

1 **SEC. \_\_\_\_. EXTENSION OF AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.**

2 Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (title VI of division F  
3 of Public Law 111–8; 8 U.S.C. 1101 note), as most recently amended by section 401 of the  
4 Emergency Security Supplemental Appropriations Act, 2021 (Public Law 117-31), is amended—

5 (1) in the heading, by striking “2022” and inserting “2026”;

6 (2) in the matter preceding clause (i), by striking “34,500” and inserting “38,500”;

7 (3) in clause (i), by striking “December 31, 2023” and inserting “December 31,  
8 2026”; and

9 (4) in clause (ii), by striking “December 31, 2023” and inserting “December 31,  
10 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 modify and extend the Afghan Special Immigrant Visa (SIV) Program to reflect the enduring commitment to the U.S. mission involving Afghanistan. The modification reflects the continuing nature of this commitment with regards to the U.S. and international missions in Afghanistan by extending the law until December 31, 2026.. This program will continue at the discretion of the Secretary of State in consultation with the Secretary of Defense in order to maintain program stability and adaptation to the continuing mission in Afghanistan. Authority for the program will remain with the Secretary of State, but the Secretary of Defense will provide input based on the military presence and continuing footprint in Afghanistan in line with the regional strategy.

**Resource Information:** This proposal has no budget impact for the Department of Defense, but does impact the Departments of State, Homeland Security, Agriculture, and Health and Human Services, as well as the Social Security Administration.

**Changes to Existing Law:** This proposal would make the following changes to section 602 of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 8 U.S.C. 1101 note):

SEC. 602. PROTECTION FOR AFGHAN ALLIES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.—

\* \* \* \* \*

(3) NUMERICAL LIMITATIONS.—

\* \* \* \* \*

(F) FISCAL YEARS 2015 THROUGH ~~2022~~ 2026.—In addition to any unused balance under subparagraph (D), for the period beginning on the date of the enactment of this subparagraph until such time that available special immigrant visas under subparagraphs (D) and (E) and this subparagraph are exhausted, the total number of principal aliens who may be provided special immigrant status under this section shall not exceed ~~34,500~~ 38,500. For purposes of status provided under this subparagraph-

(i) the period during which an alien must have been employed in accordance with paragraph (2)(A)(ii) must terminate on or before ~~December 31, 2023~~ December 31, 2026;

(ii) the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with paragraph (2)(D) not later than ~~December 31, 2023~~ December 31, 2026; and

(iii) the authority to issue visas shall commence on the date of the enactment of this subparagraph and shall continue until modified or terminated by the Secretary of State, in consultation with the Secretary of Defense.

\* \* \* \* \*

1 SEC . \_\_\_\_ . **EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE**  
2 **ASSISTANCE TO VETTED SYRIAN GROUPS AND INDIVIDUALS.**

3 (a) EXTENSION.—Subsection (a) of section 1209 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 1221 of the National Defense Authorization  
6 Act for Fiscal Year 2022 (Public Law 117-81), is further amended by striking “December 31,  
7 2022” and inserting “December 31, 2024”.

8 (b) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1)(3) of  
9 such section 1209 is amended—

10 (1) in subparagraph (A) in the matter preceding clause (i), by striking “limitation  
11 under paragraph (1)(A) on a per project basis” and inserting “limitations under paragraph  
12 (1)”; and

13 (2) in subparagraph (D), by striking “December 31, 2022” and inserting  
14 “December 31, 2024”.

**[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 and modify existing authority to conduct programs authorized under section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), informed by lessons learned to-date from countering the Islamic State of Iraq and Syria (ISIS) in Syria and Iraq. Moreover, the extension and modification of this authority will provide continued capabilities 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 and modification 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 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” vetted Syrian individuals and groups to achieve the enduring defeat of ISIS. The extension and modification reflects DoD requirements in the current operational

environment and the continuing need to enable vetted Syrian groups and individuals to ensure the defeat of ISIS and prevent its re-emergence.

Although the ISIS “Caliphate” in Syria is lost, remnants of the organization still exist with the intent to regroup and rebuild and to continue the battle in the future. Countering ISIS now and in the years ahead requires capabilities that create 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 supports their 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. This assistance provides our vetted local forces with essential security components that otherwise would not be available under any existing U.S. program.

More than 10,000 ISIS fighters remain in partner-run detention facilities in Syria. As the January 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 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 and expanding the authority to waive limitations on the cost of construction projects would enable the expedited implementation of projects to construct purpose-built 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 and the detention of ISIS fighters. Doing so also helps to reduce malign influence by other actors in liberated areas. The extension and modifications proposed here are intended to increase the effectiveness of our partners in continuing this campaign, including in particular in their efforts to detain ISIS fighters in safe, secure, and humane manner.

Since the inception of our efforts to train and equip 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) 2023 President’s Budget request.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Appropriation From	Budget Activity	Dash-1 Line Item	Program Element
Syria CTEF	\$183					CTEF	04	4GTD0 000	1002200 T

Total	\$183								
-------	-------	--	--	--	--	--	--	--	--

**Changes to Existing Law:** This proposal would make the following changes to section 1209 of the 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, 2022~~ December 31, 2024, 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)).

\* \* \* \* \*

**(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) \$4,000,000 per project; or
- (B) \$20,000,000 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) ~~IN GENERAL.~~—The President may waive the ~~limitation~~ limitations under ~~paragraph (1)(A) on a per project basis~~ paragraph (1) 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) 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).

(ii) ~~MATTERS TO BE INCLUDED.~~—The notification required by subparagraph (A)(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 Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(C) ~~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).

(D) ~~SUNSET.~~—The waiver authority under this paragraph shall expire on ~~December 31, 2022~~ December 31, 2024.

\* \* \* \* \*

1 **SEC. \_\_. BASIC ALLOWANCE FOR HOUSING FOR MEMBERS WITHOUT**  
2 **DEPENDENTS WHEN HOMEPORT CHANGE WOULD FINANCIALLY**  
3 **DISADVANTAGE MEMBER.**

4 Section 403(o) of title 37, United States Code, is amended—

- 5 (1) by inserting “(1)” before “In the case of a member who is assigned”; and  
6 (2) by adding at the end the following new paragraph:

7 “(2) In the case of a member without dependents who is assigned to a unit that undergoes  
8 a change of home port or a change of permanent duty station, the member may be treated for the  
9 purposes of this section as if the unit to which the member is assigned did not undergo such a  
10 change if the Secretary concerned determines that it would be inequitable to base the member’s  
11 entitlement to, and amount of, a basic allowance for housing on the new home port or permanent  
12 duty station.”.

**[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 37 U.S.C. 403, to allow the Secretaries of the military departments discretionary authority to authorize a housing allowance based on the old homeport or permanent duty station for single members disadvantaged as a result of a unit’s change of homeport or permanent duty station. If enacted, the Secretary concerned may determine that when undergoing a change in homeport or change in permanent duty station it would be inequitable to pay a housing allowance other than based on the previous homeport or permanent duty station. Currently, members who undergo homeport changes from CONUS to OCONUS must be on board for at least 12 months after the effective date of the homeport change to warrant a fully-funded permanent change of station move. When members are in receipt of orders to return to the area of the previous homeport or permanent duty station, rather than receiving a fully-funded move under the homeport change order, this proposal would authorize the Secretary authority to approve retention of a previously-authorized housing allowance until return to the previous homeport or duty station.

During the most recent three-carrier ship swaps, housing allowances for a number of single Sailors living in commercial housing were stopped upon the effective date of the homeport shift, as all resided on ship and there is no authority to pay a housing allowance when a member without dependents is assigned to Government quarters. Some of these Sailors were already in

receipt of follow-on orders back to the old homeport where they had to terminate commercial housing leases. Under current law, these members lost their housing allowance and either had to move out of their current residence (despite returning in a few months) or pay rent/mortgage out-of-pocket. Married Sailors with dependents are afforded the opportunity to retain housing allowance at the old homeport rate. In light of the inequity between married and single members, Navy requested a waiver to pay a housing allowance to single members at the old permanent duty station or other than the permanent duty station/homeport rate. OSD denied the request due to absence of authority to approve such a waiver. The number of Sailors impacted due to the denial is unknown. Enactment of this proposal would eliminate an inequity to single Sailors with orders to return to their old permanent duty station/homeport.

This proposal considers provisions under current law of a low-cost or no-cost move, which permit a member to retain eligibility for a previously authorized housing allowance if not offered a funded permanent change of station order. This proposal would allow the Secretary concerned to treat members assigned to units that undergo a change of homeport or permanent duty station in the same manner as a low-cost or no-cost move.

**Resource Information:** The resources impacted are reflected in the table below and are included within the Fiscal Year (FY) 2023 President’s Budget request. Based on typical planned Organized Unit Moves (OUM) affecting roughly 450 officers and 2500 E-5 through E-9 per year, approximately 15 officers and 80 enlisted would receive this entitlement per year. E-4 and below were not included in the estimate because nearly all single junior Sailors should be berthed in barracks. The estimate assumes one-half of the crew has no dependents, one-fourth of the crew has received transfer orders (within ~9 months of transfer), and one-fourth of transfer orders are to the original Permanent Duty Station (PDS). The last two assumptions will be greatly affected by PCS funding availability and assignment detailer action. The mean duration of entitlement for Sailors affected is approximately 6 months. The majority of Sailors affected typically reside in barracks at the new PDS, thus, receiving no BAH. Therefore, the cost would be the BAH rate at the old PDS rate for 6 months, per affected Sailor. The cost estimate is based on an average of fleet homeport BAH rates for officers in pay grade O3, and enlisted in pay grade E5, in FY18. After inflation, the cost is approximately \$0.9M in FY23.

RESOURCE IMPACT (\$MILLIONS)									
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Appropriation From	Budget Activity	M1 LI NO	Program Element
Navy Basic Allowance for Housing	0.9	0.9	1.0	1.0	1.1	Military Personnel, Navy	01,02	25,80	NA
Marine Corps does not intend to use this authority									
Army does not intend to use this authority									
Air Force does not intend to use this authority									
Total	0.9	0.9	1.0	1.0	1.1				

**Changes to Existing Law:** This proposal would make the following changes to section 403(o) of title 37, United States Code:

**§ 403. Basic allowance for housing**

(a) GENERAL ENTITLEMENT.—(1) Except as otherwise provided by law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for housing at the monthly rates prescribed under this section or another provision of law with regard to the applicable component of the basic allowance for housing. The amount of the basic allowance for housing for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes, the dependency status of the member, and the geographic location of the member. The basic allowance for housing may be paid in advance.

(2) A member of a uniformed service with dependents is not entitled to a basic allowance for housing as a member with dependents unless the member makes a certification to the Secretary concerned indicating the status of each dependent of the member. The certification shall be made in accordance with regulations prescribed by the Secretary of Defense.

\* \* \* \* \*

(o) TREATMENT OF LOW-COST AND NO-COST MOVES AS NOT BEING REASSIGNMENTS.—

(1) In the case of a member who is assigned to duty at a location or under circumstances that make it necessary for the member to be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated for the purposes of this section as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.

(2) In the case of a member without dependents who is assigned to a unit that undergoes a change of home port or a change of permanent duty station, the member may be treated for the purposes of this section as if the unit to which the member is assigned did not undergo such a change if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the new home port or permanent duty station.

1 **SEC. \_\_\_. BLOCK BUY CONTRACTS FOR CH-53K HEAVY LIFT HELICOPTER.**

2 (a) BLOCK BUY CONTRACT AUTHORITY.—The Secretary of the Navy may enter into one  
 3 or more block buy contracts, during fiscal years 2023 and 2024, for the procurement of airframes  
 4 and engines in support of the CH-53K heavy lift helicopter program.

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

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

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

**Section-by-Section Analysis**

This section would permit the Navy to enter into a block buy contract, across two fiscal years (FY 2023-FY 2024), for thirty CH-53K airframes, or quantities as appropriated by Congress. This section would further permit the Navy to enter into a block buy contract, across two fiscal years (FY 2023-FY 2024), for ninety CH-53K aircraft engines in support of thirty aircraft.

These block buy contract strategies will provide industrial base stability, incentivize prime/supplier investment, improve production efficiency, reduce administration burden of annual contracts, and take advantage of airframes and engine procurement volume resulting in significant cost avoidance when compared to an annual procurement cost estimates.

This block buy contracting authority would provide the prime contractor and suppliers with a reasonable advance assurance of authority to buy multiple aircraft over two years while also limiting the Government’s liability to funds appropriated.

**Resource Information:** This resources impacted by this proposal are reflected in the table below and are included within the Fiscal year (FY) 2023 President’s Budget request.

<b>RESOURCE IMPACT (Weapon System Cost \$ in Millions)</b>									
<b>Program</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Appropriation From</b>	<b>Budget Activity</b>	<b>BLI/SAG</b>	<b>Program Element</b>
CH-53K (Heavy Lift)	\$1,852.9	\$2,166	\$2,779	\$2,759.5	\$2,704.4	Aircraft Procurement, Navy	01	0158	0206122M

Aircraft Quantity	10	15	21	21	21				
Total	\$1,852.9	\$2,166	\$2,779	\$2,759.5	\$2,704.4				

**Changes to Existing Law:** This proposal makes no changes to existing law.

1 **SEC. \_\_\_. EXPANSION OF ELIGIBILITY FOR DETAIL OF COMMISSIONED**  
2 **OFFICERS AT LAW SCHOOL**

3 Section 2004 of title 10, United States Code, is amended—

4 (1) in subsection (b)(1)(A), by striking “six” and inserting “eight”; and

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

6 “(g) The Secretary of the military department concerned may adjust the relative seniority  
7 of an officer detailed for legal training under subsection (a) in relation to other commissioned  
8 officers of the same armed force, and in the same grade and competitive category, to ensure that  
9 such officer is not considered for promotion to the next higher grade during the period beginning  
10 on the date on which the officer is detailed as a student under subsection (a) and ending not later  
11 than the date that is one year after the date on which the officer is first transferred or detailed as a  
12 judge advocate within the military department concerned.”.

**[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 expand eligibility of commissioned officers for detail to law school from a maximum of six years of active duty to a maximum of eight years of active duty. At this time, Nuclear Power Trained Officers and Aviation Trained Officers are normally ineligible because of tour-commitments that require completion, or Minimum Service Requirements (MSR). This proposal would provide an opportunity for those officers who have required active service for the entire eight-year minimum service obligation to attend law school and continue service as a judge advocate.

In August 2019, the Secretary of the Navy ordered a comprehensive review of legal services provided by Navy and Marine Corps uniformed legal practitioners. The report noted that increased understanding of, and appreciation for, Navy operations and Service culture would improve judge advocates’ court-martial practice, especially in cases concerning operational deficiencies, as well as delivery of legal support across the enterprise. This proposal will support a greater period of fleet experience and, by expanding eligibility for those officers who must fulfill an MSR obligation or mandatory tour requirement, it will cast a wider net of diversity of experience by allowing officers from the Nuclear and Aviation communities.

This proposal would also provide clear authority for the Military Department Secretaries to adjust, toll, or reset the lineal order of certain officers during and immediately after law school. This authority is needed to manage when officers who begin law school having between six and eight years of service come into zone for promotion to paygrade O-4. For example, Navy officers currently come “in zone” for promotion to O-4 at or near the 10-year mark. This means officers who begin law school after six to eight years of service would be considered “in zone” for promotion, in their former or new competitive category, while in law school or shortly thereafter. Adjusting the lineal order would afford these officers the opportunity to complete law school and receive a performance evaluation as a judge advocate before coming into the promotion zone.

**Resource Information:** This proposal has no impact on the use of resources.

**Changes to Existing Law:** This proposal would make the following changes to section 2004 of title 10, United States Code:

**§ 2004. Detail as students at law schools; commissioned officers; certain enlisted members**

(a) The Secretary of each military department may, under regulations prescribed by the Secretary of Defense, detail commissioned officers and enlisted members of the armed forces as students at accredited law schools, located in the United States, for a period of training leading to the degree of juris doctor. No more than twenty-five officers and enlisted members from each military department may commence such training in any single fiscal year.

(b) To be eligible for detail under subsection (a), an officer or enlisted member must be a citizen of the United States and must—

(1) either—

(A) have served on active duty for a period of not less than two years nor more than ~~six~~ eight years and be an officer in the pay grade O-3 or below as of the time the training is to begin; or

(B) have served on active duty for a period of not less than four years nor more than eight years and be an enlisted member in the pay grade E-5, E-6, or E-7 as of the time the training is to begin;

(2) in the case of an enlisted member, meet all requirements for acceptance of a commission as a commissioned officer in the armed forces; and

(3) sign an agreement that unless sooner separated he will—

(A) complete the educational course of legal training;

(B) accept transfer or detail as a judge advocate within the department concerned when his legal training is completed; and

(C) agree to serve on active duty following completion or other termination of training for a period of two years for each year or part thereof of his legal training under subsection (a).

\* \* \* \* \*

(g) The Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, may adjust the relative seniority of an officer detailed for legal training under subsection (a) in relation to other commissioned officers of the same armed force, and in the same grade and competitive category, to ensure that such officer is not considered for promotion to the next higher grade during the period beginning on the date on which the officer is detailed as a student under subsection (a) and ending not later than the date that is one year after the date on which the officer is first transferred or detailed as a judge advocate within the military department concerned.

1 **SEC. \_\_. LIQUIDATION OF LIABILITIES UNDER A CROSS-SERVICING**  
2 **AGREEMENT BY DIRECT PAYMENT.**

3 (a) IN GENERAL.—Section 2345(a) of title 10, United States Code, is amended—

4 (1) by striking “(a)” and inserting “(a)(1)”; and

5 (2) by adding at the end the following new paragraph:

6 “(2) For purposes of this subsection, if agreed to by the supplying entity and the receiving  
7 entity, direct payment may be effected by the transfer from the receiving entity to the supplying  
8 entity of credits of an equivalent value, accrued by the receiving entity under arrangements to  
9 which the United States is a party pursuant to section 2350m or section 2350o of this title.”.

10 (b) SURFACE EXCHANGE OF SERVICES PROGRAM.—Section 2350m of such title is  
11 amended—

12 (1) by redesignating subsections (e) and (f) as subsections (f) and (g),  
13 respectively; and

14 (2) by inserting after subsection (d) the following new subsection:

15 “(e) TRANSFERRED CREDITS.—Any credits transferred to the SEOS program under  
16 section 2345 of this title shall be credited to the receiving party for future use for the exchange or  
17 transfer of surface transportation in accordance with rates current at the time of the exchange or  
18 transfer.”.

19 (c) AIR TRANSPORT AND AIR-TO-AIR REFUELING AND OTHER EXCHANGES OF SERVICES  
20 PROGRAM.—Section 2350o of such title is amended by adding at the end the following new  
21 subsections:

22 “(d) CREDITING OF RECEIPTS.—Any amount received by the Department of Defense as  
23 part of the ATARES program shall be credited, at the option of the Secretary of Defense, to—

1                   “(1) the appropriation, fund, or account used in incurring the obligation for which  
2                   such amount is received; or

3                   “(2) an appropriate appropriation, fund, or account currently available for the  
4                   purposes for which the expenditures were made.

5                   “(e) TRANSFERRED CREDITS.—Any credits transferred to the ATARES program under  
6                   section 2345 of this title shall be credited to the receiving party for future use for the exchange or  
7                   transfer of air refueling and air transportation services in accordance with rates current at the  
8                   time of the exchange or transfer.”.

**[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 10 U.S. Code (U.S.C.) § 2345, to provide the Secretary of Defense the discretionary authority to accept or use credits earned under arrangements to which the United States is a party pursuant to 10 U.S.C. §§ 2350m and 2350o, to liquidate debts incurred pursuant to a transaction under a cross-servicing agreement.

Current law requires that credits and liabilities of the United States accrued as a result of acquisitions and transfers of logistic support, supplies, and services under a cross-servicing agreement be liquidated not less often than once every 12 months by direct payment to the entity supplying logistic support, supplies, and services, by the entity receiving such support, supplies, or services. Direct payment in this context refers to reimbursement in cash.

Current law also authorizes the Secretary of Defense, with the concurrence of the Secretary of State, to participate in the Surface Exchange of Services (SEOS) and Air Transport and Air-to Air Refueling and other Exchanges of Services (ATARES) programs of the Movement Coordination Centre-Europe (MCCE) pursuant to §§ 2350m and 2350o of title 10, U.S.C., respectively. Under these programs, participants “earn” and “spend” credits by exchanging transportation and air refueling services. Credits under the SEOS and ATARES programs have a readily ascertainable cash value and enable the owner of a credit to receive transportation and air refueling services of that value from other program participants.

The United States currently has acquisition and cross-servicing agreements (ACSAs) with every SEOS and ATARES participant country. On occasion, due to limitations in their domestic law, countries liable to the United States for debts accrued under a cross-servicing transaction have difficulty liquidating some ACSA debts as cash payments as required in 10

U.S.C. § 2345, but are able to offer the SEOS or ATARES credits as a means of liquidating the cross-servicing debt. Conversely, situations exist in which it is advantageous for the United States to use SEOS and ATARES credits as means of liquidating a liability owed under an ACSA transaction.

This proposal would authorize the United States, at its discretion, to accept or use SEOS or ATARES credits as an acceptable means of direct payment under 10 U.S.C. § 2345(a).

ATARES, as the more mature international framework, will be used to describe how this proposal would work. Before liquidation of the ACSA debt, the United States and the partner nation would enter into an agreement for the exchange of credits in lieu of cash. The established amount owed by the ACSA transaction would then be converted into ATARES credits, which are currently defined in the “currency” of Equivalent Flying Hours (EFH) based on the airlift asset in question. The total value of the debt would be divided by the current EFH value, as agreed upon with the partner nation. The ATARES Program Manager, in coordination with the Financial Manager for the Air Force Air Mobility Command, would then forward the agreement to the United States representative for ATARES at the MCCE who would process the transaction in the ATARES New Accounting and Invoicing System. The new credits would be tracked and processed as the United States uses the ATARES system, which would increase the flexibility of the credit and debit system and provide the United States additional global airlift capacity.

This proposal also adds language to 10 U.S.C. § 2350o regarding “Crediting of Receipts” in order to mirror the newer SEOS statute, 10 U.S.C. § 2350m, to resolve any potential issues with the differing language of the two statutes.

**Resource Information:** This proposal has no significant impact on the use of resources. Resources affected by this proposal are incidental in nature and amount and are included within the Fiscal Year (FY) 2023 President’s Budget request.

**Changes to Existing Law:** This proposal amends sections 2345, 2350m, and 2350o of title 10, United States Code, as follows:

### **§ 2345. Liquidation of accrued credits and liabilities**

(a)(1) Credits and liabilities of the United States accrued as a result of acquisitions and transfers of logistic support, supplies, and services under the authority of this subchapter shall be liquidated not less often than once every 12 months by direct payment to the entity supplying such support, supplies, or services by the entity receiving such support, supplies, or services.

(2) For purposes of this subsection, if agreed to by the supplying entity and the receiving entity, direct payment may be effected by the transfer from the receiving entity to the supplying entity of credits of an equivalent value, accrued by the receiving entity under arrangements to which the United States is a party pursuant to section 2350m or section 2350o of this title.

(b) Payment-in-kind or exchange entitlements accrued as a result of acquisitions and transfers of logistic support, supplies, and services under authority of this subchapter shall be satisfied within 12 months after the date of delivery of the logistic support, supplies, or services.

(c)(1) Any credits of the United States accrued as a result of the provision of logistic support, supplies, and services under the authority of this subchapter that remain unliquidated more than 18 months after the date of delivery of the logistic support, supplies, or services may, at the option of the Secretary of Defense, with the concurrence of the Secretary of State, be liquidated by offsetting the credits against any amounts owed by the Department of Defense, pursuant to a transaction or transactions concluded under the authority of this subchapter, to the government or international organization to which the logistic support, supplies, or services were provided by the United States.

(2) The amount of any credits offset pursuant to paragraph (1) shall be credited as specified in section 2346 of this title as if it were a receipt of the United States.

\*\*\*\*\*

### **§2350m. Participation in European program on multilateral exchange of surface transportation services**

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in the Surface Exchange of Services program (in this section referred to as the "SEOS program") of the Movement Coordination Centre Europe.

(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in the SEOS program under paragraph (1) may include—

(A) the reciprocal exchange or transfer of surface transportation on a reimbursable basis or by replacement-in-kind; and

(B) the exchange of surface transportation services of an equal value.

(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) IN GENERAL.—Participation of the Department of Defense in the SEOS program shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

(2) NOTIFICATION.—The Secretary of Defense shall provide to the congressional defense committees notification of any arrangement or agreement entered into under paragraph (1).

(3) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the SEOS program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost-sharing or other funding arrangement.

(4) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits or liability resulting from an unequal exchange or transfer of surface transportation services shall be liquidated through the SEOS program not less than once every five years.

(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

- (1) pay the equitable share of the Department of Defense for the operating expenses of the Movement Coordination Centre Europe and the SEOS program from funds available to the Department of Defense for operation and maintenance; and
- (2) assign members of the armed forces or Department of Defense civilian personnel, within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill Department of Defense obligations under that arrangement or agreement.

(d) CREDITING OF RECEIPTS.—Any amount received by the Department of Defense as part of the SEOS program shall be credited, at the option of the Secretary of Defense, to—

- (1) the appropriation, fund, or account used in incurring the obligation for which such amount is received; or
- (2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(e) TRANSFERRED CREDITS.—Any credits transferred to the SEOS program under section 2345 of this title shall be credited to the receiving party for future use for the exchange or transfer of surface transportation in accordance with rates current at the time of the exchange or transfer.

(fe) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year in which the authority under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense participation in the SEOS program during such fiscal year.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the equitable share of the costs and activities of the SEOS program paid by the Department of Defense.

(B) A description of any amount received by the Department of Defense as part of such program, including the country from which the amount was received.

(gf) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the use of foreign sealift in violation of section 2631.

\*\*\*\*\*

### **§2350o. Participation in programs relating to coordination or exchange of air refueling and air transportation services**

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may authorize the participation of the Department of Defense in programs relating to the coordination or exchange of air refueling and air transportation services, including in the arrangement known as the Air Transport and Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the "ATARES program").

(2) SCOPE OF PARTICIPATION.—Participation of the Department of Defense in programs referred to in paragraph (1) may include—

(A) the reciprocal exchange or transfer of air refueling and air transportation services on a reimbursable basis or by replacement-in-kind; and

(B) the exchange of air refueling and air transportation services of an equal value.

(3) LIMITATIONS WITH RESPECT TO PARTICIPATION IN ATARES PROGRAM.—

(A) IN GENERAL.—The Department of Defense balance of executed flight hours in participation in the ATARES program under paragraph (1), whether as credits or debits, may not exceed a total of 500 hours.

(B) AIR REFUELING.—The Department of Defense balance of executed flight hours for air refueling in participation in the ATARES program under paragraph (1) may not exceed 200 hours.

(b) WRITTEN ARRANGEMENT OR AGREEMENT.—Participation of the Department of Defense in a program referred to in subsection (a)(1) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State.

(c) IMPLEMENTATION.—In carrying out any arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the equitable share of the Department of Defense for the recurring and nonrecurring costs of the applicable program referred to in subsection (a)(1) from funds available to the Department for operation and maintenance; and

(2) assign members of the armed forces or Department of Defense civilian personnel to fulfill Department obligations under that arrangement or agreement.

(d) CREDITING OF RECEIPTS.—Any amount received by the Department of Defense as part of the ATARES program shall be credited, at the option of the Secretary of Defense, to—

(1) the appropriation, fund, or account used in incurring the obligation for which such amount is received; or

(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(e) TRANSFERRED CREDITS.—Any credits transferred to the ATARES program under section 2345 of this title shall be credited to the receiving party for future use for the exchange or transfer of air refueling and air transportation services in accordance with rates current at the time of the exchange or transfer.

1 **SEC. \_\_. MODIFICATION OF STATUTORY COST THRESHOLDS FOR AUTHORITY**  
2 **TO ACQUIRE LOW-COST INTERESTS IN LAND.**

3 Section 2663(c) of title 10, United States Code, is amended—

4 (1) in paragraph (1)(B), by striking “\$750,000” and inserting “\$6,000,000”;

5 (2) by striking paragraph (2);

6 (3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3),  
7 respectively; and

8 (4) in paragraph (2), as so redesignated, by striking “unless the total cost is not  
9 more than \$750,000, in the case of an acquisition under paragraph (1), or \$1,500,000,  
10 in the case of an acquisition under paragraph (2)” and inserting “unless the total cost  
11 is not more than \$6,000,000”.

**[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**

Section 2663(c) of title 10, United States Code (U.S.C.), specifically authorizes any acquisition of low-cost interests in land to address life, health, or safety-related deficiencies that does not exceed \$1,500,000 (\$750,000 for other purposes) using operation and maintenance or construction funds. The primary objective of this proposal is to increase the threshold for land acquisitions to take into account the significant increase in land costs since the threshold was last increased in 2003. Farmland prices alone have increased by more than 300 percent nationwide, while the land acquisition threshold has remained static (see <https://extension2.missouri.edu/g404>, and <https://www.ers.usda.gov/topics/farm-economy/land-use-land-value-tenure/farmland-value/>). These restrictive thresholds have not been changed since codification in 2003 and severely constrain modern land acquisitions by the Services despite significant increases in land values since the cost threshold in 10 U.S.C. 2663(c) was last adjusted nearly two decades ago. For example, in order to acquire avigation easement interests at Fort Campbell, Kentucky with a total cost of only \$3.2 million, it was necessary for the Army to program, budget, and obtain line-item authorization for a major military construction project in the Fiscal Year (FY) 2020 National Defense Authorization Act (NDAA).

In 2017, Congress eliminated previous cost threshold distinctions in 10 U.S.C. 2805 between Unspecified Minor Military Construction (UMMC) projects to address life, health, and

safety deficiencies, and those for other purposes. This proposal would similarly eliminate that distinction in 10 U.S.C. 2663(c). Applying a 300 percent increase to the previous \$1,500,000 cost limitation would result in a revised cost threshold of \$4,500,000. The proposal makes the threshold \$6,000,000 to accommodate future land cost growth, particularly in other than rural areas. Enactment of this proposal will result in clear, unambiguous authority for the Services to execute low-cost land acquisitions commensurate with rising land costs. It will enable low-cost military land acquisitions of less than \$6 million to be executed promptly because such acquisitions will not require programming and budgeting as individual annual line item authorized and appropriated military construction projects.

This proposal does not affect the requirement, at 10 U.S.C. 2662, for the Secretary concerned to provide notice to the Armed Services Committees prior to acquiring fee title to any real property if the estimated price is greater than \$750,000.

**Resource Information:** This proposal has no impact on the use of resources. There are no specific Army land acquisitions currently programmed that this proposal would affect.

**Changes to Existing Law:** This proposal would make the following changes to section 2663 of title 10, United States Code:

### **§2663. Land acquisition authorities**

(a) ACQUISITION OF LAND BY CONDEMNATION FOR CERTAIN MILITARY PURPOSES.—(1) Subject to subsection (f), the Secretary of a military department may have proceedings brought in the name of the United States, in a court of proper jurisdiction, to acquire by condemnation any interest in land, including temporary use, needed for—

(A) the site, construction, or operation of fortifications, coast defenses, or military training camps;

(B) the construction and operation of plants for the production of nitrate and other compounds, and the manufacture of explosives or other munitions of war; or

(C) the development and transmission of power for the operation of plants under subparagraph (B).

(2) In time of war or when war is imminent, the United States may, immediately upon the filing of a petition for condemnation under paragraph (1), take and use the land to the extent of the interest sought to be acquired.

(b) ACQUISITION BY PURCHASE IN LIEU OF CONDEMNATION.—The Secretary of the military department concerned may contract for or buy any interest in land, including temporary use, needed for any purpose named in subsection (a), as soon as the owner fixes a price for it and the Secretary considers that price to be reasonable.

(c) ACQUISITION OF LOW-COST INTERESTS IN LAND.—(1) The Secretary of a military department may acquire any interest in land that—

(A) the Secretary determines is needed in the interest of national defense; and

(B) does not cost more than ~~\$750,000~~\$6,000,000, exclusive of administrative costs and the amounts of any deficiency judgments.

~~(2) The Secretary of a military department may acquire any interest in land that—~~  
~~(A) the Secretary determines is needed solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; and~~  
~~(B) does not cost more than \$1,500,000, exclusive of administrative costs and the amounts of any deficiency judgments.~~

~~(2)(3) This subsection does not apply to the acquisition, as a part of the same project, of more than one parcel of land unless the parcels are noncontiguous, or, if contiguous, unless the total cost is not more than \$750,000, in the case of an acquisition under paragraph (1), or \$1,500,000, in the case of an acquisition under paragraph (2) unless the total cost is not more than \$6,000,000.~~

~~(3)(4) SOURCE OF FUNDS.—~~Appropriations available to the Department of Defense for operations and maintenance or construction may be used for the acquisition of land or interests in land under this subsection.

(d) ACQUISITION OF INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary of a military department may acquire any interest in land in any case in which the Secretary determines that—

- (A) the acquisition is needed in the interest of national defense;
- (B) the acquisition is required to maintain the operational integrity of a military installation; and
- (C) considerations of urgency do not permit the delay necessary to include the required acquisition in an annual Military Construction Authorization Act.

(2) Not later than 10 days after the date on which the Secretary of a military department determines to acquire an interest in land under the authority of this subsection, the Secretary shall submit, in an electronic medium pursuant to section 480 of this title, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a notice containing a description of the property and interest to be acquired and the reasons for the acquisition.

(3) Appropriations available for military construction may be used for the purposes of this subsection.

(e) SURVEY AUTHORITY; ACQUISITION METHODS.—Authority provided the Secretary of a military department by law to acquire an interest in real property (including a temporary interest) includes authority—

- (1) to make surveys; and
- (2) to acquire the interest in real property by gift, purchase, exchange of real property owned by the United States, or otherwise.

(f) ADVANCE NOTICE OF USE OF CONDEMNATION.—(1) Before commencing any legal proceeding to acquire any interest in land under subsection (a), including acquisition for temporary use, by condemnation, eminent domain, or seizure, the Secretary of the military department concerned shall—

- (A) pursue, to the maximum extent practicable, all other available options for the acquisition or use of the land, such as the purchase of an easement or the execution of a land exchange; and
- (B) submit to the congressional defense committees a report containing-

- (i) a description of the land to be acquired;
- (ii) a certification that negotiations with the owner or owners of the land occurred, and that the Secretary tendered consideration in an amount equal to the fair market value of the land, as determined by the Secretary; and
- (iii) an explanation of the other approaches considered for acquiring use of the land, the reasons for the acquisition of the land, and the reasons why alternative acquisition strategies are inadequate.

(2) The Secretary concerned may have proceedings brought in the name of the United States to acquire the land after the end of the 21-day period beginning on the date on which the report is received by the committees in an electronic medium pursuant to section 480 of this title.

(g) EXCEPTION TO ADVANCE NOTICE REQUIREMENT.—If the Secretary of a military department determines that the use of condemnation, eminent domain, or seizure to acquire an interest in land is required under subsection (a) to satisfy a requirement vital to national security, and that any delay would be detrimental to national security or the protection of health, safety, or the environment, the Secretary may have proceedings brought in the name of the United States to acquire the land in advance of submitting the report required by subsection (f)(1)(B). However, the Secretary shall submit the report not later than seven days after commencement of the legal proceedings with respect to the land.

(h) LAND ACQUISITION OPTIONS IN ADVANCE OF MILITARY CONSTRUCTION PROJECTS.—  
(1) The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the military department under the jurisdiction of the Secretary.

(2) As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the military department under the jurisdiction of the Secretary for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.

1 **SEC. \_\_\_\_ . AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO PAY**  
2 **PERSONNEL EXPENSES OF SECURITY FORCES OF FRIENDLY**  
3 **FOREIGN COUNTRIES ATTENDING U.S.-COLOMBIA ACTION PLAN**  
4 **TRAINING.**

5 (a) IN GENERAL.—Subchapter IV of chapter 16 of title 10, United States Code, is  
6 amended by adding at the end the following new section:

7 **“§334. U.S.-Colombia Action Plan: authority to pay personnel expenses of security forces**  
8 **of friendly foreign countries attending training**

9 “(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of  
10 State, may pay for the travel, subsistence, and similar personnel expenses of, and special  
11 compensation for, the national security forces of a foreign country to participate in a training  
12 program intended to addresses critical gaps in partner nation security, that is conducted in  
13 Colombia under the U.S.-Colombia Action Plan.

14 “(b) LIMITATIONS.—

15 “(1) PERSONNEL FROM DEVELOPING COUNTRIES.—The authority in subsection (a)  
16 may be used only for the payment of expenses of, and special compensation for,  
17 personnel from developing countries, as defined in section 301 of this title, except the  
18 Secretary of Defense may authorize the payment of such expenses and special  
19 compensation for personnel from a country other than a developing country if the  
20 Secretary determines that such payment is necessary to respond to extraordinary  
21 circumstances and is in the national security interest of the United States.

1                   “(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS  
2                   VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance under subsection (a) shall  
3                   be subject to the provisions of section 362 of this title.”.  
4                   (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is  
5                   amended by adding at the end the following new item:

                  “334. U.S.-Colombia Action Plan: authority to pay personnel expenses of security forces of friendly foreign  
                  countries attending training.”.

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

                  This proposal would provide the Secretary of Defense, with the concurrence of the Secretary of State, the authority to use operation and maintenance funding to make payments for the personnel expenses of a friendly foreign country to participate in a training program conducted in Colombia under the U.S.-Colombia Action Plan (USCAP). Payment of these expenses will allow partner nation personnel to attend the training, which will build the capacity of assisted friendly foreign countries.

                  The purpose of this proposal is to capitalize on the investment, professionalism, and expertise of partner nation military forces that have benefitted over time from long-term U.S. security assistance. Training provided under the USCAP program builds the security capacity of beneficiary partner nations, assists U.S. efforts to counter shared security threats that may challenge regional stability, and therefore contributes significantly to U.S. national security interests. The benefit of this program is that it creates conditions that permit U.S. forces to support greater demands throughout the theater or other theaters. The program can also save significant resources as the United States would be benefitting from better-trained partner nations, at a fraction of the cost of hosting training directly; the United States would only be paying for transportation and per diem expenses, while the training partner nation (i.e., Colombia) would bear the cost of providing the actual training.

                  The activities and investments linked to this effort will enable the partner nations receiving the training under USCAP to achieve capabilities that address critical gaps in partner nation security. The capabilities strive to reduce instability and insecurity in partner nations that are under-resourced. Further, this proposal builds upon past successful security cooperation programs and increases the return on investment of these existing programs significantly. Although this section only addresses payment of personnel expenses of students, the underlying training provided under USCAP would be composed of standardized training and expert advice and would be linked to specific purchases of U.S. equipment, if any, to ensure beneficiaries build interoperability, maintain proficiencies, and/or enhance military capacities that align with U.S. interests. Additionally, all recipients of this assistance—partner nation training personnel and national security force personnel—are from third-party countries and will have approved Leahy vetting prior to any Department of Defense (DoD) funding being obligated for attendance at such training events.

Colombia is a strategic partner that has benefited substantially from long-term U.S. security cooperation programs and has grown into the role of a regional security exporter, at a high return on investment for the U.S. Government. The USCAP program employs a comprehensive approach that focuses on capacity-building training that enhances partner nations’ ability to conduct their mandated security missions that contribute to successful countering of transnational criminal organizations. These training activities emphasize (1) counter-illicit drug trafficking operations, (2) counter-transnational organized crime operations, (3) maritime and border security operations, (4) military intelligence operations, (5) air and maritime maintenance and logistics, (6) military information security operations, (7) institutional capacity building, and (8) human rights.

Training through the USCAP program is carried out through a myriad of venues, but this authority will only affect those programs that take place in Colombia. This authority will not extend to paying expenses for training conducted through Colombian Mobile Training Teams, which are staffed across Colombia’s Military Services (Departments of the Army, Navy, and Air Force) and travel to third-party countries to conduct training on specific tasks. These tasks range from tactical procedures to doctrinal seminars. This authority would extend to training under USCAP that leverages Colombian institutions to train and certify third-party countries in various security tasks. These Colombian institutions (e.g., professional military education institutions) certify defense personnel in various specialties, such as aircraft mechanics, intelligence analysis, and communications. These institutions have benefitted from many years of U.S. investment through foreign military financing, international military education and training (IMET), and counter-narcotics train-and-equip programs. This proposal would authorize DoD to provide the personnel expenses of partner nation military personnel to attend these Colombian-led and funded training courses in Colombia, saving the United States potentially millions of dollars if it were to undertake to train these foreign partner forces itself. These courses will not conflict with IMET because the courses are taught in Spanish. All of the Colombian courses utilized under USCAP are coordinated, supported, and overseen by U.S. Southern Command.

**Resource Information:** The resources affected by this proposal are reflected in the table below and are included within the Fiscal Year (FY) 2023 President’s Budget.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Appropriation	Budget Activity	BLI/S AG	Program Element (for all RDT&E programs)
USCAP	\$1,056	\$1,077	\$1,098	\$1,120	\$1,143	Operations & Maintenance, Army	BA01	143	
Total	\$1,056	\$1,077	\$1,098	\$1,120	\$1,143				

**Changes to Existing Law:** This proposal would add a new section to subchapter IV of chapter 16 of title 10, United States Code, as set forth in the legislative text above.

1 **SEC. \_\_\_\_ . TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF FUNDS**  
2 **FOR A CERTAIN CONSTRUCTION PROJECT IN THE REPUBLIC OF**  
3 **KOREA.**

4 Section 2863 of the National Defense Authorization Act for Fiscal Year 2020 (Public  
5 Law 116-92; 133 Stat.1899) is amended—

6 (1) in subsection (a)(1)—

7 (A) in the matter preceding subparagraph (A), by striking “cash”; and

8 (B) in subparagraph (B) by inserting “and construction” after “The  
9 design”;

10 (2) in subsection (b), by striking “Contributions” and inserting “Cash  
11 contributions”;

12 (3) by amending subsection (e) to read as follows:

13 “(e) METHOD OF CONTRIBUTION.—Contributions may be accepted in any of the following  
14 forms:

15 “(1) Irrevocable letter of credit issued by a financial institution acceptable to  
16 the Treasurer of the United States.

17 “(2) Drawing rights on a commercial bank account established and funded by  
18 the Republic of Korea, which account is blocked such that funds deposited cannot be  
19 withdrawn except by or with the approval of the United States.

20 “(3) Cash, which shall be deposited into the account established pursuant to  
21 subsection (b).”; and

22 (4) in the section heading, by striking “**MUTUALLY BENEFICIAL TO**  
23 **THE DEPARTMENT OF DEFENSE AND**” and inserting “**IN**”.

## Section-by-Section Analysis

Section 2863 of the National Defense Authorization Act for Fiscal Year 2020 authorized the Secretary concerned to accept cash contributions from the Republic of Korea (ROK) only for the design and construction of the Black Hat intelligence Fusion Center, Camp Humphreys, Korea, and the design of the Korean Air and Space Operations and Intelligence Center (KAOIC), Osan Air Base, Korea. This proposal will expand section 2863 to authorize acceptance of contributions toward the construction, rather than just design, of the KAOIC, and to allow the contributions to come in the form of an irrevocable letter of credit, drawing rights on a commercial bank, or cash. The ROK is prepared to fund their portion of the KAOIC project, but the Department has no authority under which it can accept the funds from the ROK. The U.S. cannot construct the facility with cash contributions accepted from the ROK under section 2350j of title 10, United States Code, because this type of contribution cannot be used to cover the Korean cost sharing obligation. The proposal also makes an administrative change to section 2863 by striking the definition of “mutually beneficial” because the term is not used within the section. Authorization to accept the ROK contribution for KAOIC construction contributes to the promotion of U.S. national interests and regional stability. Failure to provide this authority will delay and substantially change the scope of the KAOIC project that is currently planned to start construction in calendar year 2023.

**Resource Implications:** This proposal has no impact on the use of resources; funds involved will come from the ROK.

**Changes to Existing Law:** This proposal would amend section 2863 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat.1899) as follows:

24

SEC. 2863. TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN DESIGN AND CONSTRUCTION PROJECTS ~~MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND IN THE~~ REPUBLIC OF KOREA.

(a) ACCEPTANCE OF CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary concerned may accept ~~cash~~ contributions from the Republic of Korea to carry out the following:

(A) The design and construction of the Black Hat Intelligence Fusion Center, Camp Humphreys, Republic of Korea.

(B) The design and construction of the Korean Air and Space Operations and Intelligence Center, Osan Air Base, Republic of Korea.

(2) COST-SHARING AGREEMENT.—In the event the contribution under paragraph (1) is insufficient to cover the entire cost of the activity authorized under that paragraph, the Secretary concerned shall enter into a cost-sharing agreement with the Republic of Korea detailing the portion of the authorized activity that is to be funded with

## PRE-DECISIONAL INTERNAL EXECUTIVE BRANCH DRAFT

the contribution and identifying sufficient other funds to undertake the entire authorized activity.

(b) ESTABLISHMENT OF ACCOUNT.—~~Contributions~~ Cash contributions accepted under subsection (a) shall be placed in an account established by the Secretary concerned and shall remain available until expended as provided in such subsection.

(c) NOTICE.—

(1) IN GENERAL.—Not later than 14 days before carrying out a project using contributions accepted under subsection (a) for which the estimated cost of the project will exceed the thresholds prescribed by section 2805 of title 10, United States Code, the Secretary concerned shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives—

- (A) a written notice of the decision to carry out the project;
- (B) a justification for the project; and
- (C) the estimated cost of the project.

(2) NOTICE FOR PROJECTS THAT REQUIRE COST SHARING.—Not later than 14 days before carrying out a project using contributions accepted under subsection (a) for which a cost-sharing agreement is entered into under paragraph (2) of such subsection, the Secretary concerned shall submit to the congressional defense committees in an electronic medium pursuant to section 480 of title 10, United States Code—

- (A) a written notice of the acceptance of the contributions for the project;
- (B) a copy of the Department of Defense Form 1391 for the project;
- (C) the estimated cost of the project; and
- (D) details on the cost-sharing agreement with the Republic of Korea.

(d) EXPIRATION OF PROJECT AUTHORITY.—

(1) IN GENERAL.—The authority to accept contributions and carry out projects under this section expires on September 30, 2030.

(2) CONTINUATION OF PROJECTS.—The expiration of authority under paragraph (1) does not prevent the continuation of any project commenced before the date specified in that paragraph.

~~(e) MUTUALLY BENEFICIAL.—A project described in subsection (a) shall be considered to be mutually beneficial if—~~

~~(1) the project is in support of a bilateral defense cooperation agreement between the United States and the Republic of Korea; or~~

## PRE-DECISIONAL INTERNAL EXECUTIVE BRANCH DRAFT

~~(2) the Secretary concerned determines that the United States may derive a benefit from the project, including—~~

~~(A) access to and use of facilities of the military forces of the Republic of Korea;~~

~~(B) ability or capacity for future force posture; and~~

~~(C) increased interoperability between military forces of the Department of Defense and the Republic of Korea.~~

(e) METHOD OF CONTRIBUTION.—Contributions may be accepted in any of the following forms:

(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

(2) Drawing rights on a commercial bank account established and funded by the Republic of Korea, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

(3) Cash, which shall be deposited into the account established pursuant to subsection (b).

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

1 **SEC. \_\_\_. AUTHORITY TO PROVIDE INCREASED VOLUNTARY SEPARATION**  
2 **INCENTIVE PAY FOR CIVILIAN EMPLOYEES OF THE**  
3 **DEPARTMENT OF DEFENSE.**

4 During the period beginning on the date of the enactment of this Act and ending on  
5 September 30, 2023, section 9902(f)(5)(A)(ii) of title 5, United States Code, shall be applied by  
6 substituting “an amount determined by the Secretary, not to exceed \$40,000” for “\$25,000”.

**[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 temporarily increase from \$25,000 to \$40,000 the maximum amount of voluntary separation incentive pay (VSIP) that the Department of Defense (DoD) is authorized to provide to an individual under section 9902(f)(5)(A)(ii) of title 5, United States Code. The temporary authority for the Department to provide this increased maximum amount for VSIP established by the National Defense Authorization Act (NDAA) for Fiscal Year 2017, expired on September 30, 2021. The increased maximum amount for VSIP that would be authorized by this proposal for renewal is less than the amount originally authorized for VSIP in 1993, as adjusted for inflation.

The Department of Defense has traditionally offered incentives, such as VSIP, to encourage voluntary separations as a way to minimize the impact of workforce restructuring and avoid involuntary reductions in force (RIFs). RIFs are costly and disruptive to DoD’s missions and create negative morale in the workforce. VSIP authority is also an important workforce shaping and restructuring tool that assists the Department in recalibrating the workforce to ensure the Department has the right skills for emerging missions and mission growth. Indeed, VSIP authority can be exercised independent of RIF planning and in the past has been effective in enabling DoD components to shape their workforce. Any future reductions to the DoD budget will require management tools to efficiently reduce the workforce without adversely affecting DoD’s missions or its commitment to the Nation’s warfighters. Buyouts provide a less expensive, more humane, and more manageable way to efficiently reduce as well as restructure the DoD workforce.

In general, downsizing and realignment within DoD have significantly decreased since completion of actions resulting from Fiscal Year (FY) 2005 base realignment and closure (BRAC) decisions, reducing the use of VSIP. In FY 2019, DoD received full-year appropriations, which stabilized DoD resources and reduced the need for use of the incentive. As a result, the Department averaged almost 1,600 VSIP payments over the past 3 years. The Department anticipates continued relative stability over the next FY. While VSIP may be used

for downsizing as needed, DoD anticipates additional VSIP usage for organizational restructuring, position restructuring, and buyout offers as DoD reskills the workforce.

**Resource Information:** The resources affected by this proposal are reflected in the table below and are included within the Fiscal Year (FY) 2023 President's Budget request. Adoption of the proposal would renew the temporary increase in the maximum VSIP amount for the DoD from \$25,000 to \$40,000 that ended on September 30, 2021. VSIP is authorized at levels not to exceed DoD's appropriated budget authority in any given fiscal year. As such, the Department will use funding that has already been allocated to the costs of civilian pay as the offset in FY23. DoD's intent is to offer VSIP at a steady rate to continue to reshape our workforce, as needed, and avoid costly reductions-in-force. The increased incentive may influence the number of civilians offered the opportunity to participate in VSIP and/or the timeframe in which participants must accept VSIP in order to maximize the use of funds in the FY. The authority will not change the severance pay formulas used to calculate the actual VSIP amount. We anticipate a continued steady use of VSIP.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2023					Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Army	\$12.88					Operation and Maintenance, Army	Multiple	Multiple	
Navy	\$0.47					Operation and Maintenance, Navy	Multiple	Multiple	
Navy	\$3.00					Navy Working Capital Fund	Multiple	Multiple	
Navy	\$0.15					Research, Development, Test & Evaluation, Navy	Multiple	Multiple	
Air Force	\$0.87					Operation and Maintenance, Air Force	Multiple	Multiple	
USMC	\$0.00					Operation and Maintenance, Marine Corps	Multiple	Multiple	
DLA	\$0.78					Operation and Maintenance, DLA	Multiple	Multiple	
DCMA	\$1.96					Operation and Maintenance, DCMA	Multiple	Multiple	
DISA	0.78					Operation and Maintenance, DISA	Multiple	Multiple	
DCAA	\$0.00					Operation and Maintenance, DCAA	Multiple	Multiple	
OSD	\$0.60					Operation and Maintenance, OSD	Multiple	Multiple	
DFAS	\$0.00					Operation and Maintenance, DFAS	Multiple	Multiple	
WHS	\$0.24					Operation and Maintenance, WHS	Multiple	Multiple	
Joint Staff	\$0.09					Operation and Maintenance, Joint Staff	Multiple	Multiple	
National Guard	\$0.24					Operation and Maintenance, National Guard	Multiple	Multiple	
DoDEA	\$0.81					Operation and Maintenance, DoDEA	Multiple	Multiple	
DECA	\$0.69					Operation and Maintenance, DECA	Multiple	Multiple	

DHA	\$0.35					Operation and Maintenance, DHA	Multiple	Multiple	
MDA	\$0.00					Operation and Maintenance, MDA	Multiple	Multiple	
DHRA	\$0.20					Operation and Maintenance, DHRA	Multiple	Multiple	
DoDIG	\$0.00					Operation and Maintenance, DoDIG	Multiple	Multiple	
PFPA	\$0.00					Operation and Maintenance, PFPA	Multiple	Multiple	
DTRA	\$0.15					Operation and Maintenance, DTRA	Multiple	Multiple	
DSS	\$0.00					Operation and Maintenance, DSS	Multiple	Multiple	
USUHS	\$0.00					Operation and Maintenance, USUHS	Multiple	Multiple	
DAU	\$0.05					Operation and Maintenance, DAU	Multiple	Multiple	
DSCA	\$0.02					Operation and Maintenance, DSCA	Multiple	Multiple	
DMA	\$0.21					Operation and Maintenance, DMA	Multiple	Multiple	
NDU	\$0.03					Operation and Maintenance, NDU	Multiple	Multiple	
NRO	\$0.00					Operation and Maintenance, NRO	Multiple	Multiple	
POW/MIA Ofc	\$0.00					Operation and Maintenance, POW/MIA Ofc	Multiple	Multiple	
Def Legal Svcs	\$0.00					Operation and Maintenance, Def Legal Svcs	Multiple	Multiple	
DTIC	\$0.00					Operation and Maintenance, DTIC	Multiple	Multiple	
DMeA	\$0.00					Operation and Maintenance, DMeA	Multiple	Multiple	
DARPA	\$0.05					Operation and Maintenance, DARPA	Multiple	Multiple	
DTSA	\$0.00					Operation and Maintenance, DTSA	Multiple	Multiple	
Crt Appls Armd Frcs	\$0.00					Operation and Maintenance, Crt Appls Armd Frcs	Multiple	Multiple	
OEA	\$0.00					Operation and Maintenance, OEA	Multiple	Multiple	

Test Resource Mgmt Ctr	\$0.00					Operation and Maintenance, Test Resource Mgmt Ctr	Multiple	Multiple	
Total	\$24.48								

<b>PERSONNEL AFFECTED (END STRENGTH)</b>									
<b>Program</b>	<b>FY 2023</b>					<b>Appropriation</b>	<b>Budget Activity</b>	<b>BLI/SAG</b>	<b>Program Element (for all RDT&amp;E programs)</b>
Army	842					Operation and Maintenance, Army	Multiple	Multiple	
Navy	31					Operation and Maintenance, Navy	Multiple	Multiple	
Navy	196					Navy Working Capital Fund	Multiple	Multiple	
Navy	10					Research, Development, Test & Evaluation, Navy	Multiple	Multiple	
Air Force	56					Operation and Maintenance, Air Force	Multiple	Multiple	
USMC	0					Operation and Maintenance, Marine Corps	Multiple	Multiple	
DLA	51					Operation and Maintenance, DLA	Multiple	Multiple	
DCMA	128					Operation and Maintenance, DCMA	Multiple	Multiple	
DISA	51					Operation and Maintenance, DISA	Multiple	Multiple	
DCAA	0					Operation and Maintenance, DCAA	Multiple	Multiple	
OSD	40					Operation and Maintenance, OSD	Multiple	Multiple	
DFAS	0					Operation and Maintenance, DFAS	Multiple	Multiple	
WHS	16					Operation and Maintenance, WHS	Multiple	Multiple	
Joint Staff	6					Operation and Maintenance, Joint Staff	Multiple	Multiple	

National Guard	16					Operation and Maintenance, National Guard	Multiple	Multiple	
DoDEA	53					Operation and Maintenance, DoDEA	Multiple	Multiple	
DECA	45					Operation and Maintenance, DECA	Multiple	Multiple	
DHA	23					Operation and Maintenance, DHA	Multiple	Multiple	
MDA	0					Operation and Maintenance, MDA	Multiple	Multiple	
DHRA	13					Operation and Maintenance, DHRA	Multiple	Multiple	
DoDIG	0					Operation and Maintenance, DoDIG	Multiple	Multiple	
PFPA	0					Operation and Maintenance, PFPA	Multiple	Multiple	
DTRA	10					Operation and Maintenance, DTRA	Multiple	Multiple	
DSS	0					Operation and Maintenance, DSS	Multiple	Multiple	
USUHS	0					Operation and Maintenance, USUHS	Multiple	Multiple	
DAU	3					Operation and Maintenance, DAU	Multiple	Multiple	
DSCA	1					Operation and Maintenance, DSCA	Multiple	Multiple	
DMA	14					Operation and Maintenance, DMA	Multiple	Multiple	
NDU	2					Operation and Maintenance, NDU	Multiple	Multiple	
NRO	0					Operation and Maintenance, NRO	Multiple	Multiple	
POW/MIA Ofc	0					Operation and Maintenance, POW/MIA Ofc	Multiple	Multiple	
Def Legal Svcs	0					Operation and Maintenance, Def Legal Svcs	Multiple	Multiple	
DTIC	0					Operation and Maintenance, DTIC	Multiple	Multiple	
DMeA	0					Operation and Maintenance, DMeA	Multiple	Multiple	
DARPA	3					Operation and Maintenance, DARPA	Multiple	Multiple	
DTSA	0					Operation and Maintenance, DTSA	Multiple	Multiple	

Crt Appls Armd Frcs	0					Operation and Maintenance, Crt Appls Armd Frcs	Multiple	Multiple	
OEA	0					Operation and Maintenance, OEA	Multiple	Multiple	
Test Resource Mgmt Ctr	0					Operation and Maintenance, Test Resource Mgmt Ctr	Multiple	Multiple	
Total	1,600								

**Cost Methodology:** DoD anticipates significant use of VSIP in the foreseeable future as the need for reshaping the workforce continues. VSIP is used to encourage voluntary reductions that mitigate adverse effects on civilian employees and are less costly to the Department than involuntary reductions via RIF. The resource requirements listed reflect the total cost of buyouts for FY23, taking into account the number of employees who have historically participated in VSIP, as well as the projections of DoD components on how many additional employees are expected to take VSIP at the increased amount. It assumes nearly a straight-line increase of \$15,000 per buyout, since historically 99 percent of the buyouts approved are at the maximum amount of \$25,000. This extra expenditure will be absorbed by reducing the costs associated with RIFs, including severance pay, unemployment compensation, continuation of benefits, transition assistance, permanent change of station costs, and various administrative costs.

**Changes to Existing Law:** This proposal does not make any changes to existing law.

1 **SEC. \_\_\_\_ . SECURITY COOPERATION PROGRAMS WITH FOREIGN PARTNERS TO**  
2 **ADVANCE WOMEN, PEACE, AND SECURITY.**

3 (a) IN GENERAL.—Subchapter V of chapter 16 of title 10, United States Code, is amended  
4 by adding at the end the following new section:

5 **“§ 353. Women, peace, and security programs**

6 “(a) SECURITY COOPERATION PROGRAMS.—The Secretary of Defense, with the  
7 concurrence of the Secretary of State, may conduct or support security cooperation programs and  
8 activities involving the national military or national-level security forces of a foreign country or  
9 other covered personnel to advise, train, and educate such forces or such other covered personnel  
10 with respect to—

11 “(1) the recruitment, employment, development, retention, promotion, and  
12 meaningful participation in decision making of women and underrepresented groups;

13 “(2) sexual harassment, sexual assault, domestic abuse, and other forms of sexual  
14 and gender-based violence that disproportionately impact women and underrepresented  
15 groups;

16 “(3) the integration of gender analysis into security sector policy, planning,  
17 exercises, and training;

18 “(4) the requirements of women and underrepresented groups, including  
19 providing appropriate gender sensitive equipment and facilities; and

20 “(5) the implementation of activities described in this subsection.

21 “(b) PAYMENT OF EXPENSES FOR ADVANCEMENT OF OBJECTIVES.—The Secretary of  
22 Defense may pay for the travel, transportation, and subsistence expenses of national military and

1 national-level security forces of a foreign country or other covered personnel that the Secretary  
2 considers necessary for the advancement of the objectives of this section.

3 “(c) OTHER COVERED PERSONNEL DEFINED.—In this section, the term ‘other covered  
4 personnel’ means personnel of—

5 “(1) the ministry of defense, or a governmental entity with a similar function, of a  
6 foreign country;

7 “(2) a regional organization with a security mission;

8 “(3) personnel of a friendly foreign government other than national security  
9 forces; or

10 “(4) personnel of a non-governmental organization.”.

11 (b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of  
12 subchapter V of chapter 16 of title 10, United States Code, is amended by adding at the end the  
13 following new item:

“353. Women, peace, and security programs.”.

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

This proposal would add a new authority to chapter 16 of title 10, United States Code (U.S.C.) to enable Department of Defense (DoD) implementation of the Women, Peace, and Security (WPS) Act of 2017, section 1210E of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021, and two of the five WPS-related recommendations from the Independent Review Commission (IRC) on Sexual Assault in the Military approved by the Secretary of Defense. The proposed authority supports the President’s 2021 National Strategy on Gender Equity and Equality to promote gender equality issues in security processes. The proposed authority further supports the Department’s stated goal of building defense relationships that promote specific U.S. security interests (e.g., addressing the lack of perspectives and participation of women and underrepresented groups within security sectors) and taking other actions in support of U.S. objectives (i.e., by working with security sectors to advance the Act).

Current security cooperation authorities are narrowly scoped and defined such that the Secretary of Defense is limited in the ability to execute security cooperation activities that further the goals of the WPS Act, as required by section 1210E of the NDAA for FY 2021. The proposal would add a specific authority to allow DoD to uniquely work with the national security forces

of foreign countries, or the personnel of foreign ministries of defense (or ministries with security force oversight), regional organizations with security missions, other personnel of friendly foreign governments, or other non-governmental personnel on activities necessary for complete implementation of the WPS Act.

In previous fiscal years, foreign countries have requested advice and support from DoD on training and education for personnel below the defense institutional level within their ministries of defense—types of activities that fall outside of current security cooperation statutory authorities. Current authorities do not provide DoD the ability to tailor security cooperation activities with foreign countries that remove barriers to progress and create opportunities for the foreign country to mature their own WPS implementation within their security sector.

Many foreign countries request advising and training support from DoD targeted to address the unique gaps in women's ability to qualify for entrance into or serve in occupational specialties within their national security forces. Such training could include basic soldier skills, including light weapons handling and tactical training, basic computer skills, secondary level education reading and writing skills, the ability to maneuver a manual shift vehicle, and physical fitness. Section 333 of title 10, United States Code, limits training for national security forces to nine specific mission areas. A gender analysis of many countries shows that women face substantial barriers to serving in roles within the nine mission areas authorized in section 333. To remove these barriers, training must be focused on foundational skills that are currently not authorized in existing authorities. The proposed authority would allow DoD to conduct targeted training for women and underrepresented groups to mitigate knowledge, skills, and ability-based barriers that inhibit their recruitment, employment, development, retention, and promotion in the security sector.

Many foreign countries request training and education on preventing, addressing, and mitigating sexual harassment, exploitation, abuse, and assault across all levels of personnel in their national security forces and ministries of defense. This request is a key component of establishing mandatory sexual harassment and assault prevention and response training akin to the U.S. requirement across all levels of the DoD. This type of training for foreign countries in and of itself does not qualify as an authorized section 333 mission area. DoD was also unable to execute this type of training under section 332 of title 10 as the appropriate recipients are often below the ministerial level. The proposed authority would allow DoD to conduct training and education on sexual harassment and assault to a broader range of personnel from foreign country national security forces below the defense institutional level authorized under section 332.

Foreign countries recognize DoD leadership on WPS implementation through capability and capacity of the Department's own gender advisory workforce. The DoD gender advisory workforce are those military and civilian personnel across DoD components that have implementation of WPS principles among their functional responsibilities. Many foreign countries request support from the DoD to establish their own WPS programs with a gender advisory workforce, professional military education programming, and associated WPS training for their security forces. In previous fiscal years, foreign countries have requested training for their gender advisory workforce that DoD was unable to execute under the authority of section

333 because this type of training in and of itself did not qualify as an authorized mission area under that section. The proposed authority would enable DoD to work directly with the national security forces of one or more foreign countries, or the personnel of foreign ministries of defense (or ministries with security force oversight), or regional organizations with security missions to advise, train, educate their gender advisory workforce such that the foreign country could ultimately become interoperable on WPS with the United States.

Section 312 of title 10 only allows for the payment of personnel expenses associated with conferences, seminars, and similar meetings that are in direct support of enhancing interoperability between the U.S. Armed Forces and the national security forces of a friendly foreign country for the purposes of conducting operations. This proposed authority would allow DoD to pay for the travel, transportation, and subsistence expenses of foreign country personnel such as gender advisory training facilities and materials, associated with activities authorized under this section. The WPS Act states that it is the policy of the United States to “integrate the perspectives and interests of affected women into conflict-prevention activities and strategies.” The proposed authority would also allow DoD, with the concurrence of the Department of State, to pay for the travel, transportation, and subsistence expenses of other personnel of friendly foreign governments and non-governmental personnel to ensure the perspectives of WPS subject matter experts, women, and other underrepresented groups inform the activities authorized under this new section in accordance with the Act.

The proposed authority enables the implementation of IRC recommendation 3.4.c – “Integrate a gender analysis into the military’s planning & operational frameworks” by allowing DoD to uniquely work with the national security forces of one or more foreign countries, or the personnel of foreign ministries of defense (or ministries with security force oversight), or regional organizations with security missions on integrating a gender analysis into foreign country security sector policy, planning, exercises, and training. This type of training for foreign countries in and of itself does not qualify as an authorized mission area under section 333.

The proposed authority enables the implementation of IRC recommendation 3.4.e – “Congress should support DoD’s inclusion of Personnel and Readiness in WPS implementation and codify in legislation” by allowing DoD to reflect best practices from the Office of the Secretary of Defense for Personnel and Readiness on diversity, equity, and inclusion and sexual assault prevention and response in DoD WPS security cooperation with personnel from foreign countries, as authorized in this section. The term ‘underrepresented groups’ reflects a diversity, equity and inclusion best practice. The term refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in the security sector. This term ensures diversity, equity, and inclusivity so that the DoD does not reinforce existing forms of inequity and inequality within foreign countries by only including women from dominant groups (i.e., ethnic, racial, gender identity, sexual orientation, tribal, religious) within the DoD activities described in this proposed authority.

**Resource Information:** The resources impacted are reflected in the table below and are included within the Fiscal Year (FY) 2023 President’s Budget request.

<b>RESOURCE IMPACT (\$ MILLIONS)</b>									
	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Appropriation From</b>	<b>Budget Activity</b>	<b>BLI/SAG</b>	<b>Program Element</b>
Total	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0	Operations & Maintenance, International Security Cooperation Programs	04	4G-4GTD	1002200T

**Changes to Existing Law:** This proposal would add a new section to subchapter V of chapter 16 of title 10, United States Code, the full text of which is shown in the legislative language above.