

1 **SEC. \_\_\_\_ . COVER ENHANCEMENT AUTHORITIES.**

2 Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter  
3 88 the following new chapter:

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

“Sec.

“1801. Definitions.

“1802. Cover enhancement authority.

“1803. Compensation.

“1804. Retirement benefits.

“1805. Health insurance benefits.

“1806. Life insurance benefits.

“1807. Exemption from certain requirements.

“1808. Taxation and social security.

“1809. Regulations.

“1810. Finality of decisions.

5 **“§ 1801. Definitions**

6 “In this chapter:

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

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

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

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

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

1           “(1) intelligence operations or pre-coordinated, authorized sensitive activities of  
2 the Department of Defense;

3           “(2) the identities of designated employees or members under cover who benefit  
4 from an enhanced cover authority in this chapter;

5           “(3) intelligence sources and methods; or

6           “(4) cover mechanisms.

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

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

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

18           “(c) INTERAGENCY COORDINATION AND SUPPORT.—(1) Prior to the exercise of the  
19 enhanced cover authorities of this chapter, the Secretary of Defense shall pre-coordinate the  
20 exercise of those cover authorities with the Director of the Central Intelligence Agency using  
21 written procedures mutually agreed upon by the Secretary and the Director, and where  
22 appropriate, the authorities shall be supported by the Director.

1           “(2) A Federal agency may provide support to the Secretary of Defense to facilitate the  
2 establishment, administration, or implementation of a cover enhancement authority under this  
3 chapter without regard to any limitation that is otherwise applicable to the provision of  
4 compensation or benefits to a Federal employee or member of the armed forces. Such support  
5 may be provided on either a reimbursable or nonreimbursable basis.

6           **“§ 1803. Compensation**

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

13           **“§ 1804. Retirement benefits**

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

20           “(b) CONVERSION TO OTHER FEDERAL RETIREMENT SYSTEM.—A designated employee or  
21 member participating in the retirement system established under subsection (a) may convert to  
22 coverage under the Federal retirement system or military retirement system that would otherwise  
23 apply to such employee or member at any appropriate time determined by the Secretary of

1 Defense (including at the time of separation of service by reason of retirement), if the Secretary  
2 of Defense determines that the participation of the employee or member in the retirement system  
3 established under this subsection is no longer necessary to protect from unauthorized  
4 disclosure—

5 “(A) intelligence operations or pre-coordinated, authorized sensitive activities of  
6 the Department of Defense;

7 “(B) the identities of designated employees or members under cover who benefit  
8 from an enhanced cover authority in this chapter;

9 “(C) intelligence sources and methods; or

10 “(D) cover mechanisms.

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

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

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

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

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

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

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

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

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

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

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

20                  “(e) RECORDS.—The Secretary of Defense shall transmit all necessary records relating to  
21                  a designated employee or member who converts to a Federal retirement system or military  
22                  retirement system under subsection (b) (including records relating to periods of service which are

1 deemed to be periods of creditable service under subsection (c)(1)) to the head(s) of each agency  
2 or agencies administering that Federal retirement system or military retirement system.

3 **“§ 1805. Health insurance benefits**

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

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

18 “(1) intelligence operations or pre-coordinated, authorized sensitive activities of  
19 the Department of Defense;

20 “(2) the identities of designated employees or members under cover who benefit  
21 from an enhanced cover authority in this chapter;

22 “(3) intelligence sources and methods; or

23 “(4) cover mechanisms.

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

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

5                   “(2) any requirement of prior enrollment in a health benefits plan under chapter  
6 89 of title 5 for continuation of coverage purposes shall not apply;

7                   “(3) the employee shall be deemed to have had coverage under chapter 89 of title  
8 5 from the first opportunity to enroll for purposes of continuing coverage; and

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

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

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

15                   “(1) with respect to an employee, a “member of family” as defined in section  
16 8901(5) of title 5; and

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

19 **“§ 1806. Life insurance benefits**

20           “(a) IN GENERAL.—The Secretary of Defense may establish, administer, contract for, or  
21 implement through another Federal agency, a cover life insurance program for designated  
22 employees and members (and the family of such designated employees or members). A

1 designated employee or member may not participate in the life insurance program established  
2 under this section and the program under chapter 87 of title 5 for the same time period.

3 “(b) CONVERSION TO FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM.—A  
4 designated employee participating in the life insurance program established under subsection (a)  
5 may convert to coverage under the program under chapter 87 of title 5, and a designated member  
6 participating in the life insurance program established under subsection (a) may convert to  
7 coverage under the program under chapter 19 of title 38 , at any appropriate time determined by  
8 the Secretary of Defense (including at the time of separation of service by reason of retirement),  
9 if the Secretary of Defense determines that the participation of the employee or member in the  
10 life insurance program established under this section is no longer necessary to protect from  
11 unauthorized disclosure—

12 “(1) intelligence operations or pre-coordinated, authorized sensitive activities of  
13 the Department of Defense;

14 “(2) the identities of designated employees or members under cover who benefit  
15 from an enhanced cover authority in this chapter;

16 “(3) intelligence sources and methods; or

17 “(4) cover mechanisms.

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

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

22 “(2) any requirement of prior enrollment in a life insurance program under chapter  
23 87 of title 5 for continuation of coverage purposes shall not apply;

1 “(3) the employee shall be deemed to have had coverage under chapter 87 of title  
2 5 for the full period of service during which the employee would have been entitled to be  
3 insured for purposes of continuing coverage; and

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

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

8 **“§ 1807. Exemption from certain requirements**

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

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

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

15 **“§ 1808. Taxation and social security**

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

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

1                   “(A) intelligence operations or pre-coordinated, authorized sensitive  
2                   activities of the Department of Defense;

3                   “(B) the identities of designated employees or members under cover who  
4                   benefit from an enhanced cover authority in this chapter;

5                   “(C) intelligence sources and methods; or

6                   “(D) cover mechanisms; and

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

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

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

17                  “**§ 1809. Regulations**

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

1    **“§ 1810. Finality of decisions**

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

**Section-by-Section Analysis**

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

**Resource Information:** The best estimate of resources requested within the Fiscal Year 2027 President’s Budget that are impacted by this proposal can be provided in a separate classified document upon request.

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

1 **SEC. \_\_\_. EXPANSION OF VICTIM ACCESS TO COURT OF APPEALS FOR THE**  
2 **ARMED FORCES.**

3 Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military  
4 Justice), is amended—

5 (1) in subsection (e)(3), by striking subparagraph (C); and

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

7 “(g) REVIEW BY THE COURT OF APPEALS FOR THE ARMED FORCES.—(1) The Court of  
8 Appeals for the Armed Forces may review all decisions or dispositions taken by a Court of  
9 Criminal Appeals pursuant to a petition filed by the victim of an offense under this chapter under  
10 subsection (e) and on good cause shown.

11 “(2) The Court of Appeals for the Armed Forces shall take action only with respect to  
12 matters of law.

13 “(3) The victim of an offense under this chapter may petition the Court of Appeals for the  
14 Armed Forces for review pursuant to paragraph (1) not later than 21 days after the earlier of—

15 “(A) the date on which the victim is notified of the decision or disposition of the  
16 Court of Criminal Appeals on a petition pursuant to subsection (e); and

17 “(B) the date on which a copy of the decision or disposition of the Court of  
18 Criminal Appeals, after being served on counsel for the victim (if the victim has counsel),  
19 is deposited into the United States mails for delivery by first-class certified mail to the  
20 victim at an address provided by the victim or at the latest address listed for the victim in  
21 the record of any proceedings held pursuant to section 830a or 832 (article 30a or 32) or  
22 during trial.

1           “(4) Review of any decision or disposition of the Court of Criminal Appeals on a petition  
2 for writ of mandamus described in this subsection shall have priority in the Court of Appeals for  
3 the Armed Forces, as determined under the rules of the Court of Appeals for the Armed Forces.”.

**[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**

Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice (UCMJ)), was added in 2013. The article was modeled, to the extent practicable to the military justice system, after the Federal civilian Crime Victims’ Rights Act (CVRA). Like the CVRA, article 6b, UCMJ as originally enacted contained an enforcement mechanism, then in article 6b(e)(1), UCMJ permitting victims to petition the Court of Criminal Appeals (CCA) for a writ of mandamus. However, the statute was silent about a victim’s right to seek review by the Court of Appeals for the Armed Forces (CAAF) of a CCA ruling on an article 6b, UCMJ petition for writ of mandamus. In *EV v. United States*, 75 M.J. 331 (C.A.A.F. 2016), CAAF held that it did not have jurisdiction to review a CCA ruling on an article 6b, UCMJ petition for writ of mandamus at the request of a victim.

Following *EV*, article 6b(e)(3)(C), UCMJ was amended in 2017 to include language regarding CAAF’s further review of a CCA ruling on an article 6b, UCMJ petition. Article 6b, UCMJ now provides that “review of any decision of the Court of Criminal Appeals on a petition for writ of mandamus described in this subsection shall have priority in the Court of Appeals for the Armed Forces, as determined under the rules of the Court of Appeals for the Armed Forces”.

However, in 2023, CAAF held in *MW v. United States*, 83 M.J. 361 (C.A.A.F. 2023), that, notwithstanding the 2017 amendment of article 6b, UCMJ it still lacked jurisdiction to review a CCA ruling on an article 6b, UCMJ petition for writ of mandamus at the request of a victim. CAAF stated: “Article 6b(e)(3)(C), UCMJ, contains no language that expressly or implicitly grants [CAAF] jurisdiction to review any class of cases.” The opinion also suggested that a statutory amendment would be necessary to grant jurisdiction.

This proposal would amend article 6b, UCMJ by adding a new subsection (g) specifically establishing jurisdiction and providing procedures relating to victim writ petitions. Paragraph (1) of the new subsection would explicitly grant the CAAF jurisdiction over CCA rulings on article 6b, UCMJ mandamus petitions upon a showing of good cause. Paragraph (2) would align review with other statutes regarding CAAF review. Paragraph (3) would include a specific timeline for filing a petition, which is comparable to the timeline for an accused seeking review of a CCA ruling on direct appeal.

Finally, subparagraph (C) of subsection (e)(3) of article 6b, UCMJ would be repealed, as the content of that provision is incorporated in the proposed new subsection (g).

**Resource Information:** This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2027 President’s Budget.

**Changes to Existing Law:** This proposal would amend section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), as follows:

**§ 806b. Art. 6b. Rights of the victim of an offense under this chapter**

(a) RIGHTS OF A VICTIM OF AN OFFENSE UNDER THIS CHAPTER.—A victim of an offense under this chapter has the following rights:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any of the following:
  - (A) A public hearing concerning the continuation of confinement prior to trial of the accused.
  - (B) A preliminary hearing under section 832 of this title (article 32) relating to the offense.
  - (C) A court-martial relating to the offense.
  - (D) A post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, unseal privileged or private information of the victim, or result in the release of the accused.
  - (E) A public proceeding of the service clemency and parole board relating to the offense.
  - (F) The release or escape of the accused, unless such notice may endanger the safety of any person.
- (3) The right not to be excluded from any public hearing or proceeding described in paragraph (2) unless the military judge or preliminary hearing officer, as applicable, after receiving clear and convincing evidence, determines that testimony by the victim of an offense under this chapter would be materially altered if the victim heard other testimony at that hearing or proceeding.
- (4) The right to be reasonably heard at any of the following:
  - (A) A public hearing concerning the continuation of confinement prior to trial of the accused.
  - (B) A sentencing hearing relating to the offense.
  - (C) A public proceeding of the service clemency and parole board relating to the offense.
- (5) The reasonable right to confer with the counsel representing the Government at any proceeding described in paragraph (2).
- (6) The right to receive restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be informed in a timely manner of any plea agreement, separation-in-lieu-of-trial agreement, or non-prosecution agreement relating to the offense, unless providing such information would jeopardize a law enforcement proceeding or would violate the privacy concerns of an individual other than the accused.
- (9) The right to be treated with fairness and with respect for the dignity and privacy of the victim of an offense under this chapter.

(b) VICTIM OF AN OFFENSE UNDER THIS CHAPTER DEFINED.—In this section, the term “victim of an offense under this chapter” means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this chapter.

(c) APPOINTMENT OF INDIVIDUALS TO ASSUME RIGHTS FOR CERTAIN VICTIMS.—In the case of a victim of an offense under this chapter who is under 18 years of age (but who is not a member of the armed forces), incompetent, incapacitated, or deceased, the legal guardians of the victim or the representatives of the victim's estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section. However, in no event may the individual so designated be the accused.

(d) RULE OF CONSTRUCTION.—Nothing in this section (article) shall be construed—  
(1) to authorize a cause of action for damages;  
(2) to create, to enlarge, or to imply any duty or obligation to any victim of an offense under this chapter or other person for the breach of which the United States or any of its officers or employees could be held liable in damages; or  
(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34).

(e) ENFORCEMENT BY COURT OF CRIMINAL APPEALS.—(1) If the victim of an offense under this chapter believes that a preliminary hearing ruling under section 832 of this title (article 32) or a court-martial ruling violates the rights of the victim afforded by a section (article) or rule specified in paragraph (4), the victim may petition the Court of Criminal Appeals for a writ of mandamus to require the preliminary hearing officer or the court-martial to comply with the section (article) or rule.

(2) If the victim of an offense under this chapter is subject to an order to submit to a deposition, notwithstanding the availability of the victim to testify at the court-martial trying the accused for the offense, the victim may petition the Court of Criminal Appeals for a writ of mandamus to quash such order.

(3)(A) A petition for a writ of mandamus described in this subsection shall be forwarded directly to the Court of Criminal Appeals, by such means as may be prescribed by the President, subject to section 830a of this title (article 30a).

(B) To the extent practicable, a petition for a writ of mandamus described in this subsection shall have priority over all other proceedings before the Court of Criminal Appeals.

~~(C) Review of any decision of the Court of Criminal Appeals on a petition for a writ of mandamus described in this subsection shall have priority in the Court of Appeals for the Armed Forces, as determined under the rules of the Court of Appeals for the Armed Forces.~~

(4) Paragraph (1) applies with respect to the protections afforded by the following:

(A) This section (article).

(B) Section 832 (article 32) of this title.

(C) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim's sexual background.

(D) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

(E) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

(F) Military Rule of Evidence 615, relating to the exclusion of witnesses.

(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victims' Counsel or other counsel for the victim, if applicable.

(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Government, a counsel for the victim, or, if applicable, a victim advocate.

(g) REVIEW BY THE COURT OF APPEALS FOR THE ARMED FORCES.—(1) The Court of Appeals for the Armed Forces may review all decisions or dispositions taken by a Court of Criminal Appeals pursuant to a petition filed by the victim of an offense under this chapter under subsection (e) and on good cause shown.

(2) The Court of Appeals for the Armed Forces shall take action only with respect to matters of law.

(3) The victim of an offense under this chapter may petition the Court of Appeals for the Armed Forces for review pursuant to paragraph (1) not later than 21 days after the earlier of—

(A) the date on which the victim is notified of the decision or disposition of the Court of Criminal Appeals on a petition pursuant to subsection (e); and

(B) the date on which a copy of the decision or disposition of the Court of Criminal Appeals, after being served on counsel for the victim (if the victim has counsel), is deposited into the United States mails for delivery by first-class certified mail to the victim at an address provided by the victim or at the latest address listed for the victim in the record of any proceedings held pursuant to section 830a or 832 (article 30a or 32) or during trial.

(4) Review of any decision or disposition of the Court of Criminal Appeals on a petition for writ of mandamus described in this subsection shall have priority in the Court of Appeals for the Armed Forces, as determined under the rules of the Court of Appeals for the Armed Forces.

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

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

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

13 (c) RULE OF CONSTRUCTION.—The immunity recognized in subsection (a) is in addition  
14 to any other protection or immunity recognized or conferred by law or international agreement.

15 (d) DEFINITIONS.—In this section:

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

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

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

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

4           (3) INTERDICT AND INTERDICTION.—The terms “interdict” and “interdiction” have  
5 the meanings given those terms in section 1012(d)(1) of the National Defense  
6 Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291-4(d)(1)).

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

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

**Resource Information:** This proposal has no impact on the use of resources requested within the Fiscal Year 2027 President’s Budget.

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

1 **SEC. \_\_\_\_ . ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL**  
2 **PAY AUTHORITIES.**

3 (a) AUTHORITIES RELATING TO RESERVE FORCES.—Section 910(g) of title 37, United  
4 States Code, relating to income replacement payments for reserve component members  
5 experiencing extended and frequent mobilization for active duty service, is amended by striking  
6 “December 31, 2026” and inserting “December 31, 2027”.

7 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.—The following  
8 sections of title 10, United States Code, are amended by striking “December 31, 2026” and  
9 inserting “December 31, 2027”:

10 (1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

11 (2) Section 16302(d), relating to repayment of education loans for certain health  
12 professionals who serve in the Selected Reserve.

13 (c) AUTHORITIES RELATING TO NUCLEAR OFFICERS.—Section 333(i) of title 37, United  
14 States Code, is amended by striking “December 31, 2026” and inserting “December 31, 2027”.

15 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY,  
16 AND BONUS AUTHORITIES.—The following sections of title 37, United States Code, are amended  
17 by striking “December 31, 2026” and inserting “December 31, 2027”:

18 (1) Section 331(h), relating to general bonus authority for enlisted members.

19 (2) Section 332(g), relating to general bonus authority for officers.

20 (3) Section 334(i), relating to special aviation incentive pay and bonus authorities  
21 for officers.

22 (4) Section 335(k), relating to special bonus and incentive pay authorities for  
23 officers in health professions.

24 (5) Section 336(g), relating to contracting bonus for cadets and midshipmen  
25 enrolled in the Senior Reserve Officers' Training Corps.

26 (6) Section 351(h), relating to hazardous duty pay.

27 (7) Section 352(g), relating to assignment pay or special duty pay.

28 (8) Section 353(i), relating to skill incentive pay or proficiency bonus.

29 (9) Section 355(h), relating to retention incentives for members qualified in  
30 critical military skills or assigned to high priority units.

31 (e) AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR  
32 HOUSING.—Section 403(b) of title 37, United States Code, is amended—

33 (1) in paragraph (7)(E), relating to an area covered by a major disaster declaration  
34 or containing an installation experiencing an influx of military personnel, by striking  
35 “December 31, 2026” and inserting “December 31, 2027”; and

36 (2) in paragraph (8)(C), relating to an area where actual housing costs differ from  
37 current rates by more than 20 percent, by striking “December 31, 2026” and inserting  
38 “December 31, 2027”.

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

This proposal would extend certain expiring bonus and special pay authorities.

Subsection (a) of this proposal would extend income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service through December 31, 2027. The Department of Defense and Congress recognize the prudence of this incentive, which compensates an involuntarily mobilized Reserve Service member in an amount equal to the monthly income differential between the member's average monthly civilian income and the member's total monthly military compensation.

Subsection (b) of this proposal would extend two critical recruitment and retention incentive programs for Reserve component health care professionals through December 31, 2027. The Reserve components historically have found it challenging to meet the required manning in the health care professions. These incentives, which target nurse and critical health care profession skills, are essential to meet required manning levels. The financial assistance and

health professions loan repayment programs have proven to be powerful recruiting tools for attracting young health professionals trained in specialty areas that are critically short in the Selected Reserve. Extending these authorities is critical to the continued success of recruiting young, skilled health professionals into the Selected Reserve.

Subsection (c) of this proposal would extend accession and retention incentives for nuclear-qualified officers through December 31, 2027. These incentives enable the Navy to attract and retain the qualified personnel required to maintain the operational readiness and unparalleled safety record of the nuclear-powered submarines and aircraft carriers, which comprise over 40% of the Navy's major combatants. Due to extremely high training costs and regulatory requirements for experienced supervisors, these incentives provide the surest and most cost-effective means to maintain the required quantity and quality of these officers.

The nuclear officer bonus and nuclear officer incentive pay (NOIP) program is structured to provide career-long retention of officers in whom the Navy has made a considerable training investment and who have continually demonstrated superior technical and management ability. The scope of the program is limited to the number of officers required to fill critical nuclear supervisory billets, and eligibility is strictly limited to those officers who continue to meet competitive career milestones. The technical, leadership, and management expertise developed in the Naval Nuclear Propulsion Program (NNPP) is highly valued in the civilian workforce, which makes the retention of these officers a continuing challenge.

Subsection (d) of this proposal would extend through December 31, 2027, the consolidated special and incentive pay authorities added to subchapter II of chapter 5 of title 37, United States Code, by the National Defense Authorization Act for Fiscal Year 2008. Experience shows that retention of members in critical skills would be unacceptably low without these incentives, which in turn would generate substantially greater costs associated with recruiting and developing replacements. The Department of Defense and the Congress have long recognized the cost-effectiveness of financial incentives in supporting effective staffing in such critical military skills, assignments, and high priority units.

Subsection (e) of this proposal would extend through December 31, 2027, the Secretary of Defense authorities to prescribe a temporary increase in the rates of basic allowance for housing. Subsection (b)(7) of section 403 of title 37, United States Code, may apply if the military housing area or portion thereof is located in an area covered by a declaration by the President that a major disaster exists or contains one or more military installations that are experiencing a sudden increase in the number of members of the armed forces assigned to the installation. Subsection (b)(8) of such section may apply if the costs for rental housing increase more than 20 percent above the current basic allowance for housing rates.

#### **EXTENSION AUTHORITIES FOR RESERVE FORCES:**

**Resource Information:** This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2027 President's Budget. The authority is needed if and when the military departments need to involuntarily mobilize reserve component members when a crisis develops.

**EXTENSION OF TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS:**

**Resource Information:** The tables below reflect the best estimate of resources requested within the FY 2027 President’s Budget that are impacted by this proposal. This section will extend critical accession and retention incentive programs, which the military departments fund annually.

<b>NUMBER OF PERSONNEL AFFECTED</b>									
<b>Program</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>	<b>Appropriation To</b>	<b>Budget Activity</b>	<b>BLI/SAG</b>	<b>Program Element</b>
Army	0	0	0	0	0	Military Personnel, Army	01	40	
Army Res	648	648	648	648	648	Reserve Personnel, Army	01	120	
Army National Guard	286	286	286	286	286	National Guard Personnel, Army	01	90	
Navy	0	0	0	0	0	Military Personnel, Navy;	01	40	
Navy Res	176	176	176	176	176	Reserve Personnel, Navy	01	120	
Air Force	0	0	0	0	0	Military Personnel, Air Force	01	40	
AF Res	114	114	114	114	114	Reserve Personnel, Air Force	01	120	
Air National Guard	0	0	0	0	0	National Guard Personnel, Air Force	01	90	
<b>Total</b>	<b>1,224</b>	<b>1,224</b>	<b>1,224</b>	<b>1,224</b>	<b>1,224</b>				

<b>RESOURCE REQUIREMENTS (\$MILLIONS)</b>									
<b>Program</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>	<b>Appropriation To</b>	<b>Budget Activity</b>	<b>BLI/SAG</b>	<b>Program Element</b>
Army	0	0	0	0	0	Military Personnel, Army	01	40	
Army Res	\$13.4	\$13.4	\$13.4	\$13.4	\$13.4	Reserve Personnel, Army	01	120	
Army National Guard	\$10.6	\$10.6	\$10.6	\$10.6	\$10.6	National Guard Personnel, Army	01	90	
Navy	0	0	0	0	0	Military Personnel, Navy;	01	40	
Navy Res	\$3.1	\$3.1	\$3.1	\$3.1	\$3.1	Reserve Personnel, Navy	01	120	
Air Force	0	0	0	0	0	Military Personnel, Air Force	01	40	

AF Res	\$3.1	\$3.1	\$3.1	\$3.1	\$3.1	Reserve Personnel, Air Force	01	120	
Air National Guard	0	0	0	0	0	National Guard Personnel, Air Force	01	90	
Total	\$30.3	\$30.3	\$30.3	\$30.3	\$30.3				

Values reflect FY 2027 estimate in the Services FY 2027 Budget Estimate.

**EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS:**

**Resource Information:** The tables below reflect the best estimate of resources requested within the FY 2027 President’s Budget that are impacted by this proposal. This section will extend the critical accession and retention incentive programs the Navy funds each year. The Army and Air Force are not authorized in the statute to pay these bonuses.

NUMBER OF PERSONNEL AFFECTED									
Program	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	Appropriation To	Budget Activity	BLI/SAG	Program Element
Navy	4,179	4,179	4,179	4,179	4,179	Military Personnel, Navy	01, 03	40 (for 01); 90 (for 02); 110 (for 03)	
Navy Res	0	0	0	0	0	Reserve Personnel, Navy	01	90	
Total	4,179	4,179	4,179	4,179	4,179				

RESOURCE REQUIREMENTS (\$MILLIONS)									
Program	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	Appropriation To	Budget Activity	BLI/SAG	Program Element
Navy	\$103.6	\$103.6	\$103.6	\$103.6	\$103.6	Military Personnel, Navy	01, 03	40 (for 01); 90 (for 02); 110 (for 03)	
Navy Res	\$0	\$0	\$0	\$0	\$0	Reserve Personnel, Navy	01	90	
Total	\$103.6	\$103.6	\$103.6	\$103.6	\$103.6				

Values reflect FY 2027 estimate in the Services FY 2027 Budget Estimates.

**EXTENSION OF AUTHORITIES RELATING TO CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

**Resource Information:** The tables below reflect the best estimate of resources requested within the FY 2027 President’s Budget that are impacted by this proposal. This section will extend the

consolidated special and incentive programs the military departments fund each year. These pays consist of enlisted and officer bonuses, aviation bonuses and incentives, non-physician health professions pays, hazardous duty pays, assignment and special duty pays, skill incentive pays, and critical skill retention bonuses. This section does not include the nuclear officer pays, which are located above.

<b>NUMBER OF PERSONNEL AFFECTED</b>									
<b>Program</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>	<b>Appropriation To</b>	<b>Budget Activity</b>	<b>BLI/SA G</b>	<b>Program Element</b>
Army	246,327	246,327	246,327	246,327	246,327	Military Personnel, Army	01, 02	35 & 40 (for 01), 85 & 90 (for 02)	
*ARNG	47,586	47,586	47,586	47,586	47,586	National Guard Personnel, Army	01	90	
*USAR	24,201	24,201	24,201	24,201	24,201	Reserve Personnel, Army	01	90	
Navy	361,924	361,924	361,924	361,924	361,924	Military Personnel, Navy	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*USNR	16,072	16,072	16,072	16,072	16,072	Reserve Personnel, Navy	01	90	
Marine Corps	46,047	46,047	46,047	46,047	46,047	Military Personnel, Marine Corps	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*USMC R	2,427	2,427	2,427	2,427	2,427	Reserve Personnel, Marine Corps	01	90	
Air Force	147,845	147,845	147,845	147,845	147,845	Military Personnel, Air Force	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*Air National Guard	19,913	19,913	19,913	19,913	19,913	National Guard Personnel, Air Force	01	120	
*AF Res	11,298	11,298	11,298	11,298	11,298	Reserve Personnel, Air Force	01	90	
Space Force	6,559	6,559	6,559	6,559	6,559	Military Personnel, Air Force	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*Total	930,199	930,199	930,199	930,199	930,199				

<b>RESOURCE REQUIREMENTS (\$ MILLIONS)</b>									
<b>Program</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>	<b>FY 2030</b>	<b>FY 2031</b>	<b>Appropriation</b>	<b>Budget</b>	<b>BLI/SAG</b>	<b>Program</b>

						To	Activity		Element
Army	\$1,518.9	\$1,518.9	\$1,518.9	\$1,518.9	\$1,518.9	Military Personnel, Army	01, 02	35 & 40 (for 01), 85 & 90 (for 02)	
*ARNG	\$306.8	\$306.8	\$306.8	\$306.8	\$306.8	National Guard Personnel, Army	01	90	
*USAR	\$230.0	\$230.0	\$230.0	\$230.0	\$230.0	Reserve Personnel, Army	01	90	
Navy	\$2,315.6	\$2,315.6	\$2,315.6	\$2,315.6	\$2,315.6	Military Personnel, Navy	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*USNR	\$120.6	\$120.6	\$120.6	\$120.6	\$120.6	Reserve Personnel, Navy	01	90	
Marine Corps	\$304	\$304	\$304	\$304	\$304	Military Personnel, Marine Corps	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*USMCR	\$28.6	\$28.6	\$28.6	\$28.6	\$28.6	Reserve Personnel, Marine Corps	01	90	
Air Force	\$1,373	\$1,373	\$1,373	\$1,373	\$1,373	Military Personnel, Air Force	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*Air National Guard	\$204.6	\$204.6	\$204.6	\$204.6	\$204.6	National Guard Personnel, Air Force	01	90	
*AF Res	\$105.7	\$105.7	\$105.7	\$105.7	\$105.7	Reserve Personnel, Air Force	01	120	
Space Force	\$49.5	\$49.5	\$49.5	\$49.5	\$49.5	Military Personnel, Air Force	01, 02	35 & 40 (for 01); 85 & 90 (for 02)	
*Total	\$6,557.4	\$6,557.4	\$6,557.4	\$6,557.4	\$6,557.4				

**Values reflect FY 2027 estimate in the Services FY 2027 Budget Estimate.**

**\* These values do not include Reserve Component incentive pays because they are not reported in the Reserve Components FY 2027 Budget Estimates.**

**EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING:**

**Resource information:** This proposal has no significant impact on the use of resources requested within the FY 2027 President’s Budget. However, the authority is required in cases of disasters or for locations where rental housing costs increase more than 20 percent above the

current basic allowance for housing rates. This section will extend the Secretary of Defense authorities to temporarily increase basic allowance for housing rates.

**Changes to Existing Laws:** This proposal would amend titles 10 and 37, United States Code, as follows:

## TITLE 10, UNITED STATES CODE

### § 2130a. Financial assistance: nurse officer candidates

(a) BONUS AUTHORIZED.—(1) A person described in subsection (b) who, during the period beginning on November 29, 1989, and ending on ~~December 31, 2026~~ December 31, 2027, executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than \$40,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed \$20,000.

(2) In addition to the accession bonus payable under paragraph (1), a person selected under such paragraph shall be entitled to a monthly stipend in an amount not to exceed the stipend rate in effect under section 2121(d) of this title for each month the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution by the Secretary selecting the person. The continuation bonus may be paid for not more than 24 months.

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\_\_\_\_\_

### § 16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages

\*\*\*\*\*

(d) The authority provided in this section shall apply only in the case of a person first appointed as a commissioned officer before ~~December 31, 2026~~ December 31, 2027.

\*\*\*\*\*

\_\_\_\_\_

## TITLE 37, UNITED STATES CODE

### § 331. General bonus authority for enlisted members

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(h) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after ~~December 31, 2026~~ December 31, 2027.

\_\_\_\_\_

**§ 332. General bonus authority for officers**

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(g) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after ~~December 31, 2026~~ December 31, 2027.

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**§ 333. Special bonus and incentive pay authorities for nuclear officers**

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(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after ~~December 31, 2026~~ December 31, 2027.

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**§ 334. Special aviation incentive pay and bonus authorities for officers**

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(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after ~~December 31, 2026~~ December 31, 2027.

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**§ 335. Special bonus and incentive pay authorities for officers in health professions**

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(k) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after ~~December 31, 2026~~ December 31, 2027.

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**§ 336. Contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps**

\*\*\*\*\*

(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after ~~December 31, 2026~~ December 31, 2027.

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**§ 351. Hazardous duty pay**

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(h) TERMINATION OF AUTHORITY.—No hazardous duty pay under this section may be paid after ~~December 31, 2026~~ December 31, 2027.

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**§ 352. Assignment pay or special duty pay**

\*\*\*\*\*

(g) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after ~~December 31, 2026~~ December 31, 2027.

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**§ 353. Skill incentive pay or proficiency bonus**

\*\*\*\*\*

(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after ~~December 31, 2026~~ December 31, 2027.

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**§ 355. Special pay: retention incentives for members qualified in critical military skills or assigned to high priority units**

\*\*\*\*\*

(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after ~~December 31, 2026~~ December 31, 2027, and no agreement under this section may be entered into after that date.

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**§ 403. Basic allowance for housing**

\*\*\*\*\*

(b) BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.—(1) \*\*\*

\*\*\*\*\*

(7)(A) \*\*\*

\*\*\*\*\*

(E) An increase in the rates of basic allowance for housing for an area may not be prescribed under this paragraph or continue after ~~December 31, 2026~~ December 31, 2027.

\*\*\*\*\*

(8)(A) \*\*\*

\*\*\*\*\*

(C) This paragraph shall cease to be effective on ~~December 31, 2026~~ December 31, 2027.

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**§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service**

\*\*\*\*\*

(g) TERMINATION.—No payment shall be made to a member under this section for months beginning after ~~December 31, 2026~~ December 31, 2027, unless the entitlement of the member to payments under this section is commenced on or before that date.

1 **SEC. \_\_\_. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT**  
2 **ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN**  
3 **PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

4 Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for  
5 Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120  
6 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act  
7 for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and as most recently amended by  
8 section 1106 of the National Defense Authorization Act for Fiscal Year 2026 (Public Law 119-  
9 60; 139 Stat. 1074), is further amended by striking “2027” and inserting “2028”.

**[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 through fiscal year 2028 the discretionary authority of the head of an agency to provide to an individual employed by, or assigned or detailed to, such agency, allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Pakistan or a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).

This authority has been granted since 2006 to provide certain allowances, benefits, and gratuities to individuals on official duty in Pakistan or a combat zone. The extension of the authority would ensure that employees receive benefits promptly and for the periods of time when the conditions warrant the designation of a combat zone. This is a provision that applies to all Federal agencies, not just the Department of Defense, and is necessary to incentivize and support all Federal civilian employees taking assignments in Pakistan or a combat zone.

**Resource Information:** The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2027 President’s Budget that are impacted by this proposal. The Air Force and Defense-Wide appropriations are impacted to an insignificant level.

	RESOURCE IMPACT (\$MILLIONS)					
Program	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)

Army	\$7.600	\$8.700	Operation and Maintenance, Army	Multiple	Multiple	
Navy	\$2.451	\$2.500	Operation and Maintenance, Navy	Multiple	Multiple	
Total	\$10.1	11.2				

PERSONNEL IMPACT (END STRENGTH)						
Program	FY 27	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Army	201	201	Operation and Maintenance, Army	Multiple	Multiple	
Navy	133	133	Operation and Maintenance, Navy	Multiple	Multiple	
Total	334	334				

**Changes to Existing Law:** This proposal would amend section 1603 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443) as follows:

SEC. 1603. (a) IN GENERAL.—(1) During fiscal years 2006 (including the period beginning on October 1, 2005, and ending on June 15, 2006), 2007, and 2008 the head of an agency may, in the agency head’s discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(2) During fiscal years 2009 through ~~2027~~ **2028**, the head of an agency may, in the agency head’s discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980, if such individual is on official duty in Pakistan or a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).

(b) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(c) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

1 **SEC. \_\_\_\_ . OPERATING MATERIALS AND SUPPLIES ACCOUNTING.**

2 Chapter 9A of title 10, United States Code, is amended by adding at the end the following  
3 new section:

4 **“§ 240j. Operating materials and supplies accounting**

5 “For purposes of an audit conducted under this chapter on the financial statements of the  
6 Department of Defense, upon a determination by the Secretary of Defense that the system of  
7 record for the assets is sufficiently complete and accurate and meets logistics operation’s  
8 requirements, the purchases method of accounting shall be the preferred method of valuation for  
9 operating materials and supplies for non-business-type activities.”.

**Section-by-Section Analysis**

This proposal would establish the purchases method of accounting as the preferred method of accounting valuation for operating materials and supplies (OM&S) of the Department of Defense (DoD) non-business-type activities when a DoD component can demonstrate that 1) a system of record used to manage the OM&S is sufficiently complete and accurate to meet its logistics operation’s requirements; and 2) the OM&S quantities are justified by the component’s operational needs. This determination will be made by the Office of the Assistant Secretary of Defense (ASD) for Sustainment – Deputy Assistant Secretary of Defense (DASD) for Logistics, acting on behalf of the Secretary of Defense and in coordination with the Under Secretary of Defense (Comptroller).

This proposal is necessary because it clarifies in law the criteria external auditors look to when evaluating whether the Department is following accounting standards within the context of the Department’s unique operating environment. In the Statements of Federal Financial Accounting Standards (SFFAS) 4: “Managerial Cost Accounting Standards and Concepts,” the Federal Accounting Standards Advisory Board defines *business-type* activities as a significantly self-sustaining activity that finances its continuing cycle of operations through collection of exchange revenue as defined in SFFAS 7, “Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting.” Challenges in valuing OM&S and remediating related audit findings is impeding the Department’s and the components’ ability to achieve a financial statement audit opinion.

Once implemented, the use of the purchases method will result in cost avoidance related to establishing, maintaining, and supporting OM&S values to provide operational decision-making aided by the increased accountability and interoperability of disparate logistics business systems. However, prior to implementing the purchases method, DoD components must demonstrate that data used to make logistics operation’s decisions can be relied on to meet

mission needs. Examples of such data include asset quantity, type, unit of measure, location, and condition. This demonstration will serve as adequate justification that it is no longer cost beneficial to use the consumption method of accounting. The DASD for Logistics will also confirm that the OM&S quantities are justified by the component's operational needs, which will serve as adequate justification that the OM&S is in the hands of the end-user. Once implemented, the purchases method will not need to be re-justified. If the proposal is not enacted, DoD Components will continue to use the consumption method and dedicate significant resources to remediate and sustain OM&S valuation, which provides limited operational benefit.

**Resource Information:** This proposal has no significant impact on the use of resources requested within the Fiscal Year 2027 President's Budget.

**Changes to Existing Law:** This proposal would add a new section to chapter 9A, title 10, as set forth in the legislative text above.

1 **SEC. \_\_\_. REVISION TO DECISION TIMEFRAME FOR EXPEDITED TRANSFERS**  
2 **AT THE MILITARY SERVICE ACADEMIES.**

3 (a) UNITED STATES MILITARY ACADEMY.—Subsection (e)(2)(C)(i) of section 7461 of  
4 title 10, United States, Code, is amended by striking “72 hours” each place it appears and  
5 inserting “five calendar days”.

6 (b) UNITED STATES NAVAL ACADEMY.—Subsection (e)(2)(C)(i) of section 8480 of title  
7 10, United States Code, is amended by striking “72 hours” each place it appears and inserting  
8 “five calendar days”.

9 (c) UNITED STATES AIR FORCE ACADEMY.—Subsection (e)(2)(C)(i) of section 9461 of  
10 title 10, United States Code, is amended by striking “72 hours” each place it appears and  
11 inserting “five calendar days”.

**[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 make the Expedited Transfer decision timeframe the same for the Military Service Academies as it is for the regular Force, since section 531 of National Defense Authorization Act (NDAA) for fiscal year 2021 expanded the decision timeframe for Expedited Transfers to 5 calendar days for the regular Force.

Section 555 of the NDAA for fiscal year 2020 requires the Military Service Academies (individually under their own sections of law: 10 U.S.C. 7461(e), 8480(e), and 9461(e)) to develop an Expedited Transfer policy that includes a requirement that decision on the Expedited Transfer request be made within 72 hours. The purpose of those provisions is to expedite the processing of the application for an Expedited Transfer for victims of sexual assault enrolled at one of the Military Service Academies. This proposal would make a minor adjustment to the “Expedited Transfer” timing requirements established in law, which in turn would have three key benefits: (1) improve support to cadets/midshipmen and facilitate their recovery, (2) ensure the Military Service Academy superintendent or subsequent reviewing authority has the necessary information prior to making a decision on whether to approve or disapprove the request, and also has the required information to provide effective career counseling to the requesting cadet/midshipman, and (3) make the decision timeframe for the Military Service Academies align with the decision timeframe for the regular Force, to ensure consistency in procedures across the Department of Defense.

Part of the DoD process for an Expedited Transfer decision is for the Military Service Academy superintendent to provide counseling on career and/or academic trajectories, as applicable, produced by the transfer (e.g., outcomes if the cadet/midshipman cannot complete specialized course of study at the current Military Service Academy, transfer of credits, impact on graduation, opportunities to transfer to other Military Service Academies or civilian universities, tuition implications, and other relevant considerations as applicable). However, if a cadet/midshipman initiates a request for an Expedited Transfer on a Friday, holiday recess, or during the weekend, the Military Service Academy superintendent may not be able to contact appropriate officials at other academic institutions to obtain information to ensure the cadet/midshipman can make a fully informed decision about their transfer request. Without this information, Military Service Academy superintendents cannot fully discuss potential transfer locations and career implications, as appropriate, with cadets/midshipmen and cadets/midshipmen must then make decisions with insufficient, incomplete, potentially inaccurate, and generic career and academic counseling.

Therefore, this legislative proposal would amend the timeframe from 72 hours to five calendar days for a decision on an Expedited Transfer request by the Superintendent of the Academy, or by the Secretary of Military Department concerned if the initial request is denied by Superintendent, as established in title 10, United States Code.

**Resource Information:** This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2027 President’s Budget.

**Changes to Existing Law:** This proposal would amend sections 7461, 8480, 9461 of title 10, United States Code, as follows:

*For the United States Military Academy*

**§7461. Policy on sexual harassment and sexual violence**

(a)\*\*\*

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(e) CONSIDERATION OF REQUEST FOR TRANSFER OF A CADET WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.—(1) The Secretary of the Army shall provide for timely consideration of and action on a request submitted by a cadet appointed to the United States Military Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code of Military Justice) for transfer to another military service academy or to enroll in a Senior Reserve Officers’ Training Corps program affiliated with another institution of higher education.

(2) The Secretary of the Army shall prescribe regulations to carry out this subsection, within guidelines provided by the Secretary of Defense that—

(A) provide that the Superintendent of the United States Military Academy shall ensure that any cadet who has been appointed to the United States Military Academy and who is a victim of an alleged sexual assault or other offense referred to in paragraph (1), is informed of the right to request a transfer pursuant to this section, and that any formal request submitted by a cadet is processed as expeditiously as practicable through the chain of command for review and action by the Superintendent;

(B) direct the Superintendent of the United States Military Academy, in coordination with the Superintendent of the military service academy to which the cadet requests to transfer—

(i) to take action on a request for transfer under this subsection not later than ~~72 hours~~ five calendar days after receiving the formal request from the cadet;

(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the cadet to the military service academy concerned as expeditiously as possible; and

(C) direct the Superintendent of the United States Military Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers' Training Corps program at the institution of higher education to which the cadet requests to transfer—

(i) to take action on a request for transfer under this subsection not later than ~~72 hours~~ five calendar days after receiving the formal request from the cadet;

(ii) subject to the cadet's acceptance for admission to the institution of higher education to which the cadet wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the application; and

(iii) to take all necessary and appropriate action to effectuate the cadet's enrollment in the institution of higher education to which the cadet wishes to transfer and to process the cadet for participation in the relevant Senior Reserve Officers' Training Corps program as expeditiously as possible.

(3) If the Superintendent of the United States Military Academy denies a request for transfer under this subsection, the cadet may request review of the denial by the Secretary of the Army, who shall take action on such request not later than ~~72 hours~~ five calendar days after receipt of the formal request for review.

(4) The Secretary concerned shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

(5) A cadet who transfers under this subsection may retain the cadet's appointment to the United States Military Academy or may be appointed to the military service academy to which the cadet transfers without regard to the limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.

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*For the United States Naval Academy*

**§8480. Policy on sexual harassment and sexual violence**

(a)\*\*\*

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(e) CONSIDERATION OF REQUEST FOR TRANSFER OF A MIDSHIPMAN WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.—(1) The Secretary of the Navy shall provide for timely consideration of and action on a request submitted by a midshipman appointed to the United States Naval Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code

of Military Justice) for transfer to another military service academy or to enroll in a Senior Reserve Officers' Training Corps program affiliated with another institution of higher education.

(2) The Secretary of the Navy shall prescribe regulations to carry out this subsection, within guidelines provided by the Secretary of Defense that—

(A) provide that the Superintendent of the United States Naval Academy shall ensure that any midshipman who has been appointed to the United States Naval Academy and who is a victim of an alleged sexual assault or other offense referred to in paragraph (1), is informed of the right to request a transfer pursuant to this section, and that any formal request submitted by a midshipman is processed as expeditiously as practicable through the chain of command for review and action by the Superintendent;

(B) direct the Superintendent of the United States Naval Academy, in coordination with the Superintendent of the military service academy to which the midshipman requests to transfer—

(i) to take action on a request for transfer under this subsection not later than ~~72 hours~~ five calendar days after receiving the formal request from the midshipman;

(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the midshipman to the military service academy concerned as expeditiously as possible; and

(C) direct the Superintendent of the United States Naval Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers' Training Corps program at the institution of higher education to which the midshipman requests to transfer—

(i) to take action on a request for transfer under this subsection not later than ~~72 hours~~ five calendar days after receiving the formal request from the midshipman;

(ii) subject to the midshipman's acceptance for admission to the institution of higher education to which the midshipman wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the application; and

(iii) to take all necessary and appropriate action to effectuate the midshipman's enrollment in the institution of higher education to which the midshipman wishes to transfer and to process the midshipman for participation in the relevant Senior Reserve Officers' Training Corps program as expeditiously as possible.

(3) If the Superintendent of the United States Naval Academy denies a request for transfer under this subsection, the midshipman may request review of the denial by the Secretary of the Navy, who shall take action on such request not later than ~~72 hours~~ five calendar days after receipt of the formal request for review.

(4) The Secretary concerned shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

(5) A midshipman who transfers under this subsection may retain the midshipman's appointment to the United States Naval Academy or may be appointed to the military service

academy to which the midshipman transfers without regard to the limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.

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*For the Air Force Academy*

**§9461. Policy on sexual harassment and sexual violence**

(a)\*\*\*

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(e) CONSIDERATION OF REQUEST FOR TRANSFER OF A CADET WHO IS THE VICTIM OF A SEXUAL ASSAULT OR RELATED OFFENSE.—(1) The Secretary of the Air Force shall provide for timely consideration of and action on a request submitted by a cadet appointed to the United States Air Force Academy who is the victim of an alleged sexual assault or other offense covered by section 920, 920c, or 930 of this title (article 120, 120c, or 130 of the Uniform Code of Military Justice) for transfer to another military service academy or to enroll in a Senior Reserve Officers' Training Corps program affiliated with another institution of higher education.

(2) The Secretary of the Air Force shall prescribe regulations to carry out this subsection, within guidelines provided by the Secretary of Defense that—

(A) provide that the Superintendent of the United States Air Force Academy shall ensure that any cadet who has been appointed to the United States Air Force Academy and who is a victim of an alleged sexual assault or other offense referred to in paragraph (1), is informed of the right to request a transfer pursuant to this section, and that any formal request submitted by a cadet is processed as expeditiously as practicable through the chain of command for review and action by the Superintendent;

(B) direct the Superintendent of the United States Air Force Academy, in coordination with the Superintendent of the military service academy to which the cadet requests to transfer—

(i) to take action on a request for transfer under this subsection not later than ~~72 hours~~ five calendar days after receiving the formal request from the cadet;

(ii) to approve such request for transfer unless there are exceptional circumstances that require denial of the request; and

(iii) upon approval of such request, to take all necessary and appropriate action to effectuate the transfer of the cadet to the military service academy concerned as expeditiously as possible; and

(C) direct the Superintendent of the United States Air Force Academy, in coordination with the Secretary of the military department that sponsors the Senior Reserve Officers' Training Corps program at the institution of higher education to which the cadet requests to transfer—

(i) to take action on a request for transfer under this subsection not later than ~~72 hours~~ five calendar days after receiving the formal request from the cadet;

(ii) subject to the cadet's acceptance for admission to the institution of higher education to which the cadet wishes to transfer, to approve such request for transfer unless there are exceptional circumstances that require denial of the application; and

(iii) to take all necessary and appropriate action to effectuate the cadet's enrollment in the institution of higher education to which the cadet wishes to transfer and to process the cadet for participation in the relevant Senior Reserve Officers' Training Corps program as expeditiously as possible.

(3) If the Superintendent of the United States Air Force Academy denies a request for transfer under this subsection, the cadet may request review of the denial by the Secretary of the Air Force, who shall take action on such request not later than ~~72 hours~~ five calendar days after receipt of the formal request for review.

(4) The Secretary concerned shall ensure that all records of any request, determination, transfer, or other action under this subsection remain confidential, consistent with applicable law and regulation.

(5) A cadet who transfers under this subsection may retain the cadet's appointment to the United States Air Force Academy or may be appointed to the military service academy to which the cadet transfers without regard to the limitations and requirements set forth in sections 7442, 8454, and 9442 of this title.