluding environmental restoration), or combination 
thereof, of any facilities or infrastructure with prox-
imity to Joint Base Charleston Weapons Station 
(South Annex) and located on Joint Base Charles-
ton, that the Secretary considers acceptable.

(4) TREATMENT OF CASH CONSIDERATION RE-
CEIVED.—Any cash consideration received by the 
United States under paragraph (1) shall be depos-
837

ited in the special account in the Treasury under
subparagraph (A) of section 572(b)(5) of title 40,
United States Code, and shall be available in accord-
ance with subparagraph (B)(ii) of such section.

c) Payment of Costs of Conveyance.—

(1) Payment required.—

(A) In general.—The Secretary may re-
quire the City to cover all costs to be incurred
by the Secretary, or to reimburse the Secretary
for costs incurred by the Secretary, to carry out
the conveyance under subsection (a), including
survey costs, appraisal costs, costs related to
environmental documentation, and any other
administrative costs related to the conveyance.

(B) Refund of amounts.—If amounts
paid by the City to the Secretary in advance ex-
ceed the costs actually incurred by the Sec-
retary to carry out the conveyance under sub-
section (a), the Secretary shall refund the ex-
cess amount to the City.

(2) Treatment of amounts received.—
Amounts received under paragraph (1) as reim-
bursement for costs incurred by the Secretary to
carry out the conveyance under subsection (a) shall
be credited to the fund or account that was used to
cover the costs incurred by the Secretary in carrying out the conveyance or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to all valid existing rights and the City shall accept the property (and any improvements thereon) in its condition at the time of the conveyance (commonly known as a conveyance “as is”).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(g) OLD NAVY YARD DEFINED.—In this section, the term “Old Navy Yard” includes the facilities used by the Naval Information Warfare Center Atlantic, including
buildings 1602, 1603, 1639, 1648, and such other facilities, infrastructure, and land along or near the Cooper River waterfront at Joint Base Charleston as the Secretary considers appropriate.

Subtitle D—Other Matters

SEC. 2861. INTEGRATED MASTER INFRASTRUCTURE PLAN TO SUPPORT DEFENSE OF GUAM.

(a) Update of Plan and Report.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the heads of such Federal agencies as the Secretary considers pertinent—

(1) update the plan detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure, if any, on Guam affected by the realignment of forces, required by section 2822 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66), to reflect current and future plans for the introduction of additional military and supporting nonmilitary capabilities on the island; and

(2) submit to the congressional defense committees a report on the updates made under paragraph (1).
(b) MATTERS INCLUDED.—In preparing the update required by subsection (a)(1), the Secretary shall ensure that, at a minimum, the resulting updated plan addresses:

(1) necessary improvements to the existing civilian electrical power grid and electric power generation capabilities to ensure that the expected increase in Department of Defense power requirements can be satisfied without adversely affecting the general population;

(2) opportunities for increasing energy resilience for Department of Defense facilities and reducing expected demands on civilian resources;

(3) expediting the ability to remove unexploded ordinance during construction;

(4) required enhancements to potable water supplies and sewer systems to sustain expected increases in Department of Defense employees, military, supporting personnel, and dependents;

(5) needed civilian roadway rehabilitation efforts and enhancements to support increased traffic and heavy equipment movements;

(6) advisable commercial airport and seaport rehabilitation and capacity expansion projects that could improve logistical effectiveness and efficiency;
(7) expanded public safety infrastructure needs
to provide adequate fire and police services for ex-
pected increases in Department of Defense employ-
ees, military, supporting personnel, and dependents;
(8) projected timelines for completion and an-
ticipated phasing for projects; and
(9) other topics the Secretary deems appro-
priate to include.

(e) Form.—The report submitted under subsection
(a)(2) shall be submitted in unclassified form, but may
include a classified annex.

SEC. 2862. REPEAL OF REQUIREMENT FOR INTERAGENCY
COORDINATION GROUP OF INSPECTORS GENERAL
FOR GUAM REALIGNMENT.

Section 2835 of the Military Construction Authoriza-
tion Act for Fiscal Year 2010 (division B of Public Law
111–84; 10 U.S.C. 2687 note) is repealed.

SEC. 2863. TEMPORARY AUTHORITY FOR ACCEPTANCE AND
USE OF FUNDS FOR CERTAIN CONSTRUCTION
PROJECTS IN THE REPUBLIC OF KOREA.

Section 2863 of the National Defense Authorization
Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
1899) is amended—
(1) in the section heading, by striking “MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND” and inserting “IN”;

(2) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking “cash”; and

(B) in subparagraph (B), by inserting “and construction” after “The design”;

(3) in subsection (b), by striking “Contributions” and inserting “Cash contributions”; and

(4) by amending subsection (e) to read as follows:

“(e) METHOD OF CONTRIBUTION.—Contributions may be accepted under subsection (a) in any of the following forms:

“(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

“(2) Drawing rights on a commercial bank account established and funded by the Republic of Korea, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

“(3) Cash, which shall be deposited into the account established under subsection (b).”.
SEC. 2864. MODIFICATION OF QUITCLAIM DEED BETWEEN
THE UNITED STATES AND THE CITY OF CLINTON, OKLAHOMA.

(a) In General.—The Secretary of Defense shall
abrogate and release the City of Clinton, Oklahoma, or
any subsequent grantee, from the conditions specified in
subsection (b) for the land specified in subsection (d).

(b) Conditions Specified.—The conditions speci-

fied in this subsection are the following:

(1) That during any national emergency de-

clared by the President or Congress, the Department
of Defense shall have the right to make exclusive or
nonexclusive use and have exclusive or nonexclusive
control and possession, without charge, of the air-
port located on the land specified in subsection (d),
or of such portion thereof as the President may de-
sire.

(2) That the Department of Defense shall be

responsible for the entire cost of maintaining such
part of the airport as it may use exclusively, or over
which it may have exclusive possession or control,
during the period of such use, possession, or control,
and shall be obligated to contribute a reasonable
share, commensurate with the use made by it, of the
cost of maintenance of such property as it may use
nonexclusively or over which it may have nonexclusive control and possession.

(3) That the Department of Defense shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without aid from the Department.

(c) Payment of Costs.—The City of Clinton, Oklahoma, or any subsequent grantee, shall pay all costs related to any survey, legal description, contract modification, or deed modification necessary to carry out subsection (a).

(d) Land Specified.—The land specified in this subsection—

(1) is the land owned or maintained by the Department of Defense that is—

(A) adjacent to the City of Clinton Spaceport covered within the quitclaim deed dated January 27, 1949, between the United States and the City of Clinton, Oklahoma;

(B) east of the Clinton Sherman Airport with—

(i) northern boundary of Sooner Drive between 7th Street and 2nd Street;
(ii) southern boundary of East 1160 Road extending from 2nd Street past Little Elk Creek;

(iii) western boundary running parallel to 2nd Street; and

(iv) western boundary extending past Little Elk Creek to Woodland Street; and

(C) encompassing the Greens Burns Flat Golf Course; and

(2) does not include—

(A) the Clinton Sherman Airport or runway; or

(B) any land west of 2nd Street adjacent to the Oklahoma Space Industry Development Authority maintenance building or its surrounding support west of 2nd Street.

SEC. 2865. PROHIBITION ON JOINT USE OF HOMESTEAD AIR RESERVE BASE WITH CIVIL AVIATION.

On or before September 30, 2026, the Secretary of the Air Force may not enter into an agreement that would provide for or permit the joint use of Homestead Air Reserve Base, Homestead, Florida, by the Air Force and civil aircraft.
SEC. 2866. INCLUSION OF INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS IN DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM.

Section 2391(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) In selecting community infrastructure projects to receive assistance under this subsection, the Secretary shall consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1985).”.

SEC. 2867. PROCUREMENT OF ELECTRIC, ZERO EMISSION, ADVANCED-BIOFUEL-POWERED, OR HYDROGEN-POWERED VEHICLES FOR THE DEPARTMENT OF DEFENSE.

(a) PROCUREMENT REQUIREMENT.—

(1) IN GENERAL.—Section 2922g of title 10, United States Code, is amended to read as follows:
§ 2922g. Procurement of electric, zero emission, advanced-biofuel-powered, or hydrogen-powered vehicles

(a) Requirement.—Except as provided in subsection (b), all covered nontactical vehicles purchased or leased by or for the use of the Department of Defense shall be—

“(1) an electric or zero emission vehicle that uses a charging connector type (or other means to transmit electricity to the vehicle) that meets applicable industry accepted standards for interoperability and safety;

“(2) an advanced-biofuel-powered vehicle; or

“(3) a hydrogen-powered vehicle.

(b) Relation to Other Vehicle Technologies That Reduce Consumption of Fossil Fuels.—Notwithstanding the requirement under subsection (a), the Secretary of Defense may authorize the purchase or lease of covered nontactical vehicles that are not described in such subsection if the Secretary determines, on a case by case basis, that—

“(1) the technology used in the vehicles to be purchased or leased reduces the consumption of fossil fuels compared to vehicles that use conventional internal combustion technology;
“(2) the purchase or lease of such vehicles is consistent with the energy performance goals and plan of the Department of Defense required by section 2911 of this title; and

“(3) the purchase or lease of vehicles described in subsection (a) is impracticable under the circumstances.

“(c) WAIVER.—

“(1) IN GENERAL.—The Secretary of Defense may waive the requirement under subsection (a).

“(2) NONDELEGATION.—The Secretary of Defense may not delegate the waiver authority under paragraph (1).

“(d) DEFINITIONS.—In this section:

“(1) ADVANCED-BIOFUEL-POWERED VEHICLE.—The term ‘advanced-biofuel-powered vehicle’ includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2202 (7 U.S.C. 8101(3)(A)).

“(2) COVERED NONTACTICAL VEHICLE.—The term ‘covered nontactical vehicle’ means any vehicle—

“(A) that is not a tactical vehicle designed for use in combat; and
“(B) that is purchased or leased by the Department of Defense pursuant to a contract entered into, renewed, modified, or amended on or after October 1, 2030.

“(3) HYDROGEN-POWERED VEHICLE.—The term ‘hydrogen-powered vehicle’ means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 173 of such title is amended by striking the item relating to section 2922g and inserting the following new item:

“2922g. Procurement of electric, zero emission, advanced-biofuel-powered, or hydrogen-powered vehicles.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2030.
SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 23–D–516, Energetic Materials Characterization Facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $19,000,000.
Project 23–D–517, Electrical Power Capacity Upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $24,000,000.


Project 23–D–533, Component Test Complex Project, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $57,420,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:
Project 23–D–402, Calcine Construction, Idaho National Laboratory, Idaho Falls, Idaho, $10,000,000.


Project 23–D–404, 181D Export Water System Reconfiguration and Upgrade, Hanford Site, Richland, Washington, $6,770,000


SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2023 for nuclear energy as specified in the funding table in section 4701.
Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. WORKFORCE ENHANCEMENT FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Fixed-term Appointment for Administrator for Nuclear Security.—

(1) In general.—Section 202(c) of the Department of Energy Organization Act (42 U.S.C. 7132(c)) is amended—

(A) in paragraph (1)—

(i) by inserting “(A)” after “(1)”;

(ii) by striking “shall be appointed” and all that follows through “Code.” and inserting the following: “shall—

“(i) be appointed by the President, by and with the advice and consent of the Senate; and

“(ii) serve—

“(I) except as provided in subclause (II), for a term of not more than 5 years; or

“(II) until a successor is appointed, by and with the advice and consent of the Senate.”; and
(iii) by adding at the end the following:

“(B) A person appointed to serve as the Under Secretary for Nuclear Security may continue to serve in that position after the expiration of the person’s term under subparagraph (A)(ii) until a successor is appointed, by and with the advice and consent of the Senate.”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Under Secretary for Nuclear Security shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to an individual appointed to serve as the Under Secretary for Nuclear Security on or after January 20, 2023.

(b) REPEAL OF CAP ON FULL-TIME EQUIVALENT EMPLOYEES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.—

(1) IN GENERAL.—Section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a) is repealed.
(2) **CLERICAL AMENDMENT.**—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3241A.

**SEC. 3112. ACCELERATION OF DEPLETED URANIUM MANUFACTURING PROCESSES.**

(a) **ACCELERATION OF MANUFACTURING.**—The Administrator for Nuclear Security shall require the nuclear security enterprise to accelerate the modernization of manufacturing processes for depleted uranium so that the nuclear security enterprise—

(1) by not later than 2026—

(A) demonstrates bulk cold hearth melting of depleted uranium to replace existing technologies; and

(B) manufactures, on a repeatable and ongoing basis, war reserve depleted uranium components using net shape casting; and

(2) by not later than 2028, produces bulk depleted uranium using cold hearth melting on an operational basis for war reserve components.

(b) **OPERATION OF MANUFACTURING FACILITY.**—

(1) **ACQUISITION OF FACILITY.**—By not later than 2026, the Administrator shall demonstrate, if possible through the use of leased real estate op-
tions, a production facility for manufacturing de-
pleted uranium components outside the current pe-
rimeter security fencing of the Y–12 National Secu-

rity Complex, Oak Ridge, Tennessee.

(2) OPERATION.—The Administrator shall en-
sure that, by not later than 2029, the facility ac-
quired under paragraph (1) conducts routine oper-
ations for the manufacture of war reserve compo-

tents.

(c) CONVERSION OF DEPLETED URANIUM

HEXAFLUORIDE TO DEPLETED URANIUM TETRA-

FLUORIDE.—The Administrator shall ensure that the nu-

clear security enterprise—

(1) by not later than 2026, demonstrates the

conversion of depleted uranium hexafluoride to de-

pleted uranium tetrafluoride;

(2) by not later than 2028, converts depleted

uranium hexafluoride to depleted uranium tetra-

fluoride on an operational basis; and

(3) by not later than 2030, has available high

purity depleted uranium for the production of war

reserve components.

(d) BRIEFING.—Not later than March 31, 2023, and

annually thereafter through 2030, the Administrator shall

brief the congressional defense committees on—
(1) progress made in carrying out subsections (a), (b), and (e);
(2) the cost of activities conducted under such subsections during the preceding fiscal year; and
(3) the ability of the nuclear security enterprise to convert depleted uranium fluoride hexafluoride to depleted uranium tetrafluoride.

(e) Nuclear Security Enterprise Defined.—In this section, the term “nuclear security enterprise” has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3113. CERTIFICATION OF COMPLETION OF MILESTONES WITH RESPECT TO PLUTONIUM PIT AGING.

(a) In General.—The National Nuclear Security Administration shall complete the milestones on plutonium pit aging identified in the report entitled “Research Program Plan for Plutonium and Pit Aging”, published by the Administration in September 2021.

(b) Annual Assessment.—The Administrator for Nuclear Security shall seek to enter into an arrangement with the private scientific advisory group known as JASON to conduct, annually through 2030, an assessment of the progress achieved toward completing the milestones described in subsection (a).
(c) Briefing of Congressional Defense Committees.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter until 2030, the Administrator shall brief the congressional defense committees on—

(1) the progress achieved toward completing the milestones described in subsection (a); and

(2) the results of the assessment described in subsection (b).

(d) Certification of Completion of Milestones.—

(1) In General.—Not later than October 1, 2031, the Administrator shall certify to the congressional defense committees whether the milestones described in subsection (a) have been achieved.

(2) Justification for Incomplete Milestones.—If the milestones described in subsection (a) have not been achieved, the Administrator shall submit to the congressional defense committees, concurrently with the certification required by paragraph (1), a report—

(A) describing the reasons such milestones have not been achieved;

(B) including, if the Administrator determines the Administration will not be able to
meet one of such milestones, an explanation for that determination; and

(C) specifying new dates for the completion of the milestones the Administrator anticipates the Administration will meet.

SEC. 3114. ASSISTANCE BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO THE AIR FORCE FOR THE DEVELOPMENT OF THE MARK 21A FUSE.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the Secretary of the Air Force under which the Administrator shall provide assistance to the Air Force in developing a fuse for the Mark 21A reentry vehicle to support the W87–1 warhead over the projected lifetime of the warhead, including by—

(1) acting as an external reviewer of the Mark 21A fuse, including by reviewing—

(A) the design of the fuse;

(B) the quality of manufacturing and parts; and

(C) the life availability of components;
(2) advising and supporting the Air Force on strategies to mitigate technical and schedule fuse risks; and

(3) otherwise ensuring the expertise of the National Nuclear Security Administration in fuse and warhead design and manufacturing is available to support successful development and sustainment of the fuse over its lifetime.

(b) BUDGET REQUEST.—The Administrator shall include, in the budget justification materials submitted to Congress in support of the budget of the Department of Energy for fiscal year 2024 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a request for amounts sufficient to ensure that the assistance provided to the Air Force under the agreement required by subsection (a) does not negatively affect ongoing nuclear modernization programs of the Administration.

(c) NUCLEAR WEAPONS COUNCIL REVIEW.—The Nuclear Weapons Council established under section 179 of title 10, United States Code, shall review the agreement required by subsection (a) and ensure that assistance provided under such agreement aligns with ongoing programs of record between the Department of Defense and the Administration.
(d) Transmittal of Agreement.—Not later than 120 days after the date of the enactment of this Act, the Nuclear Weapons Council shall transmit to the congressional defense committee the agreement required by subsection (a) and any comments that the Council considers appropriate.

SEC. 3115. EXTENSION OF DEADLINE FOR TRANSFER OF PARCELS OF LAND TO BE CONVEYED TO LOS ALAMOS COUNTY, NEW MEXICO.

(a) Environmental Restoration.—If the Secretary of Energy, under any authority granted by law, determines that a covered parcel of land requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the covered parcel of land not later than September 30, 2032, and otherwise in compliance with such authority.

(b) Conveyance or Transfer.—If the Secretary, under any authority granted by law, determines that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a covered parcel of land by September 30, 2032, the Secretary may not convey or transfer the covered parcel of land.

(c) Covered Parcel of Land Defined.—The term “covered parcel of land” means a parcel of land—
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(1) under the jurisdiction or administrative con-

trol of the Secretary of Energy;

(2) located at or in the vicinity of Los Alamos

National Laboratory, Los Alamos, New Mexico; and

(3) that the Secretary identified, in a report

submitted to the congressional defense committees

before the date of the enactment of this Act, as suit-
able for conveyance or transfer to Los Alamos Coun-
ty.

SEC. 3116. USE OF ALTERNATIVE TECHNOLOGIES TO ELIMI-

NATE PROLIFERATION THREATS AT VULNER-

ABLE SITES.

Section 4306B of the Atomic Energy Defense Act (50

U.S.C. 2569) is amended—

(1) in subsection (c)(1)(M)(ii), by inserting

“(including through the use of alternative tech-

nologies)” after “convert”; and

(2) in subsection (g), by adding at the end the

following new paragraph:

“(7) The term ‘alternative technologies’ means

technologies, such as accelerator-based equipment,

that do not use radiological materials.”.
SEC. 3117. UPDATE TO PLAN FOR DEACTIVATION AND DECOMMISSIONING OF NONOPERATIONAL DEFENSE NUCLEAR FACILITIES.

Section 4423 of the Atomic Energy Defense Act (50 U.S.C. 2603) is amended—

(1) by striking “even-numbered” each place it appears and inserting “odd-numbered”;

(2) by striking “2016” each place it appears and inserting “2023”;

(3) in subsection (e)—

(A) by striking “2019” and inserting “2025”; and

(B) by striking “determines—” and all that follows and inserting “determines are non-operational as of September 30, 2022.”;

(4) in subsection (d)(4), by striking “2018” and inserting “2024”; and

(5) in subsection (e), by striking “2026” and inserting “2031”.

Subtitle C—Budget and Financial Management Matters

SEC. 3121. MODIFICATION OF COST BASELINES FOR CERTAIN PROJECTS.

Section 4713(a) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)) is amended—
(1) in paragraph (2)(D), by striking “$750,000,000” and inserting “$960,000,000 (in base fiscal year 2022 dollars)”;
(2) in paragraph (3)(A)(i), by striking “$50,000,000” and inserting “$65,000,000 (in base fiscal year 2022 dollars)”; and
(3) in paragraph (4)(A)(i), by striking “$50,000,000” and inserting “$65,000,000 (in base fiscal year 2022 dollars)”.

SEC. 3122. UNAVAILABILITY FOR OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) In General.—Section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792) is amended by adding at the end the following new subsection:

“(c) Limitation on Use of Funds for Overhead.—A national security laboratory may not use funds made available under section 4811(c) to cover the costs of general and administrative overhead for the laboratory.”.

(b) Repeal of Pilot Program.—Section 3119 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C. 2791 note) is repealed.
SEC. 3123. PURCHASE OF REAL PROPERTY OPTIONS.

(a) IN GENERAL.—Subtitle E of the National Nuclear Security Administration Act (50 U.S.C. 2461 et seq.) is amended by adding at the end the following new section:

“SEC. 3265. USE OF FUNDS FOR THE PURCHASE OF OPTIONS TO PURCHASE OR LEASE REAL PROPERTY.

“(a) IN GENERAL.—Subject to the limitation in subsection (b), funds authorized to be appropriated for the Administration for the purchase of real property may be expended to purchase options for the purchase or lease of real property.

“(b) LIMITATION ON PRICE OF OPTIONS.—The price of any option purchased pursuant to subsection (a) may not exceed the minor construction threshold (as defined in section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741)).

“(c) NOTICE.—Not later than 14 days after the date an option is purchased pursuant to subsection (a), the Administrator for Nuclear Security shall submit to the congressional defense committees—

“(1) a notification of such purchase; and

“(2) a summary of the rationale for such purchase.”.
(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 3264 the following 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 COST ELEMENTS.

(a) IN GENERAL.—Not later than March 31, 2025, the Deputy Chief Financial Officer of the Department of Energy shall, in consultation with the Administrator for Nuclear Security and the Director of the Office of Science, determine standardized indirect cost elements to be reported by contractors to the Administrator.

(b) REPORT.—Not later than 90 days after the date that the determination required by subsection (a) is made, the Deputy Chief Financial Officer shall, in coordination with the Administrator and the Director, submit to the congressional defense committees a report describing the standardized indirect cost elements determined under subsection (a) and a plan to require contractors to report, beginning in fiscal year 2026, such standardized indirect cost elements to the Administrator.

(c) STANDARDIZED INDIRECT COST ELEMENTS DEFINED.—In this section, the term “standardized indirect cost elements” means the categories of indirect costs in-
curred by management and operating contractors that receive funds to perform work for the National Nuclear Security Administration.

SEC. 3125. ADJUSTMENT OF MINOR CONSTRUCTION THRESHOLD.

Section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741) is amended—

(1) in paragraph (1), by inserting “DOE NATIONAL SECURITY AUTHORIZATION.—” before “The”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) MINOR CONSTRUCTION THRESHOLD.—The term ‘minor construction threshold’ means $25,000,000 (in base fiscal year 2021 dollars).”.

SEC. 3126. REQUIREMENTS FOR SPECIFIC REQUEST FOR NEW OR MODIFIED NUCLEAR WEAPONS.

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (a)(1), by inserting “beyond phase 1 or phase 6.1 (as the case may be) of the nuclear weapon acquisition process” after “modified nuclear weapon”; and

(2) by striking subsection (b) and inserting the following new subsection:
“(b) Budget Request Format.—In a request for funds under subsection (a), the Secretary shall include a dedicated line item for each activity described in subsection (a)(2) for a new nuclear weapon or modified nuclear weapon that is in phase 2 or higher or phase 6.2 or higher (as the case may be) of the nuclear weapon acquisition process.”.

SEC. 3127. LIMITATION ON USE OF FUNDS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITY ADVANCED MANUFACTURING DEVELOPMENT.

(a) In General.—Of the funds authorized to be appropriated by this Act for fiscal year 2023 for the National Nuclear Security Administration for advanced manufacturing development, the Administrator for Nuclear Security may authorize an amount, not to exceed 5 percent of such funds, to be used by the director of a nuclear weapons production facility to engage in research, development, and demonstration activities in order to maintain and enhance the engineering and manufacturing capabilities at such facility.

(b) Nuclear Weapons Production Facility Defined.—In this section, the term “nuclear weapons production facility” means any of the following:
(1) The Kansas City National Security Campus, Kansas City, Missouri, and any related satellite location.


(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Site, Aiken, South Carolina.


Subtitle D—Other Matters

SEC. 3131. REPEAL OF OBSOLETE PROVISIONS OF THE ATOMIC ENERGY DEFENSE ACT AND OTHER PROVISIONS.

(a) Repeal of Provisions of the Atomic Energy Defense Act.—

(1) In general.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended—

(A) in title XLII—

(i) in subtitle A, by striking section 4215; and

(ii) in subtitle B, by striking section 4235; and

(B) in title XLIV—
(i) in subtitle A, by striking section 4403;
(ii) in subtitle C, by striking sections 4444, 4445, and 4446; and
(iii) in subtitle D, by striking section 4454.

(2) Clerical Amendment.—The table of contents for the Atomic Energy Defense Act is amended by striking the items relating to sections 4215, 4235, 4403, 4444, 4445, 4446, and 4454.

(b) Repeal of Other Provisions.—


(3) Requirement for Research and Development Plan and Report with Respect to Nuclear Forensics Capabilities.—Section 3114 of

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2023, $41,401,400 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**SEC. 3202. DELEGATION OF AUTHORITY TO CHAIRPERSON OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

Section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended by striking subsection (e) and inserting the following new subsection (e):

“(e) QUORUM.—

“(1) IN GENERAL.—Three members of the Board shall constitute a quorum, but a lesser number may hold hearings.

“(2) DELEGATION OF AUTHORITY.—

“(A) IN GENERAL.—Upon a loss of quorum due to vacancy or incapacity of a member of the Board, the authorities of the Board
under sections 312, 313, 315, and 316 shall be delegated to the Chairperson.

“(B) **TERMINATION OF DELEGATION.**—Any delegation of authority under subparagraph (A) shall terminate upon re-establishment of a quorum.

“(C) **LIMITATIONS ON DELEGATED AUTHORITY.**—If any authority of the Board has been delegated to the Chairperson under subparagraph (A) and a member is serving on the Board with the Chairperson, the Chairperson—

“(i) shall consult with such member before exercising such delegated authority; and

“(ii) may initiate an investigation or issue a recommendation to the Secretary of Energy only with the approval of such member.

“(D) **NOTIFICATION.**—The Board shall notify the congressional defense committees not later than 30 days before any date on which—

“(i) the Board delegates any authority under subparagraph (A);

“(ii) the Chairperson exercises such authority; or
“(iii) the Chairperson initiates an investigation or issues a recommendation to the Secretary of Energy.”

**TITLE XXXV—MARITIME ADMINISTRATION**

**SEC. 3501. MARITIME ADMINISTRATION.**

Section 109 of title 49, United States Code, is amended to read as follows:

“§ 109. Maritime Administration

“(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

“(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

“(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the du-
ties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

“(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

“(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.
“(g) Detailing Officers from Armed Forces.—

To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the Armed Forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer’s pay and allowances as an officer in the Armed Forces, makes the officer’s total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) Contracts, Cooperative Agreements, and Audits.—

“(1) Contracts and Cooperative Agreements.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

“(A) carry out the Secretary’s duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and
“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

“(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—
“(A) acquisition, construction, or reconstruction of vessels;

“(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;

“(H) expenses necessary to carry out part B of subtitle V of title 46; and

“(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.”.
DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(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 commit, 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

(2) comply with other applicable provisions of 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
such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) Applicability to Classified Annex.—This section applies to any classified annex that accompanies this Act.

(e) Oral or Written Communications.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.