

**SEC. \_\_\_\_.** **CONCURRENT REPORTING DATE FOR ANNUAL UPDATE TO DEFENSE  
BUSINESS SYSTEMS AUDIT REMEDIATION PLAN AND  
DEPARTMENT OF DEFENSE ANNUAL FINANCIAL STATEMENTS.**

Section 240g(b) of title 10, United States Code, is amended to read as follows:

“(b) ANNUAL REPORT.—On the same date as the submission of audited financial statements required pursuant to section 240a of this title, the Secretary of Defense shall submit to the congressional defense committees an updated annual report on the Defense Business Systems Audit Remediation Plan under subsection (a).”.

**[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 bring the Defense Business Systems (DBS) Audit Remediation Plan (ARP) reporting date in line with the due date of the Audited Financial Statements (AFS) outlined in section 240a of title 10, United States Code (U.S.C.). Given that Congress has mandated a clean audit opinion by fiscal year 2028, the concurrent reporting of both the DBS ARP and the AFS will better inform progress.

Currently, the Department of Defense (DoD) reports out the DBS ARP as of 30 June and provides a semiannual update to the report in lieu of semiannual briefings. The twice a year reports have served to keep the congressional defense committees current on DoD efforts to obtain a clean audit. While offered, no semi-annual briefings have been requested to date, and the elimination of the requirement does not negate the committees’ ability or right to request a briefing at any time.

This proposal would recognize that the Department has institutionalized the DBS ARP as was expected by the current language of section 240g of title 10, U.S.C. The report was intended to provide a focused look at the complex, old, and non-compliant business systems used by the Department that hindered, if not outright blocked, auditability. The report has now been issued for multiple years and reviewed by Government Accountability Office (GAO) as a tool for monitoring our progress. The value is to those stakeholders who read the AFS report and want additional detail, a further indication concurrent release is in the best interest of all.

By issuing the AFS report and the DBS ARP at the same time, The Department will provide the more critical data for assessing not only its results for a specific year but critical actions on-going to improve accuracy and build trust in the DoD. These elements have been identified by GAO as needing expansion while maintaining a direct correlation to the financial

statements of the Department. Users/readers will be able to see DoD's efforts toward attainment of a compliant auditable DoD system environment. This will include near-term actions as well as a forward leaning look at specified areas that are material to gaining audit and the goal set by Congress.

**Resource Information:** This proposal has no significant impact on the use of resources requested within the FY 2026 President's Budget.

**Changes to Existing Law:** This proposal would amend section 240g of title 10, United States Code, as follows:

#### **§ 240g. Defense Business Audit Remediation Plan**

(a) IN GENERAL.—The Secretary of Defense shall maintain a plan, to be known as the “Defense Business Systems Audit Remediation Plan”. Such plan shall include a current accounting of the defense business systems of the Department of Defense that will be introduced, replaced, updated, modified, or retired in connection with the audit of the full financial statements of the Department, including a comprehensive roadmap that displays-

- (1) in-service, retirement, and other pertinent dates for affected defense business systems;
- (2) current cost-to-complete estimates for each affected defense business system;
- (3) dependencies both between the various defense business systems and between the introduction, replacement, update, modification, and retirement of such systems;
- (4) the amount spent by the Department on operating and maintaining financial management systems during the preceding five fiscal years; and
- (5) the amount spent by the Department on acquiring or developing new financial management systems during such five fiscal years.

#### ~~(b) REPORT AND BRIEFING REQUIREMENTS.—~~

~~(1) ANNUAL REPORT. Not later than June 30, 2020, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees an updated report on the Defense Business Systems Audit Remediation Plan under subsection (a).~~

~~(2) SEMIANNUAL BRIEFINGS. Not later than January 31 and June 30 each year, the Secretary shall provide to the congressional defense committees a briefing on the status of the Defense Business Systems Audit Remediation Plan. Such briefing shall include a description of any updates to the defense business systems roadmap referred to in subsection (a).~~

(b) ANNUAL REPORT.—On the same date as the submission of audited financial statements required pursuant to section 240a of this title, the Secretary of Defense shall submit to the congressional defense committees an updated annual report on the Defense Business Systems Audit Remediation Plan under subsection (a).

1   **SEC. \_\_\_\_ . TECHNICAL CORRECTION RELATED TO CONVALESCENT LEAVE**  
2                   **FOR ACADEMY CADETS AND MIDSHIPMEN.**

3           Section 702 of title 10, United States Code, is amended—

4                   (1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f),  
5           respectively;

6                   (2) by inserting after subsection (b) the following new subsection (c):

7                   “(c) CONVALESCENT LEAVE.—An academy cadet or midshipman diagnosed with a  
8           medical condition is allowed convalescent leave under section 701(m) of this title.”; and

9                   (3) in subsection (d), as redesignated by paragraph (1) of this section, by striking  
10           “Sections 701” and inserting “Except as provided by subsection (c), sections 701”.

**Section-by-Section Analysis**

          This proposal would clarify that Military Service Academy (MSA) cadets and midshipmen are authorized convalescent leave. An amendment to section 701 of title 10, United States Code, by section 633 of the National Defense Authorization Act for Fiscal Year 2023 (P.L. 117-263) added a new subsection (m), which authorizes the granting of convalescent leave to servicemembers diagnosed with a medical condition and determined to be unfit for duty. Convalescent leave is a period of paid time off from military duty granted to servicemembers under medical care, as part of the treatment prescribed for recuperation. Before the enactment of subsection (m), convalescent leave had been afforded to servicemembers under policies promulgated by the Department as an administrative absence and included MSA cadets and midshipmen.

          Certain leave is provided to MSA cadets and midshipmen under section 702 of title 10. Section 702(c), however, provides that 10 U.S.C. 701 does not apply to MSA cadets and midshipmen, which includes the recently enacted subsection (m). 10 U.S.C. 702(c) has been in effect since November 1, 1962, and precludes academy cadets and midshipmen from accruing the annual leave normally provided to servicemembers performing active service. 10 U.S.C. 701(m) went into effect on January 1, 2023. 10 U.S.C. 702(c) therefore now does not authorize MSA cadets and midshipmen to be granted convalescent leave in accordance with 10 U.S.C. 701(m). This calls into question the continued provision of convalescent leave as an administrative absence, to the detriment of MSA cadets and midshipmen.

          Because convalescent leave is now codified in statute, 10 U.S.C. 702 should be amended to allow 10 U.S.C. 701(m) to apply to academy cadets and midshipmen. If so amended, the Department will discontinue the practice of granting convalescent leave to academy cadets and

midshipmen under the authority of administrative absence and commence granting convalescent leave to them under the convalescent leave statute. The Department's convalescent leave program will be entirely aligned to the statutory authority in 10 U.S.C. 701(m).

**Budget Implications:** 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 amend section 702 of title 10, United States Code, as follows:

## **§ 702. Cadets and midshipmen**

(a) GRADUATION LEAVE.—Graduates of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy who, upon graduation, are appointed in a component of an armed force, may, in the discretion of the Secretary concerned or his designated representative, be granted graduation leave of not more than 60 days. Leave granted under this subsection is in addition to any other leave and may not be deducted from or charged against other leave authorized by this chapter, and must be completed within three months of the date of graduation. Leave under this subsection may not be carried forward as credit beyond the date of reporting to the first permanent duty station or to a port of embarkation for permanent duty outside the United States or in Alaska or Hawaii.

(b) INVOLUNTARY LEAVE WITHOUT PAY FOR SUSPENDED ACADEMY CADETS AND MIDSHIPMEN.—(1) Under regulations prescribed under subsection (d), the Secretary concerned may place an academy cadet or midshipman on involuntary leave for any period during which the Superintendent of the Academy at which the cadet or midshipman is admitted has suspended the cadet or midshipman from duty at the Academy—

- (A) pending separation from the Academy;
- (B) pending return to the Academy to repeat an academic semester or year; or
- (C) for other good cause.

(2) A cadet or midshipman placed on involuntary leave under paragraph (1) is not entitled to any pay under section 203(c) of title 37 for the period of the leave.

(3) Return of an academy cadet or midshipman to a pay status at the Academy concerned from involuntary leave status under paragraph (1) does not restore any entitlement of the cadet or midshipman to pay for the period of the involuntary leave.

(c) CONVALESCENT LEAVE.—An academy cadet or midshipman diagnosed with a medical condition is allowed convalescent leave under section 701(m) of this title.

~~(d)~~ (d) INAPPLICABLE LEAVE PROVISIONS.—Except as provided by subsection (c), ~~Sections~~ 701, 703, and 704 of this title and subsection (a) do not apply to academy cadets or midshipmen or cadets or midshipmen serving elsewhere in the armed forces.

~~(d)~~ (e) REGULATIONS.—The Secretary concerned, or his designated representative, may prescribe regulations relating to leave for cadets and midshipmen.

- ~~(e)~~ (f) DEFINITION.—In this section, the term “academy cadet or midshipman” means—
- (1) a cadet of the United States Military Academy;
  - (2) a midshipman of the United States Naval Academy;
  - (3) a cadet of the United States Air Force Academy; or
  - (4) a cadet of the United States Coast Guard Academy.

1   **SEC. \_\_\_\_.** **ELIMINATION OF STATUTORY PROVISIONS RELATING TO**  
2                   **DIVERSITY, EQUITY, AND INCLUSION IN THE DEPARTMENT OF**  
3                   **DEFENSE.**

4           (a) DUTIES OF SECRETARY OF DEFENSE.—Section 113 of title 10, United States Code, is  
5 amended—

6                   (1) in subsection (c)—

7                           (A) by striking paragraph (2); and

8                           (B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3),  
9 respectively;

10                   (2) in subsection (g)(1)(B)—

11                           (A) by striking clause (vii); and

12                           (B) by redesignating clauses (viii), (ix), and (x) as clauses (vii), (viii) and  
13 (ix), respectively;

14                   (3) in subsection (l)—

15                           (A) in paragraph (1), by striking “to measure—” and all that follows  
16 through “(C) the efforts” and inserting “to measure the efforts”: and

17                           (B) in paragraph (2)—

18                                   (i) by striking “shall—” and all that follows through “(A) ensure  
19 that” and inserting “shall ensure that”:

20                                   (ii) by striking the semicolon after “extent practicable” and  
21 inserting a period: and

22                                   (iii) by striking subparagraphs (B), (C), (D), (E), and (F); and

23                   (4) in subsection (m)—

(A) by striking “disaggregated by gender, race, and ethnicity,” in paragraphs (1) through (8) and (10); and

(B) by striking “, gender, race, and ethnicity” in paragraph (9).

(b) CHIEF DIVERSITY OFFICER OF THE DEPARTMENT OF DEFENSE.—Section 147 of title 10, United States Code, is repealed.

(c) DIVERSITY IN SELECTION BOARDS.—

(1) PROMOTION SELECTION BOARDS.—Sections 573(b), 612(a)(1), and 14102(b) of title 10, United States Code, are amended by striking the last sentence.

(2) OTHER SELECTION BOARDS.—Section 503(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 573 note) is repealed.

(d) DIVERSITY IN MILITARY LEADERSHIP.—Section 656 of title 10, United States Code, is repealed.

(e) IDENTIFICATION OF GENDER OR PERSONAL PRONOUNS IN OFFICIAL CORRESPONDENCE.—Section 986 of title 10, United States Code, is repealed.

(f) HUMAN RELATIONS TRAINING.—Section 2001(a)(1)(B) of title 10, United States Code, is amended by striking “include” and all that follows and inserting “shall include honor, excellence, courage, and commitment.”.

(g) STRATEGIC PLAN FOR DIVERSITY AND INCLUSION.—Section 529 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 656 note) is repealed.

- 1 (h) SENIOR ADVISORS FOR DIVERSITY AND INCLUSION FOR THE MILITARY DEPARTMENTS  
2 AND COAST GUARD.—Section 913(b) of the William M. (Mac) Thornberry National Defense  
3 Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 147 note) is repealed.

### Section-by-Section Analysis

This proposal would make a variety of amendments to statutory requirements related to diversity, equity, and inclusion. The Department of Defense made significant changes to its workforce in response to the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118-31) and no longer employs the diversity, equity, and inclusion practitioners to appropriately respond to or implement the requirements in this proposal.

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

**Changes to Existing Law:** This proposal would amend title 10, United States Code, and Public Laws 116-92 and 116-283 as follows.

## TITLE 10, UNITED STATES CODE

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### §113. Secretary of Defense

(a)(1) There is a Secretary of Defense, who is the head of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(2) A person may not be appointed as Secretary of Defense—

(A) within seven years after relief from active duty as a commissioned officer of a regular component of an armed force in a grade below O–7; or

(B) within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force in the grade of O–7 or above.

(b) The Secretary is the principal assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President and to this title and section 2 of the National Security Act of 1947 (50 U.S.C. 3002) he has authority, direction, and control over the Department of Defense.

(c) The Secretary shall report annually in writing to the President and the Congress on the expenditures, work, and accomplishments of the Department of Defense during the period covered by the report, together with—

(1) a report from each military department on the expenditures, work, and accomplishments of that department;



~~(2) a report from each military department on the status of diversity and inclusion of members and civilian employees in such department, including the status of diversity and inclusion in the military service academies, the Officer Candidate and Training Schools, and the Senior Reserve Officers' Training Corps programs of such department;~~

~~(3) (2) itemized statements showing the savings of public funds, and the eliminations of unnecessary duplications, made under sections 125 and 191 of this title; and~~

~~(4) (3) such recommendations as he considers appropriate.~~

(d) \*\*\*

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(g)(1)(A) Except as provided in subparagraph (E), in January every four years, and intermittently otherwise as may be appropriate, the Secretary of Defense shall provide to the Secretaries of the military departments, the Chiefs of Staff of the armed forces, the commanders of the unified and specified combatant commands, and the heads of all Defense Agencies and Field Activities of the Department of Defense and other elements of the Department specified in paragraphs (1) through (10) of section 111(b) of this title, and to the congressional defense committees, a defense strategy. Each strategy shall be known as the "national defense strategy", and shall support the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

(B) Each national defense strategy shall including *[sic]* the following:

(i) The priority missions of the Department of Defense, and the assumed force planning scenarios and constructs.

(ii) The assumed strategic environment, including the most critical and enduring threats to the national security of the United States and its allies posed by state or non-state actors, and the current or projected threats to military installation resilience, and the strategies that the Department will employ to counter such threats and provide for the national defense.

(iii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize among the threats described in clause (ii) and the missions specified pursuant to clause (i), how the Department will allocate and mitigate the resulting risks, and how the Department will make resource investments.

(iv) The roles and missions of the armed forces to carry out the missions described in clause (i), and the assumed roles and capabilities provided by other United States Government agencies and by allies and international partners.

(v) The force size and shape, force posture, defense capabilities, force readiness, infrastructure, organization, personnel, technological innovation, and other elements of the defense program necessary to support such strategy.

(vi) The major investments in defense capabilities, force structure, force readiness, force posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in clause (iii).

~~(vii) Strategic goals related to diversity and inclusion in the armed forces, and an assessment of measures of performance related to the efforts of the armed forces to reflect the diverse population of the United States eligible to serve in the armed forces.~~

~~(viii)~~ (vii) A strategic framework prescribed by the Secretary that guides how the Department will prioritize and integrate activities relating to sustainment of major defense acquisition programs, core logistics capabilities (as described under section 2464 of this title), commercial logistics capabilities, and the national technology and industrial base (as defined in section 4801 of this title).

~~(ix)~~ (viii) A strategic framework prescribed by the Secretary that guides how the Department will specifically address contested logistics, including major investments for related infrastructure, logistics-related authorities, force posture, related emergent technology and advanced computing capabilities, operational resilience, and operational energy, over the following five-year period to support such strategy.

~~(x)~~ (ix) Strategic goals to address or mitigate the current and projected risks to military installation resilience.

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(1)(1) The Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall establish metrics to measure—

~~(A) efforts to reflect across all grades comprising the officer and enlisted corps of each armed force the diverse population of the United States eligible to serve in the armed forces;~~

~~(B) efforts to reflect, across the civilian workforce of the Department and of each armed force, the diversity of the population of the United States; and~~

~~(C) to measure the efforts of the armed forces to generate and maintain a ready military force that will prevail in war, prevent and deter conflict, defeat adversaries, and succeed in a wide range of contingencies.~~

(2) In implementing the requirement in paragraph (1), the Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall—

~~(A) shall ensure that data elements, data collection methodologies, and reporting processes and structures pertinent to each metric established pursuant to that paragraph are comparable across the armed forces, to the extent practicable; practicable.~~

~~(B) establish standard classifications that members of the armed forces and civilian employees of the Department may use to self-identify their sex gender, race, or ethnicity, which classifications shall be consistent with Office of Management and Budget Number Directive 15, entitled 'Race and Ethnic Standards for Federal Statistics and Administrative Reporting', or any successor directive;~~

~~(C) define conscious and unconscious bias with respect to matters of diversity and inclusion, and provide guidance to eliminate such bias;~~

~~(D) conduct a barrier analysis to review demographic diversity patterns across the military life cycle, starting with enlistment or accession into the armed forces, in order to~~

~~(i) identify barriers to increasing diversity;~~

~~(ii) develop and implement plans and processes to resolve or eliminate any barriers to diversity; and~~

~~(iii) review the progress of the armed forces in implementing previous plans and processes to resolve or eliminate barriers to diversity;~~

~~(E) develop and implement plans and processes to ensure that advertising and marketing to promote enlistment or accession into the armed forces is representative of the diverse population of the United States eligible to serve in the armed forces; and~~

~~(F) meet annually with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the Chiefs of Staff of the Armed Forces to assess progress toward diversity and inclusion across the armed forces and to elicit recommendations and advice for enhancing diversity and inclusion in the armed forces.~~

(m) Accompanying each national defense strategy provided to the congressional defense committees in accordance with subsection (g)(1)(D), the Secretary of Defense, in coordination with the Secretary of the Department in which the Coast Guard is operating, shall provide a report that sets forth a detailed discussion, current as of the preceding fiscal year, of the following:

(1) The number of officers and enlisted members of the armed forces, including the reserve components, ~~disaggregated by gender, race, and ethnicity~~, for each grade in each armed force.

(2) The number of members of the armed forces, including the reserve components, who were promoted during the fiscal year covered by such report, ~~disaggregated by gender, race, and ethnicity~~, for each grade in each armed force, and of the number so promoted, the number promoted below, in, and above the applicable promotion zone.

(3) The number of members of the armed forces, including the reserve components, who were enlisted or accessed into the armed forces during the fiscal year covered by such report, ~~disaggregated by gender, race, and ethnicity~~, in each armed force.

(4) The number of graduates of each military service academy during the fiscal year covered by such report, ~~disaggregated by gender, race, and ethnicity~~, for each military department and the United States Coast Guard.

(5) The number of Senior Reserve Officers' Training Corps scholarships awarded during the fiscal year covered by the report, ~~disaggregated by gender, race, and ethnicity~~, for each military department.

(6) The program completion rates and program withdrawal rates of Senior Reserve Officers' Training Corps scholarship recipients during the fiscal year covered by the report, ~~disaggregated by gender, race, and ethnicity~~, for each military department.

(7) The number of graduates of the Senior Reserve Officers' Training Corps during the fiscal year covered by the report, ~~disaggregated by gender, race, and ethnicity~~, for each military department.

(8) The number of members of the armed forces, including the reserve components, who reenlisted or otherwise extended a commitment to military service during the fiscal year covered by such report, ~~disaggregated by gender, race, and ethnicity~~, for each grade in each armed force.

(9) The number of civilian employees of the Department, disaggregated by military department, ~~gender, race, and ethnicity~~—

(A) in each grade of the General Schedule;

(B) in each grade of the Senior Executive Service;

(C) paid at levels above grade GS-15 of the General Schedule but who are not members of the Senior Executive Service;

(D) paid under the Federal Wage System, and

(E) paid under alternative pay systems.

(10) An assessment of the pool of officers best qualified for promotion to grades O-9 and O-10, ~~disaggregated by gender, race, and ethnicity~~, in each military department and the United States Coast Guard.

(11) Any other matter the Secretary considers appropriate.

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#### **§147. Chief Diversity Officer**

~~(a) CHIEF DIVERSITY OFFICER.—(1) There is a Chief Diversity Officer of the Department of Defense, who shall be appointed by the Secretary of Defense.~~

~~(2) The Chief Diversity Officer shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion. A person may not be appointed as Chief Diversity Officer within three years after relief from active duty as a commissioned officer of a regular component of an armed force.~~

~~(3) The Chief Diversity Officer shall report directly to the Secretary of Defense in the performance of the duties of the Chief Diversity Officer under this section.~~

~~(b) DUTIES.—The Chief Diversity Officer—~~

~~(1) is responsible for providing advice on policy, oversight, guidance, and coordination for all matters of the Department of Defense related to diversity and inclusion;~~

~~(2) advises the Secretary of Defense, the Secretaries of the military departments, and the heads of all other elements of the Department with regard to matters of diversity and inclusion;~~

~~(3) shall establish and maintain a Department of Defense strategic plan that publicly states a diversity definition, vision, and goals for the Department;~~

~~(4) shall define a set of strategic metrics that are directly linked to key organizational priorities and goals, actionable, and actively used to implement the strategic plan under paragraph (3);~~

~~(5) shall advise in the establishment of training in diversity dynamics and training in practices for leading diverse groups effectively;~~

~~(6) shall advise in the establishment of a strategic plan for diverse participation by institutions of higher education (including historically black colleges and universities and minority serving institutions), federally funded research and development centers, and individuals in defense-related research, development, test, and evaluation activities;~~

~~(7) shall advise in the establishment of a strategic plan for outreach to, and recruiting from, untapped locations and underrepresented demographic groups;~~

~~(8) shall coordinate with, and be supported by, the Office of People Analytics on studies, assessments, and related work relevant to diversity and inclusion; and~~

~~(9) shall perform such additional duties and exercise such powers as the Secretary of Defense may prescribe.~~

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#### **§573. Convening of selection boards**

(a)(1) Whenever the Secretary concerned determines that the needs of the service so require, he shall convene a selection board to recommend for promotion to the next higher warrant officer grade warrant officers on the warrant officer active-duty list who are in the grade of chief warrant officer, W-2, chief warrant officer, W-3, or chief warrant officer, W-4.

(2) Warrant officers serving on the warrant officer active-duty list in the grade of warrant officer, W-1, shall be promoted to the grade of chief warrant officer, W-2, in accordance with regulations prescribed by the Secretary concerned. Such regulations shall require that an officer have served not less than 18 months on active duty in the grade of warrant officer, W-1, before promotion to the grade of warrant officer, W-2.

(b) A selection board shall consist of five or more officers who are on the active-duty list of the same armed force as the warrant officers under consideration by the board. At least five members of a selection board must be serving in a permanent grade above major or lieutenant commander. The Secretary concerned may appoint warrant officers, senior in grade to those under consideration, as additional members of the selection board. If warrant officers are appointed members of the selection board and if competitive categories have been established by the Secretary under section 574(b) of this title, at least one must be appointed from each warrant officer competitive category under consideration by the board, unless there is an insufficient number of warrant officers in the competitive category concerned who are senior in grade to those under consideration and qualified, as determined by the Secretary concerned, to be appointed as additional members of the board. ~~The members of a selection board shall represent the diverse population of the armed force concerned to the extent practicable.~~

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## **§612. Composition of selection boards**

(a)(1) Members of selection boards shall be appointed by the Secretary of the military department concerned in accordance with this section. A selection board shall consist of five or more officers of the same armed force as the officers under consideration by the board. Each member of a selection board (except as provided in paragraphs (2), (3), and (4)) shall be an officer on the active-duty list. Each member of a selection board must be serving in a grade higher than the grade of the officers under consideration by the board, except that no member of a board may be serving in a grade below major or lieutenant commander. ~~The members of a selection board shall represent the diverse population of the armed force concerned to the extent practicable.~~

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## **§656. Diversity in military leadership: plan; mentoring and career counseling program**

(a) ~~PLAN. The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Department of the Navy) shall develop and implement a plan to accurately measure the efforts of the Department of Defense and the Coast Guard to achieve a dynamic, sustainable level of members of the armed forces (including reserve components) that, among both commissioned officers and senior enlisted personnel of each armed force, will reflect the diverse population of the United States eligible to serve in the armed forces, including gender specific, racial, and ethnic populations. Any metric~~

established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Coast Guard, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary concerned shall continue to account for diversified language and cultural skills among the total force of the armed forces.

~~(b) MENTORING AND CAREER COUNSELING PROGRAM.—~~

~~(1) PROGRAM REQUIRED AS PART OF PLAN.~~ With the goal of having the diversity of the population of officers serving in each branch, specialty, community, and grade of each armed force reflect the diversity of the population in such armed force as a whole, the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating shall include in the plan required by subsection (a) a mentoring and career counseling program for officers.

~~(2) ELEMENTS.~~ The program required by this subsection shall include the following:

~~(A) The option for any officer to participate in the program.~~

~~(B) For each officer who elects to participate in the program, the following:~~

~~(i) One or more opportunities for mentoring and career counseling before selection of the officer's branch, specialty, or community.~~

~~(ii) Ongoing opportunities for mentoring and career counseling following selection of the officer's branch, specialty, or community, and continuing through the officer's military career.~~

~~(C) Mentoring and counseling during opportunities under subparagraph~~

~~(B) consisting of the following:~~

~~(i) Information on officer retention and promotion rates in each grade, branch, specialty, and community of the armed force concerned, including the rate at which officers in each branch, specialty, or community of such armed force are promoted to a grade above O-6.~~

~~(ii) Information on career and service pathways, including service in the reserve components.~~

~~(iii) Such other information as may be required to optimize the ability of an officer to make informed career decisions through the officer's military career.~~

~~(c) METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN AND MENTORING AND CAREER COUNSELING PROGRAM.~~ In developing and implementing the plan under subsection (a) and the mentoring and career counseling program under subsection (b), the Secretary of Defense and the Secretary of Homeland Security shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

~~(1) to accurately capture the inclusion and capability aspects of the armed forces' broader diversity plans, including race, ethnic, and gender specific groups, as potential factors of force readiness that would supplement continued accounting by the Department of Defense and the Coast Guard of diversified language and cultural skills among the total force as part of the assessment of current and future national security needs; and~~

~~(2) to be verifiable and systematically linked to strategic plans that will drive improvements.~~

~~(d) DEFINITION OF DIVERSITY. In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a uniform definition of diversity.~~

~~(e) CONSULTATION. Not less than annually, the Secretary of Defense and the Secretary of Homeland Security shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and senior enlisted members of the armed forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).~~

~~(f) COOPERATION WITH STATES. The Secretary of Defense shall coordinate with the National Guard Bureau and States in tracking the progress of the National Guard toward developing and implementing the plan established under subsection (a).~~

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#### **~~§986. Policy regarding identification of gender or personal pronouns in official correspondence~~**

~~The Secretary of Defense may not require or prohibit a member of the armed forces or a civilian employee of the Department of Defense to identify the gender or personal pronouns of such member or employee in any official correspondence of the Department.~~

\*\*\*\*\*

#### **§2001. Human relations training**

(a) HUMAN RELATIONS TRAINING.—(1)(A) The Secretary of Defense shall ensure that the Secretary of each military department conducts ongoing programs for human relations training for all members of the armed forces under the jurisdiction of the Secretary.

(B) Matters covered by such training shall include honor, excellence, courage, and commitment.

(C) Such training shall be provided during basic training (or other initial military training) and on a regular basis thereafter.

(2) The Secretary of Defense shall ensure that a unit commander is aware of the responsibility to ensure that impermissible activity, based upon discriminatory motives, does not occur in a unit under the command of such commander.

(b) INFORMATION PROVIDED TO PROSPECTIVE RECRUITS.—The Secretary of Defense shall ensure that—

(1) each individual preparing to enter an officer accession program or to execute an original enlistment agreement is provided information concerning the meaning of the oath of office or oath of enlistment for service in the armed forces in terms of the equal protection and civil liberties guarantees of the Constitution; and

(2) each such individual is informed that if supporting such guarantees is not possible personally for that individual, then that individual should decline to enter the armed forces.

\*\*\*\*\*

#### **§14102. Selection boards: appointment and composition**

(a) APPOINTMENT.—Members of selection boards convened under section 14101 of this title shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Selection boards convened under section 14101(b) of this title shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander. ~~The members of a selection board shall represent the diverse population of the armed force concerned to the extent practicable.~~

\*\*\*\*\*

## **Section 529 of the National Defense Authorization Act For Fiscal Year 2020** (Public Law 116-92; 10 U.S.C. 656 note)

### **~~SEC. 529. STRATEGIC PLAN FOR DIVERSITY AND INCLUSION.~~**

~~(a) PLAN REQUIRED.—The Secretary of Defense shall design and implement a five-year strategic plan for diversity and inclusion in the Department of Defense.~~

~~(b) ELEMENTS.—The strategic plan under this section—~~

~~(1) shall incorporate existing efforts to promote diversity and inclusion within the Department; and~~

~~(2) may not conflict with the objectives of the 2018 National Military Strategy.~~

~~(c) DEADLINE.—The Secretary shall implement the strategic plan under this section not later than one year after the date of the enactment of this Act [Dec. 20, 2019].~~

## **William M. (Mac) Thornberry National Defense** **Authorization Act for Fiscal Year 2021** (Public Law 116-283)

\*\*\*\*\*

### **SEC. 503. DIVERSITY IN SELECTION BOARDS.**

(a) REQUIREMENT FOR DIVERSE MEMBERSHIP OF ACTIVE DUTY PROMOTION SELECTION BOARDS.—\*\*\*

*[Note: subsections (a) and (b) amended secs. 573, 612, and 14102 of title 10, United States Code]*

\*\*\*\*\*

~~(c) OTHER SELECTION BOARDS.—~~



~~(1) IN GENERAL.—The Secretary of Defense shall ensure that the members of each selection board described in paragraph(2) represent the diverse population of the Armed Force concerned to the extent practicable.~~

~~(2) SELECTION BOARD DESCRIBED.—A selection board described in this paragraph (1) is any selection board used with respect to the promotion, education, or command assignments of members of the Armed Forces that is not covered by the amendments made by this section.~~

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## **SEC. 913. [10 U.S.C. 147 note] CHIEF DIVERSTIY OFFICER AND SENIOR ADVISORS FOR DIVERSITY AND INCLUSION.**

**(a) DEPARTMENT OF DEFENSE.—\*\*\***

*[Note: subsection (a) added sec. 147 to title 10, United States Code]*

\*\*\*\*\*

**~~(b) SENIOR ADVISORS FOR DIVERSITY AND INCLUSION FOR THE MILITARY DEPARTMENTS AND COAST GUARD.—~~**

~~(1) APPOINTMENT REQUIRED.—Each Secretary of a military department shall appoint within such military department a Senior Advisor for Diversity and Inclusion for such military department (and for the Armed Force or Armed Forces under the jurisdiction of such Secretary). The Commandant of the Coast Guard shall appoint a Senior Advisor for Diversity and Inclusion for the Coast Guard.~~

~~(2) QUALIFICATIONS AND LIMITATION.—Each Senior Advisor for Diversity and Inclusion shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion. A person may not be appointed as Senior Advisor for Diversity and Inclusion within three years after relief from active duty as a commissioned officer of a regular component of an Armed Force.~~

~~(3) REPORTING.—A Senior Advisor for Diversity and Inclusion shall report directly to the Secretary of the military department within which appointed. The Senior Advisor for Diversity and Inclusion for the Coast Guard shall report directly to the Commandant of the Coast Guard.~~

~~(4) DUTIES.—A Senior Advisor for Diversity and Inclusion, with respect to the military department and Armed Force or Armed Forces concerned—~~

~~(A) is responsible for providing advice, guidance, and coordination for all matters related to diversity and inclusion;~~

~~(B) shall advise in the establishment of training in diversity dynamics and training in practices for leading diverse groups effectively;~~

~~(C) shall advise and assist in evaluations and assessments of diversity;~~

~~(D) shall develop a strategic diversity and inclusion plan, which plan shall be consistent with the strategic plan developed and maintained pursuant to subsection (b)(3) of section 147 of title 10, United States Code (as added by subsection (a) of this section);~~

~~(E) shall develop strategic goals and measures of performance related to efforts to reflect the diverse population of the United States eligible to serve in the~~

~~Armed Forces, which goals and measures of performance shall be consistent with the strategic metrics defined pursuant to subsection (b)(4) of such section 147; and~~

~~(F) shall perform such additional duties and exercise such powers as the Secretary of the military department concerned or the Commandant of the Coast Guard, as applicable, may prescribe.~~

(c) EFFECTIVE DATE.—\*\*\*

1 **SEC. \_\_\_\_ . FIVE-YEAR EXTENSION OF AUTHORITY FOR ASSIGNMENT TO**  
2 **DEFENSE ADVANCED RESEARCH PROJECTS AGENCY OF PRIVATE**  
3 **SECTOR PERSONNEL WITH CRITICAL RESEARCH AND**  
4 **DEVELOPMENT EXPERTISE.**

5 (a) EXTENSION.—Subsection (e) of section 232 of the Carl Levin and Howard P. ‘Buck’  
6 McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 10  
7 U.S.C. 4091 prec. note) is amended by striking “September 30, 2025” and inserting “September  
8 30, 2030”.

9 (b) CROSS-REFERENCE AMENDMENT.—Subsection (f)(2) of such section is amended by  
10 striking “section 2302” and inserting “section 3014”.

**Section-by-Section Analysis**

This proposal would extend by five years, from September 30, 2025, to September 30, 2030, the authority for the Defense Advanced Research Projects Agency (DARPA) to temporarily assign employees of nontraditional defense contractors to the Agency.

The regulations for the Intergovernmental Personnel Act (IPA) mobility program (5 CFR part 334) allow assignment of non-Federal employees to Federal agencies and vice versa. A traditional IPA provides temporary assignment of personnel between the Federal government and State and local governments, higher education institutions, Indian tribal governments, and other eligible organizations (non-profits; research corporations; foundations; and more). Agreements can be made for up to two years and may be intermittent, part-time, or full-time.

DARPA uses the permanent IPA program and had been granted further authority by Congress to conduct a related “Pilot Program on Assignment to Defense Advanced Research Projects Agency of Private Sector Personnel With Critical Research and Development Expertise” (10 USC Subtitle A, PART V, Subpart E, CHAPTER 303, SUBCHAPTER II: PERSONNEL). The pilot authority is limited to 5 assignments and only applies to nontraditional defense contractors. It was enacted by Congress in Sec. 232 of the Fiscal Year 2015 NDAA (P.L. 113-291) and expires on September 30, 2025. This proposal extends the pilot program through September 30, 2030.

DARPA uses assignments under the IPA and the Private Sector Personnel Pilot program to meet the Agency’s unique talent needs. Extending this pilot authority will ensure this unique pathway remains available for employees of nontraditional defense contractors to support the mission of DARPA.

**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 amend section 232 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291; 10 U.S.C. 4091 prec. note) as follows:

**SEC. 232. PILOT PROGRAM ON ASSIGNMENT TO DEFENSE ADVANCED  
RESEARCH PROJECTS AGENCY OF PRIVATE SECTOR PERSONNEL  
WITH CRITICAL RESEARCH AND DEVELOPMENT EXPERTISE**

(a) PILOT PROGRAM AUTHORIZED.—In accordance with the provisions of this section, the Director of the Defense Advanced Research Projects Agency may carry out a pilot program to assess the feasibility and advisability of temporarily assigning covered individuals with significant technical expertise in research and development areas of critical importance to defense missions to the Defense Advanced Research Projects Agency to lead research or development projects of the Agency.

\*\*\*\*\*

(e) TERMINATION OF AUTHORITY.—The authority provided in this section shall expire on September 30, ~~2025~~ 2030, except that any covered individual assigned to the Agency under the pilot program shall continue in such assignment until the terms of such assignment have been satisfied.

(f) DEFINITIONS.—In this section:

(1) The term “covered individual” means any individual who is employed by a covered entity.

(2) The term “covered entity” means any non-Federal, nongovernmental entity that, as of the date on which a covered individual employed by the entity is assigned to the Agency under the pilot program, is a nontraditional defense contractor (as defined in section ~~2302~~ 3014 of title 10, United States Code.

1    **SEC. \_\_. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER**  
2                    **THE ISLAMIC STATE OF IRAQ AND SYRIA.**

3            (a) EXTENSION.—Subsection (a) of section 1236 of the Carl Levin and Howard P. “Buck”  
4    McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128  
5    Stat. 3559), as most recently amended by section 1231 of the Servicemembers Quality of Life  
6    Improvement and National Defense Authorization Act for Fiscal Year 2025 (Public Law 118–  
7    159), is amended by striking “December 31, 2025” and inserting “December 31, 2026”.

8            (b) FUNDING.—Subsection (g) of such section 1236 is amended—

9                    (1) by striking “fiscal year 2025” and inserting “fiscal year 2026”; and

10                  (2) by striking the period after the dollar amount.

11            (c) WAIVER AUTHORITY.—Subsection (o)(6) of such section is amended by striking  
12    “December 31, 2025” and inserting “December 31, 2026”.

**[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 extend the authority under section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291) to continue providing support to partner forces in Iraq to defeat the Islamic State of Iraq and Syria (ISIS) and help ensure that ISIS cannot resurge.

This authority continues to serve as the principal means for supporting counterterrorism and related operations “by, with, and through” vetted Government of Iraq (GoI) forces, including the Peshmerga, to achieve the enduring defeat of ISIS in Iraq. The extension and modification reflect Department of Defense (DoD) requirements in the current operational environment and the continuing need to enable vetted Iraqi security forces (ISF), including Peshmerga forces, to ensure the defeat of ISIS and prevent its re-emergence. Continuation of this authority would also facilitate the sustainment of equipment and capabilities as DoD transitions to normal security cooperation relations with Iraq.

U.S. support for the ISF defeat-ISIS effort strengthens Iraq’s ability to counter ISIS effectively and liberate their nation from the ISIS threat. Continuing this support will enhance the enduring strategic relationship between the United States and Iraq and help build the security relationship into the future. Support to partner forces provided under section 123 gave, and gives, credibility to our commitment to Iraq. The training, equipment, and operational support

provided through this authority allows the GoI to consolidate the gains achieved against ISIS and maintain the efforts to ensure ISIS cannot resurge. Extension of the program will facilitate the security development necessary for stability in Iraq and development of the means required to deal with the evolving nature of the ISIS threat.

Our shared mission with Iraq and the Global Coalition to Defeat ISIS in Iraq is succeeding because of this program and the support of Iraq. ISIS has been defeated territorially, and Iraqi forces are now in a much stronger position to suppress the remaining threat. To sustain our collective gains, we must continue to meet today's threat and ensure the enduring defeat of ISIS.

Section 1236 is the only authority that provides the flexibility to support the evolving nature of the fight against ISIS in Iraq, ensure the defeat of ISIS, and achieve the objectives of the United States in the region.

**Resource Information:** Resources impacted by this proposal are reflected in the table below and are included within the Fiscal Year (FY) 2026 President's Budget.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Appropriation	Budget Activity	Dash-1 Line Item	Program Element
Iraq CTEF	\$380					CTEF	04	4GTD0000	1002200T
Total	\$380								

**Changes to Existing Law:** This proposal would make changes to section 1236 of the National Defense Authorization Act for Fiscal Year 2015 as follows:

**SEC. 1236. AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.**

(a) IN GENERAL.—The Secretary of Defense is authorized, in coordination with the Secretary of State, to provide assistance, including training, equipment, logistics support, supplies, and services, stipends, infrastructure repair and renovation, small-scale construction of temporary facilities necessary to meet urgent operational or force protection requirements with a cost less than \$6,000,000, and sustainment, to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces or other local security forces, with a national security mission, through ~~December 31, 2025~~ December 31, 2026, for the following purposes:

- (1) Defending Iraq, its people, allies, and partner nations from the threat posed by the Islamic State of Iraq and Syria (ISIS) and groups supporting ISIS.
- (2) Securing the territory of Iraq.

\* \* \* \* \*

(g) FUNDING.—Of the amounts authorized to be appropriated for the Department of Defense for fiscal year ~~2025~~ 2026, there is authorized to be appropriated \$380,758,349- to carry out this section.

\* \* \* \* \*

(o) WAIVER AUTHORITY.—

(1) AUTHORITY OF PRESIDENT.—The President may waive the dollar amount limitation in subsection (a) with respect to a construction, repair, or renovation project for the purposes of providing the support described in paragraph (3) if the President—

(A) determines that the waiver is in the national security interest of the United States; and

(B) submits to the appropriate congressional committees a notification of the exercise of the waiver.

(2) AUTHORITY OF SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense may further adjust the total cost of a project subsequent to a waiver by the President of the dollar amount limitation in subsection (a) if—

(i) such total cost does not exceed the sum of—

(I) the cost estimate for the project as required by paragraph (4)(B)(i) that is included in the notification submitted by the President pursuant to such waiver; and

(II) the amount that is 50 percent of such cost estimate; and

(ii) the Secretary submits to the appropriate congressional committees a notification of the exercise of the adjustment.

(B) SCOPE.—The Secretary may modify the scope of a project subsequent to a waiver by the President of the dollar amount limitation in subsection (a) if the Secretary submits to the appropriate congressional committees a notification of the exercise of the modification.

(3) SUPPORT DESCRIBED.—The support described in this paragraph is support relating to temporary humane detention of Islamic State of Iraq and Syria foreign terrorist fighters in accordance with all laws and obligations relating to the provision of such support, including, as applicable—

(A) the law of armed conflict;

(B) internationally recognized human rights;

(C) the principle of non-refoulement;

(D) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984); and

(E) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST6223)).

(4) NOTICE AND WAIT.—

(A) IN GENERAL.—A project with respect to which the exercise of a waiver under paragraph (1) applies may only be carried out after the end of a 15-

day period beginning at the date on which the appropriate congressional committees receive the notification required by paragraph (1)(B). A project with respect to which the exercise of a further adjustment to the total cost of the project under paragraph (2)(A) applies or with respect to which the exercise of a modification to the scope of the project under paragraph (2)(B) applies may only be carried out after the end of a 15-day period beginning on the date on which the appropriate congressional committees receive the notification required by paragraph (2)(A) or (2)(B), as the case may be.

(B) MATTERS TO BE INCLUDED.—The notification required by paragraph (1)(B), (2)(A), or (2)(B) shall include the following:

- (i) A detailed plan and cost estimate for the project.
- (ii) A certification by the President that facilities and activities relating to the project comply with the laws and obligations described in paragraph (2).
- (iii) An explanation of the national security interest addressed by the project.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term “appropriate congressional committees” means—

- (i) the congressional defense committees; and
- (ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(5) UPDATE TO PLAN AND COST ESTIMATE.—Upon obligation of any funds to carry out a project with respect to which the exercise of a waiver under paragraph (1) applies, the Secretary of Defense shall submit to the congressional defense committees an update to the plan and cost estimate for the project as required by paragraph (3)(B)(i).

(6) SUNSET.—The waiver and other authorities under this subsection shall expire on ~~December 31, 2025~~ December 31, 2026.



1 SEC .\_\_\_\_. **EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED**  
2 **SYRIAN GROUPS AND INDIVIDUALS AND REPEAL OF REDUNDANT**  
3 **CONGRESSIONAL NOTIFICATION REQUIREMENT.**

4 (a) EXTENSION.—Section 1209 of the Carl Levin and Howard P. “Buck” McKeon  
5 National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559),  
6 as most recently amended by section 1232 of the National Defense Authorization Act for Fiscal  
7 Year 2025 (Public Law 118-159), is amended—

8 (1) in subsection (a), in the matter preceding paragraph (1), by striking  
9 “December 31, 2025” and inserting “December 31, 2026”; and

10 (2) in subsection (l)(3)(E), by striking “December 31, 2025” and inserting “the  
11 date specified in subsection (a)”.

12 (b) REPEAL OF REDUNDANT REQUIREMENT FOR NOTIFICATION OF CONGRESSIONAL  
13 COMMITTEES BEFORE PROVISION OF ASSISTANCE.—Such section 1209 is further amended by  
14 striking subsections (b) and (c).

15 (c) CLARIFICATION OF REFERENCE TO GOVERNMENT OF SYRIA.—Subsection (e)(1)(A) of  
16 such section is amended by striking “Government of Syria” and inserting “Assad government”.

**[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 extend existing authority to conduct programs authorized under section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015 (Public Law 113-291) and would repeal a redundant congressional notification requirement under that section.

Continued use of the authority under section 1209 would be informed by lessons learned to date from countering the Islamic State of Iraq and Syria (ISIS) in Syria and Iraq and will provide continued assistance to maintain continuity in the campaign to defeat ISIS, maintain cohesion with partners and allies in the Global Coalition to Defeat ISIS, and respond effectively to any ISIS resurgence.

Extension of this authority would afford the necessary resources required to counter ISIS in Syria. This authority provides the means to train and equip vetted Syrian groups and individuals (VSGI) to accomplish U.S. counterterrorism goals. This authority continues to serve as the principal means for continuing counterterrorism and related operations “by, with, and through” VSGI to achieve the enduring defeat of ISIS. The extension reflects Department of Defense (DoD) requirements in the current operational environment and the continuing need to enable VSGI to ensure the defeat of ISIS and prevent its re-emergence.

The ISIS “caliphate” in Syria still exist with the intent to regroup, rebuild, and to continue the battle in the future. Countering ISIS now, and in the years ahead, requires assistance that creates an environment in which local partner forces can respond effectively to ISIS, as it shifts its operations to insurgent warfare. ISIS remains focused on maintaining a clandestine, long-term insurgency to undermine local and regional governments, and support its global ambitions. This authority supports building the capacity and improving operational capabilities of our vetted partners to defeat ISIS, and deliver security to liberated areas in Syria. Additionally, this assistance provides our vetted local forces with essential security components that otherwise would not be available under any existing U.S. program.

Subsection (a) of the proposal would extend the authority under section 1209 by another year.

Subsection (b) of the proposal would repeal subsections (b) and (c) of section 1209. Those subsections were modified by the NDAA for FY 2020 to require the Secretary of Defense to notify the congressional defense committees of select information prior to expenditure of funds for VSGI assistance. This notification requirement is largely redundant since the Secretary already reports the same level of information in the financial and activity plans (FAPs) required by appropriations acts. Information required in this report that is not already reported in FAPs can be added to the quarterly reports that are required in subsection (d) of section 1209. Repealing this notification requirement would reduce reporting and expedite funding for VSGI support without withholding information from the congressional defense committees.

More than 9,000 ISIS fighters remain in partner-run detention facilities in Syria. As the January 2022 attack in Hasakah demonstrates, these facilities remain vulnerable to ISIS efforts to break out of those facilities. Guard training and enhanced security measures provided to the vetted partner forces pursuant to section 1209 remain imperative to maintaining the security of these facilities and keeping those ISIS fighters off the battlefield. Continuing the authority to waive limitations on the cost of construction and renovation projects would enable expedited implementation of projects to renovate existing detention facilities and improve security conditions at these facilities.

These capabilities can only be built by strengthening the security capabilities of our vetted partners in securing territory liberated from ISIS and countering any future ISIS threats. The authority to provide training, equipment, and operational support, allows these partners to consolidate the gains achieved against ISIS and help prevent its reemergence. This authority is instrumental and cost-effective in improving the stability and security of areas liberated from ISIS, as well as the detention of ISIS fighters. Doing so helps reduce malign influence by other actors in liberated areas. The extension proposed here is intended to increase the effectiveness of our partners in continuing this campaign, in particular, their efforts to detain ISIS fighters in a safe, secure, and humane manner and to eliminate redundant reporting requirements.

Since the inception of our efforts to train and equip the vetted partner forces in Syria, together with our partners, ISIS has lost all the territory it once held in its so-called caliphate, but

we must remain vigilant of any possible resurgence of ISIS and similar organizations. Without these authorities and support to local partners' counter-ISIS operations, our partners will be challenged to address evolving ISIS threats, maintain sufficient border security, and protect their population, which would result in an environment that fuels instability, exacerbates sectarian divisions, contributes to extremism, and allows outside actors to destabilize the region and places our Homeland (and those of our partners and allies) at future risk.

**Resource Information:** The resources affected by this proposal are reflected in the table below and are included within the Fiscal Year (FY) 2026 President's Budget request.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
CTEF – Syria	\$148					CTEF	04	4GTD0000	1002200T
Total	\$148								

**Changes to Existing Law:** This proposal would make the following changes to section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291):

#### **SEC. 1209. AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.**

(a) IN GENERAL.—The Secretary of Defense is authorized, in coordination with the Secretary of State, to provide assistance, including training, equipment, supplies, stipends, construction and repair of training and associated facilities or other facilities necessary to meet urgent military operational requirements of a temporary nature and sustainment to appropriately vetted Syrian groups and individuals through ~~December 31, 2025~~December 31, 2026, for the following purposes:

- (1) Defending the Syrian people from attacks by the Islamic State of Iraq and Syria.
- (2) Securing territory formerly controlled by the Islamic State of Iraq and Syria.
- (3) Protecting the United States and its partners and allies from the threats posed by the Islamic State of Iraq and Syria, al Qaeda, and associated forces in Syria.
- (4) Providing appropriate support to vetted Syrian groups and individuals to conduct temporary and humane detention and repatriation of Islamic State of Iraq and Syria foreign terrorist fighters in accordance with all laws and obligations related to the conduct of such operations, including, as applicable—
  - (A) the law of armed conflict;
  - (B) internationally recognized human rights;
  - (C) the principle of non-refoulement;

(D) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984); and

(E) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

~~(b) NOTICE BEFORE PROVISION OF ASSISTANCE.—~~

~~(1) IN GENERAL.—In accordance with the requirements under paragraph (2), the Secretary of Defense shall notify the congressional defense committees in writing of the use of the relevant authority to provide assistance and include the following:~~

~~(A) The requirements and process used to determine appropriately vetted recipients.~~

~~(B) The mechanisms and procedures that will be used to monitor and report to the appropriate congressional committees and leadership of the House of Representatives and Senate on unauthorized end use of provided training and equipment or other violations of relevant law by appropriately vetted recipients.~~

~~(C) The amount, type, and purpose of assistance to be funded and the recipient of the assistance.~~

~~(D) The goals and objectives of the assistance.~~

~~(E) The number and role of United States Armed Forces personnel involved.~~

~~(F) Any other relevant details.~~

~~(2) TIMING OF REQUIRED NOTICE.—A notice described in paragraph (1) shall be required—~~

~~(A) not later than 15 days before the expenditure of each 25 percent of the total amount authorized to be appropriated in any fiscal year under this section; or~~

~~(B) not later than 48 hours after such an expenditure, if the Secretary determines that extraordinary circumstances that affect the national security of the United States exist.~~

~~(c) FORM.—The notifications required under subsection (b) shall be submitted in unclassified form but may include a classified annex.~~

~~(d) QUARTERLY PROGRESS REPORTS.—~~

~~(1) IN GENERAL.—Beginning on January 15, 2020, and every 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and the Senate a progress report.~~

~~(2) MATTERS TO BE INCLUDED.—Each progress report under paragraph (1) shall include, based on the most recent quarterly information, the following:~~

~~(A) A description of the appropriately vetted recipients receiving assistance under subsection (a), including a description of their geographical locations, demographic profiles, political affiliations, and current capabilities.~~

~~(B) A description of training, equipment, supplies, stipends, and other support provided to appropriately vetted recipients under subsection (a) and a~~

statement of the amount of funds expended for such purposes during the period covered by the report.

(C) Any misuse or loss of provided training and equipment and how such misuse or loss is being mitigated.

(D) An assessment of the recruitment, throughput, and retention rates of appropriately vetted recipients.

(E) An assessment of the operational effectiveness of appropriately vetted recipients in meeting the purposes specified in subsection (a).

(F) A description of the current and planned posture of United States forces and the planned level of engagement by such forces with appropriately vetted recipients, including the oversight of equipment provided under this section and the activities conducted by such appropriately vetted recipients.

(G) A detailed explanation of the relationship between appropriately vetted recipients and civilian governance authorities, including a description of efforts to ensure appropriately vetted recipients are subject to the control of competent civilian authorities.

(H) A description of United States Government stabilization objectives and activities carried out in areas formerly controlled by the Islamic State of Iraq and Syria, including significant projects and funding associated with such projects.

(I) A description of coalition contributions to the purposes specified in subsection (a) and other related stabilization activities.

(J) With respect to Islamic State of Iraq and Syria foreign terrorist fighters—

(i) an estimate of the number of such individuals being detained by appropriately vetted Syrian groups and individuals;

(ii) an estimate of the number of such individuals that have been repatriated and the countries to which such individuals have been repatriated; and

(iii) a description of United States Government support provided to facilitate the repatriation of such individuals.

(I) An assessment of the extent to which appropriately vetted Syrian groups and individuals have enabled progress toward establishing inclusive, representative, accountable, and civilian-led governance and security structures in territories liberated from the Islamic State of Iraq and Syria.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term “appropriately vetted” means, with respect to elements of the Syrian opposition and other Syrian groups and individuals, at a minimum—

(A) assessments of such elements, groups, and individuals for associations with terrorist groups, Shia militias aligned with or supporting the ~~Government of Syria~~ Assad government, and groups associated with the Government of Iran. Such groups include the Islamic State of Iraq and Syria, Jabhat al Nusrah, Ahrar al Sham, other al-Qaeda related groups, and Hezbollah; and

(B) a commitment from such elements, groups, and individuals to promoting the respect for human rights and the rule of law.

(2) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(f) RESTRICTION ON SCOPE OF ASSISTANCE IN THE FORM OF WEAPONS.—

(1) IN GENERAL.—The Secretary may only provide assistance in the form of weapons pursuant to the authority under subsection (a) if such weapons are small arms or light weapons.

(2) WAIVER.—The Secretary may waive the restriction under paragraph (1) upon certification to the appropriate congressional committees that such provision of law would (but for the waiver) impede national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of assistance.

(g) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments to provide assistance as authorized by this section, at the end of the 15-day period beginning on the date the Secretary notifies the congressional defense committees of the amount, source, and intended purpose of such contributions. Any funds so accepted by the Secretary shall be credited to appropriations for the appropriate accounts.

(h) CONSTRUCTION OF AUTHORIZATION.—Nothing in this section shall be construed to constitute a specific statutory authorization for the introduction of United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(i) WAR POWERS RESOLUTION MATTERS.—Nothing in this section supersedes or alters the continuing obligations of the President to report to Congress pursuant to section 4 of the War Powers Resolution (50 U.S.C. 1543) regarding the use of United States Armed Forces abroad.

(j) WAIVER AUTHORITY.—For purposes of the provision of assistance pursuant to subsection (a), the President may waive any provision of law if the President determines that such provision of law would (but for the waiver) impede national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of such assistance. Such waiver shall not take effect until 30 days after the date on which the President notifies the appropriate congressional committees of such determination and the provision of law to be waived.

(k) ASSISTANCE TO THIRD COUNTRIES IN PROVISION OF ASSISTANCE.—The Secretary may provide assistance to third countries for purposes of the provision of assistance authorized under this section.

(1) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—

(1) IN GENERAL.—The cost of construction and repair projects carried out under this section may not exceed, in any fiscal year—

(A) \$6,000,000 per project; or

(B) \$30,000,000 in the aggregate.

(2) FOREIGN CONTRIBUTIONS.—The limitation under paragraph (1) shall not apply to the expenditure of foreign contributions in excess of the per-project or aggregate limitation set forth in that paragraph.

amended by adding at the end the following:

(3) WAIVER AUTHORITY.—

(A) AUTHORITY OF PRESIDENT.—The President may waive the limitation under paragraph (1)(A) on a per project basis for the purposes of providing support authorized under subsection (a)(4) if the President—

(i) determines that the waiver is in the national security interest of the United States; and

(ii) submits to the appropriate congressional committees a notification of the exercise of the waiver.

(B) AUTHORITY OF SECRETARY OF DEFENSE.—

(i) IN GENERAL.—The Secretary of Defense may further adjust the total cost of a project subsequent to a waiver by the President of the limitation under paragraph (1)(A) if—

(I) such total cost does not exceed the sum of—

(aa) the cost estimate for the project as required by subparagraph (C)(ii)(I) that is included in the notification submitted by the President pursuant to such waiver; and

(bb) the amount that is 50 percent of such cost estimate; and

(II) the Secretary submits to the appropriate congressional committees a notification of the exercise of the adjustment.

(ii) SCOPE.—The Secretary may modify the scope of a project subsequent to a waiver by the President of the limitation under paragraph (1)(A) if the Secretary submits to the appropriate congressional committees a notification of the exercise of the modification.

(C) NOTICE AND WAIT.—

(i) IN GENERAL.—A project with respect to which the exercise of a waiver under subparagraph (A) applies may only be carried out after the end of a 15-day period beginning at the date on which the appropriate congressional committees receive the notification required by subparagraph (A)(ii). A project with respect to which the exercise of a further adjustment to the total cost of the project under subparagraph (B)(i) applies or with respect to which the exercise of a modification to the scope of the project under subparagraph (B)(ii) applies may only be carried out after the end of a 15-day period beginning on the date on which the appropriate congressional committees receive the notification required by subparagraph (B)(i) or (B)(ii), as the case may be.

(ii) MATTERS TO BE INCLUDED.—The notification required by subparagraph (A)(ii), (B)(i), or (B)(ii) shall include the following:

(I) A detailed plan and cost estimate for the project.

(II) A certification by the President that facilities and activities relating to the project comply with—

(aa) the law of armed conflict;

(bb) internationally recognized human rights;

(cc) the principle of non-refoulement;

(dd) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984); and

(ee) the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST6223)).

(III) An explanation of the national security interest addressed by the project.

(iii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term “appropriate congressional committees” means—

(I) the congressional defense committees; and

(II) the Committee on Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(D) UPDATE TO PLAN AND COST ESTIMATE.—Upon obligation of any funds to carry out a project with respect to which the exercise of a waiver under subparagraph (A) applies, the Secretary of Defense shall submit to the congressional defense committees an update to the plan and cost estimate for the project as required by subparagraph (B)(ii)(I).

(E) SUNSET.—The waiver and other authorities under this paragraph shall expire on ~~December 31, 2025~~ the date specified in subsection (a).

(m) APPROVAL AND NOTICE BEFORE CERTAIN CONSTRUCTION AND REPAIR PROJECTS.—

(1) APPROVAL.—A construction or repair project costing more than \$1,000,000 may not be carried out under this section unless approved in advance by the Commander of the United States Central Command.

(2) NOTICE.—When a decision is made to carry out a construction or repair project to which paragraph (1) applies, the Commander of the United States Central Command shall notify in writing the appropriate committees of Congress of that decision, including the justification for the project and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.



1 **SEC. \_\_\_\_ . ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL**  
2 **LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION**  
3 **ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING**  
4 **OVERSEAS.**

5 Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act  
6 for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section  
7 1104 of the Servicemember Quality of Life Improvement and National Defense Authorization  
8 Act for Fiscal Year 2025 (Public Law 118–159; 138 Stat. 2087), is further amended by striking  
9 “through 2025” and inserting “through 2026”.

**[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 has been a recurring provision for the last several years and would extend for one additional year of the authority under section 1101 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009, as amended by subsequent NDAA's, most recently section 1104 of the FY 2025 NDAA. The provision is currently in effect through calendar year 2025. The authority under that section is similar to that previously provided in the NDAA's since FY 2006.

This proposal would provide the head of a Federal executive agency with the authority to waive the limitations on the amount of premium pay that may be paid to a Federal civilian employee while the employee performs work in an overseas location in direct support of, or directly related to, a military operation, including a contingency operation, or an operation in response to a national emergency declared by the President.

Under the law generally applicable to premium pay for Federal civilian employees (section 5547 of title 5, United States Code (U.S.C.)), premium pay for a biweekly pay period may be paid to an employee only to the extent that the payment does not cause the aggregate of basic pay and premium pay for that pay period to exceed the greater of the biweekly maximum rate of basic pay payable for General Schedule-15 (GS-15), as adjusted for any applicable locality payment or special rate supplement, or the rate payable for level V of the Executive Schedule. In certain emergency or mission-critical situations, an agency may apply the section 5547 premium pay cap on an annual basis instead of a biweekly basis. Extending the authority under section 1101(a) of the FY 2009 NDAA would allow a Federal agency head, during calendar year 2026, to waive the limitations in section 5547 and pay premium pay to a Federal

civilian employee performing work in an overseas location, as described above, to the extent that the payment does not cause the aggregate of basic pay and premium pay to exceed the annual rate of salary payable to the Vice President under section 104 of title 3, U.S.C., in a calendar year.

The impact of this proposal will ultimately be determined by the number of employees affected, the basic pay of each employee (which varies by grade, step, and location), and the number of hours of overtime worked by each employee. Based on available payroll data, it is estimated the total number of employees affected is near 500 across the Department of Defense, with an estimated resource impact of under \$500,000 per year.

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

**Changes to Existing Law:** This proposal would amend section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615) as follows:

**SEC. 1101. AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY  
AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN  
EMPLOYEES WORKING OVERSEAS.**

(a) **WAIVER AUTHORITY.**—During calendar years 2009 ~~through 2025~~ through 2026, and notwithstanding section 5547 of title 5, United States Code, the head of an executive agency may waive the premium pay limitations established in that section up to the annual rate of salary payable to the Vice President under section 104 of title 3, United States Code, for an employee who performs work while in an overseas location, in direct support of, or directly related to—

- (1) a military operation, including a contingency operation; or
- (2) an operation in response to a national emergency declared by the President.

(b) **APPLICABILITY OF AGGREGATE LIMITATION ON PAY.**—In applying section 5307 of title 5, United States Code, any payment in addition to basic pay for a period of time during which a waiver under subsection (a) is in effect shall not be counted as part of an employee's aggregate compensation for the given calendar year.

(c) **ADDITIONAL PAY NOT CONSIDERED BASIC PAY.**—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) **REGULATIONS.**—The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

1   **SEC. \_\_. 25-YEAR EXTENSION OF CERTAIN MILITARY LAND WITHDRAWALS**  
2                   **AND CORRECTION OF LAND DESCRIPTIONS.**

3           (a) EXTENSION OF WITHDRAWAL AND RESERVATION FOR MILITARY USE OF CERTAIN  
4   LANDS.—

5                   (1) FORT GREELY AND FORT WAINWRIGHT TRAINING RANGES, ALASKA, AND  
6   MCGREGOR RANGE, FORT BLISS, NEW MEXICO.—Section 3015(a) of the Military Lands  
7   Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892) is amended by  
8   striking “25 years after November 6, 2001” and inserting “on November 6, 2051”.

9                   (2) FORT IRWIN MILITARY LANDS.—Section 2910(a) of the Fort Irwin Military  
10   Lands Withdrawal Act of 2001 (title XXIX of Public Law 107–107; 115 Stat. 1339) is  
11   amended by striking “25 years after the date of the enactment of this Act” and inserting  
12   “on December 31, 2051”.

13          (b) CORRECTION OF LAND DESCRIPTIONS.—

14                   (1) MCGREGOR RANGE MILITARY LANDS.—Section 3011(d)(2) of the Military  
15   Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892) is  
16   amended by striking “608,385” and inserting “605,401”.

17                   (2) FORT IRWIN MILITARY LANDS.—Section 2902(c) of the Fort Irwin Military  
18   Lands Withdrawal Act of 2001 (title XXIX of Public Law 107–107; 115 Stat. 1336) is  
19   amended—

20                           (A) by striking “110,000” and inserting “117,710”; and

21                           (B) by striking “as ‘Proposed Withdrawal Land’ on the map entitled

22                           ‘National Training Center—Proposed Withdrawal of Public Lands for Training

1 Purposes’, dated September 21, 2000” and inserting “on the map entitled ‘Fort  
2 Irwin Withdrawal’ dated February 28, 2025”.

**[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 extend for an additional 25 years the withdrawal from the public domain and reservation for military use of the following parcels of land: (1) 869,862 acres used by the Army at Fort Greely and Fort Wainwright; (2) 605,401<sup>1</sup> acres generally known as “McGregor Range;” and (3) 117,710<sup>2</sup> acres used by the Army and other Services at Fort Irwin. The proposal would also make corrections to some of the acreage amounts indicated in the land descriptions (based on recent review of the legal descriptions and updated survey data).

The public land withdrawal and reservation for military use of these properties is nearing expiration. An extension of the land withdrawal and reservation for military use is necessary to ensure that the Army has continued use of these properties for military training purposes.

The property descriptions for these lands are as follows:

- Fairbanks North Star Borough and Unorganized Borough, Alaska as generally depicted on the map entitled “Fort Wainwright and Fort Greely Regional Context map” dated June 3, 1987, totaling 869,862 acres.
- Lands contained in Otero County, New Mexico as generally depicted on the map entitled “McGregor Range Withdrawal” dated June 3, 1999, totaling 605,401 acres.
- Public lands totaling 117,710 acres contained in San Bernadino County, California as generally depicted on the map entitled “Fort Irwin Withdrawal” dated February 28, 2025.

Failure to adopt this proposal would result in the Army’s loss of this land for training purposes, materially impacting force readiness.

**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 amend sections 3011(d)(2) and 3015(a) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892) and sections 2902(c) and 2910(a) of the Fort Irwin Military Lands Withdrawal Act of 2001 (title XXIX of Public Law 107–107; 115 Stat. 1339) as follows:

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<sup>1</sup> The Bureau of Land Management has reviewed the legal description of these acres and notes that the total is approximately 605,401 acres rather than the 608,385 acres stated in 3011(d)(2) of P.L. 106-65.

<sup>2</sup> A recent cadastral survey conducted by the Bureau of Land Management revealed a discrepancy in the acreage amount included in the original withdrawal due to incorrect assumptions associated with the original township and range survey from the late 1850s. The cadastral survey indicates that the correct acreage is approximately 117,710 as opposed to 110,000.

**Military Lands Withdrawal Act of 1999**  
**(title XXX of Public Law 106–65)**

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**SEC. 3011. WITHDRAWALS.**

(a) NAVAL AIR STATION FALLON RANGES, NEVADA.—

(1) WITHDRAWAL AND RESERVATION.—(A) Subject to valid existing rights and except as otherwise provided in this subtitle, the lands established at the B–16, B–17, B–19, and B–20 Ranges, as referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map referred to in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws.

\*\*\*\*\*

(d) MCGREGOR RANGE, FORT BLISS, NEW MEXICO.—

(1) WITHDRAWAL AND RESERVATION.—Subject to valid existing rights and except as otherwise provided in this subtitle, all lands and interests in lands within the boundaries established at the McGregor Range of Fort Bliss, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support associated with the Air Force Tactical Target Complex; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise ~~608,385~~ 605,401 acres of land in Otero County, New Mexico, as generally depicted on the map entitled “McGregor Range Withdrawal”, dated June 3, 1999, and filed in accordance with section 3012.

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**SEC. 3015. DURATION OF WITHDRAWAL AND RESERVATION.**

(a) GENERAL TERMINATION DATE.—The withdrawal and reservation of lands by section 3011 shall terminate ~~25 years after November 6, 2001~~ on November 6, 2051, except as otherwise provided in this subtitle and except for the withdrawals provided for under subsections (a) and (b) of section 3011 which shall terminate 20 years after November 6, 2001.

(b) COMMENCEMENT DATE FOR CERTAIN LANDS.—As to the lands withdrawn for military purposes by section 3011, but not withdrawn for military purposes by section 1 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), the withdrawal of such lands shall become effective on the date of the enactment of this Act.

(c) OPENING DATE.—On the date of the termination of the withdrawal and reservation of lands under this subtitle, such lands shall not be open to any form of appropriation under the public land laws, including the mineral laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened.

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**Fort Irwin Military Lands Withdrawal Act of 2001**  
**(title XXIX of Public Law 107–107)**

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**SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS FOR NATIONAL  
TRAINING CENTER.**

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all public lands and interests in lands described in subsection (c) are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and mineral and geothermal leasing laws, and jurisdiction over such lands and interests in lands withdrawn and reserved by this title is hereby transferred to the Secretary of the Army.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army for the following purposes:

- (1) The conduct of combined arms military training at the National Training Center.
- (2) The development and testing of military equipment at the National Training Center.
- (3) Other defense-related purposes consistent with the purposes specified in paragraphs (1) and (2).
- (4) Conservation and related research purposes.

(c) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this section comprise approximately ~~110,000~~ 117,710 acres in San Bernardino County, California, as generally depicted as ~~“Proposed Withdrawal Land” on the map entitled “National Training Center—Proposed Withdrawal of Public Lands for Training Purposes”, dated September 21, 2000~~ on the map entitled “Fort Irwin Withdrawal” dated February 28, 2025, and filed in accordance with section 2903.

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## **SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.**

(a) TERMINATION DATE.—Unless extended pursuant to section 2911, unless relinquishment is postponed by the Secretary of the Interior pursuant to section 2912(b), and except as provided in section 2912(d), the withdrawal and reservation made by this title shall terminate ~~25 years after the date of the enactment of this Act~~ on December 31, 2051.

(b) LIMITATION ON SUBSEQUENT AVAILABILITY FOR APPROPRIATION.—At the time of termination of the withdrawal and reservation made by this title, the previously withdrawn lands shall not be open to any forms of appropriation under the general land laws, including the mining laws and the mineral and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date upon which such lands shall be restored to the public domain and opened.

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1 **SEC. \_\_\_\_ . MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE IN**  
2 **SUPPORT OF DEPARTMENT OF DEFENSE ACCOUNTING FOR**  
3 **MISSING UNITED STATES GOVERNMENT PERSONNEL.**

4 Section 408 of title 10, United States Code, is amended—

5 (1) in subsection (a), by inserting “and procure goods and services from” after  
6 “assistance to”; and

7 (2) in subsection (d)(1), by striking “\$5,000,000” and inserting “\$15,000,000”.

**[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 408 of title 10, United States Code, by adding the authority to procure goods and services from any foreign nation that assists the Department of Defense with recovery of and accounting for United States personnel who are missing from designated past conflicts. Additionally, the proposal would increase the statutory cap on the amount of assistance that can be provided to foreign nations in any fiscal year from \$5,000,000 to \$15,000,000.

Pursuant to sections 1501, 1501a, 1509, and 1513 of title 10, the Secretary of Defense designated the Defense POW/MIA Accounting Agency (DPAA) as the single organization responsible for Department matters related to missing persons from past conflicts, including accounting for DoD personnel from past conflicts and other designated conflicts. In accomplishing its worldwide mission, DPAA has forged relationships in 46 countries that provide DoD access and, in many cases, assistance in field investigative and recovery efforts.

DPAA operates in remote locations, including areas where access to necessary goods and services are unavailable except through host nation governments. Payments to host nation governments are for the procurement of services and supplies, including logistics services; base camp setup; excavation site preparation and remediation; workforce recruitment; helicopter landing zone clearance; vehicle and equipment rentals; and building materials and general supplies to conduct field activities. Explicit authority to procure goods and services directly from host nations would provide the most cost effective and efficient mechanism to obtain the necessary support to accomplish DPAA activities in these countries. Alternative avenues used in the past, such as contracting through U.S. or foreign intermediaries, significantly increased the administrative cost and delayed execution. Other options explored, such as cross-servicing agreements or acquisition-only agreements, would require significant time to implement through the international agreement process with no assurance that these countries would agree to the necessary terms of an international agreement.



In Fiscal Year (FY) 2024, DPAA expended \$4,914,000 using the authority in Section 408 to conduct operations in Vietnam and Laos. This represents approximately half of the operations in those countries for which DPAA could have leveraged Section 408 to provide foreign assistance if it had been available at the beginning of the fiscal year, instead of when Section 408 was amended with the enactment of Public Law 118-31, the National Defense Authorization Act for FY 2024, on December 22, 2023. Although the total amount DPAA expended in FY 2024 using 408 authority was less than the \$5,000,000 limitation, DPAA estimates that fully utilizing 408 authorities for missions that occurred pre-enactment and other opportunities that occurred post enactment the agency would have executed \$7,917,000 in FY 2024. Also, DPAA could have pursued additional opportunities in FY 2024 given a full fiscal year in which to operate under 408 authority and if there was a higher annual limit. In the future DPAA estimates that if all possible opportunities to utilize 408 authorities are realized, the agency can anticipate spending more than \$12,000,000 each fiscal year. Payments to host nation governments are used to pay mission planning and organizing fees; land access and permitting fees; per diem, travel and lodging for host nation personnel directly supporting DPAA field activities; and land restoration.

Increasing the amount of assistance DPAA is authorized to provide in any fiscal year to \$15,000,000 would provide increased flexibility for DPAA to manage operations more efficiently and effectively, including leveraging host nation support, investigation and recovery teams so as to increase the pace and scope of accounting for missing DoD personnel. Also, the increase would be sufficient to meet anticipated needs and allow for increased costs due to inflation and the growing number of investigations and excavations at technically complex sites.

If enacted the proposal would expand the scope of the authority by authorizing DPAA to procure goods and services directly from the host nation, increase the annual amount of assistance provided under section 408 in any fiscal year for direct payments to host nation governments, and more efficiently support accounting for U.S. personnel missing from designated past conflicts.

**Resource Information:** The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2026 President’s Budget that are impacted by this proposal.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 202 6	FY 2027	FY 2028	FY 2029	FY 2030	Appropriation From	Budget Activity	Dash-1 Line Item	Program Element
DPAA	12.5	13.0	13.5	14.0	14.5	Operation and Maintenance, Defense-Wide	BA4	4GTC	0901636DPA
<b>Total</b>	12.5	13.0	13.5	14.0	14.5	O&M DW	BA4	4GTC	0901636DPA

**Cost Methodology:** Estimates of resource requirements are based on projected host nation support costs for joint field activities in Vietnam, Laos, and Cambodia using prior year budget execution data and long-term operational planning estimates.

**Changes to Existing Law:** This proposal would make the following changes to section 408 of title 10, United States Code:

**§408. Assistance in support of Department of Defense accounting for missing United States Government personnel**

(a) IN GENERAL.—The Secretary of Defense may provide assistance to and procure goods and services from any foreign nation to assist the Department of Defense with recovery of and accounting for missing United States Government personnel.

(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include the following:

- (1) Equipment.
- (2) Supplies.
- (3) Services.
- (4) Training of personnel.
- (5) Funds.

(c) APPROVAL BY SECRETARY OF STATE.—Assistance may not be provided under this section to any foreign nation unless the Secretary of State specifically approves the provision of such assistance.

(d) LIMITATIONS.—(1) Except as provided in paragraph (2), the amount of assistance provided under this section in any fiscal year may not exceed ~~\$5,000,000~~ \$15,000,000.

(2) The Secretary may waive the limitation under paragraph (1) if the Secretary submits to the congressional defense committees notice of the waiver together with the reasons why the waiver is necessary.

(3) No assistance may be provided under this section to a foreign nation the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to-

- (A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));
- (B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or
- (C) section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(e) CONSTRUCTION WITH OTHER ASSISTANCE.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations under law.

(f) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the preceding fiscal year.

1    **SEC. \_\_\_\_ . MODIFICATION TO APPOINTMENT OF THE PERFORMANCE**

2                    **IMPROVEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.**

3            Section 132a(a) of title 10, United States Code, is amended—

4                    (1) in paragraph (1), by striking “from among the ranks of qualified individuals  
5                    from the senior career civil service”; and

6                    (2) in paragraph (2), by striking “described in paragraph (1)”.

**[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 remove the requirement for the Performance Improvement Officer of the Department of Defense to be a career Senior Executive Service (SES) member. It is critical that such an important function, aligned closely to the Deputy Secretary of Defense and the political leadership of the Department, be allowed to be filled by a senior official selected by the Secretary of Defense without the undue constraint of having to select a career SES individual (e.g., through the selection of a non-career SES individual). This would increase the discretionary flexibility of the Secretary of Defense. This proposal would not have resource implications since the cost for a non-career SES is comparable to a career SES.

**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 amend section 132a of title 10, United States Code, as follows:

**§ 132a. Performance improvement officer**

(a) ESTABLISHMENT.—

(1) There is a Performance Improvement Officer of the Department of Defense, to be appointed by the Secretary of Defense ~~from among the ranks of qualified individuals from the senior career civil service.~~

(2) The Performance Improvement Officer shall be appointed from among persons ~~described in paragraph (1)~~ who have an extensive management or business background and experience with managing large or complex organizations, organizational change management, or business transformation activities.

(b) DEPUTY.—The Performance Improvement Officer shall be supported by a Deputy who shall be appointed by the Secretary of Defense from among the ranks of qualified individuals from the senior career civil service. The Deputy shall be the first assistant to the

Performance Improvement Officer and shall assist that Officer in the performance of the duties of that position and shall act for, and exercise the powers of, the Officer when that Officer dies, resigns, or is otherwise unable to perform the functions and duties of the office.

(c) \*\*\*

1 **SEC. \_\_\_\_ . MODIFICATION TO LIMITATIONS ON UNSPECIFIED MINOR**  
2 **MILITARY CONSTRUCTION FOR LABORATORY REVITALIZATION.**

3 (a) MAXIMUM AMOUNT FOR LABORATORY REVITALIZATION.—Subsection (d) of section  
4 2805 of title 10, United States Code, is amended by striking “\$9,000,000” each place it appears  
5 and inserting “\$20,000,000”.

6 (b) CONGRESSIONAL NOTIFICATION.—

7 (1) IN GENERAL.—Subsection (b)(2) of such section 2805 is amended by striking  
8 “\$4,000,000” and inserting “\$6,000,000”.

9 (2) CLARIFICATION OF NOTIFICATION REQUIREMENT.—Subsection (d)(3) of such  
10 section 2805 is amended in the first sentence by inserting “and that costs more than the  
11 dollar amount specified in the first sentence of subsection (b)(2)” after “to which this  
12 subsection applies”.

**[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 2805 of title 10, United States Code, to increase the dollar amount authorized for unspecified minor military construction (MilCon) for laboratory revitalization and recapitalization projects from \$9,000,000 to \$20,000,000. The proposal would also increase the dollar threshold for congressional notification of unspecified minor military construction from \$4,000,000 to \$6,000,000 and clarifies when the Secretary concerned must notify Congress of the intent of using the authority for laboratory revitalization.

These changes will enable the Department to increase the efficiency of laboratories to quickly build or modify facilities needed to meet emergent military requirements and technical mission areas through unspecified minor military construction projects costing not more than \$20,000,000. Although the unspecified minor military construction threshold was recently increased from \$6,000,000 to \$9,000,000 in the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2024, the increase is insufficient to keep pace with the rising costs of laboratory construction and the increased need for secure facilities which are more expensive per square foot than a non-secure laboratory. Laboratories face an increased requirement for secure research spaces as advanced research and development is producing models, prototypes, and data that approaches operational realism that must be protected to achieve and maintain technical

superiority. Since FY 2011, the cost per square foot of constructing a secure lab has increased five-fold, while the minor military construction threshold has only risen by less than half of that. Unfortunately, this gap causes many of the smaller laboratory modernization projects to be categorized as major military construction projects since they quickly exceed the \$9,000,000 minor military construction limit. The FY 2025 Unfunded Requirements Report to Congress listed 144 minor and major military construction projects needed by the laboratories and test centers. Of the 144 requirements, 67 are less than \$20,000,000, and 10 of those projects under \$20,000,000 fall into the major military construction category. These smaller major military construction projects will never compete well against other major military construction Service requirements such as barracks, child centers, and other operational needs, yet these facility requirements are critically needed by the laboratories to keep pace with technology. With the higher cost per square foot for secure labs and the speed of technical advancements, the need for flexible smaller lab modernization projects has quickly out-paced current military construction programming cycles leaving a void in the laboratories' ability to achieve and deliver rapid solutions to warfighter needs. Fortunately, these smaller major military construction projects could be realized within the laboratory's fiscal capabilities by using their internal research, development, test, and evaluation (RDT&E) and working capital funding through the minor military construction authority if the limit was raised to \$20,000,000. The laboratories have achieved visible modernization and renovation of facilities using internal appropriations authorized under section 4123 of title 10, United States Code, to fund the repair or minor military construction of the laboratory infrastructure and equipment, spending \$228,000,000 in FY 2023. The increased threshold for minor military construction will assist the laboratories in keeping pace with specific research mission needs in the rapidly changing research environment.

In a similar manner, the increase of the congressional notification threshold in section 2805(b)(2) will allow the Military Departments to reduce the approval time, directly leading to faster start times to begin construction. The increase in the reporting threshold will reduce the administrative processing and review burden since higher construction costs suddenly put the majority of unspecified minor military construction projects above the notification threshold. Implementing matching relative increases in the notification threshold with the increased minor military construction threshold will ensure leadership and Congress continue to have oversight of substantial minor military construction projects.

Lastly, the proposal would revise section 2805(d)(3) to clarify that a Service Secretary will notify the appropriate committee of Congress if they make the decision to carry out an unspecified minor military construction project pursuant to section 2805(d) if the cost of the project is above the threshold for notification specified in section 2805(b)(2). The authority, as written, requires the Secretary concerned to notify the appropriate committee of Congress for any unspecified minor military construction project regardless of the notification threshold established in (b)(2).

These increases in laboratory minor military construction authority should not be construed as a replacement for major military construction investments. Laboratories depend on the ability to upgrade facilities and infrastructure quickly to meet emergent mission requirements in support of transformational initiatives requested by the Department of Defense.

**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 2805 of title 10, United States Code, as follows:

**§ 2805. Unspecified minor construction**

(a) **AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**—(1) Within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out unspecified minor military construction projects not otherwise authorized by law.

(2) An unspecified minor military construction project is a military construction project or a demolition project that has an approved cost equal to or less than \$9,000,000.

(3) Notwithstanding the requirements of this section, the Secretary concerned may use amounts authorized pursuant to another law or regulation to carry out a demolition project described in paragraph (2).

(b) **APPROVAL AND CONGRESSIONAL NOTIFICATION.**—(1) An unspecified minor military construction project costing more than \$750,000 may not be carried out under this section unless approved in advance by the Secretary concerned. This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.

(2) When a decision is made to carry out an unspecified minor military construction project to which paragraph (1) is applicable and which costs more than ~~\$4,000,000~~ \$6,000,000, the Secretary concerned shall notify the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 14-day period beginning on the date the notification is received by the committees in an electronic medium pursuant to section 480 of this title.

(c) **USE OF OPERATION AND MAINTENANCE FUNDS.**—The Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military construction project costing not more than \$4,000,000.

(d) **LABORATORY REVITALIZATION.**—(1) For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(A) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than ~~\$9,000,000~~ \$20,000,000, notwithstanding subsection (c); or

(B) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law or from funds authorized to be made available under section 4123(a) of this title, amounts necessary to carry out an unspecified minor military construction project costing not more than ~~\$9,000,000~~ \$20,000,000.

(2) For purposes of this subsection, an unspecified minor military construction project is

a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than ~~\$9,000,000~~ \$20,000,000.

(3) If the Secretary concerned makes a decision to carry out an unspecified minor military construction project to which this subsection applies and that costs more than the dollar amount specified in the first sentence of subsection (b)(2), the Secretary concerned shall notify the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 14-day period beginning on the date the notification is received by the committees in an electronic medium pursuant to section 480 of this title.

(4) In this subsection, the term “laboratory” includes—

- (A) a research, engineering, and development center; and
- (B) a test and evaluation activity.

\* \* \* \* \*



1   **SEC. \_\_\_\_ . REAL PROPERTY AUTHORITY RELATING TO THE PENTAGON**  
2                   **RESERVATION.**

3           Section 2674 of title 10, United States Code, is amended—

4                   (1) in subsection (f)(1), by striking “and the Raven Rock Mountain Complex” and  
5           inserting “the Raven Rock Mountain Complex, and such property and facilities as may be  
6           acquired under subsection (g)”;

7                   (2) by adding at the end the following new subsection:

8           “(g) PENTAGON RESERVATION REAL PROPERTY ACQUISITION.—Notwithstanding section  
9   2682 of this title, the Secretary may acquire fee title to real property and facilities for inclusion in  
10   the Pentagon Reservation. If the purchase price to acquire fee title to real property or facilities  
11   for inclusion in the Pentagon Reservation exceeds the limitation specified in section 2663(c) of  
12   this title for an acquisition of low-cost interests in land, the Secretary may acquire the real  
13   property or facilities only if the acquisition is specifically authorized by law in a Military  
14   Construction Authorization Act.”.

**Section-by-Section Analysis**

Section 2674 of chapter 159 of title 10, United States Code, provides that the Pentagon Reservation, as the Headquarters of the Department of Defense (DoD), is under the jurisdiction, custody, and control of the Secretary of Defense, not a military department. This is unique in that all other DoD property is under the jurisdiction, custody, and control of the Secretaries of the military departments. In order to ensure the Secretary had the authorities necessary to operate, maintain, and manage the Pentagon Reservation, section 2821(e) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) amended section 2661 of title 10 to add subsection (d), which states that the terms “Secretary of a Military Department” and “Secretary concerned” include the Secretary of Defense with respect to the Pentagon Reservation. That amendment did not, however, authorize the Secretary of Defense to acquire real property to add to what constitutes the Pentagon Reservation. This provision would provide the Secretary with the authority to acquire fee title to property or facilities to include in the Pentagon Reservation.

Section 2682 of title 10 requires that a real property facility under the jurisdiction of DoD that is used by an activity or agency of DoD (other than a military department) shall be under the

jurisdiction of a military department designated by the Secretary of Defense. Section 2674 is an exception to this rule for many purposes, but not for real property acquisition. If the Secretary wishes to acquire property for incorporation into the Pentagon Reservation, such property must first be acquired by a military department designated by the Secretary and then subsequently transferred to the Secretary. Additionally, because the Pentagon Reservation is specifically defined in 10 U.S.C. §2674(f) and does not provide for the inclusion of any additional property, adding property into what constitutes the Pentagon Reservation currently cannot occur until Congress amends section 2674(f). This military department acquisition process and the additional legislative requirement impose unnecessary constraints and inefficiencies.

A lost opportunity in the summer of 2018 is an example of why the proposed amendment is necessary. In June 2018, DoD received an unsolicited proposal to sell the building at 4850 Mark Center Drive, and the adjoining land at 4860 Mark Center Drive, to DoD. These properties are adjacent to, and contiguous with, the Pentagon Reservation Mark Center Campus. Washington Headquarters Services (WHS) and the Pentagon Force Protection Agency (PFPA) conducted an initial inspection to assess necessary security upgrades and retrofit requirements for estimating start-up costs. WHS proposed to purchase 4850 Mark Center Drive and transition DoD tenants from the Suffolk Building leased office space to achieve efficiencies and significant cost savings, with a return on investment at 13 years. WHS calculated the facility lifecycle cost savings at \$150 million over a 27-year period, or \$9.5 million per year. WHS could not accomplish the acquisition in part because it first had to be programmed and budgeted through a military department. WHS sought support from the Army, but the time required and associated administrative burdens made it difficult to acquire an option on the property before the owner found another buyer. If WHS had been able to act on the Secretary's behalf without relying on a military department, the outcome would likely have been different. Enacting this legislation will reduce obstacles to the Department taking advantage of similar opportunities in the future, opening up the possibility of DoD achieving significant cost savings during periods of relatively low market rates.

**Resource Information:** This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2025 President's Budget. Acquisition and disposal of Pentagon Reservation property has been and will be infrequent enough that the tasks associated with future undertakings will be accomplished with existing personnel resources.

**Changes to Existing Law:** This proposal would amend section 2674 of title 10, United States Code, as follows:

**§ 2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region**

\*\*\*\*\*

(f) DEFINITIONS.- In this section:

(1) The term "Pentagon Reservation" means the Pentagon, the Mark Center Campus, ~~and the Raven Rock Mountain Complex,~~ and such property and facilities as may be acquired under subsection (g).

(2) The term “National Capital Region” means the geographic area located within the boundaries of (A) the District of Columbia, (B) Montgomery and Prince Georges Counties in the State of Maryland, (C) Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia, and (D) all cities and other units of government within the geographic areas of such District, Counties, and City.

(3) The term “Pentagon” means that area of land (consisting of approximately 227 acres) and improvements thereon, including parking areas, located in Arlington County, Virginia, containing the Pentagon Office Building and its supporting facilities.

(4) The term “Mark Center Campus” means that area of land (consisting of approximately 16 acres) and improvements thereon, including parking areas, located in Alexandria, Virginia, and known on the day before the date of the enactment of this paragraph as the Fort Belvoir Mark Center Campus.

(5) The term “Raven Rock Mountain Complex” means that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.

(g) PENTAGON RESERVATION REAL PROPERTY ACQUISITION.—Notwithstanding section 2682 of this title, the Secretary may acquire fee title to real property and facilities for inclusion in the Pentagon Reservation. If the purchase price to acquire fee title to real property or facilities for inclusion in the Pentagon Reservation exceeds the limitation specified in section 2663(c) of this title for an acquisition of low-cost interests in land, the Secretary may acquire the real property or facilities only if the acquisition is specifically authorized by law in a Military Construction Authorization Act.

1    **SEC. \_\_\_\_ . REPEAL AND MODIFICATION OF CERTAIN REPORTING**

2                    **REQUIREMENTS RELATED TO ACQUISITION AND SUSTAINMENT.**

3            (a) BUDGETING FOR LIFE-CYCLE COSTS OF AIRCRAFT FOR THE ARMY, NAVY, AND AIR  
4    FORCE: ANNUAL PLAN AND CERTIFICATION.—Section 231a of title 10, United States Code, is  
5    repealed.

6            (b) STRATEGY TO IMPROVE INFRASTRUCTURE OF CERTAIN DEPOTS OF THE DEPARTMENT  
7    OF DEFENSE.—Section 359 of the National Defense Authorization Act for Fiscal Year 2020  
8    (Public Law 116–92; 133 Stat. 1323; 10 U.S.C. 2476 note) is amended by striking subsection (c).

9            (c) MATERIEL READINESS METRICS AND OBJECTIVES FOR MAJOR WEAPON SYSTEMS.—  
10   Section 118 of title 10, United States Code, is amended by striking subsection (d).

11           (d) READINESS REPORTS.—Section 482(b) of title 10, United States Code, is amended—

12                    (1) by striking paragraph (9); and

13                    (2) by redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and  
14                    (11), respectively.

15           (e) READINESS REPORTING SYSTEM.—Section 117(c) of title 10, United States Code, is  
16    amended by striking paragraph (6).

17           (f) PROCUREMENT OF SERVICES: DATA ANALYSIS AND REQUIREMENTS VALIDATION.—  
18    Section 4506 of title 10, United States Code, is amended—

19                    (1) by striking subsection (e); and

20                    (2) in subsection (f)—

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

22                            (B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2),  
23                    respectively.

1 (g) COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND  
2 COMMUNICATIONS SYSTEM.—Section 171a(e) of title 10, United States Code, is amended—

3 (1) by striking paragraph (4);

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

6 (3) in the matter preceding paragraph (1), by striking by striking “ANNUAL  
7 REPORTS.—” and all that follows through “, the Council” and inserting “(a) REPORTS.—  
8 The Council, from time to time and at the discretion of the Council,”.

9 (h) STRATEGIC AND CRITICAL MATERIALS STOCKPILING ACT.—The Strategic and Critical  
10 Materials Stockpiling Act (50 U.S.C. 98d et seq.) is amended as follows:

11 (1) STOCKPILE DISPOSAL AUTHORITY.—

12 (A) Section 5(b) (50 U.S.C. 98d(b)) is amended by striking “specifically  
13 authorized by law” and inserting “included in the annual materials plan submitted  
14 to the congressional defense committees in accordance with section 11(b)(1)(G)”.

15 (B) Paragraph (7) of section 6(a) (50 U.S.C. 98e(a)) is amended to read as  
16 follows:

17 “(7) dispose of materials in the stockpile in accordance with the annual materials  
18 plan submitted to the congressional defense committees in accordance with section  
19 11(b)(1)(G).”.

20 (2) CONSOLIDATION OF REPORTING REQUIREMENTS.—Section 14 (50 U.S.C. 98h-  
21 5) is amended—

22 (A) in subsection (a)—

23 (i) by striking “and” at the end of paragraph (1);

1 (ii) by striking the period at the end of paragraph (2) and inserting

2 “; and”; and

3 (ii) by adding at the end the following new paragraph:

4 “(3) the appendix required under subsection (f).”; and

5 (B) in subsection (f)—

6 (i) in paragraph (1), by striking “Not later than March 1” and all

7 that follows through “a briefing” and inserting “Each report under this

8 section shall include an appendix providing information”; and

9 (ii) in paragraph (2), by striking “Each briefing” and inserting

10 “The appendix”.

11 (3) REDUCTION OF WAIT PERIOD.—Sections 5(a)(2), 6(d)(1), and 6(d)(2) (50

12 U.S.C. 98d(a)(2), 98e(d)(1), 98e(d)(2)) are amended by striking “45 days” and inserting

13 “30 days”.

**[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 repeal or modify statutory reporting requirements related to acquisition and sustainment as follows:

**1. Budgeting for Life-Cycle Costs of Aircraft for the Army, Navy, and Air Force: Annual Plan and Certification:** Subsection (a) of this proposal would repeal the requirement for the Department of Defense to produce a report with information that is already provided in the budget submission books. The manpower and time expended (valued at over \$1.5M each year) consolidating budgetary and narrative information is extensive in order to ensure symmetry with the Services’ budget books, which already incorporate this information in greater detail.

**2. Strategy to Improve Infrastructure of Certain Depots of the Department of Defense:** Subsection (b) of this proposal would repeal the requirement under section 359 of title 10, United States Code, for a Secretary of Defense report. This is appropriate because the Secretaries of the military departments have the primary role in planning and budgeting for the improvements of

depot infrastructure. As such, their reports are more comprehensive than the Secretary of Defense's report and should be prioritized to transmit the required information to Congress. Current law requires both the Secretary of Defense and the Secretaries of the military departments to provide separate reports to Congress in the annual budget submission on the objectives and status of depot infrastructure across the FYDP. The existing reporting requirement on the military departments, 10 U.S.C. 2473, requires each military department to submit a plan describing the objectives of its Secretary to improve depot infrastructure during the FYDP. The military departments' annual five-year plans on improving their depot covers the information required in the Secretary of Defense's report.

**3. Materiel Readiness Metrics and Objectives for Major Weapon Systems:** Subsection (c) of this proposal seeks to eliminate duplicative reporting requirements to Congress for materiel readiness metrics. Section 482 of title 10, United States Code (U.S.C.), requires the Department of Defense (DoD) to report several materiel readiness metrics in the Semi-Annual Readiness Report to Congress (SRRC) that are also required to be reported to Congress in section 118 of title 10, U.S.C. This proposal would remove this duplicate reporting requirement by striking subsection (d) of section 118.

Section 118 requires the Secretary of Defense to submit materiel readiness metrics and objectives for major weapon systems to Congress. Subsection (d) of that section requires the Secretary of Defense to provide Congress with an annual report that includes: (1) an assessment of the materiel availability, operational availability, and materiel reliability for each major weapon system; and (2) a detailed explanation of any factors that could preclude the DoD or any of the military departments from meeting applicable readiness goals or objectives, such as infrastructure, workforce, or supply chain considerations.

The annual reporting elements in subsection (d) of section 118 are duplicative of the comprehensive and authoritative SRRC mandated by section 482 of title 10, U.S.C., which requires the Secretary of Defense to semi-annually report on the military readiness of the active and reserve components to Congress. The reporting requirements in paragraph (d) of section 118 are satisfied by the following required reporting elements in the SRRC:

- (1) A description of each readiness problem or deficiency that affects the ground, sea, air, space, cyber, or special operations forces, and any other area determined appropriate by the Secretary of Defense.
- (2) The key contributing factors, indicators, and other relevant information related to each identified problem or deficiency.
- (3) The short-term mitigation strategy the Department will employ to address each readiness problem or deficiency until a resolution is in place, as well as the timeline, cost, and any legislative remedies required to support the resolution.
- (4) A summary of combat readiness ratings for the key force elements assessed, including specific information on personnel, supply, equipment, and training problems or deficiencies that affect the combat readiness ratings for each force element.
- (5) A summary of each upgrade or downgrade of the combat readiness of a unit that was issued by the commander of the unit, together with the rationale of the commander for the issuance of such upgrade or downgrade.
- (6) A summary of the readiness of supporting capabilities, including infrastructure, prepositioned equipment and supplies, and mobility assets, and other supporting logistics capabilities.

The SRRC is required more frequently than the reporting required by subsection (d) of section 118, and the content reported in the SRRC is more comprehensive and authoritative than the reporting required by subsection (d) of section 118. Eliminating subsection (d) from section 118 would not introduce any risk to Congress' ability to provide oversight over the materiel aspects of military readiness, and will only eliminate a wasteful and duplicative reporting requirement.

**4. Readiness Reports:** Subsection (d) of this proposal would remove the uncorrelated metric measuring the removal of serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational, known as cannibalization.

This modification is requested because cannibalization is not a readiness indicator. Rather, cannibalization is a logistics support process that prevents work stoppages due to supply deficiencies in the maintenance processes.

Existing DoD policy (DoDD 4151.18 *Maintenance of Military Materiel*) already requires the establishment of policies mandating all cannibalizations to be authorized, managed, and documented. Therefore, there is already a process for cannibalization to be recorded separate from the non-germane inclusion in a Readiness Report.

**5. Readiness Reporting System:** Subsection (e) of this proposal would modify the readiness reporting system requirements under 10 U.S.C. 117 by eliminating the uncorrelated metric measuring the removal of serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational, known as cannibalization.

This modification is justified because cannibalization is not a readiness indicator. Rather, it is a logistics support process that prevents work stoppages due to supply deficiencies in the maintenance processes.

**6. Procurement of Services: Data Analysis and Requirements Validation:** Subsection (f) of this proposal would repeal the existing requirement under 10 U.S.C 4506(e) and (f) that define terms in subsection (e) of the statute: Timely Planning to Avoid Bridge Contracts. In response to the USD (AT&L) (the predecessor to USD(A&S)) 2018 Bridge Action Measures and Reporting Requirement memorandum, the military departments (MILDEPs) and other DoD components put processes in place to minimize the use of bridge contracts. Since then, the Department's, reliance on bridge contracts continues to trend downward with MILDEPs and several components reporting not using any bridge actions in the fiscal year 2023 Services Review Panel. Mechanisms used by MILDEPs and components to control the use of bridge contracts included establishing working groups to manage notifications and approvals of bridge actions and tracking bridge actions. Services Requirements Review Boards (SRRBs) and services forecasting tools as required in accordance with DoDI 5000.74, Defense Acquisition of Services, provides a process for senior leaders to assess, review, and validate services requirements to ensure requirements for the acquisition of services have ample planning which helps to reduce bridge contract actions and ensures that requirement owners plan appropriately before the date of need of a service. Since a justification and approval (J&A) must be prepared for a contract award or contract modification that limits competition to one or more companies, bridge actions require a J&A with a rationale detailing why the bridge action is required which adds another



layer of scrutiny to ensure components do not use bridge action frequently or for prolonged periods of time.

Data collection required by section 4506(e) does not enable more informed data-driven decision-making for the Department. Existing policies and processes already in place are sufficient, therefore, updates on the status of the bridge contract or notification are no longer required. Repealing this requirement is consistent with DoD's desire to reduce administrative burden. As a result, the Department requests section 4506(e) be repealed at the earliest opportunity to eliminate the requirement of providing an update on the status of the bridge contracts and providing notification of second use of bridge contracts.

This subsection would amend 10 U.S.C. 4506(f) to remove definitions that will no longer be required with the proposed removal of those sections from the statute and redesignate subsections due to proposed removal.

#### **7. Council on Oversight of the National Leadership Command, Control, and**

**Communications System:** Subsection (g) of this proposal would remove a duplicative reporting requirement. Section 239e of title 10, United States Code (enacted by section 1631 of the FY2024 National Defense Authorization Act) includes a budget assessment requirement that makes paragraph (4) of 10 U.S.C. 171a(e) redundant, and this subsection would repeal that paragraph.

**8. Strategic and Critical Materials Stock Piling Act:** Subsection (h) would make several amendments to the Strategic and Critical Materials Stock Piling Act.

Paragraph (1) of subsection (h) would remove the requirement for prior authorizing legislation for disposals referenced in sections 5 and 6 of the Act, relieving the Department of the requirement to have to submit authorizing legislation for disposals, thereby giving more flexibility to the Stockpile Manager to respond to emerging needs. Congress is informed through the annual materials plan which is submitted to Congress every year that details the proposed disposals for the next fiscal year and the following four fiscal years under section 11(b)(1)(G) [50 U.S.C. 98h-2(b)(1)(G)] of the Act.

Paragraph (2) of subsection (h) would amend section 14 of the Act [50 U.S.C. 98h-5] to incorporate a recently added annual briefing requirement on shortfalls into an appendix of that biennial report that is required to be submitted to Congress by January 15 every other year. Making this annual briefing into an appendix of the biennial report will reduce the administrative reporting burden upon the NDS Program without degrading the information provided to Congress.

Paragraph (3) of subsection (h) would conform the wait period for implementation of changes to 30 days throughout the Act. Public Law 117-263 section 1412 (FY 23 NDAA) changed the 45-day wait after notification to Congress of quantity change in stockpile materials to a 30-day wait period for proposed stockpile changes in section 3(c)(2) of the Act [50 USC 98b(c)(2)]; however there are other instances of the wait period in the Act, and this proposal would make changes to those other instances in the Act [section 5(a)(2), section 6(d)(1) and (2)], to provide for a 30-day wait period after notification to Congress for stockpile changes.

**Resource Information:** This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2025 President's Budget.

**Changes to Existing Law:** This proposal would make the following changes to existing law:

## **Title 10, United States Code**

\*\*\*\*\*

### **§117. Readiness Reporting System**

(a) **REQUIRED READINESS REPORTING SYSTEM.**—The Secretary of Defense shall establish a comprehensive readiness reporting system for the Department of Defense. The readiness reporting system shall measure in an objective, accurate, and timely manner the capability of the armed forces to carry out—

(1) the National Security Strategy prescribed by the President in the most recent annual national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

(2) the defense planning guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

(3) the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) **READINESS REPORTING SYSTEM CHARACTERISTICS.**—\*\*\*

(c) **CAPABILITIES.**—The readiness reporting system shall measure such factors relating to readiness as the Secretary prescribes, except that the system shall include the capability to do each of the following:

(1) Measure the readiness of units (both as elements of their respective armed force and as elements of joint forces) to conduct their designed and assigned missions.

(2) Measure the capability of training establishments to provide trained and ready forces for designed and assigned missions.

(3) Measure the capability of defense installations and facilities and other elements of Department of Defense infrastructure, both in the United States and abroad, to provide appropriate support to forces in the conduct of their designed and assigned missions.

(4) Measure critical warfighting deficiencies in unit capability.

(5) Measure critical warfighting deficiencies in training establishments and defense infrastructure.

~~(6) Measure the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.~~

(d) **REGULATIONS.**—\*\*\*

### **§118. Materiel readiness metrics and objectives for major weapon systems**

(a) **MATERIEL READINESS METRICS.**—Each head of an element of the Department specified in paragraphs (1) through (10) of section 111(b) of this title shall establish and maintain materiel readiness metrics to enable assessment of the readiness of members of the armed forces to carry out—

- (1) the strategic framework required by section 113(g)(1)(B)(vii) of this title; and
- (2) guidance issued by the Secretary of Defense pursuant to section 113(g)(1)(B) of this title.

(b) **REQUIRED METRICS.**—At a minimum, the materiel readiness metrics required by subsection (a) shall address the materiel availability, operational availability, operational capability, and materiel reliability of each major weapon system by designated mission, design series, variant, or class.

(c) **MATERIEL READINESS OBJECTIVES.**—(1) Not later than one year after the date of the enactment of this subsection, each head of an element described in subsection (a) shall establish the metrics required by subsection (b) necessary to support the strategic framework and guidance referred to in paragraph (1) and (2) of subsection (a).

(2) Annually, each head of an element described in subsection (a) shall review and revise the metrics required by subsection (b) and include any such revisions in the materials submitted to Congress in support of the budget of the President under section 1105 of title 31.

~~(d) **BUDGET JUSTIFICATION.**—Not later than five days after the date on which the Secretary of Defense submits to Congress the materials in support of the budget of the President for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees an annual report on major weapons systems sustainment for the period covered by the future years defense program specified by section 221 of this title. Such report shall include—~~

~~(1) an assessment of the materiel availability, operational availability, and materiel reliability for each major weapon system; and~~

~~(2) a detailed explanation of any factors that could preclude the Department of Defense or any of the military departments from meeting applicable readiness goals or objectives, such as infrastructure, workforce, or supply chain considerations.~~

(e) **FUNDING ESTIMATES.**—\*\*\*

(f) **DEFINITIONS.**—\*\*\*

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### **§171a. Council on Oversight of the National Leadership Command, Control, and Communications System**

(a) **ESTABLISHMENT.**—There is within the Department of Defense a council to be known as the "Council on Oversight of the National Leadership Command, Control, and Communications System" (in this section referred to as the "Council").

(b) **MEMBERSHIP.**—\*\*\*

(c) **CO-CHAIR.**—\*\*\*

(d) **RESPONSIBILITIES.**—(1) The Council shall be responsible for oversight of the command, control, and communications system for the national leadership of the United States,

including nuclear command, control, and communications, and including with respect to the integrated tactical warning and attack assessment systems, processes, and enablers, and continuity of the governmental functions of the Department of Defense.

(2) In carrying out the responsibility for oversight of the command, control, and communications system as specified in paragraph (1), the Council shall be responsible for the following:

- (A) Oversight of performance assessments (including interoperability).
- (B) Vulnerability identification and mitigation.
- (C) Architecture development (including space system architectures and associated user terminals and ground segments).
- (D) Resource prioritization.
- (E) Such other responsibilities as the Secretary of Defense shall specify for purposes of this section.

(e) ~~ANNUAL REPORTS.—During the period preceding January 31, 2021, at the same time each year that the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, and The Council, from time to time after such period and~~ at the discretion of the Council, ~~the Council~~ shall submit to the congressional defense committees a report on the activities of the Council. Each report shall include the following:

- (1) A description and assessment of the activities of the Council during the previous fiscal year.
- (2) A description of the activities proposed to be undertaken by the Council during the period covered by the current future-years defense program under section 221 of this title.
- (3) Any changes to the requirements of the command, control, and communications system for the national leadership of the United States made during the previous year, along with an explanation for why the changes were made and a description of the effects of the changes to the capability of the system.
- ~~(4) A breakdown of each program element in such budget that relates to the system, including how such program element relates to the operation and sustainment, research and development, procurement, or other activity of the system.~~
- ~~(45)~~ An assessment of the threats and vulnerabilities described in the reports and assessments collected under subsection (f) during the previous year, including any plans to address such threats and vulnerabilities.
- ~~(56)~~ An assessment of the readiness of the command, control, and communications system for the national leadership of the United States and of each layer of the system, as that layer relates to nuclear command, control, and communications.

(f) COLLECTION OF ASSESSMENTS ON CERTAIN THREATS.—\*\*\*

(g) BUDGET AND FUNDING MATTERS.—(1) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff an assessment of—

- (A) whether such budget allows the Federal Government to meet the required capabilities of the command, control, and communications system for the national

leadership of the United States during the fiscal year covered by the budget and the four subsequent fiscal years; and

(B) if the Commander determines that such budget does not allow the Federal Government to meet such required capabilities, a description of the steps being taken to meet such required capabilities.

(2) Not later than 30 days after the date on which the Chairman of the Joint Chiefs of Staff receives the assessment of the Commander of the United States Strategic Command under paragraph (1), the Chairman shall submit to the congressional defense committees—

(A) such assessment as it was submitted to the Chairman; and

(B) any comments of the Chairman.

(3) If a House of Congress adopts a bill authorizing or appropriating funds for the activities of the command, control, and communications system for the national leadership of the United States that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.

(h) REPORTS ON SPACE ARCHITECTURE DEVELOPMENT.—(1) Not less than 90 days before each of the dates on which a system described in paragraph (2) achieves Milestone A or Milestone B approval, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report prepared by the Council detailing the implications of any changes to the architecture of such a system with respect to the systems, capabilities, and programs covered under subsection (d).

(2) A system described in this paragraph is any of the following:

(A) Advanced extremely high frequency satellites.

(B) The space-based infrared system.

(C) The integrated tactical warning and attack assessment system and its command and control system.

(D) The enhanced polar system.

(3) In this subsection, the terms "Milestone A approval" and "Milestone B approval" have the meanings given such terms in sections 4172(e) and 4251(d) of this title.

(i) NOTIFICATION OF REDUCTION OF CERTAIN WARNING TIME.—(1) None of the funds authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year may be used to change any command, control, and communications system described in subsection (d)(1) in a manner that reduces the warning time provided to the national leadership of the United States with respect to a warning of a strategic missile attack on the United States unless—

(A) the Secretary of Defense notifies the congressional defense committees of such proposed change and reduction; and

(B) a period of one year elapses following the date of such notification.

(2) Not later than March 1, 2017, and each year thereafter, the Council shall determine whether the integrated tactical warning and attack assessment system and its command and control system have met all warfighter requirements for operational availability, survivability, and endurability. If the Council determines that such systems have not met such requirements, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees—

- (A) an explanation for such negative determination;
- (B) a description of the mitigations that are in place or being put in place as a result of such negative determination; and
- (C) the plan of the Secretary and the Chairman to ensure that the Council is able to make a positive determination in the following year.

(j) STATUS OF ACQUISITION PROGRAMS.—(1) On a quarterly basis, each program manager of a covered acquisition program shall transmit to the co-chairs of the Council, acting through the senior steering group of the Council, a report that identifies—

- (A) the covered acquisition program;
- (B) the requirements of the program;
- (C) the development timeline of the program; and
- (D) the status of the program, including whether the program is delayed and, if so, whether such delay will result in a program schedule delay.

(2) Not later than seven days after the end of each semiannual period, the co-chairs of the Council shall submit to the congressional defense committees a report that identifies, with respect to the reports transmitted to the Council under paragraph (1) for the two quarters in such period—

- (A) each covered acquisition program that is delayed more than 180 days; and
- (B) any covered acquisition program that should have been included in such reports but was excluded, and the reasons for such exclusion.

(3) In this subsection, the term "covered acquisition program" means each acquisition program of the Department of Defense that materially contributes to—

- (A) the nuclear command, control, and communications systems of the United States; or
- (B) the continuity of government systems of the United States.

(k) NATIONAL LEADERSHIP OF THE UNITED STATES DEFINED.—In this section, the term "national leadership of the United States" means the following:

- (1) The President.
- (2) The Vice President.
- (3) Such other civilian officials of the United States Government as the President shall designate for purposes of this section.

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**~~§ 231a. Budgeting for life-cycle costs of aircraft for the Army, Navy, and Air Force: annual plan and certification~~**

~~—(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—Not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees the following:~~

- ~~(1) A plan for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force developed in accordance with this section.~~

~~(2) A certification by the Secretary that both the budget for such fiscal year and the future years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.~~

~~(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:~~

- ~~(1) Fighter aircraft.~~
- ~~(2) Attack aircraft.~~
- ~~(3) Bomber aircraft.~~
- ~~(4) Intertheater lift aircraft.~~
- ~~(5) Intratheater lift aircraft.~~
- ~~(6) Intelligence, surveillance, and reconnaissance aircraft.~~
- ~~(7) Tanker aircraft.~~
- ~~(8) Remotely piloted aircraft.~~
- ~~(9) Rotary wing aircraft.~~
- ~~(10) Operational support and executive lift aircraft.~~
- ~~(11) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.~~

~~(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—~~

~~(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a) should be designed so that the aviation force provided for under the plan is capable of supporting the national military strategy of the United States as set forth in the most recent National Defense Strategy submitted under section 113(g) of this title and the most recent National Military Strategy submitted under section 153(b) of this title.~~

~~(2) Each annual aircraft procurement plan shall include the following:~~

~~(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Army, the Department of the Navy, and the Department of the Air Force over the next 15 fiscal years.~~

~~(B) A description of the aviation force structure necessary to meet the requirements of the national military strategy of the United States.~~

~~(C) The estimated levels of annual investment funding necessary to carry out each aircraft program, together with a discussion of the procurement strategies on which such estimated levels of annual investment funding are based, set forth in aggregate for the Department of Defense and in aggregate for each military department.~~

~~(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.~~

~~(E) For each of the cost estimates required by subparagraphs (C) and (D)—~~

~~(i) a description of whether the cost estimate is derived from the cost estimate position of the military department concerned or from the~~

~~cost estimate position of the Office of Cost Assessment and Program Evaluation;~~

~~(ii) if the cost estimate position of the military department and the cost estimate position of the Office of Cost Assessment and Program Evaluation differ by more than 5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference;~~

~~(iii) the confidence or certainty level associated with the cost estimate for each aircraft program; and~~

~~(iv) a certification that the calculations from which the cost estimate is derived are based on common cost categories used by the Under Secretary of Defense for Acquisition and Sustainment for calculating the life cycle cost of an aircraft program.~~

~~(F) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Army, the Department of the Navy, and the Department of the Air Force meet the national security requirements of the United States.~~

~~(3) For any cost estimate required by subparagraph (C) or (D) of paragraph (2) for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan shall be derived from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft procurement plan is prepared.~~

~~(4) Each annual aircraft procurement plan shall be submitted in unclassified form, and shall contain a classified annex. A summary version of the unclassified report shall be made available to the public.~~

~~(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for any fiscal year provides for funding of the procurement of aircraft for the Department of the Army, the Department of the Navy, or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes the funding shortfall and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. The assessment shall be coordinated in advance with the commanders of the combatant commands.~~

~~(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense.~~

~~(2) Each report under paragraph (1) shall include the following, for the year covered by such report, the following:~~

~~(A) The total number of aircraft in the inventory.~~



~~(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):~~

- ~~(i) Primary aircraft.~~
- ~~(ii) Backup aircraft.~~
- ~~(iii) Attrition and reconstitution reserve aircraft.~~

~~(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:~~

- ~~(i) Bailment aircraft.~~
- ~~(ii) Drone aircraft.~~
- ~~(iii) Aircraft for sale or other transfer to foreign governments.~~
- ~~(iv) Leased or loaned aircraft.~~
- ~~(v) Aircraft for maintenance training.~~
- ~~(vi) Aircraft for reclamation.~~
- ~~(vii) Aircraft in storage.~~

~~(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.~~

~~(3) Each report under paragraph (1) shall set forth each item specified in paragraph (2) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.~~

~~(f) BUDGET DEFINED.—In this section, the term “budget” means the budget of the President for a fiscal year as submitted to Congress pursuant to section 1105 of title 31.~~

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## **§ 482. Readiness reports**

(a) REPORTS AND BRIEFINGS.—(1) Not later than 30 days after the end of the second and fourth quarter of each calendar year, the Secretary of Defense shall submit to Congress a report regarding the military readiness of the active and reserve components and the Space Force. The Secretary of Defense shall submit each such report in writing and shall also submit a copy of each such report to the Chairman of the Joint Chiefs of Staff.

(2) Not later than 30 days after the end of the first and third quarter of each calendar year, the Secretary of Defense shall provide to Congress a briefing regarding the military readiness of the active and reserve components and the Space Force.

(3) Each report under this subsection shall contain the elements required by subsection (b) for the quarter covered by the report, and each briefing shall address any changes to the elements described in subsection (b) since the submittal of the most recently submitted report

(b) REQUIRED ELEMENTS.—The elements described in this subsection are each of the following:

- (1) A description of each readiness problem or deficiency that affects the ground, sea, air, space, cyber, or special operations forces, and any other area determined appropriate by the Secretary of Defense.

(2) The key contributing factors, indicators, and other relevant information related to each identified problem or deficiency.

(3) The short-term mitigation strategy the Department will employ to address each readiness problem or deficiency until a resolution is in place, as well as the timeline, cost, and any legislative remedies required to support the resolution.

(4) A summary of combat readiness ratings for the key force elements assessed, including specific information on personnel, supply, equipment, and training problems or deficiencies that affect the combat readiness ratings for each force element.

(5) The total number of upgrades and the total number of downgrades of the combat readiness of a unit that were issued by the commander of the unit, disaggregated by armed force.

(6) A summary of the readiness of supporting capabilities, including infrastructure, prepositioned equipment and supplies, and mobility assets, and other supporting logistics capabilities.

(7) A summary of the readiness of the combat support and related agencies, any readiness problem or deficiency affecting any mission essential tasks of any such agency, and actions recommended to address any such problem or deficiency.

(8) A list of all Class A, Class B, and Class C mishaps that occurred in operations related to combat support and training events involving aviation, ground, or naval platforms, weapons, space, or Government vehicles, as defined by Department of Defense Instruction 6055.07, or a successor instruction.

~~(9) Information on the extent to which units of the armed forces have removed serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.~~

~~(10)~~ (9) Information regarding the extent to which any member of the armed forces is assigned or detailed outside the member's unit or away from training in order to perform any function that had previously been performed by civilian employees of the Federal Government.

~~(11)~~ (10) 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.

~~(12)~~ (11) Such other information as determined necessary or appropriate by the Secretary of Defense.

(c) CONSIDERATION OF READINESS ASSESSMENTS.—The information required under subsection (b) to be included in the report for a quarter shall be based on readiness assessments that are provided during that quarter—

(1) to any council, committee, or other body of the Department of Defense—

(A) that has responsibility for readiness oversight; and

(B) whose membership includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

(d) SEMI-ANNUAL JOINT FORCE READINESS REVIEW.—\*\*\*

(e) CLASSIFICATION OF REPORTS.—\*\*\*

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#### **§4506. Procurement of services: data analysis and requirements validation**

(a) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and Director of Cost Assessment and Program Evaluation, shall ensure that—

- (1) appropriate and sufficiently detailed data are collected and analyzed to support the validation of requirements for services contracts and inform the planning, programming, budgeting, and execution process of the Department of Defense;
- (2) requirements for services contracts are evaluated appropriately and in a timely manner to inform decisions regarding the procurement of services; and
- (3) decisions regarding the procurement of services consider available resources and total force management policies and procedures.

(b) SPECIFICATION OF AMOUNTS REQUESTED IN BUDGET.—Effective February 1, 2023, the Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and Director of Cost Assessment and Program Evaluation, shall annually submit to Congress information on services contracts that clearly and separately identifies the amount requested for each category of services to be procured for each Defense Agency, Department of Defense Field Activity, command, or military installation. Such information shall—

- (1) be submitted at or before the time of the budget submission by the President under section 1105(a) of title 31 or on the date on which the future-years defense program is submitted to Congress under section 221 of this title;
- (2) cover the fiscal year covered by such budget submission by the President;
- (3) be consistent with total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included in such budget submission by the President for that fiscal year;
- (4) be informed by the review of the inventory required by section 4505(c) using standard guidelines developed under subsection (d); and
- (5) clearly and separately identify the amount requested and projected for the procurement of contract services for each Defense Agency, Department of Defense Field Activity, command, or military installation for the budget year and the subsequent four fiscal years in the future-years defense program submitted to Congress under section 221.

(c) DATA ANALYSIS.—\*\*\*

(d) REQUIREMENTS EVALUATION.—(1) Each Services Requirements Review Board shall evaluate each requirement for a services contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (c), and contracting efficacy and efficiency. An evaluation of a services contract for compliance with contracting policies and procedures may not be considered to be an evaluation of a requirement for such services contract.

(2) The Secretary of Defense shall establish and issue standard guidelines within the Department of Defense for the evaluation of requirements for services contracts. Any such guidelines issued—

(A) shall be consistent with the "Handbook of Contract Function Checklists for Services Acquisition" issued by the Department of Defense in May 2018, or a successor or other appropriate policy; and

(B) shall be updated as necessary to incorporate applicable statutory changes to total force management policies and procedures and any other guidelines or procedures relating to the use of Department of Defense civilian employees to perform new functions and functions that are performed by contractors.

(3) The acquisition decision authority for each services contract shall certify-

(A) that a task order or statement of work being submitted to a contracting office is in compliance with the standard guidelines;

(B) that all appropriate statutory risk mitigation efforts have been made; and

(C) that such task order or statement of work does not include requirements formerly performed by Department of Defense civilian employees.

(4) The Inspector General of the Department of Defense may conduct annual audits to ensure compliance with this subsection.

~~(e) TIMELY PLANNING TO AVOID BRIDGE CONTRACTS.—(1) Effective October 1, 2018, the Secretary of Defense shall ensure that a requirements owner shall, to the extent practicable, plan appropriately before the date of need of a service at a Defense Agency, Department of Defense Field Activity, command, or military installation to avoid the use of a bridge contract to provide for continuation of a service to be performed through a services contract. Such planning shall include allowing time for a requirement to be validated, a services contract to be entered into, and funding for the services contract to be secured.~~

~~(2)(A) Upon the first use, due to inadequate planning (as determined by the Secretary of Defense), of a bridge contract to provide for continuation of a service to be performed through a services contract, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, shall—~~

~~(i) for a services contract in an amount less than \$10,000,000, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the commander or the senior civilian official of the Defense Agency concerned, Department of Defense Field Activity concerned, command concerned, or military installation concerned, as applicable; or~~

~~(ii) for a services contract in an amount equal to or greater than \$10,000,000, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the service acquisition executive for the military department concerned, the head of the Defense Agency concerned, the combatant commander~~

concerned, or the Under Secretary of Defense for Acquisition and Sustainment, as applicable.

~~(B) Upon the second use, due to inadequate planning (as determined by the Secretary of Defense), of a bridge contract to provide for continuation of a service to be performed through a services contract in an amount less than \$10,000,000, the commander or senior civilian official referred to in subparagraph (A)(i) shall provide notification of such second use to the Vice Chief of Staff of the armed force concerned and the service acquisition executive of the military department concerned, the head of the Defense Agency concerned, the combatant commander concerned, or the Under Secretary of Defense for Acquisition and Sustainment, as applicable.~~

(f) DEFINITIONS.—In this section:

(1) The term "bridge contract" means—

~~(A) an extension to an existing contract beyond the period of performance to avoid a lapse in service caused by a delay in awarding a subsequent contract; or~~

~~(B) a new short-term contract awarded on a sole-source basis to avoid a lapse in service caused by a delay in awarding a subsequent contract.~~

(2) The term "requirements owner" means a member of the armed forces (other than the Coast Guard) or a civilian employee of the Department of Defense responsible for a requirement for a service to be performed through a services contract.

(3) ~~(1)~~ The term "Services Requirements Review Board" has the meaning given in Department of Defense Instruction 5000.74, titled "Defense Acquisition of Services" and dated January 10, 2020, or a successor instruction.

(4) ~~(2)~~ The term "acquisition decision authority" means the designated decision authority for each designated special interest services acquisition category, described in such Department of Defense Instruction.

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## National Defense Authorization Act for Fiscal Year 2020

(Public Law 116–92; 133 Stat. 1323; 10 U.S.C. 2476 note)

### SEC. 359. STRATEGY TO IMPROVE INFRASTRUCTURE OF CERTAIN DEPOTS OF THE DEPARTMENT OF DEFENSE

(a) STRATEGY REQUIRED.— Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy for improving the depot infrastructure of the military departments with the objective of ensuring that all covered depots have the capacity and capability to support the readiness and material availability goals of current and future weapon systems of the Department of Defense.

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

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~~(c) ANNUAL REPORT ON PROGRESS.—As part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in—~~

~~(1) implementing the strategy under subsection (a); and~~

~~(2) achieving the goals outlined in subsection (b)(1)(B).~~

(d) COMPTROLLER GENERAL REPORTS.—

(1) Assessment of strategy.—Not later than January 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the extent to which the strategy under subsection (a) meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than April 1, 2022, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the strategy under subsection (a) has been effectively implemented by each military department and the Secretary of Defense.

(e) COVERED DEPOT DEFINED.—In this section, the term “covered depot” has the meaning given that term in section 2476(e) of title 10, United States Code.

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## STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT

[50 U.S.C. 98 et seq]

### SHORT TITLE

SECTION 1. [50 U.S.C. 98] This Act may be cited as the “Strategic and Critical Materials Stock Piling Act”.

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SEC. 5. [50 U.S.C. 98d] (a)(1) Except for acquisitions made under the authority of paragraph (3) of this section or made under the authority of paragraph (3) or (4) of section 6(a) of this title, no funds may be obligated or appropriated for acquisition of any material under this Act unless funds for such acquisition have been authorized by law. Funds may be used for acquisitions made under the authority of paragraph (3) or (4) of section 6(a) of this title. Funds appropriated for any acquisition of materials under this subchapter (and for transportation and other incidental expenses related to such acquisition) shall remain available until expended, unless otherwise provided in appropriation Acts.

(2) If for any fiscal year the President proposes (or Congress requires) a significant change in any stockpile transactions proposed in the Annual Materials and Operations Plan for such fiscal year after the National Defense Stockpile Manager submits the report under section 11(b)(2) containing such plan, or a significant transaction not included in such plan, no amount may be obligated or expended for such transaction during such year until the President has submitted a full statement of the proposed transaction to the appropriate committees of Congress and a period of ~~45~~ 30 days has passed from the date of the receipt of such statement by such committees.

(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 material in the stockpile.

(b) Except for disposals made under the authority of paragraph (3), (4) or (5) of section 6(a) or under section 7(a), no disposal may be made from the stockpile unless such disposal, including the quantity of the material to be disposed of, has been ~~specifically authorized by law~~ included in the annual materials plan submitted to the congressional defense committees in accordance with section 11(b)(1)(G).

(c) There is authorized to be appropriated such sums as may be necessary to provide for the transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile. Funds appropriated for such purposes shall remain available until expended, unless otherwise provided in appropriations Acts.

## STOCKPILE MANAGEMENT

SEC. 6. [50 U.S.C. 98e] (a) The President shall—

(1) acquire the materials determined under section 3(a) to be strategic and critical materials;

(2) provide for the proper storage, security, and maintenance of materials in the stockpile;

(3) provide for the upgrading, refining, or processing of any material in the stockpile (notwithstanding any intermediate stockpile quantity established for such material) when necessary to convert such material into a form more suitable for storage, subsequent disposition, and immediate use in a national emergency;

(4) provide for the rotation of any material in the stockpile when necessary to prevent deterioration or technological obsolescence of such material by replacement of such material with an equivalent quantity of substantially the same material or better material;

(5) provide for the appropriate recovery of any strategic and critical materials under section 3(a) that may be available from other Federal agencies, either directly as materials or embedded in excess-to-need, end-of-life items, or waste streams;

(6) subject to the notification required by subsection (d)(2), provide for the timely disposal of materials in the stockpile that (A) are excess to stockpile requirements, and (B) may cause a loss to the Government if allowed to deteriorate; and

~~(7) subject to the provisions of section 5(b), dispose of materials in the stockpile the disposal of which is specifically authorized by law;~~

(7) dispose of materials in the stockpile in accordance with the annual materials plan submitted to the congressional defense committees in accordance with section 11(b)(1)(G).

(b) \*\*\*

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(d)(1) the President may waive the applicability of any provision of the first sentence of subsection (b) to any acquisition of material for, or disposal of material from, the stockpile. Whenever the President waives any such provision with respect to any such acquisition or disposal, or whenever the President determines that the application of paragraph (1) or (2) of such subsection to a particular acquisition or disposal is not feasible, the President shall notify the Committee on Armed Services of the Senate and the Committee of Armed Services of the House of Representatives in writing of the proposed acquisition or disposal at least ~~45~~ 30 days before any obligation of the United States is incurred in connection with such acquisition or disposal and shall include in such notification the reasons for not complying with any provision of such subsection.

(2) Materials in the stockpile may be disposed of under subsection (a)(6) only if such congressional committees are notified in writing of the proposed disposal at least ~~45~~ 30 days before any obligation of the United States is incurred with such disposal.

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#### BIENNIAL REPORT ON STOCKPILE REQUIREMENTS

SEC. 14. [50 U.S.C. 98h-5] (a) Not later than January 15 of every other year, the Secretary of Defense shall submit to Congress a report on stockpile requirements. Each such report shall include—

- (1) the Secretary's recommendations with respect to the stockpile requirements;
- ~~and~~
- (2) the matters required under subsection (b); and
- (3) the appendix required under subsection (f).

(b) Each report under this section shall set forth the national emergency planning assumptions used by the Secretary in making the Secretary's recommendations under subsection (a)(1) with respect to stockpile requirements. The Secretary shall base the national emergency planning assumptions on a military conflict scenario used by the Secretary in budgeting and defense planning purposes. The assumptions to be set forth include assumptions relating to each of the following:

- (1) The length and intensity of the assumed military conflict.
- (2) the military force structure to be mobilized.
- (3) the losses anticipated from enemy action.
- (4) the military, industrial, and essential civilian requirements to support the national emergency.
- (5) The availability of supplies of strategic and critical materials from foreign sources during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into consideration possible shipping losses.
- (6) The domestic production of strategic and critical materials during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into account possible shipping losses.
- (7) Civilian austerity measures required during the mobilization period and military conflict.

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~~(f)(1) Not later than March 1 each year, the National Defense Stockpile Manager shall provide to the congressional defense committees a briefing~~ Each report under this section shall include an appendix providing information 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 and Operations Plan for the operation of the stockpile during the next fiscal year submitted under section 11(b).

(2) ~~Each briefing~~ The appendix 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.

1    **SEC. \_\_\_\_ . REPEAL OF REQUIREMENT FOR SECRETARY OF DEFENSE TO**  
2                            **OPERATE A CIVILIAN PROTECTION CENTER OF EXCELLENCE.**

3            Section 184 of title 10, United States Code, is repealed.

**Section-by-Section Analysis**

This proposal would repeal section 184 of title 10, United States Code, which requires the Secretary of Defense to operate a Civilian Protection Center of Excellence (CP COE). Repealing this requirement would eliminate redundancies and inefficiencies while continuing to emphasize efforts to protect civilians from harm resulting from military operations.

10 U.S.C. 184 was enacted by section 1082 of the Fiscal Year (FY) 2023 National Defense Authorization Act (Public Law 117-263) and requires the Secretary of Defense to establish and operate the CP COE. The Army was subsequently assigned the responsibility to establish the CP COE through the Civilian Harm Mitigation and Response Action Plan (CHMR-AP) – including implementing guidance – and later through Department of Defense (DoD) Instruction (DoDI) 3000.17 – Civilian Harm Mitigation and Response.

Prevention of civilian harm resulting from military operations remains a critical effort of all the military departments. Recent reviews indicate that CP COE is duplicative of many CHMR tasks that are already performed across the Joint Force. Elimination of the redundancies inherent in the CP COE would result in improved allocation of resources to other warfighting priorities, including lethality and combat readiness. It would result in optimization of resources and improved efficiencies by allowing DoD and the respective military departments to better tailor their efforts to align with current and future operations.

Section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232; 10 U.S.C. 134 note), as amended by sec. 1282 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92), prescribes specific responsibilities for the Under Secretary of Defense for Policy (USD(P) for civilian casualties. The USD(P)’s responsibilities under section 936 include designating a senior official to develop and share best practices for reducing the likelihood of civilian casualties during military operations and develop uniform processes and standards for reporting kinetic strikes conducted by U.S. Forces. Additional responsibilities for the designated senior official under that section include developing and implementing uniform processes and standards for investigating and reporting civilian casualties and developing and implementing uniform standards for acknowledging and offering *ex gratia* payments as appropriate in civilian casualty situations. The designated senior official has responsibilities to report to Congress about DoD policies to protect civilians. The designated senior official can carry out these important statutory duties without the requirement for a CP COE. In the USD(P) memorandum dated October, 23, 2018, the USD(P) designated the Deputy Under Secretary of Defense for Policy (DUSD(P)) to serve as the DoD senior civilian official responsible for developing, coordinating, and overseeing compliance of the Department’s policy relating to civilian casualties from U.S. military operations. As a practical matter, DUSD(P) was carrying out these functions for three years prior to the establishment of CP COE.

Many of these functions have been subsequently delegated to the CP COE. These functions could easily revert to the DUSD(P).

If enacted, this proposal would repeal the requirement for establishment of the CP COE and other specified CHMR activities, allowing DoD and the military departments to carry out military operations more efficiently. Protecting civilians from harm resulting from military operations is an integral part of everything the Department does. Improvements in targeting methodology and precision fires have materially reduced the potential for civilian casualties. Civilian protection from harm resulting from military operations is also embedded in Army doctrine, training, and Professional Military Education. The other services have similar requirements. Elimination of the requirement for the CP COE will increase efficiency and use of resources without negatively impacting efforts to protect civilians from harm resulting from military operations.

**Resource Information:** The table below reflects the best estimate of resources requested within the FY 2026 President's Budget that are impacted by this proposal. If 10 U.S.C. 184 is repealed, up to approximately \$20.7 million may be moved or realigned in the FY 2026 budget request to higher warfighter priorities.

RESOURCE IMPACT (\$MILLIONS)								
Program	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	Appropriation	Budget Activity	BLI/SA G
CP CoE	-0.849	-0.873	-0.894	-0.898	-0.903	Operation and Maintenance, Army	01	133
	-2.121	-2.170	-2.217	-2.214	-2.229	Operation and Maintenance, Army	01	141
	-1.654	-1.693	-1.729	-1.765	-1.803	Operation and Maintenance, Army	01	142
	-0.88	-0.900	-0.919	-0.939	-0.958	Operation and Maintenance, Army	01	143
	-0.221	-0.226	-0.230	-0.220	-0.222	Operation and Maintenance, Army	01	144
	-0.223	-0.228	-0.233	-0.238	-0.242	Operation and Maintenance, Army	04	431
	-14.807	-14.731	-14.624	-14.785	-14.958	Operation and Maintenance, Army	04	435
Total	-20.755	-20.821	-20.846	-21.059	-21.315	Operation and Maintenance, Army	01 and 04	Various

PERSONNEL IMPACT					
Program	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Army	-61	0	0	0	0
Total	-61	0	0	0	0

**Changes to Existing Law:** This proposal would repeal section 184 of title 10, United States Code, as follows:

## TITLE 10, UNITED STATES CODE

### **~~§184. Civilian Protection Center of Excellence~~**

~~(a) ESTABLISHMENT.—The Secretary of Defense shall operate the Civilian Protection Center of Excellence. The purpose of the Center shall be to—~~

~~(1) 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; and~~

~~(2) institutionalize and advance knowledge, practices, and tools for preventing, mitigating, and responding to civilian harm.~~

~~(b) PURPOSE.—The Center shall be used to—~~

~~(1) develop standardized civilian harm operational reporting and data management processes to improve data collection, sharing, and learning across the Department of Defense;~~

~~(2) develop, recommend, and review guidance, and the implementation of guidance, on how the Department responds to civilian harm;~~

~~(3) develop recommended guidance for addressing civilian harm across the full spectrum of armed conflict and for use in doctrine and operational plans;~~

~~(4) recommend training and exercises for the prevention and investigation of civilian harm;~~

~~(5) develop a repository of civilian casualty and civilian harm information;~~

~~(6) capture lessons learned from assessments and investigations of civilian casualty incidents and supporting institutionalization of such lessons learned within policy, doctrine, training, exercises, and tactics, techniques, and procedures of the Department of Defense;~~

~~(7) support the coordination and synchronization of efforts across combatant commands, the Department of State, and other relevant United States Government departments and agencies to prevent, mitigate, and respond to incidents of civilian harm;~~

~~(8) engage with nongovernmental organizations and civilian casualty experts; and~~

~~(9) perform such other functions as the Secretary of Defense may specify.~~

~~(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees, and make publicly available on an appropriate website of the Department, an annual report on the activities of the Center.~~

1    **SEC. \_\_\_\_ . FLEXIBILITY IN OTHERWISE APPLICABLE REQUIREMENTS**  
2                            **RELATING TO AIR TRANSPORTATION OF DECEASED MEMBERS**  
3                            **OF THE ARMED FORCES WHEN NECESSARY TO MEET MISSION**  
4                            **REQUIREMENTS.**

5            Section 562(c) of the John Warner National Defense Authorization Act for Fiscal Year  
6    2007 (Public Law 109–364; 10 U.S.C. 1482 note) is amended by adding at the end the following  
7    new paragraph:

8                    “(4) **WAIVER AUTHORITY.**—The Secretary concerned may waive the requirements  
9            of paragraphs (1) and (2) as necessary to meet mission requirements in a time of war or  
10           during a national emergency, large scale combat operation, or contingency operation, as  
11           determined by the Secretary concerned.”.

**Section-by-Section Analysis**

          This proposal would enable the Secretary concerned to meet mission requirements in a time of war or during a national emergency, large scale combat operation, or contingency operation by authorizing the Secretary concerned to waive requirements relating to the transportation of deceased military members by military aircraft or military-contracted aircraft. During these events, military aircraft and military-contracted aircraft are not expected to be available to transport the high number of anticipated deceased members. Also, during these events, it is likely that military aircraft and military-contracted aircraft will be needed for operational support or emergent missions to protect national security and ensure the warfighter has the resources needed to accomplish the military mission that is being conducted. The purpose of this proposal is to ensure that the Department of Defense can get the remains of service members to their families using the most expeditious means possible, which is expected to be by commercial air during these events. The human resources required to obtain agreements from family members during these events will not be available given the number of casualties anticipated to be involved.

**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 amend section 562(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1482 note) as follows:

**John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364)**

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**SEC. 562. TRANSPORTATION OF REMAINS OF CASUALTIES DYING IN A THEATER OF COMBAT OPERATIONS.**

(a) **REQUIRED TRANSPORTATION.**—In the case of a member of the Armed Forces who dies outside of the United States and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base, Delaware, the Secretary concerned, under regulations prescribed by the Secretary of Defense, shall provide transportation of the remains of that member from Dover Air Force Base to the applicable escorted remains destination in accordance with section 1482(a)(8) of title 10, United States Code, and this section.

(b) **ESCORTED REMAINS DESTINATION.**—In this section, the term 'escorted remains destination' means the place to which remains are authorized to be transported under section 1482(a)(8) of title 10, United States Code. If the person designated to direct disposition of the remains selects two places under such section, the term means only the first of those two places.

(c) **AIR TRANSPORTATION FROM DOVER AFB.**—

(1) **MILITARY TRANSPORTATION.**—If transportation of remains under subsection (a) includes transportation by air, such transportation (except as provided under paragraph (2)) shall be made by military aircraft or military-contracted aircraft.

(2) **ALTERNATIVE TRANSPORTATION BY AIRCRAFT.**—The provisions of paragraph (1) shall not be applicable to the transportation of remains by air to the extent that the person designated to direct disposition of the remains directs otherwise.

(3) **PRIMARY MISSION.**—When remains are transported by military aircraft or military-contracted aircraft under this section, the primary mission of the aircraft providing that transportation shall be the transportation of such remains. However, more than one set of remains may be transported on the same flight.

(4) **WAIVER AUTHORITY.**—The Secretary concerned may waive the requirements of paragraphs (1) and (2) as necessary to meet mission requirements in a time of war or during a national emergency, large scale combat operation, or contingency operation, as determined by the Secretary concerned.

(d) **ESCORT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary concerned shall ensure that remains transported under this section are continuously escorted from Dover Air Force Base to the applicable escorted remains destination by a member of the Armed Forces in an appropriate grade, as determined by the Secretary.

(2) **OTHER ESCORT.**—If a specific military escort is requested by the person designated to direct disposition of such remains and the Secretary approves that request, then the Secretary is not required to provide an additional military escort under paragraph (1).

(e) HONOR GUARD DETAIL.—

(1) PROVISION OF DETAIL.—Except in a case in which the person designated to direct disposition of remains requests that no military honor guard be present, the Secretary concerned shall ensure that an honor guard detail is provided in each case of the transportation of remains under this section. The honor guard detail shall be in addition to the escort provided for the transportation of remains under section (d).

(2) COMPOSITION.—An honor guard detail provided under this section shall consist of sufficient members of the Armed Forces to perform the duties specified in paragraph (3). The members of the honor guard detail shall be in uniform.

(3) DUTIES.—Except to the extent that the person designated to direct disposition of remains requests that any of the following functions not be performed, an honor guard detail under this section—

(A) shall—

(i) travel with the remains during transportation; or

(ii) meet the remains at the place to which transportation by air (or by rail or motor vehicle, if applicable) is made for the transfer of the remains;

(B) shall provide appropriate honors at the arrival of the remains referred to in subparagraph (A)(ii) (unless airline or other security requirements do not permit such honors to be provided); and

(C) shall participate in the transfer of the remains from an aircraft, when airport and airline security requirements permit, by carrying out the remains with a flag draped over the casket to a hearse or other form of ground transportation for travel to a funeral home or other place designated by the person designated to direct disposition of such remains.

(f) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(g) EFFECTIVE DATE.—This section shall take effect at such time as may be prescribed by the Secretary of Defense, but not later than January 1, 2007.

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1    **SEC. \_\_\_\_ . REVISION TO NATIONAL MISSILE DEFENSE POLICY TO REFLECT**  
2                    **GOLDEN DOME FOR AMERICA POLICY.**

3            Section 1681 of the National Defense Authorization Act for Fiscal Year 2017 (Public  
4    Law 114-328; 10 U.S.C. 4205 note) is amended to read as follows:

5    **“SEC. 1681. NATIONAL MISSILE DEFENSE GOLDEN DOME FOR AMERICA**  
6                    **POLICY.**

7            “(a) FINDING.—Over the 40-year period from 1985 to 2024, the threat to the United  
8    States from next-generation strategic weapons, rather than lessening, has become more intense  
9    and complex with the development by peer and near-peer adversaries of next-generation delivery  
10   systems and their own homeland integrated air and missile defense capabilities.

11          “(b) POLICY.—In light of the finding in subsection (a), it is the policy of the United  
12   States—

13                  “(1) to provide for the common defense of its citizens and the Nation by  
14                  deploying and maintaining a next-generation missile defense shield;

15                  “(2) to deter — and defend United States citizens and critical infrastructure  
16                  against — any foreign aerial attack on the homeland; and

17                  “(3) to guarantee its secure second-strike capability.”.

**[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 United States national missile defense policy to reflect the  
policy direction in the President’s Golden Dome for America Executive Order (EO), dated  
January 27, 2025.

        Legacy national missile defense policy, as articulated in section 1681(a) of the National  
Defense Authorization Act (NDAA) for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 4205  
note), as amended by section 1633(a) of the FY 2024 NDAA, has remained largely unchanged



over the last two decades even as the threat from next-generation strategic weapons has become more intense and complex with the development by peer and near-peer adversaries of next-generation delivery systems and their own homeland integrated air and missile defense capabilities. As a result, legacy national missile defense policy arbitrarily constrains the scope of U.S. missile defense programs needed to address advanced contemporary threats.

The President's new policy highlights that, "the threat of ballistic, hypersonic, and cruise missiles, and other advanced aerial attacks, remains the most catastrophic threat facing the United States." This new policy makes clear the United States will deploy and maintain a next generation missile defense shield to deter – and defend its citizens and critical infrastructure against – any foreign aerial attack on the homeland. To accomplish this policy, the EO has directed the development and fielding of cutting edge, next generation, kinetic and non-kinetic capabilities – space, cyber, and other categories of missile defeat including left and right of launch – to augment the kinetic defeat of ballistic, hypersonic, and cruise missiles. The Department of Defense is executing the President's EO for a next generation missile defense shield.

**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 amend section 1681 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 4205 note) with the text shown in full above. The current text, to be deleted, is as follows:

**~~SEC. 1681. NATIONAL MISSILE DEFENSE POLICY.~~**

~~(a) POLICY.— It is the policy of the United States—~~

~~(1) to research, develop, test, procure, deploy, and sustain, with funding subject to the annual authorization of appropriations for National Missile Defense, systems that provide effective, layered missile defense capabilities to defeat increasingly complex missile threats in all phases of flight; and~~

~~(2) to rely on nuclear deterrence to address more sophisticated and larger quantity near-peer intercontinental missile threats to the homeland of the United States.~~

~~(b) CONFORMING REPEAL.— Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) is repealed.~~

1   **SEC. \_\_\_\_ . STREAMLINING OF TOTAL FORCE REPORTING REQUIREMENTS.**

2           (a) REPEAL OF ANNUAL REPORT ON MILITARY TECHNICIANS.—Section 115a of title 10,  
3   United States Code, is amended by striking subsection (g).

4           (b) INCORPORATION OF ANNUAL CIVILIAN PERSONNEL MANAGEMENT REPORT INTO  
5   ANNUAL DEFENSE MANPOWER PROFILE REPORT.—

6                 (1) IN GENERAL.—Such section is further amended—

7                         (A) by redesignating subsections (d) through (f) as subsections (e) through  
8                         (g), respectively; and

9                         (B) by inserting after subsection (c) the following new subsection (d):

10                 “(d)(1) The Secretary shall include in each report under subsection (a) a detailed  
11   discussion of the management of the civilian workforce of the Department of Defense. The  
12   discussion shall include the matter specified in paragraph (2) for the civilian workforce of each  
13   of the following:

14                         “(A) The Office of the Secretary of Defense and the Defense Agencies and  
15   Department of Defense Field Activities.

16                         “(B) The military departments.”.

17                 (2) TRANSFER.—Such title is further amended by transferring paragraph (2) of  
18   section 129(c) of such title to section 115a, inserting such paragraph at the end of  
19   subsection (d) of such section, as added by paragraph (1)(B), and amending such  
20   paragraph—

21                         (A) by striking “Each report under paragraph (1) shall contain” and  
22   inserting “The matter to be included in each discussion under paragraph (1)”; and

1 (B) by striking “under the jurisdiction of the official submitting the  
2 report,” and inserting “of each element of the Department of Defense named in  
3 that paragraph, is”.

4 (3) CONFORMING REPEAL OF REQUIREMENT FOR SEPARATE ANNUAL CIVILIAN  
5 PERSONNEL MANAGEMENT REPORT.—Section 129 of such title is amended by striking  
6 subsection (c).

### **Section-by-Section Analysis**

This proposal would streamline Total Force reporting requirements by realigning, reducing, and eliminating data reporting requirements in two different areas of statute: sections 115a and 129 of title 10, United States Code (U.S.C.). This proposal directly supports the efforts of the Department of Defense (DoD) to reduce the number of congressional reporting requirements.

Subsection (a) of this proposal, “Repeal of Annual Report on Military Technicians,” eliminates a subsection. Subsection (g) of section 115a of title 10 requires data on the Army and Air Force military technician programs be submitted annually to Congress. This data is available in the annual budget materials submitted to Congress by the Under Secretary of Defense (Comptroller), and striking this subsection would eliminate a reporting redundancy and further streamline the Defense Manpower Profile Report (DMPR).

Subsection (b) of this proposal, “Incorporation of Annual Civilian Personnel Management Report to Defense Manpower Profile Report,” effectively transfers the annual civilian personnel management report requirement under 10 U.S.C. 129(c) into the DMPR requirement in 10 U.S.C. 115a. Section 129 of title 10, U.S.C. currently requires the Secretary of Defense to submit an annual report on the management of the civilian workforce in the Office of the Secretary of Defense and the Defense Agencies and DoD Field Activities and requires the Secretaries of the military departments to submit similar reports for the military departments.

Currently, 10 U.S.C. 129 requires submission of these civilian personnel management reports not later than February 1 of each year. However, timely submission of this information is preemptive of the President’s Budget submission; as a result, interim reports are required every year. Additionally, for the past several years, the Department has been fulfilling this requirement through its submission of the annual DMPR. Realigning the statutory requirement from 10 U.S.C. 129 to 10 U.S.C. 115a solves the problem of preemption of the President’s Budget, as the DMPR is not due until 1 April.

Additionally, transferring the Section 129 reporting requirement into the DMPR not only aligns the reporting requirement with current Departmental practice, but also streamlines the reporting burden and enhances the usefulness of the DMPR itself. As a “manpower profile

report” of the Department, the DMPR is an appropriate place for reporting on the management of the Department’s civilian workforce, while providing a centralized location for discussions of increases and decreases to the Department’s numbers of civilian personnel. Finally, the Department’s internal practice of fulfilling the section 129 reporting requirement through the DMPR has already alleviated the reporting requirement on the military departments to submit separate reports, and this change will codify that reporting streamlining.

**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 amend sections 115a and 129 of title 10, United States Code, as follows:

**§ 115a. Annual defense manpower profile report and related reports**

(a) Not later than April 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, and furnish to any Member of Congress upon request, a defense manpower profile report. The report shall contain the Secretary's recommendations for—

(1) the annual active-duty end-strength level for each component of the armed forces for the next fiscal year; and

(2) the annual civilian personnel requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior fiscal year.

(b)(1) The Secretary shall include in each report under subsection (a) justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time.

(2) The justification and explanation required by paragraph (1) shall include the following:

(A) An explanation of how personnel end strength level requests address threats described in the national defense strategy under section 113(g) of this title.

(B) The rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense.

(C) The actual end strength number for each armed force for the prior fiscal year, compared to authorized end strength levels.

(D) The shortfall in recruiting by each armed force as a percentage, as the Secretary determines appropriate.

(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the manpower required for support and overhead functions within the armed forces and the Department of Defense.

(d)(1) The Secretary shall include in each report under subsection (a) a detailed discussion of the management of the civilian workforce of the Department of Defense. The

discussion shall include the matter specified in paragraph (2) for the civilian workforce of each of the following:

(A) The Office of the Secretary of Defense and the Defense Agencies and Department of Defense Field Activities.

(B) The military departments.

(2) The matter to be included in each discussion under paragraph (1), with respect to the civilian workforce of each element of the Department of Defense named in that paragraph, is the following:

(A) An assessment of the projected size and associated cost of such civilian workforce in the current year and for each year in the future-years defense program.

(B) If the projected size of such civilian workforce has changed from the previous year's projected size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts to reduce the overall costs of the total force of military, civilian, and contract workforces.

(C) In the case of transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.

~~(d)~~ Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth with respect to each armed force under the jurisdiction of the Secretary of a military department, the following:

(1) The number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years.

(2) The estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years.

(3) An estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

(A) retirements displayed by year of active commissioned service;

(B) discharges;

(C) other separations;

(D) deaths;

(E) promotions; and

(F) reserve and regular officers ordered to active duty or, in the case of the Space Force, officers ordered to active duty other than under section 20105(b) of this title.

(4) The opportunities for promotion of commissioned officers anticipated to be estimated pursuant to section 623(b)(4) of this title for the fiscal year in which such report is submitted for purposes of promotion selection boards convened pursuant to section 611 of this title during such fiscal year.

~~(e)~~(1) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth recommendations for the end-strength levels for medical personnel for each component of the armed forces as of the end of the next fiscal year.

- (2) For purposes of this subsection, the term "medical personnel" includes—
- (A) in the case of the Army, members of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;
  - (B) in the case of the Navy, members of the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps;
  - (C) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers;
  - (D) enlisted members engaged in or supporting medically related activities; and
  - (E) such other personnel as the Secretary considers appropriate.

(fg) Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year.

(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.

~~(g) Not later than April 1 each year, the Secretary shall submit to Congress a report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following (displayed in the aggregate and separately for military technicians (dual status) and non dual status military technicians):~~

~~(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.~~

~~(2) Within each of the numbers under paragraph (1)–~~

~~(A) the number applicable to a reserve component management headquarter organization; and~~

~~(B) the number applicable to high priority units and organizations (as specified in section 10216(a) of this title).~~

(h) Not later than April 1 each year, the Secretary shall submit to Congress a report that sets forth the following with respect to personnel:

- (1) The number of members of the Armed Forces who are not citizens of the United States during the year covered by such report.
- (2) The immigration status of such members.
- (3) The number of such members naturalized.

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## **§ 129. Civilian personnel management**

(a) The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with (1) the total force management policies and procedures established under section 129a of this title, (2) the workload required to carry out the functions and activities of the department, and (3) the funds made available to the department for such fiscal year. The management of such personnel in any fiscal year shall not be subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees. The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense except in accordance with the requirements of this section and section 129a of this title.

(b) With respect to each budget activity within an appropriation for a fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within that budget activity as determined under the total force management policies and procedures established under section 129a of this title.

~~(c)(1) Not later than February 1 of each year-~~

~~(A) the Secretary of Defense shall submit to the congressional defense committees a report on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities; and~~

~~(B) the Secretary of each military department shall submit to the congressional defense committees a report on the management of the civilian workforces under the jurisdiction of such Secretary.~~

~~(2) Each report under paragraph (1) shall contain, with respect to the civilian workforce under the jurisdiction of the official submitting the report, the following:~~

~~(A) An assessment of the projected size and associated cost of such civilian workforce in the current year and for each year in the future years defense program.~~

~~(B) If the projected size and associated cost of such civilian workforce has changed from the previous year's projected size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts that have been taken to identify offsetting reductions and avoid unnecessary overall growth in the size of the civilian workforce to reduce the overall costs of the total force of military, civilian, and contract workforces.~~

~~(C) In the case of a transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.~~