

1 **SEC. ____ . COVER ENHANCEMENT AUTHORITIES.**

2 (a) IN GENERAL.—Part II of subtitle A of title 10, United States Code, is amended by
3 inserting after chapter 88 the following new chapter:

4 **“CHAPTER 89—COVER ENHANCEMENT AUTHORITIES**

“Sec.

“1801. Definitions.

“1802. Cover enhancement authority.

“1803. Compensation.

“1804. Retirement benefits.

“1805. Health insurance benefits.

“1806. Life insurance benefits.

“1807. Exemption from certain requirements.

“1808. Taxation and social security.

“1809. Regulations.

“1810. Finality of decisions.

5 **“§ 1801. Definitions**

6 “In this chapter:

7 “(1) The term ‘designated employee or member’ means an employee of the
8 Department of Defense or a member of the armed forces designated by the Secretary of
9 Defense under section 1802(b) of this title.

10 “(2) The term ‘Federal retirement system’ includes the Federal Employees’
11 Retirement System (including the Thrift Savings Plan).

12 “(3) The term ‘military retirement system’ includes military retired pay programs
13 under chapters 61, 63, 65, and 67 of this title and the Survivor Benefit Plan established by
14 chapter 73 of this title.

15 **“§ 1802. Cover enhancement authority**

16 “(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Defense
17 may exercise the authorities under this chapter to protect from unauthorized disclosure—

1 “(1) intelligence operations or other authorized sensitive activities of the
2 Department of Defense;

3 “(2) the identities of undercover officers;

4 “(3) intelligence sources and methods; or

5 “(4) cover mechanisms.

6 “(b) DESIGNATION OF EMPLOYEES AND MEMBERS.—(1) Subject to paragraph (2), the
7 Secretary of Defense may designate any employee of the Department of Defense or member of
8 the armed forces who is under cover to be an employee or a member to whom this chapter
9 applies.

10 “(2) The Secretary of Defense may not designate more than 15 persons under paragraph
11 (1) in a fiscal year unless the Secretary provides notice of the intent to designate more than 15
12 persons in such fiscal year to the congressional defense committees, the Select Committee on
13 Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of
14 Representatives.

15 “(3) A designation may be made under this subsection with respect to any or all
16 authorities exercised under this chapter.

17 “(c) INTERAGENCY COORDINATION AND SUPPORT.—(1) Establishment of any such cover
18 enhancement authority for intelligence operations or other authorized sensitive activities of the
19 Department of Defense shall be pre-coordinated with the Director of the Central Intelligence
20 Agency using procedures mutually agreed upon by the Secretary of Defense and the Director.

21 “(2) A Federal agency may provide support to the Secretary of Defense to facilitate the
22 establishment, administration, or implementation of such a cover enhancement authority under
23 this chapter without regard to any limitation that is otherwise applicable to the provision of

1 compensation or benefits to a Federal employee or member of the armed forces. Such support
2 may be provided on either a reimbursable or nonreimbursable basis.

3 **“§ 1803. Compensation**

4 “The Secretary of Defense may pay a designated employee or member salary,
5 allowances, and other benefits in an amount and in a manner consistent with the cover of that
6 employee or member, without regard to any limitation that is otherwise applicable to a Federal
7 employee or member of the armed forces. A designated employee or member may accept,
8 utilize, and, to the extent authorized by regulations prescribed under this chapter, retain any
9 salary, allowances, and other benefits provided under this chapter.

10 **“§ 1804. Retirement benefits**

11 “(a) ESTABLISHMENT OF RETIREMENT SYSTEM.—The Secretary of Defense may establish,
12 administer, contract for, or implement through another Federal agency a cover retirement system
13 for designated employees and members (and the spouse, former spouses, and survivors of such
14 designated employees and members). A designated employee may not receive credit for service
15 under the retirement system established under this paragraph and another Federal retirement
16 system for the same time period.

17 “(b) CONVERSION TO OTHER FEDERAL RETIREMENT SYSTEM.—A designated employee or
18 member participating in the retirement system established under subsection (a) may convert to
19 coverage under the Federal retirement system or military retirement system that would otherwise
20 apply to such employee or member at any appropriate time determined by the Secretary of
21 Defense (including at the time of separation of service by reason of retirement), if the Secretary
22 of Defense determines that the participation of the employee or member in the retirement system

1 established under this subsection is no longer necessary to protect from unauthorized
2 disclosure—

3 “(A) intelligence operations or other authorized sensitive activities necessary for
4 the national defense that require special security measures;

5 “(B) the identities of undercover officers;

6 “(C) intelligence sources and methods; or

7 “(D) cover mechanisms.

8 “(c) CONVERSION TREATMENT.—Upon a conversion under subsection (b)—

9 “(1) all periods of service under the retirement system established under this
10 section shall be deemed periods of creditable service under the applicable Federal
11 retirement system or military retirement system;

12 “(2) the Secretary of Defense shall transmit an amount for deposit in any
13 applicable fund of that Federal retirement system or military retirement system that—

14 “(A) is necessary to cover all employee or member and agency
15 contributions including—

16 “(i) interest as determined by the head of the agency administering
17 the Federal retirement system or military retirement system into which the
18 employee or member is converting;

19 “(ii) in the case of an employee or member converting into the
20 Federal Employee’s Retirement System interest as determined under
21 section 8334(e) of title 5; or

1 “(iii) in the case of an employee or member converting to a
2 military retirement system, interest as determined under chapter 74 of this
3 title; and

4 “(B) ensures that such conversion does not result in any unfunded liability
5 to that fund; and

6 “(3) in the case of a designated employee or member who participated in an
7 employee or member investment retirement system established under subsection (a) and
8 is converted to coverage under the Federal retirement system or military retirement
9 system, the Secretary of Defense may transmit any or all amounts of that designated
10 employee or member in that employee or military investment retirement system (or
11 similar part of that retirement system) to the Thrift Savings Fund.

12 “(d) TRANSMITTED AMOUNTS.—(1) Amounts described under subsection (c)(2) shall be
13 paid from any fund the Secretary of Defense deems appropriate.

14 “(2) The Secretary of Defense may use amounts contributed by the designated employee
15 or member to a retirement system established under subsection (a) to offset amounts paid under
16 paragraph (1).

17 “(e) RECORDS.—The Secretary of Defense shall transmit all necessary records relating to
18 a designated employee or member who converts to a Federal retirement system or military
19 retirement system under subsection (b) (including records relating to periods of service which are
20 deemed to be periods of creditable service under subsection (c)(1)) to the head of each agency
21 administering that Federal retirement system or military retirement system.

22 “§ 1805. Health insurance benefits

1 “(a) IN GENERAL.—The Secretary of Defense may establish, administer, contract for, or
2 implement through another Federal agency, a cover health insurance program for designated
3 employees and members and eligible family members. A designated employee or member may
4 not participate in the health insurance program established under this section and the program
5 under chapter 89 of title 5 or chapter 55 of this title during the same time period.

6 “(b) CONVERSION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—A designated
7 employee participating in the health insurance program established under subsection (a) may
8 convert to coverage under the program under chapter 89 of title 5, and a designated member
9 participating in the program established under subsection (a) may convert to coverage under the
10 program under chapter 55 of this title or chapter 17 of title 38, at any appropriate time
11 determined by the Secretary of Defense (including at the time of separation of service by reason
12 of retirement), if the Secretary of Defense determines that the participation of the employee or
13 member in the health insurance program established under this subsection is no longer necessary
14 to protect from unauthorized disclosure—

15 “(1) intelligence operations or other authorized sensitive activities necessary for
16 the national defense which requires special security measures;

17 “(2) the identities of undercover officers;

18 “(3) intelligence sources and methods; or

19 “(4) cover mechanisms.

20 “(c) CONVERSION TREATMENT.—Upon a conversion of a designated employee under
21 subsection (b)—

22 “(1) the employee (and family, if applicable) shall be entitled to timely enrollment
23 and coverage under chapter 89 of title 5;

1 “(2) any requirement of prior enrollment in a health benefits plan under chapter
2 89 of title 5 for continuation of coverage purposes shall not apply;

3 “(3) the employee shall be deemed to have had coverage under chapter 89 of title
4 5 from the first opportunity to enroll for purposes of continuing coverage; and

5 “(4) the Secretary of Defense shall transmit an amount for deposit in the
6 Employees Health Benefits Fund that is necessary to cover any costs of such conversion.

7 “(d) TRANSMITTED AMOUNTS.—Any amount described under subsection (c)(4) shall be
8 paid from any fund the Secretary of Defense deems appropriate.

9 “(e) ELIGIBLE FAMILY MEMBER DEFINED.—In this section, the term ‘eligible family
10 member’ means—

11 “(1) with respect to an employee, a “member of family” as defined in section
12 8901(5) of title 5; and

13 “(2) with respect to a member of the armed forces, a dependent as defined in
14 section 1072 of this title.

15 **“§ 1806. Life insurance benefits**

16 “(a) IN GENERAL.—The Secretary of Defense may establish, administer, contract for, or
17 implement through another Federal agency, a cover life insurance program for designated
18 employees and members (and the family of such designated employees or members). A
19 designated employee or member may not participate in the life insurance program established
20 under this section and the program under chapter 87 of title 5 for the same time period.

21 “(b) CONVERSION TO FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM.—A
22 designated employee participating in the life insurance program established under subsection (a)
23 may convert to coverage under the program under chapter 87 of title 5, and a designated member

1 participating in the life insurance program established under subsection (a) may convert to
2 coverage under the program under chapter 19 of title 38 , at any appropriate time determined by
3 the Secretary of Defense (including at the time of separation of service by reason of retirement),
4 if the Secretary of Defense determines that the participation of the employee or member in the
5 life insurance program established under this section is no longer necessary to protect from
6 unauthorized disclosure—

7 “(1) intelligence operations or other authorized sensitive activities necessary for
8 the national defense which requires special security measures;

9 “(2) the identities of undercover officers;

10 “(3) intelligence sources and methods; or

11 “(4) cover mechanisms.

12 “(c) CONVERSION TREATMENT.—Upon a conversion of a designated employee under
13 subsection (b)—

14 “(1) the employee (and family, if applicable) shall be entitled to immediate
15 coverage under chapter 87 of title 5;

16 “(2) any requirement of prior enrollment in a life insurance program under chapter
17 87 of title 5 for continuation of coverage purposes shall not apply;

18 “(3) the employee shall be deemed to have had coverage under chapter 87 of title
19 5 for the full period of service during which the employee would have been entitled to be
20 insured for purposes of continuing coverage; and

21 “(4) the Secretary of Defense shall transmit an amount for deposit in the
22 Employees’ Life Insurance Fund that is necessary to cover any costs of such conversion.

1 “(d) TRANSMITTED AMOUNTS.—Any amount described under subsection (c)(4) shall be
2 paid from any fund the Secretary of Defense deems appropriate.

3 **“§ 1807. Exemption from certain requirements**

4 “The Secretary of Defense may exempt a designated employee or member from
5 mandatory compliance with any Federal regulation, rule, standardized administrative policy,
6 process, or procedure that the Secretary of Defense determines—

7 “(1) would be inconsistent with the cover of that employee or member; and

8 “(2) could expose that employee to detection as a Federal employee or that
9 member as a member of the armed forces.

10 **“§ 1808. Taxation and social security**

11 “(a) IN GENERAL.—Notwithstanding any other provision of law, a designated employee
12 or member—

13 “(1) shall file a Federal or State tax return as if that employee or member is not a
14 Federal employee or member of the armed forces and may claim and receive the benefit
15 of any exclusion, deduction, tax credit, or other tax treatment that would otherwise apply
16 if that designated employee was not a Federal employee or that designated member was
17 not a member of the armed forces, if the Secretary of Defense determines that taking any
18 action under this subsection is necessary to protect from unauthorized disclosure—

19 “(A) intelligence operations or other authorized sensitive activities
20 necessary for the national defense which requires special security measures;

21 “(B) the identities of undercover officers;

22 “(C) intelligence sources and methods; or

23 “(D) cover mechanisms; and

1 “(2) shall receive social security benefits based on the social security
2 contributions made.

3 “(b) PAYMENT OF ADDITIONAL FINANCIAL LIABILITIES.—If a designated employee or
4 member incurs an additional financial liability as a result of filing a Federal or State tax return as
5 if the employee is not a Federal employee or member of the armed forces, the Secretary of
6 Defense may reimburse the designated employee or designated member for such additional
7 financial liability.

8 “(c) INTERNAL REVENUE SERVICE REVIEW.—The Secretary of Defense shall establish
9 procedures to carry out this section. The procedures shall be subject to periodic review by the
10 Internal Revenue Service.

11 **“§ 1809. Regulations**

12 “The Secretary of Defense shall prescribe regulations to carry out this chapter. The
13 regulations shall ensure that the combination of salary, allowances, and benefits that an
14 employee or member designated under this chapter may retain does not significantly exceed,
15 except to the extent determined by the Secretary of Defense to be necessary to exercise the
16 authority in this chapter, the combination of salary, allowances, and benefits otherwise received
17 by employees or members not designated under this chapter.

18 **“§ 1810. Finality of decisions**

19 “Any determinations authorized by this chapter to be made by the Secretary of Defense
20 or a designee of the Secretary shall be final and conclusive and shall not be subject to review by
21 any court.”.

1 (b) TABLE OF CHAPTERS AMENDMENTS.—The tables of chapters at the beginning of
2 subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are
3 amended by adding after the item relating to chapter 88 the following new item:

“89. Cover Enhancement Authorities1801”.

Section-by-Section Analysis

This proposal would add a new chapter to title 10, United States Code, that enhances the cover of certain Department of Defense (DoD) employees and members of the Armed Forces. This new chapter provides the Secretary of Defense with personnel authorities, including pay, allowances, retirement, insurance, and other benefits, similar to those authorities provided to the Director of the Central Intelligence Agency (CIA) in section 23 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3523). Under the proposal, the Secretary would be able to exercise such authorities to protect from unauthorized disclosure (a) intelligence operations or authorized activities necessary for the national defense that require special security measures; (b) the identities of undercover officers; (c) intelligence sources and methods; or (d) cover mechanisms. The Secretary may designate, and exercise such authorities with respect to, any individual who is under cover and an employee of the Department or a member of the armed forces. The proposal would provide the Secretary with authority to exempt such designated individuals from mandatory compliance with any Federal regulation, rule, standardized administrative policy, process, or procedure that the Secretary determines would be inconsistent with the cover of that employee or member and could expose that employee to detection as a Federal employee or that member as a member of the Armed Forces. See classified document for additional background and justification.

Resource Information: The best estimate of resources requested within the Fiscal Year (FY) 2026 President’s Budget that are impacted by this proposal can be provided in a separate classified document upon request.

Changes to Existing Law: This proposal would add a new chapter to title 10, United States Code, the full text of which is shown in the legislative language above.

1 **SEC. ____.** **OFFICIAL IMMUNITY FOR AUTHORIZED EMPLOYEES AND AGENTS**
2 **OF THE UNITED STATES PROVIDING ASSISTANCE FOR THE**
3 **AERIAL DRUG INTERDICTION PROGRAM OF A FOREIGN**
4 **COUNTRY.**

5 (a) IMMUNITY.—Notwithstanding any other provision of law, it shall be lawful for an
6 authorized employee or agent of the United States (including a member of the Armed Forces of
7 the United States), while acting in an official capacity, to provide assistance for the aerial drug
8 interdiction program of a foreign country.

9 (b) LIMITATION.—Subsection (a) applies only with respect to assistance provided
10 pursuant to an agreement between the country and the United States under which the country has
11 agreed not to use such assistance in the furtherance of any action prohibited under section 32 of
12 title 18, United States Code.

13 (c) RULE OF CONSTRUCTION.—The immunity recognized in subsection (a) is in addition
14 to, and has no effect upon, any other protection or immunity recognized or conferred by law or
15 international agreement.

16 (d) DEFINITIONS.—In this section:

17 (1) AERIAL DRUG INTERDICTION PROGRAM.—The term “aerial drug interdiction
18 program”, with respect to a foreign country, means a program that is authorized under the
19 laws of that country to interdict or attempt to interdict an aircraft—

20 (A) that is in that country’s airspace; and

21 (B) that is reasonably suspected to be primarily engaged in illicit drug
22 trafficking.

1 (2) ASSISTANCE.—The term “assistance” means any activity conducted in support
2 of an aerial interdiction program of a foreign country by any authorized employee or
3 agent of the United States Government acting in an official capacity.

4 (3) INTERDICT.—The term “interdict” has the meaning given that term in section
5 1012(d)(1) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C.
6 2291-4(d)(1)).

Section-by-Section Analysis

This proposal would provide statutory protection to an employee or agent of the United States who is providing assistance relating to certain interdiction actions of a foreign country. The Department of Justice has opined that providing assistance to a country that has a domestic aerial interdiction law that allows the country to use lethal force against a civil aircraft suspected of the illicit transportation of drugs might subject an employee or agent of the United States to criminal liability under section 2(a) of title 18, U.S. Code, for aiding and abetting an illegal act under section 32(b) of that title. This proposal would reflect that an employee or agent of the United States lacks the requisite *mens rea* to be held liable for such assistance when the country has undertaken a legally binding obligation through an international agreement with the United States not to use the assistance provided in furtherance of any of the acts identified as unlawful under section 32(b) of title 18. Such a statutory protection would further open avenues of assistance and partnership with various partner nations that may otherwise be forced to look elsewhere for assistance and cooperation from foreign nations with interests counter to the interests of the United States.

Resource Information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2026 President’s Budget.

Changes to Existing Law: This proposal would not change the text of any existing provision of law.

1 **SEC. ____ . MODIFICATION OF AUTHORITY TO PURCHASE USED VESSELS**
2 **UNDER THE NATIONAL DEFENSE SEALIFT FUND TO**
3 **RECAPITALIZE THE READY RESERVE FORCE.**

4 (a) EXCLUSION OF VESSELS BUILT IN CHINA.—

5 (1) EXCLUSION.—Subsection (f)(3) of section 2218 of title 10, United States
6 Code, is amended—

7 (A) in subparagraph (A), by striking “any used vessel, regardless of where
8 such vessel was constructed” and inserting “any used vessel (other than an
9 excluded vessel), regardless of where such vessel was constructed,”; and

10 (B) in subparagraph (B), by inserting “(other than an excluded vessel)”
11 after “a used vessel”.

12 (2) DEFINITION OF EXCLUDED VESSEL.—Subsection (k) of such section is amended
13 by adding at the end the following new paragraph:

14 “(6) The term ‘excluded vessel’ means a vessel that was—

15 “(A) constructed or substantially modified in the People’s Republic of
16 China; or

17 “(B) built by a Chinese military company or a Chinese-owned or -
18 controlled entity.”.

19 (b) REQUIREMENT FOR PURCHASE OF TWO NEW UNITED STATES-CONSTRUCTED VESSELS
20 FOR EACH FOREIGN-CONSTRUCTED USED VESSEL PURCHASED IN EXCESS OF 10.—Subparagraph
21 (C) of subsection (f)(3) of such section is amended to read as follows:

22 “(C) For each foreign-constructed vessel purchased by the Secretary under the authority
23 of this paragraph in excess of 10, the Secretary shall contract for the purchase of two new vessels
24 each of which is to be constructed in a shipyard located in the United States.”.

25 (c) REPEAL OF OBSOLETE PROVISION.—Such subsection is further amended—

26 (1) by striking subparagraph (E); and

27 (2) by redesignating subparagraph (F) as subparagraph (E).

28 (d) REPEAL OF 30-DAY NOTICE-AND-WAIT PERIOD BEFORE CERTAIN PURCHASES MAY BE
29 FINALIZED.—Such subsection is further amended by striking subparagraph (G).

30 (e) CLARIFYING AMENDMENT.—Such subsection is further amended in subparagraph (D)
31 by striking “subparagraph (A)” and inserting “this paragraph”.

32 (f) TECHNICAL AMENDMENTS TO UPDATE CITATIONS.—Such section is further
33 amended—

34 (1) in subsection (d)(3), by striking “(10 U.S.C. 8661 note)” and inserting
35 “(Public Law 101-510; 10 U.S.C. 8661 note)”;

36 (2) in subsections (f)(2) and (k)(2)(A), by striking “Public Law 101–510 (104
37 Stat. 1683)” and inserting “the National Defense Authorization Act for Fiscal Year
38 1991 (Public Law 101-510; 10 U.S.C. 8661 note)”;

39 (3) in subsections (c)(1)(D) and (k)(3)(B), by striking “section 11 of the Merchant
40 Ship Sales Act of 1946 (50 U.S.C. 4405)” and inserting “section 57100 of title 46”.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how
the legislative text would amend existing law.]**

Section-by-Section Analysis

This proposal would amend section 2218(f)(3) of title 10, United States Code, to make four changes in the Navy’s Buy-Used Recapitalization Program.

First, the proposal would amend subparagraph (A) of that section to specify that used vessels may not be purchased under the Buy-Used Recapitalization Program from the People's Republic of China or a Chinese entity.

Second, the proposal would amend subparagraph (C) of that section to remove the current limitation of 10 on the number of used foreign-constructed vessels that can be purchased under section 2218(f)(3) and replace that limitation with a requirement that for each such purchase of a foreign-constructed vessel in excess of 10, the Secretary shall contract for the construction of two new vessels as part of the Vessel Construction Manager (VCM) program with the Maritime Administration, with each such vessel to be constructed in a shipyard located in the United States. The current limitation of 10 foreign-constructed vessels is insufficient to enable the recapitalization of the Ready Reserve Force (RFF) since 32 sealift vessels will be retired over the 10-year period from 2026-2035. A combination of new construction sealift vessels, as described in section 57100 of title 46, United States Code, and foreign built vessels are required to replace retiring vessels and maintain sealift capacity. Every ship purchased will require work by U.S. shipyards to prepare it for Government service and potentially reclassify or modify for military utility.

Third, the proposal would repeal subparagraph (E) of that section, the Secretary having submitted to Congress the certification required by that subparagraph of a new construction acquisition plan of more than 10 sealift or auxiliary ships with the first ship delivery by 2028 in November 2022. That certification completes the requirement for the Secretary to initiate an acquisition strategy for the construction in United States shipyards of not less than 10 new vessels that are sealift vessels, auxiliary vessels, or a combination of such vessels, and accordingly the subparagraph (E) can be repealed as having been carried out and having no further effect.

Fourth, the proposal would repeal subparagraph (G) of that section, thereby allowing the Secretary to finalize and execute the final purchase of any vessel without a 30-day wait period. The Secretary has purchased seven used vessels to date and per subsection (f)(3)(F) has submitted two reports with details on the proposed purchases to the congressional defense committees. Lessons learned from the purchases of the first five vessels indicate that commercial sellers are more likely to engage with the Secretary of Defense and the Department of Transportation's (DOT) Maritime Administration (MARAD) on the purchase of used vessels without a 30-day wait period to finalize the purchase of a used vessel.

Over 70 percent of the surge sealift vessels are approaching the end of their service life in the next 10 years. By increasing the limit on the number of used vessels authorized for purchase under the buy-used authority from 10 to 24, the Navy can accelerate the path to recapitalize the surge sealift fleet immediately while continuing to support the U.S. shipyard industrial base.

The commercial ship industry continuously refreshes or recapitalizes its fleet. As a result, the inventory of used ships available for sale is constantly refreshing and will be scrutinized by the DOT MARAD Vessel Acquisition Manager to place a priority on buying used U.S. built vessels that best fit the need of surge sealift. Removal of the 30-day wait period following the delivery of the 30-day report to Congress with recommended purchase details would allow MARAD to execute final purchase without delay, as expected by commercial market norms.

MARAD has purchased the first five of the more than 50 used vessels necessary, as outlined in the 30-Year Shipbuilding Plan submitted as part of the President's Budget for fiscal year (FY) 2025 (PB25). PB 2024 requested funding used for the purchase of two used vessels

and the PB 2025 budget requested two additional used vessels, bringing the total of used vessels to nine. Authority to purchase used vessels, beyond the ten currently authorized, is required by FY 2026 to continue the Buy-Used Recapitalization Program and to take full advantage of opportunities in the commercial market. Without additional authority, the Department of the Navy will be unable to execute appropriated funds.

The LP would also make technical amendments to 10 U.S.C. 2218 to clarify cross references and update references in that section to other statutes.

Resource Information: Future funds to purchase used and new vessels pursuant to this proposal would be included as part of the Department of Navy’s budget submissions based upon contract status of sealift new construction, used ship market surveys, business case assessments and detailed design and construction cost estimates. The table reflects the best estimate of resources requested within the reconciliation (mandatory) funding portion of the Fiscal Year (FY) 2026 President’s Budget request that are impacted by this proposal.

Program	RESOURCE IMPACT (\$MILLIONS)								
	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Appropriation	Budget Activity	BLI/SAG	Program Element
# of Ships	1								
New Ships Funding	\$600					Shipbuilding & Conversion, Navy			
Total	\$600	\$0	\$0	\$0	\$0				

Changes to Existing Law: This proposal would make the following changes to section 2218 of title 10, United States Code:

§ 2218. National Defense Sealift Fund

(a) ESTABLISHMENT. — There is established in the Treasury of the United States a fund to be known as the “National Defense Sealift Fund”.

(b) ADMINISTRATION OF FUND.—The Secretary of Defense shall administer the Fund consistent with the provisions of this section.

(c) FUND PURPOSES.—(1) Funds in the National Defense Sealift Fund shall be available for obligation and expenditure only for the following purposes:

(A) Construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels.

(B) Operation, maintenance, and lease or charter of Department of Defense vessels for national defense purposes.

(C) Installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States.

(D) Expenses for maintaining the National Defense Reserve Fleet under ~~section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405)~~ section 57100 of title 46, and for the costs of acquisition of vessels for, and alteration and conversion of vessels in (or to be placed in), the fleet, but only for vessels built in United States shipyards.

(2) Funds in the National Defense Sealift Fund may be obligated or expended only in amounts authorized by law.

(3) Funds obligated and expended for a purpose set forth in subparagraph (B) of paragraph (1) may be derived only from funds deposited in the National Defense Sealift Fund pursuant to subsection (d)(1).

(d) DEPOSITS.—There shall be deposited in the Fund the following:

(1) All funds appropriated to the Department of Defense for—

(A) construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

(B) operations, maintenance, and lease or charter of national defense sealift vessels; and

(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels.

(2) All receipts from the disposition of national defense sealift vessels, excluding receipts from the sale, exchange, or scrapping of National Defense Reserve Fleet vessels under sections 57101–57104 and chapter 573 of title 46.

(3) All receipts from the charter of vessels under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 8661 note).

(4) Any other funds made available to the Department of Defense to carry out any of the purposes described in subsection (c).

(e) ACCEPTANCE OF SUPPORT.—***

* * * * *

(f) LIMITATIONS.—(1) A vessel built in a foreign ship yard may not be purchased with funds in the National Defense Sealift Fund pursuant to subsection (c)(1), unless specifically authorized by law.

(2) Construction, alteration, or conversion of vessels with funds in the National Defense Sealift Fund pursuant to subsection (c)(1) shall be conducted in United States ship yards and shall be subject to section 1424(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510 (104 Stat. 1683; 10 U.S.C. 8661 note)).

(3)(A) Notwithstanding the limitations under subsection (c)(1)(D) and paragraph (1), the Secretary of Defense may, as part of a program to recapitalize the Ready Reserve Force component of the national defense reserve fleet and the Military Sealift Command surge fleet, purchase any used vessel (other than an excluded vessel), regardless of where such vessel was constructed, if such vessel—

(i) participated in the Maritime Security Fleet; and

(ii) is available for purchase at a reasonable cost, as determined by the Secretary.

(B) If the Secretary determines that no used vessel meeting the requirements under clauses (i) and (ii) of subparagraph (A) is available, the Secretary may purchase a used vessel

(other than an excluded vessel) comparable to a vessel described in clause (i) of subparagraph (A), regardless of the source of the vessel or where the vessel was constructed, if such vessel is available for purchase at a reasonable cost, as determined by the Secretary.

~~(C) The Secretary may not use the authority under this paragraph to purchase more than 10 foreign-constructed vessels.~~

(C) For each foreign-constructed vessel purchased by the Secretary under the authority of this paragraph in excess of 10, the Secretary shall contract for the purchase of two new vessels each of which is to be constructed in a shipyard located in the United States

(D) The Secretary shall ensure that the initial conversion, or modernization of any vessel purchased under the authority of ~~subparagraph (A)~~ this paragraph occurs in a shipyard located in the United States.

~~(E) The Secretary may not use the authority under this paragraph to procure more than four foreign-constructed vessels unless the Secretary submits to Congress, by not later than the second week of February of the fiscal year during which the Secretary plans to use such authority, a certification that—~~

~~(i) the Secretary has initiated an acquisition strategy for the construction in United States shipyards of not less than ten new vessels that are sealift vessels, auxiliary vessels, or a combination of such vessels; and~~

~~(ii) of such new vessels, the lead ship is anticipated to be delivered by not later than 2028.~~

~~(F)~~(E) Not later than 30 days before the purchase of any vessel using the authority under this paragraph, the Secretary, in consultation with the Maritime Administrator, shall submit to the congressional defense committees a report that contains each of the following with respect to such purchase:

(i) The proposed date of the purchase.

(ii) The price at which the vessel would be purchased.

(iii) The anticipated cost of modernization of the vessel.

(iv) The proposed military utility of the vessel.

(v) The proposed date on which the vessel will be available for use by the Ready Reserve.

(vi) The contracting office responsible for the completion of the purchase.

(vii) Certification that—

(I) there was no vessel available for purchase at a reasonable price that was constructed in the United States; and

(II) the used vessel purchased supports the recapitalization of the Ready Reserve Force component of the National Defense Reserve Fleet or the Military Sealift Command surge fleet.

(viii) A detailed account of the criteria used to make the determination under subparagraph (B).

~~(G) The Secretary may not finalize or execute the final purchase of any vessel using the authority under this paragraph until 30 days after the date on which a report under subparagraph (F) is submitted with respect to such purchase.~~

* * * * *

(i) TITLE OR MANAGEMENT OF VESSELS.—Nothing in this section (other than subsection (c)(1)(D)) shall be construed to affect or modify title to, management of, or funding

responsibilities for, any vessel of the National Defense Reserve Fleet, or assigned to the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 57100 of title 46.

* * * * *

(k) DEFINITIONS.—In this section:

(1) The term “Fund” means the National Defense Sealift Fund established by subsection (a).

(2) The term “Department of Defense sealift vessel” means any ship owned, operated, controlled, or chartered by the Department of Defense that is any of the following:

(A) A fast sealift ship, including any vessel in the Fast Sealift Program established under section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510 (104 Stat. 1683; 10 U.S.C. 8661 note)).

(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.

(3) The term “national defense sealift vessel” means—

(A) a Department of Defense sealift vessel; and

(B) a national defense reserve fleet vessel, including a vessel in the Ready Reserve Force maintained under ~~section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405)~~ section 57100 of title 46.

(4) The term “head of an agency” has the meaning given that term in section 3004 of this title.

(5) The term “Maritime Security Fleet” means the fleet established under section 53102(a) of title 46.

(6) The term “excluded vessel” means a vessel that was —

(A) constructed or substantially modified in the People’s Republic of China; or

(B) built by a Chinese military company or a Chinese-owned or -controlled entity.

1 **SEC. __. PROTECTION FROM UNMANNED AIRCRAFT THREATS.**

2 (a) EXPANSION OF AUTHORITY.—Subsection (a) of section 130i of title 10, United States
3 Code, is amended by inserting “, and contractors,” after “and civilian employees”.

4 (b) ADDITIONAL INFORMATION SHARING.—Subsection (e)(4) of such section is
5 amended—

6 (1) in subparagraph (B), by inserting a comma after “civilian law enforcement
7 agency”;

8 (2) by striking “or” at the end of subparagraph (B);

9 (3) by redesignating subparagraph (C) as subparagraph (D); and

10 (4) by inserting after subparagraph (B) the following new subparagraph (C):

11 “(C) would support another department or agency of the Federal
12 Government with authority to mitigate the threat of unmanned aircraft or
13 unmanned aircraft systems in mitigating such threats; or”.

14 (c) EXEMPTION FROM DISCLOSURE.—Such section is further amended—

15 (1) by striking subsection (g); and

16 (2) by inserting after subsection (f) the following new subsection (g):

17 “(g) EXEMPTION FROM DISCLOSURE.—Information pertaining to the technology,
18 procedures, and protocols used to carry out this section, including any regulations or guidance
19 issued to carry out this section, shall be exempt from disclosure—

20 “(1) under section 552(b)(3) of title 5; and

21 “(2) under any State or local law requiring the disclosure of information.”.

22 (d) REPEAL OF PARTIAL TERMINATION.—Such section is further amended by striking
23 subsection (i).

1 (e) ADDITIONAL COVERED MISSIONS.—Subsection (j) of such section is amended—

2 (1) by striking paragraph (1);

3 (2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5),
4 respectively; and

5 (3) in paragraph (2), as so redesignated—

6 (A) by striking “means any facility” and inserting “means—
7 (A) any facility”;

8 (B) by redesignating subparagraphs (A), (B), and (C,) as clauses (i), (ii),
9 and (iii), respectively;

10 (C) in subparagraph (A)(iii), as so redesignated—

11 (i) by redesignating clauses (i) through (ix) as subclauses (II)
12 through (X), respectively;

13 (iii) by inserting before subclause (II), as so redesignated, the
14 following new subclause (I):

15 “(I) protection of the buildings, grounds, and property to
16 which the public are not permitted regular, unrestricted access and
17 that are under the jurisdiction, custody, or control of the
18 Department of Defense and the persons on that property pursuant
19 to section 2672 of this title;”;

20 (iv) in subclause (VI), as so redesignated, by inserting “and
21 territorial integrity” after “air sovereignty”;

22 (v) by striking “or” at the end of subclause (IX), as so
23 redesignated;

1 (vi) by striking the period at the end of subclause (X), as so
2 redesignated, and inserting a semicolon; and

3 (vii) by adding at the end the following new subclauses:

4 “(XI) assistance to Federal, State, or local officials in responding to
5 incidents involving nuclear, radiological, biological, or chemical weapons,
6 or high-yield explosives, or related materials or technologies, including
7 pursuant to section 282 of this title and the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq); or

9 “(XII) emergency response that is limited to a specified timeframe
10 and location.”; and

11 (D) by inserting after subparagraph (A) the following new subparagraph

12 (B):

13 “(B) any personnel associated with a facility or asset identified under
14 subparagraph (A) engaged in direct support of a Department of Defense mission
15 specified in subparagraph (A)(iii).”.

[Please note: the “changes to existing law” section below sets out in red-line format how the legislative text above would amend existing law.]

Section-by-Section Analysis

This proposal would amend section 130i of title 10, United States Code, to close critical gaps in the Secretary of Defense’s authority to mitigate the threats posed by an unmanned aircraft system (UAS) or unmanned aircraft (UA) to the safety and security of a Department of Defense (DoD) covered facility or asset.

According to the Federal Aviation Administration (FAA), as of January 2025, there were estimated over one million registered drones in the United States, including 409,408 commercial drones and 385,892 recreational drones. The exponential growth in the number of unmanned aircraft in the airspace over and around DoD installations is a matter of increasing concern to DoD. From April 2020 through April 2021, there were 279 reported UAS incidents in vicinity of DoD installations in the United States, while from April 2021 through April 2022, there were

2,014 recorded incidents – a more than 700 percent increase. Negligently or errantly operated UAS can pose a significant flight hazard to DoD air operations. Maliciously operated UAS or UA equipped with sophisticated cameras and other sensors can gather and exfiltrate vital data on DoD forces and activities to adversaries or, at a time of our adversaries' choosing, attack DoD personnel, assets, and facilities.

Section 130i was initially enacted on December 23, 2016. In the more than seven years that have followed, DoD has used the authority deliberately, prudently, and in close collaboration with the FAA and other partners. As a result, DoD's protection of covered facilities and assets caused no harm to people or communities in vicinity of military installations and prompted no complaints, allegations, or claims against DoD for allegedly using this authority in a manner that violates the Constitution, statutory or regulatory privacy or due process protections, or the privacy protections provided in subsection (e) of section 130i.

This proposal would amend subsection (a) of section 130i to allow for the designation of DoD contract personnel the authority to take such actions as outlined in subsection (b)(1). Many DoD installations maintain contracted security personnel as force multipliers. These personnel operate under the authority of the commanding officer and in coordination with members of the armed forces. This action significantly enhances the Secretaries installation defense options.

This proposal would in addition repeal subsection (i), Partial Termination. The growing threat posed by UAS in the National Airspace and to the facilities and assets of the Department of Defense make termination of the authority untenable. The current annual renewal of authority reduces effectiveness in budgetary cycles and hampers Service capability to plan and implement solutions to counter these evolving threats.

The proposal would also amend subsection (e)(4) to authorize the disclosure of UAS and UA communications intercepted, acquired, or accessed in support of a covered reciprocal agreement with another agency of the Federal Government. Currently, DoD is authorized to disclose intercepted, acquired, or accessed UAS and UA communications to other Federal departments and agencies if such a disclosure would fulfill a DoD function, support a civilian law enforcement agency or regulatory agency criminal or civil investigation, or is otherwise required by law or regulation. DoD and other Federal departments and agencies are not authorized to disclose communications to one another for the specific purpose of mitigating a UAS or UA threat to the safety or security of a covered facility or asset or a facility or asset of another Federal department or agency for which that Federal department or agency has authority to mitigate such a threat. This gap in disclosure authority undermines DoD's ability to coordinate and deconflict its actions to mitigate UAS and UA threats with those of its Federal partners and increases the risks associated with undertaking such actions.

The proposal would exempt from disclosure under section 552(b)(3) of title 5, United States Code, or under any State or local law requiring disclosure, information pertaining to the technology, specific procedures, and protocols used under this section. This would reduce the risk of disclosure to potential adversaries of DoD capabilities or vulnerabilities to mitigate the threat that a UAS or UA poses to the safety or security of a covered DoD facility or asset.

This proposal would also amend subsection (j)(2) to allow for the protection of personnel engaged in direct support of a covered mission. Many DoD support installations fall outside the definitions of Combat Support Agency as listed in paragraphs (1) through (4) of section 193(f) of title 10.

This proposal would also update section 130i in accordance with Executive orders 14165 and 14167 which direct the Department to prioritize the protection of the sovereignty and territorial integrity of the United States along our national borders and to take all appropriate action to secure the borders of our Nation.

The proposal would also add to current mission requirements the following new “covered missions”:

- “[T]he protection of the buildings, grounds, and property to which the public are not permitted regular, unrestricted access and that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property pursuant to section 2672 of title 10, United States Code.” Authorizing the Secretary of Defense to protect such buildings, grounds, and property would establish approximate parity with Secretary of Homeland Security or Attorney General authorities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n) to protect: the functions of the U.S. Customs and Border Protection, including facilities, aircraft, and vessels, whether moored or underway (clause (i)(I) of section 210G(k)(3)(C) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)(C)(i)(I)); the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (clause (i)(III) of such section); and the buildings and grounds leased, owned, or operated by or for the Department of Justice (clause (ii)(III) of such section).
- “[A]ssistance to Federal, State, or local officials in responding to incidents involving nuclear, radiological, biological, or chemical weapons, or high-yield explosives, or related materials or technologies, including pursuant to section 282 of this title and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended; 42 U.S.C. 5121 et seq).” Currently, this critical mission is vulnerable to hostile surveillance and targeting by UAS and UA.
- “[E]mergency response that is limited to a specified timeframe and location.” This would establish approximate parity with Secretary of Homeland Security and Attorney General authorities under section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n) to protect emergency response that is limited to a specified timeframe and location ((clause (iii)(III) of section 210G(k)(3)(C) of the Homeland Security Act of 2002 (6 U.S.C. 124n(k)(3)(C)(iii)(III)). DoD undertakes emergency response activities to respond to incidents affecting military installations and facilities. Such incidents provide adversaries with opportunities to conduct malicious activities using UAS and UA. By including clause (xv), the Secretary of Defense would be able to authorize appropriate precautions and actions to mitigate such malicious activities. Clause (xv) would also enable the Secretary of Defense to authorize appropriate precautions and actions to mitigate UAS and UA activities by errant or criminal operators.

As a statutory clean-up matter, the proposal would also repeal subsection (g), relating to semiannual briefings to specified congressional committees, since that subsection has expired, and would strike paragraph (1) of subsection (j), since the term defined in that paragraph is used only in subsection (g).

Resource Information: This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2026 President’s Budget.

Changes to Existing Law: This proposal would amend section 130i of title 10, United States Code, as follows:

§ 130i. Protection of certain facilities and assets from unmanned aircraft

(a) **AUTHORITY.**—Notwithstanding section 46502 of title 49, or any provision of title 18, the Secretary of Defense may take, and may authorize members of the armed forces and officers and civilian employees, and contractors, of the Department of Defense with assigned duties that include safety, security, or protection of personnel, facilities, or assets, to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

(b) **ACTIONS DESCRIBED.**—(1) The actions described in this paragraph are the following:

(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

(c) **FORFEITURE.**—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

(d) REGULATIONS AND GUIDANCE.—(1) The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

(2)(A) The Secretary of Defense and the Secretary of Transportation shall coordinate in the development of guidance under paragraph (1).

(B) The Secretary of Defense shall coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance or otherwise implementing this section if such guidance or implementation might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.

(e) PRIVACY PROTECTION.—The regulations prescribed or guidance issued under subsection (d) shall ensure that—

(1) the interception or acquisition of, or access to, an unmanned aircraft system or communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the fourth amendment to the Constitution and applicable provisions of Federal law;

(2) communications to or from an unmanned aircraft system are intercepted, acquired, or accessed only to the extent necessary to support a function of the Department of Defense;

(3) records of such communications are not maintained for more than 180 days unless the Secretary of Defense determines that maintenance of such records—

(A) is necessary to support one or more functions of the Department of Defense; or

(B) is required for a longer period to support a civilian law enforcement agency or by any other applicable law or regulation; and

(4) such communications are not disclosed outside the Department of Defense unless the disclosure—

(A) would fulfill a function of the Department of Defense;

(B) would support a civilian law enforcement agency, or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory action with regard to, an action described in subsection (b)(1); or

(C) would support another department or agency of the Federal Government with authority to mitigate the threat of unmanned aircraft or unmanned aircraft systems in mitigating such threats; or

~~(C)~~(D) is otherwise required by law or regulation.

(f) BUDGET.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2018, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Department of Defense. The funding display shall be in unclassified form, but may contain a classified annex.

~~(g) SEMIANNUAL BRIEFINGS.—(1) On a semiannual basis during the five-year period beginning March 1, 2018, the Secretary of Defense and the Secretary of Transportation, shall~~

~~jointly provide a briefing to the appropriate congressional committees on the activities carried out pursuant to this section. Such briefings shall include—~~

~~(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;~~

~~(B) a description of instances where actions described in subsection (b)(1) have been taken;~~

~~(C) how the Secretaries have informed the public as to the possible use of authorities under this section; and~~

~~(D) how the Secretaries have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.~~

~~(2) Each briefing under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.~~

(g) EXEMPTION FROM DISCLOSURE.—Information pertaining to the technology, procedures, and protocols used to carry out this section, including any regulations or guidance issued to carry out this section, shall be exempt from disclosure—

(1) under section 552(b)(3) of title 5; and

(2) under any State or local law requiring the disclosure of information.

~~(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—~~

~~(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49; and~~

~~(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under this title.~~

~~(i) PARTIAL TERMINATION.—(1) Except as provided by paragraph (2), the authority to carry out this section with respect to the covered facilities or assets specified in clauses (iv) through (viii) of subsection (j)(3)(C) shall terminate on December 31, 2026.~~

~~(2) The President may extend by 180 days the termination date specified in paragraph (1) if before November 15, 2026, the President certifies to Congress that such extension is in the national security interests of the United States.~~

~~(j) DEFINITIONS.—In this section:~~

~~(1) The term “appropriate congressional committees” means—~~

~~(A) the congressional defense committees;~~

~~(B) the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and~~

~~(C) the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives.~~

~~(2)(1) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.~~

~~(3)(2) The term “covered facility or asset” means—~~

~~(A) any facility or asset that—~~

(~~A~~i) is identified by the Secretary of Defense, in consultation with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section;

(~~B~~ii) is located in the United States (including the territories and possessions of the United States); and

(~~C~~iii) directly relates to the missions of the Department of Defense pertaining to—

(I) protection of the buildings, grounds, and property to which the public are not permitted regular, unrestricted access and that are under the jurisdiction, custody, or control of the Department of Defense and the persons on that property pursuant to section 2672 of this title;

~~(i)~~(II) nuclear deterrence, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

~~(ii)~~(III) missile defense;

~~(iii)~~(IV) national security space;

~~(iv)~~(V) assistance in protecting the President or the Vice President (or other officer immediately next in order of succession to the office of the President) pursuant to the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

~~(v)~~(VI) air defense of the United States, including air sovereignty and territorial integrity, ground-based air defense, and the National Capital Region integrated air defense system;

~~(vi)~~(VII) combat support agencies (as defined in paragraphs (1) through (4) of section 193(f) of this title);

~~(vii)~~(VIII) special operations activities specified in paragraphs (1) through (9) of section 167(k) of this title;

~~(viii)~~(IX) production, storage, transportation, or decommissioning of high-yield explosive munitions, by the Department; or

~~(ix)~~(X) a Major Range and Test Facility Base (as defined in sections section 4173(i) of this title).;

(XI) assistance to Federal, State, or local officials in responding to incidents involving nuclear, radiological, biological, or chemical weapons, or high-yield explosives, or related materials or technologies, including pursuant to section 282 of this title and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq); or

(XII) emergency response that is limited to a specified timeframe and location.

(B) any personnel associated with a facility or asset identified under subparagraph (A) engaged in direct support of a Department of Defense mission specified in subparagraph (A)(iii).

~~(4)~~ (3) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

~~(5)~~ (4) The terms “electronic communication”, “intercept”, “oral communication”, and “wire communication” have the meanings given those terms in section 2510 of title 18.

~~(6)~~ (5) The terms “unmanned aircraft” and “unmanned aircraft system” have the meanings given those terms in section 44801 of title 49.