

1 **SEC. ____ . CONSISTENCY IN ACCOUNTING FOR MEDICAL REIMBURSEMENTS**
2 **RECEIVED BY DEPARTMENT OF DEFENSE MILITARY MEDICAL**
3 **TREATMENT FACILITIES FROM OTHER FEDERAL AGENCIES.**

4 (a) IN GENERAL.—Section 1085 of title 10, United States Code, is amended—

5 (1) in the section heading, by striking “**reimbursement**” and inserting “**charges**
6 **for care**”;

7 (2) by striking “If a member” and inserting “(a) COLLECTION OF FEES.—(1) If a
8 member”;

9 (3) in subsection (a), as so designated—

10 (A) by striking “inpatient medical or dental care in a facility” and inserting
11 “inpatient or outpatient medical or dental care at or through a facility”;

12 (B) by striking “the appropriation for” and inserting “the executive
13 department”;

14 (C) by striking “shall be reimbursed” and inserting “shall charge and
15 collect fees”; and

16 (D) by adding at the end the following new paragraph:

17 “(2) Amounts collected by an executive department under this subsection shall be
18 credited to the appropriation account currently available for obligation that is used to support the
19 maintenance and operation of facilities at or through which the executive department provided
20 the medical or dental care.”; and

21 “(3) In conjunction with authority for healthcare resource sharing provided to the
22 Secretaries of Defense and Veterans Affairs for the mutually beneficial coordination, use, or
23 exchange of use of the healthcare resources under section 1104 of this title and section 8111 of

1 title 38; the Secretary of Defense may waive reimbursement from beneficiaries of the
2 Department of Veterans Affairs when Department of Defense medical facilities provide
3 healthcare services without authorization from the Department of Veterans Affairs or when said
4 facilities exceed the scope of care previously authorized by the Department of Veterans
5 Affairs.”; and

6 (4) by adding at the end the following new subsections:

7 “(b) ESTABLISHMENT OF RATES.—(1) If an executive department incurs expenses in
8 providing medical or dental care described in paragraph (2) or (3), the executive department may
9 charge and collect fees at rates established by the Secretary of such department to reflect the cost
10 of providing or making available the care, as determined by such Secretary.

11 “(2) The care described in this paragraph is inpatient or outpatient medical or dental care
12 provided at or through a facility under the jurisdiction of the Secretary of Defense to a person
13 who is entitled to receive medical or dental care at a facility under the jurisdiction of another
14 Federal agency.

15 “(3) The care described in this paragraph is inpatient or outpatient medical or dental care
16 provided at or through a facility under the jurisdiction of another Federal agency to a person
17 who—

18 “(A) is entitled to receive medical or dental care at a facility under the jurisdiction
19 of the Secretary of Defense under section 1074 of this title; or

20 “(B) is a covered beneficiary, as that term is defined in section 1072 of this title.

21 “(c) RELATIONSHIP TO OTHER AUTHORITIES.—Authority provided by subsections

22 (a)(1) and (b) may also be exercised—

1 “(1) in conjunction with authority for healthcare resource sharing provided to the
2 Secretaries of Defense and Veterans Affairs for the mutually beneficial coordination, use,
3 or exchange of use of the health care resources under section 1104 of this title and section
4 8111 of title 38; and

5 “(2) in lieu of and notwithstanding section 717(c)(2) of the National Defense
6 Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1071 note).”.

7 (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on
8 October 1, 2023.

9 (c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title
10 10, United States Code, is amended by striking the item relating to section 1085 and inserting the
11 following:

“1085. Medical and dental care from another executive department: charges for care.”.

[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 provide the Department of Defense (DoD) consistency in the treatment of medical reimbursements received from other Federal agencies and those received from third-party insurance companies. DoD’s military Medical Treatment Facilities (MTFs) presently render healthcare services to beneficiaries of other Federal agencies, as well as to DoD beneficiaries. MTFs provide the same level and quality of healthcare to all patients regardless of agency affiliation. Subsequent to rendering healthcare services, MTFs submit medical claims for reimbursement as follows: (1) if the patient treated is a beneficiary of another Federal agency, the MTF submits the medical claims/invoices to the finance office of the other Federal agency; and (2) if the patient is a DoD beneficiary who has health insurance other than TRICARE, the MTFs submit medical claims for reimbursement to health insurers on behalf of the DoD beneficiary.

Reimbursements received from third-party insurance companies on behalf of DoD beneficiaries are governed by section 1095 of title 10, United States Code. Reimbursements received are credited to the current operating account of the MTF that rendered the healthcare services. In contrast, reimbursements received from other Federal agencies are credited to the appropriation that initially bore the cost of providing the healthcare services—regardless of

whether the appropriation is expired. When an appropriation is expired, the MTF can no longer replenish the resources consumed in rendering healthcare to other Federal agencies from the reimbursement received. The revised language would provide DoD MTFs with the relief necessary to utilize Federal medical reimbursements in their entirety in order to render services to other Federal agencies in a self-sustaining manner, thereby maximizing Federal appropriations in support of patient care.

The revised language would also give the Secretary of Defense authority to waive bills for care provided to Department of Veterans Affairs (VA) patients, when the VA denies payment for care at DoD MTFs. Denied payments may stem from MTFs inadvertently exceeding the scope of care pre-authorized by the VA; providing care without first obtaining authorization; or from MTFs inadvertently exceeding the number of pre-authorized visits. When VA denies payment, DoD MTFs are required to bill the unsuspecting VA patient who incurs the bill through no fault of their own, and which has led to myriad DoD Inspector General complaints, negative media, and congressional inquiries.

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 IMPACT (\$MILLIONS)									
Program	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Defense Health Program	0	(\$42.5)	(\$42.5)	(\$42.5)	(\$42.5)	Operation and Maintenance, Defense Health Program	01	10	N/A
Total	0	(\$42.5)	(\$42.5)	(\$42.5)	(\$42.5)	--	--	--	--

Cost Methodology: The \$42.5 million savings per FY reflected in the above table is based on historical collections received from the VA after FYs expire (\$50M) reduced by the amount attributable to disputes over care having been provided without authorization (\$7.5M).

Changes to Existing Law: Effective October 1, 2023, this proposal would amend section 1085 of title 10, United States Code, as follows,:

§ 1085. Medical and dental care from another executive department: reimbursement charges for care

(a) COLLECTION OF FEES.—(1) If a member or former member of a uniformed service under the jurisdiction of one executive department (or a dependent of such a member or former member) receives inpatient or outpatient medical or dental care ~~in~~ at or through a facility under the jurisdiction of another executive department, ~~the appropriation for~~ the executive department

maintaining and operating the facility furnishing the care shall be reimbursed charge and collect fees at rates established by the President to reflect the average cost of providing the care.

(2) Amounts collected by an executive department under this subsection shall be credited to the appropriation account currently available for obligation that is used to support the maintenance and operation of facilities at or through which the executive department provided the medical or dental care.

(3) In conjunction with authority for healthcare resource sharing provided to the Secretaries of Defense and Veterans Affairs for the mutually beneficial coordination, use, or exchange of use of the healthcare resources under section 1104 of this title and section 8111 of title 38; the Secretary of Defense may waive reimbursement from beneficiaries of the Department of Veterans Affairs when Department of Defense medical facilities provide healthcare services without authorization from the Department of Veterans Affairs or when said facilities exceed the scope of care previously authorized by the Department of Veterans Affairs.

(b) ESTABLISHMENT OF RATES.—(1) If an executive department incurs expenses in providing medical or dental care described in paragraph (2) or (3), the executive department may charge and collect fees at rates established by the Secretary of such department to reflect the cost of providing or making available the care, as determined by such Secretary.

(2) The care described in this paragraph is inpatient or outpatient medical or dental care provided at or through a facility under the jurisdiction of the Secretary of Defense to a person who is entitled to receive medical or dental care at a facility under the jurisdiction of another Federal agency.

(3) The care described in this paragraph is inpatient or outpatient medical or dental care provided at or through a facility under the jurisdiction of another Federal agency to a person who—

(A) is entitled to receive medical or dental care at a facility under the jurisdiction of the Secretary of Defense under section 1074 of this title; or

(B) is a covered beneficiary, as that term is defined in section 1072 of this title.

(c) RELATIONSHIP TO OTHER AUTHORITIES.—Authority provided by subsections (a)(1) and (b) may also be exercised—

(1) in conjunction with authority for healthcare resource sharing provided to the Secretaries of Defense and Veterans Affairs for the mutually beneficial coordination, use, or exchange of use of the health care resources under section 1104 of this title and section 8111 of title 38; and

(2) in lieu of and notwithstanding section 717(c)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1071 note).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Authorization of appropriations, Army.
- Sec. 2104. Modification of authority to carry out certain fiscal year 2018 projects.
- Sec. 2105. Extension of authority to carry out certain fiscal year 2018 projects.
- Sec. 2106. Modification of authority to carry out certain fiscal year 2019 project.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Authorization of appropriations, Navy.
- Sec. 2204. Extension of authority to carry out certain fiscal year 2018 project.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Authorization of appropriations, Air Force.
- Sec. 2304. Extension of authority to carry out certain fiscal year 2018 projects.
- Sec. 2305. Modification of authority to carry out certain military construction projects at Tyndall Air Force Base, Florida
- Sec. 2306. Modification of authority to carry out certain fiscal year 2021 project.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Extension of authority to carry out certain fiscal year 2018 projects.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-kind Contributions

- Sec. 2511. Republic of Korea funded construction projects.
- Sec. 2512. Repeal of authorized approach to certain construction project.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Air National Guard construction and land acquisition projects.

Sec. 2604. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2605. Authorization of appropriations, National Guard and Reserve.
Sec. 2606. Extension of authority to carry out certain fiscal year 2018 projects.
Sec. 2607. Corrections to authority to carry out fiscal year 2022 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense base closure account.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

TITLE XXX—MILITARY CONSTRUCTION FUNDING

Sec. 3001. Authorization of amounts in funding tables.
Sec. 3002. Military construction table.

1 **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

2 **SEC. 2001. SHORT TITLE.**

3 This division may be cited as the “Military Construction Authorization Act for Fiscal
4 Year 2023”.

5 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO**
6 **BE SPECIFIED BY LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in
8 subsection (b), all authorizations contained in titles XXI through XXVII for military construction
9 projects, land acquisition, family housing projects and facilities, and contributions to the North
10 Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations
11 therefor) shall expire on the later of—

12 (1) October 1, 2025; or

13 (2) the date of the enactment of an Act authorizing funds for military construction
14 for fiscal year 2026.

15 (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military
16 construction projects, land acquisition, family housing projects and facilities, and contributions

1 to the North Atlantic Treaty Organization Security Investment Program (and authorizations of
2 appropriations therefor), for which appropriated funds have been obligated before the later of—

3 (1) October 1, 2025; or

4 (2) the date of the enactment of an Act authorizing funds for fiscal year 2026 for
5 military construction projects, land acquisition, family housing projects and facilities, or
6 contributions to the North Atlantic Treaty Organization Security Investment Program.

7 **SEC. 2003. EFFECTIVE DATE.**

8 Titles XXI through XXVII shall take effect on the later of—

9 (1) October 1, 2022; or

10 (2) the date of the enactment of this Act.

11 **TITLE XXI—ARMY MILITARY CONSTRUCTION**

12 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION**
13 **PROJECTS.**

14 (a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the
15 authorization of appropriations in section 2103(a) and available for military construction projects
16 inside the United States as specified in the funding table in section 3002, the Secretary of the
17 Army may acquire real property and carry out military construction projects for the installations
18 or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States		
State	Installation or Location	Amount
Colorado	Fort Carson	\$14,200,000
Louisiana	Fort Polk	\$32,000,000
North Carolina	Fort Bragg	\$34,000,000
Pennsylvania	Letterkenny Army Depot	\$38,000,000
Texas	Corpus Christi Army Depot	\$103,000,000
	Fort Bliss	\$15,000,000
Washington	Joint Base Lewis-McChord	\$49,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 2 authorization of appropriations in section 2103(a) and available for military construction projects
 3 outside the United States as specified in the funding table in section 3002, the Secretary of the
 4 Army may acquire real property and carry out military construction projects for the installations
 5 or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	East Camp Grafenwoehr	\$168,000,000
Kwajalein	Kwajalein Atoll	\$69,000,000

6 **SEC. 2102. FAMILY HOUSING.**

7 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
 8 authorization of appropriations in section 2103(a) and available for military family housing
 9 functions as specified in the funding table in section 3002, the Secretary of the Army may
 10 construct or acquire family housing units (including land acquisition and supporting facilities) at
 11 the installations or locations, in the number of units, and in the amounts set forth in the following
 12 table:

Army: Family Housing

Country	Installation	Units	Amount
Germany	Baumholder	Family Housing Replacement Construction	\$57,000,000
Italy	Vicenza	Family Housing New Construction	\$95,000,000

13 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
 14 of appropriations in section 2103(a) and available for military family housing functions as
 15 specified in the funding table in section 3002, the Secretary of the Army may carry out
 16 architectural and engineering services and construction design activities with respect to the
 17 construction or improvement of family housing units in an amount not to exceed \$17,339,000.

1 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
3 appropriated for fiscal years beginning after September 30, 2022, for military construction, land
4 acquisition, and military family housing functions of the Department of the Army as specified in
5 the funding table in section 3002.

6 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
7 variations authorized by section 2853 of title 10, United States Code, and any other cost variation
8 authorized by law, the total cost of all projects carried out under section 2101 of this Act may not
9 exceed the total amount authorized to be appropriated under subsection (a), as specified in the
10 funding table in section 3002.

11 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
12 **YEAR 2018 PROJECTS.**

13 (a) KUNSAN AIR BASE, KOREA.—In the case of the authorization contained in the table in
14 section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B
15 of Public Law 115–91; 131 Stat. 1819) for Kunsan Air Base, Korea, for construction of an
16 Unmanned Aerial Vehicle Hangar at the installation, the Secretary of the Army may construct
17 the hangar at Camp Humphries, Korea, and may remove primary scope associated with the
18 relocation of the Air Defense Artillery (ADA) Battalion facilities to include: Ground Based
19 Missile Defense Equipment Area, Fighting Positions, Missile Resupply Area ADA, Ready
20 Building/Command Post, Battery Command Post Area, Safety Shelter and Guard Booth.

21 (b) KWAJALEIN ATOLL, KWAJALEIN.—Section 2879(a)(1)(A) of the Military Construction
22 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1874) is

1 amended by striking “at least 26 family housing units” and inserting “up to 26 family housing
2 units”.

3 **SEC. 2105. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
4 **2018 PROJECTS.**

5 (a) EXTENSION.—(1) Notwithstanding section 2002 of the Military Construction
6 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the
7 authorization set forth in the table in paragraph (2), as provided in section 2101(b) of that Act
8 (131 Stat. 1819), shall remain in effect until October 1, 2023, or the date of the enactment of an
9 Act authorizing funds for military construction for fiscal year 2024, whichever is later.

10 (2) The table referred to in paragraph (1) is as follows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Korea	Kunsan Air Base	Unmanned Aerial Vehicle Hangar	\$53,000,000

11 (b) ARMY FAMILY HOUSING.—(1) Notwithstanding section 2002 of the Military
12 Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131
13 Stat. 1817), the authorization set forth in the table in paragraph (2), as provided in section 2102
14 of that Act (131 Stat. 1820), shall remain in effect until October 1, 2023, or the date of the
15 enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever
16 is later.

17 (2) The table referred to in paragraph (1) is as follows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
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Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	\$31,000,000
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1 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
2 **YEAR 2019 PROJECT.**

3 In the case of the authorization contained in the table in section 2101(b) of the John S.
4 McCain National Defense Authorization Act for Fiscal Year 2019 (division B of Public Law
5 115–232; 132 Stat. 2242) for Camp Tango, Korea, for construction of a Command and Control
6 Facility at the installation, the Secretary of the Army may increase scope for a dedicated,
7 enclosed egress pathway out of the underground facility to facilitate safe escape in case of fire.

8 **TITLE XXII—NAVY MILITARY CONSTRUCTION**

9 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION**
10 **PROJECTS.**

11 (a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the
12 authorization of appropriations in section 2203(a) and available for military construction projects
13 inside the United States as specified in the funding table in section 3002, the Secretary of the
14 Navy may acquire real property and carry out military construction projects for the installations
15 or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	\$85,210,000
	Lemoore	\$201,261,000
	Point Loma Annex	\$56,450,000
	Twentynine Palms	\$120,382,000
Connecticut	New London	\$15,514,000
Florida	Jacksonville	\$86,232,000
	Whiting Field	\$57,789,000
Georgia	Kings Bay	\$279,171,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$3,637,692,000
Nevada	Fallon	\$97,865,000

North Carolina	Camp Lejeune	\$47,475,000
	Cherry Point Marine Corps Air Station	\$38,415,000
Virginia	Norfolk	\$16,863,000
Washington	Whidbey Island	\$37,461,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2203(a) and available for military construction projects
3 outside the United States as specified in the funding table in section 3002, the Secretary of the
4 Navy may acquire real property and carry out military construction projects for the installations
5 or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	\$258,831,000
Guam	Finegayan	\$330,589,000
Japan	Kadena Air Base	\$195,400,000

6 **SEC. 2202. FAMILY HOUSING.**

7 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
8 authorization of appropriations in section 2203(a) and available for military family housing
9 functions as specified in the funding table in section 3002, the Secretary of the Navy may
10 construct or acquire family housing units (including land acquisition and supporting facilities) at
11 the installations or locations, in the number of units, and in the amounts set forth in the following
12 table:

Navy: Family Housing

Country	Installation	Units	Amount
Guam	NAVSUPPACT Andersen	Replace Andersen Housing PH IV	\$86,390,000
	NAVSUPPACT Andersen	Replace Andersen Housing PH V	\$93,259,000
	NAVSUPPACT Andersen	Replace Andersen Housing PH VI	\$68,985,000

1 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of
2 title 10, United States Code, and using amounts appropriated pursuant to the authorization of
3 appropriations in section 2203(a) and available for military family housing functions as specified
4 in the funding table in section 3002, the Secretary of the Navy may improve existing military
5 family housing units in an amount not to exceed \$74,540,000.

6 (c) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
7 of appropriations in section 2203(a) and available for military family housing functions as
8 specified in the funding table in section 3002, the Secretary of the Navy may carry out
9 architectural and engineering services and construction design activities with respect to the
10 construction or improvement of family housing units in an amount not to exceed \$14,123,000.

11 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
13 appropriated for fiscal years beginning after September 30, 2022, for military construction, land
14 acquisition, and military family housing functions of the Department of the Navy, as specified in
15 the funding table in section 3002.

16 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
17 variations authorized by section 2853 of title 10, United States Code, and any other cost variation
18 authorized by law, the total cost of all projects carried out under section 2201 of this Act may not
19 exceed the total amount authorized to be appropriated under subsection (a), as specified in the
20 funding table in section 3002.

21 **SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
22 **2018 PROJECT.**

1 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 2 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the
 3 authorization set forth in the table in subsection (a), as provided in section 2201(a) of that Act
 4 (131 Stat. 1822), shall remain in effect until October 1, 2023, or the date of the enactment of an
 5 Act authorizing funds for military construction for fiscal year 2024, whichever is later.

6 (b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Navy-Commercial Tie-in Hardening	\$37,180,000

7 **TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

8 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION**
 9 **PROJECTS.**

10 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 11 authorization of appropriations in section 2303(a) and available for military construction projects
 12 inside the United States as specified in the funding table in section 3002, the Secretary of the Air
 13 Force may acquire real property and carry out military construction projects for the installations
 14 or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Space Force Station	\$68,000,000
California	Vandenberg Space Force Base	\$89,000,000
Oklahoma	Tinker Air Force Base	\$43,600,000
South Carolina	Shaw Air Force Base	\$10,000,000
South Dakota	Ellsworth Air Force Base	\$328,000,000
Tennessee	Arnold Air Force Base	\$38,000,000
Utah	Hill Air Force Base	\$84,000,000
Wyoming	F E Warren Air Force Base	\$176,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 2 authorization of appropriations in section 2303(a) and available for military construction projects
 3 outside the United States as specified in the funding table in section 3002, the Secretary of the
 4 Air Force may acquire real property and carry out military construction projects for the
 5 installations or locations outside the United States, and in the amounts, set forth in the following
 6 table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Hungary	Papa Air Base	\$71,000,000
Iceland	Naval Air Station Keflavik	\$94,000,000
Italy	Aviano Air Base	\$46,500,000
Japan	Kadena Air Base	\$307,000,000
Jordan	Muwaffaq Salti Air Base	\$50,000,000
Norway	Rygge Air Base	\$8,200,000
Spain	Moron Air Base	\$29,000,000

7 **SEC. 2302. FAMILY HOUSING.**

8 (a) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.— Subject to section 2825 of
 9 title 10, United States Code, and using amounts appropriated pursuant to the authorization of
 10 appropriations in section 2303(a) and available for military family housing functions as specified
 11 in the funding table in section 3002, the Secretary of the Air Force may improve existing military
 12 family housing units in an amount not to exceed \$230,058,000.

13 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
 14 of appropriations in section 2303(a) and available for military family housing functions as
 15 specified in the funding table in section 3002, the Secretary of the Air Force may carry out
 16 architectural and engineering services and construction design activities with respect to the
 17 construction or improvement of family housing units in an amount not to exceed \$2,730,000.

18 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

1 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
 2 appropriated for fiscal years beginning after September 30, 2022, for military construction, land
 3 acquisition, and military family housing functions of the Department of the Air Force, as
 4 specified in the funding table in section 3002.

5 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
 6 variations authorized by section 2853 of title 10, United States Code, and any other cost variation
 7 authorized by law, the total cost of all projects carried out under section 2301 of this Act may not
 8 exceed the total amount authorized to be appropriated under subsection (a), as specified in the
 9 funding table in section 3002.

10 **SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
 11 **2018 PROJECTS.**

12 (a) EXTENSION.—(1) Notwithstanding section 2002 of the Military Construction
 13 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the
 14 authorizations set forth in the table in paragraph (2), as provided in section 2301(a) of that Act
 15 (131 Stat. 1825), shall remain in effect until October 1, 2023, or the date of the enactment of an
 16 Act authorizing funds for military construction for fiscal year 2024, whichever is later.

17 (2) The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Florida	Tyndall Air Force Base	Fire Station	\$17,000,000
Texas	Joint Base San Antonio	BMT Classrooms/Dining	\$38,000,000
	Joint Base San Antonio	Camp Bullis Dining Facility	\$18,500,000
Wyoming	F. E. Warren Air Force Base	Consolidated Helo/TRF Ops/AMU and Alert Fac.	\$62,000,000

1 (b) OVERSEAS CONTINGENCY OPERATIONS.—(1) Notwithstanding section 2002 of the
 2 Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91;
 3 131 Stat. 1817), the authorizations set forth in the table in paragraph (2), as provided in section
 4 2903 of that Act (131 Stat. 1876), shall remain in effect until October 1, 2023, or the date of the
 5 enactment of an Act authorizing funds for military construction for fiscal year 2024, whichever
 6 is later.

7 (2) The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Hungary	Kecskemet Air Base	ERI: Airfield Upgrades	\$12,900,000
	Kecskemet Air Base	ERI: Construct Parallel Taxiway	\$30,000,000
	Kecskemet Air Base	ERI: Increase POL Storage Capacity	\$12,500,000
Luxembourg	Sanem	ERI: ECAOS Deployable Airbase System Storage	\$67,400,000
Slovakia	Malacky	ERI: Airfield Upgrades	\$4,000,000
	Malacky	ERI: Increase POL Storage Capacity	\$20,000,000
	Sliac Airport	ERI: Airfield Upgrades	\$22,000,000

8 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN**
 9 **MILITARY CONSTRUCT PROJECTS AT TYNDALL AIR FORCE BASE,**
 10 **FLORIDA.**

11 (a) FISCAL YEAR 2020 PROJECTS.—In the case of the authorization contained in section
 12 2912(a) of the Military Construction Authorization Act for Fiscal Year 2020 (division B of Public
 13 Law 116–92; 133 Stat. 1913) for Tyndall Air Force Base, Florida—

14 (1) for construction of Lodging Facilities Phases 1-2, as specified in such funding
 15 table and modified by section 2306(a)(7) of the Military Construction Authorization Act

1 for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat. 4302), the Secretary
2 of the Air Force may construct two emergency backup generators;

3 (2) for construction of Dorm Complex Phases 1-2, as specified in such funding
4 table and modified by section 2306(a)(8) of the Military Construction Authorization Act
5 for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat. 4302), the Secretary
6 of the Air Force may construct an emergency backup generator;

7 (3) for construction of Site Development, Utilities & Demo Phase 2, as specified
8 in such funding table and modified by section 2306(a)(6) of the Military Construction
9 Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat.
10 4302), the Secretary of the Air Force may construct—

11 (A) up to 6,248 lineal meters of storm water utilities;

12 (B) up to 55,775 square meters of roads;

13 (C) up to 4,334 lineal meters of gas pipeline; and

14 (D) up to 28,958 linear meters of electrical;

15 (4) for construction of Tyndall AFB Gate Complex, as specified in such funding
16 table and modified by section 2306(a)(9) of the Military Construction Authorization Act
17 for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat. 4302), the Secretary
18 of the Air Force may construct up to 55,694 square meters of roadway with serpentines;
19 and

20 (5) for construction of Deployment Center/Flight Line Dining/AAFES, as
21 specified in such funding table and modified by section 2306(a)(11) of the Military
22 Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283;

1 134 Stat. 4303), the Secretary of the Air Force may construct up to 164 square meters of
2 AAFES (Shoppette).

3 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
4 **YEAR 2021 PROJECT.**

5 In the case of the authorization contained in the table in section 2301(a) of the Military
6 Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283; 134
7 Stat. 4299) for Hill Air Force Base, Utah, for construction of GBSD Organic Software
8 Sustainment Center, the Secretary of the Air Force may construct—

9 (1) up to 7,526 square meters of Surface Parking Lot in lieu of constructing a
10 13,434 square meters vehicle parking garage; and

11 (2) up to 402 square meters of Storage Igloo.

12 **TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

13 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND**
14 **ACQUISITION PROJECTS.**

15 (a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the
16 authorization of appropriations in section 2403(a) and available for military construction projects
17 inside the United States as specified in the funding table in section 3002, the Secretary of
18 Defense may acquire real property and carry out military construction projects for the
19 installations or locations inside the United States, and in the amounts, set forth in the following
20 table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
California	Coronado	\$75,712,000
Florida	Hurlburt Field	\$9,100,000
North Carolina	Fort Bragg	\$34,470,000
Texas	Joint Base San Antonio	\$58,600,000

Virginia	Dam Neck	\$26,600,000
	Pentagon	\$18,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2403(a) and available for military construction projects
3 outside the United States as specified in the funding table in section 3002, the Secretary of
4 Defense may acquire real property and carry out military construction projects for the
5 installations or locations outside the United States, and in the amounts, set forth in the following
6 table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Baumholder	\$149,023,000
Japan	Yokota Air Base	\$72,154,000

7 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION**

8 **INVESTMENT PROGRAM PROJECTS.**

9 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
10 authorization of appropriations in section 2403(a) and available for energy conservation projects
11 as specified in the funding table in section 3002, the Secretary of Defense may carry out energy
12 conservation projects under chapter 173 of title 10, United States Code, for the installations or
13 locations inside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Inside the Unites States

State	Installation or Location	Project	Amount
Alabama	Missile and Space Intelligence Center, Redstone Arsenal	Backup Power Generation	\$10,700,000
California	Marine Corps Mountain Warfare Training Center	Microgrid and Backup Power	\$25,560,000
	Naval Base Ventura County	Ground Mounted Solar Photovoltaic System	\$13,360,000

Florida	Naval Air Station Jacksonville	Facility Energy Operations Center Renovation	\$2,400,000
	Patrick Space Force Base	Underground Electric Distribution System	\$8,400,000
	Patrick Space Force Base	Water Distribution Loop	\$7,300,000
Georgia	Fort Stewart-Hunter Army Airfield	Power Generation and Microgrid	\$25,400,000
	Naval Submarine Base Kings Bay	SCADA Modernization	\$11,200,000
Hawaii	Joint Base Pearl Harbor-Hickam	Primary Electrical Distribution	\$25,000,000
Kansas	Fort Riley	Power Generation and Microgrid	\$25,780,000
Maryland	National Security Agency-Washington, Fort Meade	Reclaimed Water Infrastructure Expansion	\$23,310,000
Texas	Fort Hood	Power Generation and Microgrid	\$31,500,000
	U.S. Army Reserve Center, Conroe	Power Generation and Microgrid	\$9,600,000
Virginia	National Geospatial-Intelligence Agency Campus East, Fort Belvoir	Chilled Water Redundancy	\$1,100,000
	Naval Support Activity Hampton Roads	Backup Power Generation	\$3,400,000
	Naval Support Activity Hampton Roads	Primary Distribution Substation	\$19,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2403(a) and available for energy conservation projects
3 as specified in the funding table in section 3002, the Secretary of Defense may carry out energy
4 conservation projects under chapter 173 of title 10, United States Code, for the installations or
5 locations outside the United States, and in the amounts, set forth in the following table:

ERCIP Projects: Outside the Unites States

Country	Installation or Location	Project	Amount
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Djibouti	Camp Lemonnier	Enhanced Energy Security and Control Systems	\$24,000,000
Guam	Naval Base Guam	Electrical Distribution System	\$34,360,000
Japan	Kadena Air Base	Lighting Upgrades	\$780,000
Kuwait	Camp Arifjan	Power Generation and Microgrid	\$26,850,000

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
3 appropriated for fiscal years beginning after September 30, 2022, for military construction, land
4 acquisition, and military family housing functions of the Department of Defense (other than the
5 military departments), as specified in the funding table in section 3002.

6 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
7 variations authorized by section 2853 of title 10, United States Code, and any other cost variation
8 authorized by law, the total cost of all projects carried out under section 2401 of this Act may not
9 exceed the total amount authorized to be appropriated under subsection (a), as specified in the
10 funding table in section 3002.

11 **SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
12 **2018 PROJECTS.**

13 (a) EXTENSION.— Notwithstanding section 2002 of the Military Construction
14 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the
15 authorization set forth in the table in subsection (b), as provided in section 2401(b) of that Act
16 (131 Stat. 1829), shall remain in effect until October 1, 2023, or the date of the enactment of an
17 Act authorizing funds for military construction for fiscal year 2024, whichever is later.

18 (b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Japan	Iwakuni	Construct Bulk Storage Tanks PH 1	\$30,800,000
Puerto Rico	USCG Station; Punta Borinquen	Ramey Unit School Replacement	\$61,071,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment

Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2022, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 3002.

Subtitle B—Host Country In-kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

1 Pursuant to agreement with the Republic of Korea for required in-kind contributions, the
 2 Secretary of Defense may accept military construction projects for the installations or locations
 3 in the Republic of Korea, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects			
Component	Installation or Location	Project	Amount
Army	Camp Humphreys	Quartermaster Laundry/Dry Cleaner Facility	\$24,000,000
Army	Camp Humphreys	MILVAN CONNEX Storage Yard	\$20,000,000
Navy	Camp Mujuk	Replace Ordnance Storage Magazines	\$150,000,000
Navy	Fleet Activities Chinhae	Water Treatment Plant Relocation	\$6,000,000
Air Force	Gimhae Air Base	Refueling Vehicle Shop	\$8,800,000
Air Force	Osan Air Base	Combined Air and Space Operations Intelligence Center	\$306,000,000
Air Force	Osan Air Base	Upgrade Electrical Distribution West, Phase 3	\$235,000,000

4 **SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CERTAIN CONSTRUCTION**
 5 **PROJECT.**

6 Section 2511(b) of the Military Construction Authorization Act for Fiscal Year 2022
 7 (division B of Public Law 117-81; 135 Stat. 2177) is repealed.

8 **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

9 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND**
 10 **ACQUISITION PROJECTS.**

11 (a) IN GENERAL.—Using amounts appropriated pursuant to the authorization of
 12 appropriations in section 2605 and available for the National Guard and Reserve as specified in
 13 the funding table in section 3002, the Secretary of the Army may acquire real property and carry

1 out military construction projects for the Army National Guard locations inside the United
 2 States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Installation or Location	Amount
Delaware	New Castle	\$16,000,000
Florida	Palm Coast	\$12,000,000
Hawaii	Kapolei	\$29,000,000
Indiana	Atlanta	\$20,000,000
Iowa	West Des Moines	\$15,000,000
Minnesota	New Ulm	\$17,000,000
Nevada	Reno	\$18,000,000
New York	Troy	\$17,000,000
North Carolina	McLeansville	\$15,000,000
Vermont	Bennington	\$14,800,000
West Virginia	Buckhannon	\$14,000,000
Wyoming	Sheridan	\$14,800,000

3 (b) EXPENDITURE PLAN PROJECTS.—Using amounts available to the Army for Military
 4 Construction, Army National Guard, the Secretary of the Army may carry out the projects
 5 included in the detailed expenditure plan for funds provided to Congress on April 10, 2018, in
 6 accordance with title X of the Further Additional Supplemental Appropriations for Disaster
 7 Relief Requirements Act, 2018 (Public Law 115-123; 132 Stat. 100) at the locations, and in the
 8 amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Installation or Location	Project	Original Authorized Amount
Puerto Rico	Arroyo	National Guard Readiness Center	\$30,000,000
	Camp Santiago	Company Headquarters Building, Transient Training	\$47,000,000
	Camp Santiago	Dining Facility, Transient Training	\$13,000,000

	Camp Santiago	Engineering/Housing Maintenance Shops (DPW)	\$11,000,000
	Camp Santiago	Enlisted Barracks, Transient Training	\$112,000,000
	Camp Santiago	Maneuver Area Training Equipment Site	\$80,000,000
	Camp Santiago	National Guard Readiness Center	\$50,000,000
	Camp Santiago	Power Substation/Switching Station Building	\$18,500,000
	Gurabo	National Guard Vehicle Maintenance Shop	\$28,000,000
	San Juan	Aircraft Maintenance Hangar	\$64,000,000
Virgin Islands	St. Croix	National Guard Vehicle Maintenance Shop	\$20,000,000
	St. Thomas	National Guard Vehicle Maintenance Shop	\$3,875,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND**

2 **ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
4 authorization of appropriations in section 2605 and available for the National Guard and Reserve
5 as specified in the funding table in section 3002, the Secretary of the Army may acquire real
6 property and carry out military construction projects for the Army Reserve location inside the
7 United States, and in the amount, set forth in the following table:

Army Reserve: Inside the United States

State	Installation or Location	Amount
Florida	Perrine	\$46,000,000

8 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
9 authorization of appropriations in section 2605 and available for the National Guard and Reserve
10 as specified in the funding table in section 3002, the Secretary of the Army may acquire real

1 property and carry out military construction projects for the installation or location outside the
 2 United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Installation or Location	Amount
Puerto Rico	Fort Buchanan	\$24,000,000

3 **SEC. 2603. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the authorization of appropriations in section
 6 2605 and available for the National Guard and Reserve as specified in the funding table in
 7 section 3002, the Secretary of the Air Force may acquire real property and carry out military
 8 construction projects for the Air National Guard locations inside the United States, and in the
 9 amounts, set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Birmingham International Airport	\$7,500,000
Arizona	Tucson International Airport	\$10,000,000
Florida	Jacksonville International Airport	\$22,200,000
Indiana	Fort Wayne International Airport	\$12,800,000
Tennessee	McGhee-Tyson Airport	\$23,800,000

10 **SEC. 2604. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND**
 11 **ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the authorization of appropriations in section
 13 2605 and available for the National Guard and Reserve as specified in the funding table in
 14 section 3002, the Secretary of the Air Force may acquire real property and carry out military
 15 construction projects for the Air Force Reserve location inside the United States, and in the
 16 amount, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	Beale Air Force Base	\$33,000,000

1 **SEC. 2605. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND**
 2 **RESERVE.**

3 Funds are hereby authorized to be appropriated for fiscal years beginning after September
 4 30, 2022, for the costs of acquisition, architectural and engineering services, and construction of
 5 facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of
 6 title 10, United States Code (including the cost of acquisition of land for those facilities), as
 7 specified in the funding table in section 3002.

8 **SEC. 2606. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
 9 **2018 PROJECTS.**

10 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 11 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the
 12 authorizations set forth in the table in subsection (b), as provided in section 2604 of that Act (131
 13 Stat. 1836), shall remain in effect until October 1, 2023, or the date of the enactment of an Act
 14 authorizing funds for military construction for fiscal year 2024, whichever is later.

15 (b) TABLE.—The table referred to in subsection (a) is as follows:

Air National Guard: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range	\$8,000,000
South Dakota	Joe Foss Field	Aircraft Maintenance Shops	\$12,000,000
Wisconsin	Dane County Regional/Airport Truax Field	Construct Small Arms Range	\$8,000,000

1 **SEC. 2607. CORRECTIONS TO AUTHORITY TO CARRY OUT CERTAIN FISCAL**
2 **YEAR 2022 PROJECTS.**

3 The authorization table in section 2601 of the Military Construction Authorization Act
4 Fiscal Year 2022 (division B of Public law 117-81; 135 Stat. 2178) is amended—

5 (1) in the item relating to Redstone Arsenal, Alabama, by striking “Redstone
6 Arsenal” and inserting “Huntsville”;

7 (2) in the item relating to Jerome National Guard Armory, Idaho, by striking
8 “Jerome National Guard Armory” and inserting “Jerome”;

9 (3) in the item relating to Nickell Memorial Armory Topeka, Kansas, by striking
10 “Nickell Memorial Armory Topeka” and inserting “Topeka”;

11 (4) in the item relating to Lake Charles National Guard Readiness Center,
12 Louisiana, by striking “Lake Charles National Guard Readiness Center” and inserting
13 “Lake Charles”;

14 (5) in the item relating to Camp Grayling, Michigan, by striking “Camp Grayling”
15 and inserting “Grayling”;

16 (6) in the item relating to Butte Military Entrance Testing Site, Montana, by
17 striking “Butte Military Entrance Testing Site” and inserting “Butte”;

18 (7) in the item relating to Mead Army National Guard Readiness Center,
19 Nebraska, by striking “Mead Army National Guard Readiness Center” and inserting
20 “Mead Training Site”;

21 (8) in the item relating to Dickinson National Guard Armory, North Dakota, by
22 striking “Dickinson National Guard Armory” and inserting “Dickinson”;

1 (9) in the item relating to Bennington National Guard Armory, Vermont, by
2 striking “Bennington National Guard Armory” and inserting “Bennington”; and

3 (10) in the item relating to Camp Ethan Allen Training Site, Vermont, by striking
4 “Camp Ethan Allen Training Site” and inserting “Ethan Allen Air Force Base TS”.

5 **TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

6 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT**
7 **AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF**
8 **DEFENSE BASE CLOSURE ACCOUNT.**

9 Funds are hereby authorized to be appropriated for fiscal years beginning after September
10 30, 2022, for base realignment and closure activities, including real property acquisition and
11 military construction projects, as authorized by the Defense Base Closure and Realignment Act
12 of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through
13 the Department of Defense Base Closure Account established by section 2906 of such Act (as
14 amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013
15 (division B of Public Law 112-239; 126 Stat. 2140), as specified in the funding table in section
16 3002.

17 **TITLE XXX—MILITARY CONSTRUCTION FUNDING**

18 **SEC. 3001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

19 (a) IN GENERAL.—Whenever a funding table in this title specifies a dollar amount
20 authorized for a project, program, or activity, the obligation and expenditure of the specified
21 dollar amount for the project, program, or activity is hereby authorized, subject to the availability
22 of appropriations.

1 (b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or
2 to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

3 (1) be based on merit-based selection procedures in accordance with the
4 requirements of sections 2304(k) and 2374 of title 10, United States Code, or on
5 competitive procedures; and

6 (2) comply with other applicable provisions of law.

7 (c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified
8 in the funding tables in this title may be transferred or reprogrammed under a transfer or
9 reprogramming authority provided by another provision of this Act or by other law. The transfer
10 or reprogramming of an amount specified in such funding tables shall not count against a ceiling
11 on such transfers or reprogrammings under any other provision of this Act or any other provision
12 of law, unless such transfer or reprogramming would move funds between appropriation
13 accounts.

14 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex
15 that accompanies this Act.

16 (e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication
17 concerning any amount specified in the funding tables in this division shall supersede the
18 requirements of this section.

19 **SEC. 3002. MILITARY CONSTRUCTION TABLE.**

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
Colorado			

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
Army	Fort Carson	Fire Station	14,200
	Germany		
Army	East Camp Grafenwoehr	EDI: Battalion Trng Cplx1 (Brks/Veh Maint)	104,000
Army	East Camp Grafenwoehr	EDI: Battalion Trng Cplx2 (Ops/Veh Maint)	64,000
	Kwajalein		
Army	Kwajalein Atoll	Medical Clinic	69,000
	Louisiana		
Army	Fort Polk	Child Development Center	32,000
	New York		
Army	U.S. Military Academy	Engineering Center	39,800
	North Carolina		
Army	Fort Bragg	Multipurpose Training Range	34,000
	Pennsylvania		
Army	Letterkenny Army Depot	Shipping and Receiving Building	38,000
	Texas		
Army	Corpus Christi Army Depot	Powertrain Facility (Engine Assembly)	103,000
Army	Fort Bliss	Fire Station	15,000
	Washington		
Army	Joint Base Lewis-McChord	Barracks	49,000
	Worldwide Unspecified		
Army	Unspecified Worldwide Locations	Host Nation Support	26,000
Army	Unspecified Worldwide Locations	Planning and Design	167,151
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	90,414
Military Construction, Army Total			845,565
	Australia		
Navy	Darwin	PDI: Aircraft Parking Apron (INC)	72,446
	California		
Navy	Camp Pendleton	Basilone Road Realignment	85,210
Navy	Lemoore	F-35C Aircraft Maint. Hangar & Airfield Pave.	201,261
Navy	Point Loma Annex	Child Development Center	56,450
Navy	San Diego	Pier 6 Replacement (INC)	15,565
Navy	Twentynine Palms	Range Simulation Training & Operations Fac.	120,382
	Connecticut		
Navy	New London	Relocate Underwater Electromagnetic Measure.	15,514
	Florida		

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
Navy	Jacksonville	Engine Test Cells Modifications	86,232
Navy	Whiting Field	AHTS Aircraft Flight Simulator Facility	57,789
	Georgia		
Navy	Kings Bay	Nuclear Regional Maintenance Facility	213,796
Navy	Kings Bay	Trident Training Fac. Columbia Trainer Expan.	65,375
	Guam		
Navy	Finegayan	PDI: 9th Eng. Supp Battalion Equip & Main Fac	131,590
Navy	Finegayan	PDI: 9th Eng. Support Battalion Ops. Fac.	35,188
Navy	Finegayan	PDI: Brown Tree Snake Exclusion Barrier South	14,497
Navy	Finegayan	PDI: Ground Combat Element Inf Btn 1 & 2 Fac	149,314
	Hawaii		
Navy	Joint Base Pearl Harbor-Hickam	Dry Dock 3 Replacement (INC)	621,185
	Japan		
Navy	Kadena Air Base	PDI: Marine Corps Bachelor Enlisted Quarters	94,100
Navy	Kadena Air Base	PDI: Marine Corps Barracks Complex, Kadena	101,300
	Maine		
Navy	Kittery	Multi-Mission Drydock #1 Extension (INC)	503,282
	Nevada		
Navy	Fallon	F-35C Aircraft Maintenance Hangar	97,865
	North Carolina		
Navy	Camp Lejeune	Regional Communications Station, Hadnot Point	47,475
Navy	Cherry Point Marine Corps Air Station	Aircraft Maintenance Hangar (INC)	106,000
Navy	Cherry Point Marine Corps Air Station	CH-53K Gearbox Repair and Test Facility	38,415
Navy	Cherry Point Marine Corps Air Station	F-35 Flightline Util Modernization Ph 2 (INC)	58,000
	Virginia		
Navy	Norfolk	Submarine Logistics Support Facilities	16,863
Navy	Norfolk	Submarine Pier 3 (INC)	155,000
Navy	Portsmouth	Dry Dock Saltwater System for CVN-78 (INC)	47,718
	Washington		
Navy	Whidbey Island	E/A-18G Aircraft Flt. Read. Squad. Train. Fac	37,461
	Worldwide Unspecified		
Navy	Unspecified Worldwide Locations	Planning and Design	397,124
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	109,994
Military Construction, Navy Total			3,752,391

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
	Alaska		
AF	Clear Space Force Station	LRDR Dormitory	68,000
AF	Joint Base Elmendorf-Richardson	Extend Runway 16/34, INC	100,000
	California		
AF	Vandenberg Space Force Base	GBSD Consolidated Maintenance Facility	89,000
	Hungary		
AF	Papa Air Base	EDI: DABS-FEV Storage	71,000
	Iceland		
AF	Keflavik	EDI: DABS-FEV Storage	94,000
	Italy		
AF	Aviano Air Base	Combat Rescue Helicopter Simulator Facility	15,500
AF	Aviano Air Base	EDI: RADR Storage Facility	31,000
	Japan		
AF	Kadena Air Base	Helicopter Rescue Ops Maintenance Hangar, INC	71,000
AF	Kadena Air Base	PDI: Theater A/C Corrosion Control Ctr, INC	77,000
	Jordan		
AF	Azraq	Bulk Petroleum/Oil/Lubricants Storage	32,000
AF	Azraq	Fuel Cell and Phase Maintenance Hangars	18,000
	Louisiana		
AF	Barksdale Air Force Base	Weapons Generation Facility, INC	125,000
	Mariana Islands		
AF	Tinian	PDI: Airfield Development Phase 1, INC	58,000
AF	Tinian	PDI: Fuel Tanks w/Pipeln & Hydrant Sys, INC	92,000
AF	Tinian	PDI: Parking Apron, INC	41,000
	Massachusetts		
AF	Hanscom Air Force Base	MIT-Lincoln Lab (West Lab CSL/MIF), INC	30,200
	Norway		
AF	Rygge	EDI: Base Perimeter Security Fence	8,200
	Oklahoma		
AF	Tinker Air Force Base	Facility and Land Acquisition (MROTC)	30,000
AF	Tinker Air Force Base	KC-46A 3-Bay Depot Maintenance Hangar, INC	49,000
AF	Tinker Air Force Base	KC-46A Fuel POL Infrastructure	13,600
	South Carolina		
AF	Shaw Air Force Base	RAPCON Facility	10,000
	South Dakota		

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
AF	Ellsworth Air Force Base	B-21 2-Bay LO Restoration Facility, INC	91,000
AF	Ellsworth Air Force Base	B-21 Radio Frequency Facility	77,000
AF	Ellsworth Air Force Base	B-21 Weapons Generation Facility, INC	50,000
	Spain		
AF	Moron	EDI: RADR Storage Facility	29,000
	Tennessee		
AF	Arnold Air Force Base	ARC Heater Test Facility Dragon Fire	38,000
	Texas		
AF	Joint Base San Antonio	BMT Recruit Dormitory 7, INC	90,000
	Utah		
AF	Hill Air Force Base	GBSD Organic Software Sustain Ctr, INC	95,000
AF	Hill Air Force Base	GBSD Technology and Collaboration Center	84,000
	Worldwide Unspecified		
AF	Unspecified Worldwide Locations	Planning and Design	135,794
AF	Unspecified Worldwide Locations	Unspecified Minor Construction	66,162
	Wyoming		
AF	F E Warren Air Force Base	GBSD Integrated Command Center	95,000
AF	F E Warren Air Force Base	GBSD Land Acquisition	34,000
AF	F E Warren Air Force Base	GBSD Missile Handling Complex	47,000
Military Construction, Air Force Total			2,055,456
	California		
Def-Wide	Coronado	SOF Operations Support Facility	75,712
	Florida		
Def-Wide	Hurlburt Field	SOF Human Performance Training Center	9,100
	Germany		
Def-Wide	Baumholder	Baumholder Elementary School	71,000
Def-Wide	Baumholder	SOF Battalion Annex	22,468
Def-Wide	Baumholder	SOF Communications Annex	9,885
Def-Wide	Baumholder	SOF Operations Annex	23,768
Def-Wide	Baumholder	SOF Support Annex	21,902
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement INC 10	299,790
Def-Wide	Weisbaden	Clay Kaserne Elementary School	60,000
	Japan		
Def-Wide	Iwakuni	PDI: Bulk Storage Tanks PH 1	85,000
Def-Wide	Yokosuka	Kinnick High School INC	20,000

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
Def-Wide	Yokota Air Base	PDI: Bulk Storage Tanks PH I (INC)	44,000
Def-Wide	Yokota Air Base	PDI: Operations and Warehouse Facilities	72,154
	Maryland		
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition / Alteration INC 6	75,500
Def-Wide	Fort Meade	NSAW Mission Ops and Records Center (INC)	140,000
Def-Wide	Fort Meade	NSAW Recap Building 4 (INC)	378,000
	North Carolina		
Def-Wide	Fort Bragg	SOF Operations Building	18,870
Def-Wide	Fort Bragg	SOF Supply Support Activity	15,600
	Texas		
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Replacement (Dental)	58,600
	Virginia		
Def-Wide	Dam Neck	SOF Operations Building Addition	26,600
Def-Wide	Pentagon	Commercial Vehicle Inspection Facility	18,000
	Worldwide Unspecified		
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conservation Investment Program	329,000
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conservation Investment Program Planning and Design	224,250
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DEFW	26,689
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DHA	33,227
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DLA	30,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DODEA	20,086
Def-Wide	Unspecified Worldwide Locations	Planning and Design, MDA	47,063
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA	9,618
Def-Wide	Unspecified Worldwide Locations	Planning and Design, SOCOM	26,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design, TJS	2,360
Def-Wide	Unspecified Worldwide Locations	Planning and Design, WHS	2,106
Def-Wide	Unspecified Worldwide Locations	Exercise Related Unspecified Minor Construction, TJS	18,644
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DEFW	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DHA	15,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DLA	31,702
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DODEA	8,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, NSA	6,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, SOCOM	36,726
Military Construction, Defense-Wide Total			2,416,398

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
	Worldwide Unspecified		
Def - Wide	NATO Security Investment Program	NATO Security Investment Program	210,139
NATO Security Investment Program Total			210,139
	Delaware		
Army NG	New Castle	National Guard Readiness Center	16,000
	Florida		
Army NG	Palm Coast	National Guard Vehicle Maintenance Shop	12,000
	Hawaii		
Army NG	Kapolei	National Guard Readiness Center Addition	29,000
	Indiana		
Army NG	Atlanta	National Guard Readiness Center	20,000
	Iowa		
Army NG	West Des Moines	National Guard Readiness Center	15,000
	Michigan		
Army NG	Grayling	National Guard Readiness Center	16,000
	Minnesota		
Army NG	New Ulm	National Guard Readiness Center	17,000
	Nevada		
Army NG	Reno	National Guard Readiness Center Add/Alt	18,000
	New York		
Army NG	Troy	National Guard Vehicle Maintenance Shop	17,000
	North Carolina		
Army NG	McLeansville	National Guard Vehicle Maintenance Shop	15,000
	Puerto Rico		
Army NG	Camp Santiago	Engineering/Housing Maintenance Shops (DPW)	14,500
	Vermont		
Army NG	Bennington	National Guard Readiness Center	14,800
	West Virginia		
Army NG	Buckhannon	National Guard Readiness Center Add/Alt	14,000
	Worldwide Unspecified		
Army NG	Unspecified Worldwide Locations	Planning and Design	28,245
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	35,933
	Wyoming		
Army NG	Sheridan	National Guard Vehicle Maintenance Shop	14,800
Military Construction, Army National Guard Total			297,278

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
	Florida		
Army Res	Perrine	Army Reserve Center/AMSA	46,000
	Puerto Rico		
Army Res	Fort Buchanan	Army Reserve Center	24,000
	Worldwide Unspecified		
Army Res	Unspecified Worldwide Locations	Planning and Design	9,829
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	20,049
Military Construction, Army Reserve Total			99,878
	Worldwide Unspecified		
N/MC Res	Unspecified Worldwide Locations	Planning and Design	2,590
N/MC Res	Unspecified Worldwide Locations	Unspecified Minor Construction	27,747
Military Construction, Naval Reserve Total			30,337
	Alabama		
Air NG	Birmingham International Airport	Security and Services Training Facility	7,500
	Arizona		
Air NG	Tucson International Airport	Land Acquisition	10,000
	Florida		
Air NG	Jacksonville International Airport	F-35 Construct Flight Simulator Facility	22,200
	Indiana		
Air NG	Fort Wayne International Airport	Munitions Maintenance & Storage Complex	12,800
	Tennessee		
Air NG	Mcghee-Tyson Airport	KC-135 Maintenance Shops	23,800
	Worldwide Unspecified		
Air NG	Unspecified Worldwide Locations	Planning and Design	28,412
Air NG	Unspecified Worldwide Locations	Unspecific Minor Construction	44,171
Military Construction, Air National Guard Total			148,883
	California		
Air Res	Beale Air Force Base	940 ARW Squad Ops/AMU	33,000
	Worldwide Unspecified		
Air Res	Unspecified Worldwide Locations	Planning and Design	11,773
Air Res	Unspecified Worldwide Locations	Unspecified Minor Construction	11,850
Military Construction, Air Force Reserve Total			56,623
	Germany		
FH Con Army	Baumholder	Family Housing Replacement Construction	57,000
	Italy		

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
FH Con Army	Vicenza	Family Housing New Construction	95,000
	Worldwide Unspecified		
FH Con Army	Unspecified Worldwide Locations	Planning and Design	17,339
Family Housing Construction, Army Total			169,339
	Worldwide Unspecified		
FH Ops Army	Unspecified Worldwide Locations	Furnishings	22,911
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	65,740
FH Ops Army	Unspecified Worldwide Locations	Leasing	127,499
FH Ops Army	Unspecified Worldwide Locations	Maintenance	117,555
FH Ops Army	Unspecified Worldwide Locations	Management	45,718
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	559
FH Ops Army	Unspecified Worldwide Locations	Services	9,580
FH Ops Army	Unspecified Worldwide Locations	Utilities	46,849
Family Housing Operation And Maintenance, Army Total			436,411
	Guam		
FH Con Navy	NAVSUPPACT Andersen	Replace Andersen Housing PH IV	86,390
FH Con Navy	NAVSUPPACT Andersen	Replace Andersen Housing PH V	93,259
FH Con Navy	NAVSUPPACT Andersen	Replace Andersen Housing PH VI	68,985
	Worldwide Unspecified		
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	74,540
FH Con Navy	Unspecified Worldwide Locations	Planning and Design	7,043
FH Con Navy	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design	7,080
Family Housing Construction, Navy And Marine Corps Total			337,297
	Worldwide Unspecified		
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	16,182
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	61,605
FH Ops Navy	Unspecified Worldwide Locations	Leasing	66,333

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	105,470
FH Ops Navy	Unspecified Worldwide Locations	Management	59,312
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	411
FH Ops Navy	Unspecified Worldwide Locations	Services	16,494
FH Ops Navy	Unspecified Worldwide Locations	Utilities	42,417
Family Housing Operation And Maintenance, Navy And Marine Corps Total			368,224
Delaware			
FH Con AF	Dover Air Force Base	DOVER MHPI RESTRUCTURE	25,492
Florida			
FH Con AF	Tyndall Air Force Base	AETC RESTRUCTURING	150,685
Illinois			
FH Con AF	Scott Air Force Base	SCOTT MHPI RESTRUCTURE	52,003
Maryland			
FH Con AF	Andrews Air Force Base	MHPI EQUITY CONTRIBUTION CMSSF HOUSE	1,878
Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Planning and Design	2,730
Family Housing Construction, Air Force Total			232,788
Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings	27,379
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	33,517
FH Ops AF	Unspecified Worldwide Locations	Leasing	7,882
FH Ops AF	Unspecified Worldwide Locations	Maintenance	150,375
FH Ops AF	Unspecified Worldwide Locations	Management	77,042
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	2,240
FH Ops AF	Unspecified Worldwide Locations	Services	10,570
FH Ops AF	Unspecified Worldwide Locations	Utilities	46,217
Family Housing Operations And Maintenance, Air Force Total			355,222
Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings, DIA	656
FH Ops DW	Unspecified Worldwide Locations	Furnishings, NSA	87
FH Ops DW	Unspecified Worldwide Locations	Leasing, DIA	31,849

SEC. 3002. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Budget Request
FH Ops DW	Unspecified Worldwide Locations	Leasing, NSA	13,306
FH Ops DW	Unspecified Worldwide Locations	Maintenance, NSA	34
FH Ops DW	Unspecified Worldwide Locations	Utilities, DIA	4,166
FH Ops DW	Unspecified Worldwide Locations	Utilities, NSA	15
Family Housing Operations And Maintenance, Defense-Wide Total			50,113
Worldwide Unspecified			
FH IF DW	Unspecified Worldwide Locations	Administrative Expenses - FHIF	6,442
Family Housing Improvement Fund, Defense-Wide Total			6,442
Worldwide Unspecified			
FH UHIF DW	Unspecified Worldwide Locations	Administrative Expenses - UHIF	494
Unaccompanied Housing Improvement Fund Total			494
Worldwide Unspecified			
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Army	67,706
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Navy	106,664
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Air Force	107,311
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Defense-Wide	3,006
Base Realignment and Closure Account Total			284,687

1 **SEC. ____ . HEALTH BENEFITS FOR MEMBERS OF THE NATIONAL GUARD**
2 **FOLLOWING 502(f) DUTY STATUS.**

3 (a) TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is
4 amended by adding at the end the following new subparagraph:

5 “(G) A member of National Guard who is separated from full-time National
6 Guard Duty under section 502(f) of title 32 to which called or ordered for a period of
7 active service of more than 30 days to perform duties that are authorized by the President
8 or the Secretary of Defense for the purpose of responding to a national emergency
9 declared by the President and supported by Federal funds.”.

10 (b) CONFORMING AMENDMENTS.—Section 1145 of such title is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), in the matter preceding subparagraph (A), by striking
13 “active duty” and inserting “active service”;

14 (B) in paragraph (3)—

15 (i) by inserting “or (2)(G)” after “(2)(B)”; and

16 (ii) by striking “active duty” and inserting “active service”;

17 (C) in paragraph (4)—

18 (i) in the second sentence, by striking “or (D)” and inserting “(D),
19 or (G)”; and

20 (ii) by striking “active duty” each place it appears and inserting
21 “active service”;

22 (D) in subparagraphs (A) and (B) of paragraph (5), by striking “active
23 duty” each place it appears and inserting “active service”; and

1 (E) in paragraph (7)A—
2 (i) by striking “service on active duty” and inserting “active
3 service”; and
4 (ii) by striking “active duty for” and inserting “active service for” ;
5 and
6 (2) in subsections (b)(1) and (d)(1)(A), by striking “active duty” and inserting
7 “active service”.

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

Section-by-Section Analysis

This proposal would amend section 1145 of title 10, United States Code, to provide transitional health care and dental care to a member of the National Guard separated from full-time National Guard Duty under section 502(f) of title 32, United States Code, when called or ordered to active service to perform duties authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

There are current inequities for transitional health care between title 10 reserve component (RC) members and title 32 RC members. As an example, during the nation’s COVID-19 response, title 10 RC members on orders of more than 30 days who were ordered to work on the USNS Comfort were afforded transitional health care; however, National Guard members on title 32 orders who were on the Fatality Search and Recovery Team in New York, recovering the remains of COVID-19 deceased personnel, were not similarly eligible. Given the unpredictability of national emergencies, such as the COVID 19 pandemic, providing similar transitional health care to members performing similar missions under a declaration of a national emergency for orders greater than 30 days is warranted and necessary.

Resource Information: There is no immediate budget impact and there are no programmed or forecasted costs across the Future Years Defense Program (FYDP). Costs only arise in the event of a declaration of national emergency (DNE) that results in the activation of the National Guard on 502(f) orders. Costs depend on the number of National Guard members employed on 502(f) with an estimated cost of \$2,100 per member. The actual costs of this proposal will require an assessment of budget implications depending on the number of service members activated under 502(f) in support of a DNE. Any execution year budget requirements will be determined at the time of need to support the emergency. Below is the estimated net Government cost impact of providing transitional health care under the Transitional Assistance Management Program

(TAMP) to 1,000 National Guard members and their dependents for a notional declaration of national emergency under section 502(f) of title 32, United States Code.

NOTIONAL RESOURCE IMPACT (\$MILLIONS)					
Program	FY 2023	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Notional Declaration of National Emergency	\$2.1	Defense Health Program	01		N/A

*Estimated Government cost for 1,000 National Guard members at \$2,100 per member (including dependents)

Changes to Existing Law: This proposal would amend section 1145 of title 10, United States Code as follows:

§1145. Health Benefits

(a) TRANSITIONAL HEALTH CARE.—(1) For the time period described in paragraph (4), a member of the armed forces who is separated from active ~~duty~~ service as described in paragraph (2) (and the dependents of the member) shall be entitled to receive—

(A) except as provided in paragraph (3), medical and dental care under section 1076 of this title in the same manner as a dependent described in subsection (a)(2) of such section; and

(B) health benefits contracted under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.

(2) This subsection applies to the following members of the armed forces:

(A) A member who is involuntarily separated from active duty.

(B) A member of a reserve component who is separated from active duty to which called or ordered under section 12304b of this title or a provision of law referred to in section 101(a)(13)(B) of this title if the active duty is active duty for a period of more than 30 days.

(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.

(E) A member who receives a sole survivorship discharge (as defined in section 1174(i) of this title).

(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.

(G) A member of National Guard who is separated from full-time National Guard Duty under section 502(f) of title 32 to which called or ordered for a period of active service of more than 30 days to perform duties that are authorized by the President or the

Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

(3) In the case of a member described in paragraph (2)(B) or (2)(G), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty service for more than 30 days is entitled under section 1074 of this title.

(4) Except as provided in paragraph (7), transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty service. For purposes of the preceding sentence, in the case of a member on active duty service as described in subparagraph (B), (C), ~~or (D)~~, or (G) of paragraph (2) who, without a break in service, is extended on active duty service for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty service.

(5)(A) The Secretary concerned shall require a member of the armed forces scheduled to be separated from active duty service as described in paragraph (2) to undergo a physical examination and a mental health assessment conducted pursuant to section 1074n of this title immediately before that separation. The physical examination shall be conducted in accordance with regulations prescribed by the Secretary of Defense.

(B) Notwithstanding subparagraph (A), if a member of the armed forces scheduled to be separated from active duty service as described in paragraph (2) has otherwise undergone a physical examination within 12 months before the scheduled date of separation from active duty service, the requirement for a physical examination under subparagraph (A) may be waived in accordance with regulations prescribed under this paragraph. Such regulations shall require that such a waiver may be granted only with the consent of the member and with the concurrence of the member's unit commander.

(C) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

- (i) based or stationed at a location where an open burn pit, as defined in subsection (c) of section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note), was used; or
- (ii) exposed to toxic airborne chemicals or other airborne contaminants, including any information recorded as part of the registry established by the Secretary of Veterans Affairs under such section 201.

(6)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (5), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

(B) Assistance provided to a member under paragraph (1) shall include the following:

(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

- (I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and
- (II) any other care, treatment, and services.

(ii) Information on the private sector sources of treatment that are available to the member in the member's community.

(iii) Assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.

(7)(A) A member who has a medical condition relating to ~~service on active duty~~ active service that warrants further medical care that has been identified during the member's 180-day transition period, which condition can be resolved within 180 days as determined by a Department of Defense physician, shall be entitled to receive medical and dental care for that medical condition, and that medical condition only, as if the member were a member of the armed forces on active ~~duty~~ service for 180 days following the diagnosis of the condition.

(B) for a condition (including pregnancy) that exists on such date and for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

(b) CONVERSION HEALTH POLICIES.—(1) The Secretary of Defense shall inform each member referred to in subsection (a) before the date of the member's discharge or release from active ~~duty~~ service of the availability for purchase by the member of a conversion health policy for the member and the dependents of that member. A conversion health policy offered under this paragraph shall provide coverage for not less than an 18-month period.

(2) If a member referred to in subsection (a) purchases a conversion health policy during the period applicable to the member (or within a reasonable time after that period as prescribed by the Secretary of Defense), the Secretary shall provide health care, or pay the costs of health care provided, to the member and the dependents of the member—

(A) during the 18-month period beginning on the date on which coverage under the conversion health policy begins; and

(B) for a condition (including pregnancy) that exists on such date and for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

(3) The Secretary of Defense may arrange for the provision of health care described in paragraph (2) through a contract with the insurer offering the conversion health policy.

(4) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to provide the conversion health policy required under paragraph (1) at a rate not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage, the Secretary shall offer such a policy under the Civilian Health and Medical Program of the Uniformed Services. Subject to paragraph (5), a member purchasing a policy from the Secretary shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

(5) The amount paid by a member who purchases a conversion health policy from the Secretary of Defense under paragraph (4) may not exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage.

(6) In order to reduce premiums required under paragraph (4), the Secretary of Defense may offer a conversion health policy that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.

(c) HEALTH CARE FOR CERTAIN SEPARATED MEMBERS NOT OTHERWISE ELIGIBLE.—(1) Consistent with the authority of the Secretary concerned to designate certain classes of persons as eligible to receive health care at a military medical facility, the Secretary concerned should consider authorizing, on an individual basis in cases of hardship, the provision of that care for a member who is separated from the armed forces, and is ineligible for transitional health care under subsection (a) or does not obtain a conversion health policy (or a dependent of the member).

(2) The Secretary concerned shall give special consideration to requests for such care in cases in which the condition for which treatment is required was incurred or aggravated by the member or the dependent before the date of the separation of the member, particularly if the condition is a result of the particular circumstances of the service of the member.

(d) PHYSICAL EXAMINATIONS FOR CERTAIN MEMBERS OF A RESERVE COMPONENT.—(1) The Secretary concerned shall provide a physical examination pursuant to subsection (a)(5) to each member of a reserve component who—

(A) during the two-year period before the date on which the member is scheduled to be separated from the armed forces served on active ~~duty~~ duty-service in support of a contingency operation for a period of more than 30 days;

(B) will not otherwise receive such an examination under such subsection; and

(C) elects to receive such a physical examination.

(2) The Secretary concerned shall—

(A) provide the physical examination under paragraph (1) to a member during the 90-day period before the date on which the member is scheduled to be separated from the armed forces; and

(B) issue orders to such a member to receive such physical examination.

(3) A member may not be entitled to health care benefits pursuant to subsection (a), (b), or (c) solely by reason of being provided a physical examination under paragraph (1).

(4) In providing to a member a physical examination under paragraph (1), the Secretary concerned shall provide to the member a record of the physical examination.

(e) DEFINITION.—In this section, the term "conversion health policy" means a health insurance policy with a private insurer, developed through negotiations between the Secretary of Defense and a private insurer, that is available for purchase by or for the use of a person who is no longer a member of the armed forces or a covered beneficiary.

(f) COAST GUARD.—The Secretary of Homeland Security shall implement this section for the members of the Coast Guard and their dependents when the Coast Guard is not operating as a service in the Navy.

1 **SEC. ____ . EXPANDED AUTHORITY FOR HUMANITARIAN DEMINING**
2 **ASSISTANCE AND STOCKPILED CONVENTIONAL MUNITIONS**
3 **ASSISTANCE.**

4 (a) LOCATION OF ASSISTANCE.—Section 407 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a)(1)—

7 (A) in the matter preceding subparagraph (A)—

8 (i) by striking “carry out” and inserting “provide”; and

9 (ii) by striking “in a country” and inserting “to a country”; and

10 (B) in subparagraph (A), by striking “in which the activities are to be
11 carried out” and inserting “to which the assistance is to be provided”; and

12 (2) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) by striking “in which” and inserting “to which”; and

15 (ii) by striking “carried out” and inserting “provided”;

16 (B) in paragraph (2), by striking “carried out in” and inserting “provided
17 to”;

18 (C) in paragraph (3)—

19 (i) by striking “in which” and inserting “to which”; and

20 (ii) by striking “carried out” and inserting “provided”; and

21 (D) in paragraph (4), by striking “in carrying out such assistance in each
22 such country” and inserting “in providing such assistance to each such country”.

23 (b) EXPENSES.—Subsection (c) of such section 407 is amended—

1 (A) in paragraph (2), by adding at the end the following new
2 subparagraph:

3 “(C) Travel, transportation, and subsistence expenses of foreign personnel to
4 attend training provided by the Department of Defense under this section.”; and

5 (B) in paragraph (3), by striking “\$15,000,000” and inserting
6 “\$20,000,000”.

7 (c) REPORT.—Subsection (d) of such section 407, as amended by subsection (a)(2) of this
8 section, is further amended in the matter preceding paragraph (1), by striking “include in the
9 annual report under section 401 of this title a separate discussion of” and inserting “submit to the
10 Committee on Armed Services and the Committee on Foreign Relations of the Senate and he
11 Committee on Armed Services and the Committee on Foreign Affairs of the House of
12 Representatives a report”.

**[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 407 of title 10, United States Code, currently authorizes the Secretaries of the military departments, pursuant to regulations prescribed by the Secretary of Defense, to carry out humanitarian demining assistance and stockpiled conventional munitions assistance in a country if the Secretary concerned determines that the assistance will promote either the security interests of both the United States and the country in which the activities are to be carried out, or the specific operational readiness skills of the members of the armed forces who participate in the activities.

This legislative proposal would (1) allow the Department of Defense (DoD) increased leeway to decide where training is conducted; (2) increase the amount of foreign partner assistance that can be provided in a given fiscal year; (3) add that the travel, transportation, and subsistence expenses of foreign personnel to attend Department of Defense provided training under this section are a covered expense, and (4) eliminate the need to consolidate the annual report required by this section with the annual report required by section 401 of title 10.

(1) Location of DoD Provided Training

Section 407 only authorizes DoD to provide humanitarian demining assistance and stockpiled conventional munitions assistance in the assisted foreign country. This legislative proposal expands this existing authority by removing the geographic limitation that restricts this type of assistance to occurring within the assisted foreign partner's country. Further, consistent with other DoD training authorities, this legislative proposal would allow DoD to pay for a foreign partner's travel, transportation, and subsistence expenses to attend DoD provided training.

This legislative proposal does not change the nature of the assistance that DoD provides foreign partners. The legislative proposal would improve the efficiency and cost effectiveness of assistance by providing DoD the discretion to determine the optimum location for training to occur.

This legislative proposal would improve the efficiency, cost effectiveness, and safety of DoD assistance for the following reasons: (1) security concerns in foreign partner's country may make conducted training within the partner's country a safety concern; (2) conducting multi-lateral training within one of the assisted countries may be more cost effective than multiple bi-lateral training engagements; and (3) conducting training of foreign partner's personnel at a U.S. or third party demining training facility outside of the assisted foreign partner's country may be more cost effective than transporting DoD personnel and equipment to the foreign partner's country. Security concerns in partner nations such as Yemen, Afghanistan, or Northeast Syria make the conduct of training exceptionally hazardous to the U.S. personnel deployed for this training, and using a more neutral site such as Jordan would reduce this risk. In order to leverage and establish regionally supportive Department of State (DoS) capacity building efforts and build regional capabilities in East Africa, the proposed legislative change enables U.S. personnel to engage with Kenya, Uganda, Rwanda, and Tanzania at the International Mine Action Training Centre (Eastern Africa) vice conducting multiple bi-lateral training events. In Central and South Asia (CASA) countries, funding multiple regional partners travel to the CASA Regional Explosive Hazards Training Center in Tajikistan to attend training and education provided by one deployed U.S. training team is far more cost effective then deploying multiple teams to each country and has additional benefits of capacity/operational understanding between partners and reinforces interoperability.

Removing the geographic limitation on where this assistance is provided promotes the efficient execution of security cooperation program to improve a foreign partner's safeguarding of its civilian populace from explosive hazards.

(2) Increased the Limit on Amount of Foreign Assistance each Fiscal Year

In recent years, Congress has repeatedly signaled its support for DoD to increase this type of foreign partner assistance. In 2016, this statute was amended to increase the limit on assistance in a fiscal year from \$10,000,000 to \$15,000,000. Further, when Congress appropriated funds in fiscal 2021 for this type of assistance, Congress specified that these appropriated funds would not be subject to the limit on assistance in a given year cap imposed by 10 U.S.C. 407(c). The current legislative proposal to increase the annual limit on foreign partner support from \$15,000,000 to \$20,000,000 is consistent with these earlier Congressional actions.

(3) Modification to Covered Expenses

This proposal would also modify Section 407(c) to add that travel, transportation, and subsistence expenses of foreign personnel to attend Department of Defense provided training is a covered expense.

(4) Annual Reporting Requirement

The existing legislation directs DoD to provide an annual report for assistance under this section with the annual report for activities conducted under Title 10 U.S.C. Section 401, Humanitarian and civic assistance (HCA) provided in conjunction with military operations. However, since assistance under this section and HCA activities are managed by different DoD organizations, there are no administrative efficiencies or advantages for consolidating these two separate reports. In practice, and with support of the Committees who receive these reports, DoD has been transmitting these reports separately so that either report can be transmitted in a timely manner when each report is completed. This legislative proposal to eliminate the consolidation of these two separate reports, will not change the frequency or content of DoD’s existing report requirement.

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
OHDACA Account	\$113	\$115	\$117	\$117	\$118	OHDACA	01	4GTD	Various
Total						N/A	N/A	N/A	N/A

Changes to Existing Law: This proposal would make the following changes to section 407 of title 10, United States Code:

§ 407. Humanitarian demining assistance and stockpiled conventional munitions assistance: authority; limitations

(a) AUTHORITY.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may ~~carry out~~ provide humanitarian demining assistance and stockpiled conventional munitions assistance ~~in~~ to a country if the Secretary concerned determines that the assistance will promote either—

- (A) the security interests of both the United States and the country ~~in which the activities are to be carried out~~ to which the assistance is to be provided; or
- (B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(2) Humanitarian demining assistance and stockpiled conventional munitions assistance under this section shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States.

(3) The Secretary of Defense shall ensure that no member of the armed forces, while providing humanitarian demining assistance under this section—

(A) engages in the physical detection, lifting, or destroying of landmines, unexploded explosive ordnance, or other explosive remnants of war (unless the member does so for the concurrent purpose of supporting a United States military operation); or

(B) provides such assistance as part of a military operation that does not involve the armed forces.

(b) LIMITATIONS.—(1) Humanitarian demining assistance and stockpiled conventional munitions assistance may not be provided under this section unless the Secretary of State specifically approves the provision of such assistance.

(2) Any authority provided under any other provision of law to provide humanitarian demining assistance or stockpiled conventional munitions assistance to a foreign country shall be carried out in accordance with, and subject to, the limitations prescribed in this section.

(c) EXPENSES.—(1) Expenses incurred as a direct result of providing humanitarian demining assistance or stockpiled conventional munitions assistance under this section to a foreign country shall be paid for out of funds specifically appropriated for the purpose of the provision by the Department of Defense of overseas humanitarian assistance.

(2) Expenses covered by paragraph (1) include the following:

(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing such assistance.

(B) The cost of any equipment, services, or supplies acquired for the purpose of carrying out or supporting humanitarian demining activities or stockpiled conventional munitions activities, including any nonlethal, individual, or small-team equipment or supplies for clearing landmines or other explosive remnants of war, or stockpiled conventional munitions, as applicable, that are to be transferred or otherwise furnished to a foreign country in furtherance of the provision of assistance under this section.

(C) Travel, transportation, and subsistence expenses of foreign personnel to attend training provided by the Department of Defense under this section.

(3) The cost of equipment, services, and supplies provided in any fiscal year under this section may not exceed ~~\$15,000,000~~ \$20,000,000.

(d) ANNUAL REPORT.—The Secretary of Defense shall ~~include in the annual report under section 401 of this title a separate discussion of~~ submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on activities carried out under this section during the preceding fiscal year, including—

(1) a list of the countries ~~in~~ to which humanitarian demining assistance or stockpiled conventional munitions assistance was ~~carried out~~ provided during the preceding fiscal year;

(2) the type and description of humanitarian demining assistance or stockpiled conventional munitions assistance ~~carried out in~~ provided to each country during the preceding fiscal year, as specified in paragraph (1), and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance;

(3) a list of countries ~~in~~ to which humanitarian demining assistance or stockpiled conventional munitions assistance could not be ~~carried out~~ provided during the preceding fiscal year due to insufficient numbers of Department of Defense personnel to carry out such activities or insufficient funding;

(4) the amount expended in ~~carrying out~~ providing such assistance ~~in~~ to each such country during the preceding fiscal year; and

(5) a description of interagency efforts to coordinate and improve research, development, test, and evaluation for humanitarian demining technology and mechanical clearance methods, including the transfer of relevant counter-improvised explosive device technology with potential humanitarian demining applications.

(e) DEFINITIONS.—In this section:

(1) The term “humanitarian demining assistance”, as it relates to training and support, means detection and clearance of landmines, unexploded explosive ordnance, and other explosive remnants of war, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines, unexploded explosive ordnance, and other explosive remnants of war.

(2) The term “stockpiled conventional munitions assistance”, as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, small arms, and light weapons, including man-portable air-defense systems. Such term includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, small arms, and light weapons, including man-portable air-defense systems.

1 **SEC. ___. INCENTIVE PAY FOR PERFORMING HAZARDOUS DUTIES: REPEAL OF**
2 **SUNSET PROVISION.**

3 Subsection (h) of section 351 of title 37, United States Code, is repealed.

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

Section-by-Section Analysis

This proposal would repeal the sunset provision in section 351 of title 37, United States Code (U.S.C.) in order to make permanent the statutory authority under which the Department of Defense currently pays hazardous duty pay. Prior to the transition to the consolidated special and incentive pay authorities, the payment of hazardous duty pay was a permanent authority.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) mandated the Department to transition, not later than January 28, 2018, all legacy pay authorities under subchapter I of chapter 5 of title 37, U.S.C., to the consolidated authority under subchapter II of such chapter. This mandate resulted in the consolidation of the hazardous duty incentive pay authority (37 U.S.C. 301) and hostile fire or imminent danger special pay authority (37 U.S.C. 310) into a single hazardous duty pay authority (37 U.S.C. 351). In doing so, Congress added a sunset provision, similar to the sunset provision typically provided for bonus authorities, which did not exist previously. The sunset provision results in the cessation of all hazardous duty pays at the end of each calendar year unless Congress takes decisive action before that date.

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 section would amend section 351 of title 37, United States Code, as follows:

§351. Hazardous duty pay

(a) HAZARDOUS DUTY PAY.—The Secretary concerned may pay hazardous duty pay under this section to a member of a regular or reserve component of the uniformed services entitled to basic pay under section 204 of this title or compensation under section 206 of this title who—

(1) performs duty in a hostile fire area designated by the Secretary concerned, is exposed to a hostile fire event, explosion of a hostile explosive device, or any other hostile action, or is on duty during a month in an area in which a hostile event occurred which placed the member in grave danger of physical injury;

(2) performs duty designated by the Secretary concerned as hazardous duty based upon the inherent dangers of that duty and risks of physical injury; or

(3) performs duty in a foreign area designated by the Secretary concerned as an area in which the member is subject to imminent danger of physical injury due to threat conditions.

(b) MAXIMUM AMOUNT.—The amount of hazardous duty pay paid to a member under subsection (a) shall be based on the type of duty and the area in which the duty is performed, as follows:

(1) In the case of a member who performs duty in a designated hostile fire area, as described in subsection (a)(1), hazardous duty pay may not exceed \$450 per month.

(2) In the case of a member who performs a designated hazardous duty, as described in subsection (a)(2), hazardous duty pay may not exceed \$275 per month.

(3) In the case of a member who performs duty in a foreign area designated as an imminent danger area, as described in subsection (a)(3), hazardous duty pay may not exceed \$275 per month.

(c) METHOD OF PAYMENT; PRORATION.—

(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay—

(A) in the case of hazardous duty pay payable under paragraph (1) of subsection (a), the Secretary concerned—

(i) may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; or

(ii) in the case of a member who is exposed to hostile fire or an explosion of a hostile explosive device in or for a day or portion of a day, may, at the election of the Secretary, pay the member hazardous duty pay in an amount not to exceed the entire amount of hazardous duty pay that would be payable to the member under such paragraph (1) for the month in which the duty concerned occurs (with the total amount of hazardous duty pay paid the member under this clause in any given month not to exceed such entire amount); and

(B) in the case of hazardous duty pay payable under paragraph (2) of subsection (a), the Secretary concerned—

(i) may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month; and

(ii) in the case of member who performs hazardous duty specifically designated by the Secretary concerned, shall pay the member hazardous duty pay in an amount not to exceed the maximum amount of hazardous duty pay that would be payable to the member under subsection (b)(2) for the entire month, regardless of the duration of the qualifying service.

(C) In the case of hazardous duty pay payable under paragraph (3) of subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.

(d) ADMINISTRATION AND RETROACTIVE PAYMENTS.—The effective date for the designation of a hostile fire area, as described in paragraph (1) of subsection (a), and for the designation of a foreign area as an imminent danger area, as described in paragraph (3) of such subsection, may be a date that occurs before, on, or after the actual date of the designation by the Secretary concerned.

(e) DETERMINATION OF FACT.—Any determination of fact that is made in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1) is conclusive. The determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the Secretary concerned may change the determination on the basis of new evidence or for other good cause.

(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

(1) IN ADDITION TO OTHER PAY AND ALLOWANCES.—A member may be paid hazardous duty pay under this section in addition to any other pay and allowances to which the member is entitled. The regulations prescribed to administer this section shall address dual compensation under this section for multiple circumstances involving performance of a designated hazardous duty, as described in paragraph (2) of subsection (a), or for duty in certain designated areas, as described in paragraph (1) or (3) of such subsection, that is performed by a member during a single month of service.

(2) LIMITATION.—A member may not receive hazardous duty pay under this section for a month for more than three qualifying instances described in subsection (a)(2).

(g) PROHIBITION ON VARIABLE RATES.—The regulations prescribed to administer this section may not include varied criteria or rates for payment of hazardous duty for officers and enlisted members.

~~(h) TERMINATION OF AUTHORITY.—No hazardous duty pay under this section may be paid after December 31, 2022.~~

1 **SEC. __. MODIFICATION TO PROHIBITION ON USE OF FUNDS FOR**
2 **RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES**
3 **PLATFORMS.**

4 Section 1046(b)(1) of the National Defense Authorization Act for Fiscal Year 2018
5 (Public law 115–91; 131 Stat. 1556) is amended in the matter preceding subparagraph (A) by
6 striking “, with the concurrence of the Director of Operational Test and Evaluation,”.

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

Section-by-Section Analysis

This proposal would amend section 1046 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 to remove the requirement for the Director of Operational Test and Evaluation (DOT&E) to concur in the Secretary of the Navy’s decision to waive the prohibition on the use of funds to retire legacy maritime mine countermeasures (MCM) platforms. After initial discussions between Navy and DOT&E on how DOT&E would comply with the requirement under section 1046, the Department estimates that it may take from 6-12 months for DOT&E to conduct quantitative comparative analysis and to complete staffing. This additional time will result in a one-year delay in the Navy’s ability to decommission aging legacy air and surface MCM assets. The Department is seeking to avoid the delay and provide the Navy with full programmatic flexibility to assess and implement appropriate levels of MCM risk to fleet in the FY 2022 through 2024 timeframe and to avoid the financial costs of continuing to sustain legacy capabilities that are at or near the end of their service lives.

The 2021 Interim National Security Strategic Guidance states to “shift our emphasis from unneeded legacy platforms and weapons systems to free up resources for investments in the cutting-edge technologies and capabilities that will determine our military and national security advantage in the future.” In taking a clear-eyed appraisal of the threats we face in transitioning our warfighting efforts to an environment of Great Power Competition (GPC), the Navy intends to transition from legacy MCM capabilities to the modular capabilities provided by the Littoral Combat Ship (LCS) and Mine Countermeasures Mission Package (MCM MP).

The Navy’s MCM capability available to address Combatant Commander and GPC operational needs in FY 2022 through FY 2024 leverages Navy Expeditionary Combat Command’s Expeditionary MCM companies and the MCM Mission Package (MP) Aviation modules. Additionally, the MCM MP is on track to finish integration testing by the second quarter of FY 2022 and will be available in sufficient quantity to deploy to a single FDNF site in the second half of FY 2024. Given the capability timing above, the Navy needs to move forward with the decommissioning the MCM-1 Class ships and MH-53E platform in order to free up

resources that can be levied towards accelerating and ensuring sound operations of the MCM MP and to better posture these systems for MCM operations in Great Power Competition.

By sustaining the current divestment timelines for our legacy MCM-1s and MH-53E's, the Navy will be better postured to focus its funding towards the acceleration of MCM MP procurements and fielding; thereby keeping operational fielding of the MCM MP on timeline and avoiding the need to further invest in the extension of legacy MCM platforms.

Resource Information: The resources impacted are reflected in the table below and are included within the Fiscal Year (FY) 2023 President's Budget request. Additive testing and administrative steps within the decommissioning timelines of the legacy MCM-1 AVENGERS and MH-53E aircraft would come at the cost of an additional extended year of the legacy capabilities in the Fleet beyond what is already planned and programmed. The criticality of long deferred sustainment and modernization costs detailed below to the AMCM and SMCM systems grows with each added year to the service life of the ship. This impact would be immediately felt in FY23 when the first MH-53E aircraft are slated to be retired.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Appropriation	Budget Activity	BLI / SAG	Program Element
Mine Countermeasures Forces, Navy	0.0	0.0	69.6	40.2	0.0	Operation and Maintenance, Navy	01	1B1B, 1B2B, 1B4B, 1B5B	0204302 N
Mine Countermeasures Forces, Navy	0.0	0.0	31.6	32.5	0.0	Military Personnel, Navy	01	0000	0204302 N
Mine Countermeasures Forces, Navy	0.0	0.0	0.4	0.4	0.0	Reserve Personnel, Navy	01	0000	0502359 N
MCM-1 Sustainment, Navy	0.0	0.0	9.6	9.6	0.0	Operation and Maintenance, Navy	01	1B5B	0204302 N
Combat Systems Sustainment, Navy	0.0	0.0	0.04	0.05	0.0	Operation and Maintenance, Navy	01	1D4D	0204302 N
AMCM, Navy	0.0	0.0	4.6	4.6	0.0	Other Procurement, Navy	03	4248	0204302 N
AMCM, Navy	0.0	0.0	1.0	1.0	0.0	Weapon Procurement, Navy	04	4225	0204302 N
AMCM, Navy	0.0	0.0	9.8	9.9	0.0	Operation and Maintenance, Navy	01	1C7C	0204302 N

Airborne Mine Countermeasures, Navy	93.1	74.8	65.1	54.9	28.2	Military Personnel, Navy	00	0000 0210	0204303 N
Airborne Mine Countermeasures, Navy	.89	.91	.94	.97	.50	Military Personnel, Navy	00	0000	0502360
Airborne Mine Countermeasures, Navy	1.5	1.6	1.6	1.6	0.80	Reserve Personnel, Navy	01	0000	0502360 N
Airborne Mine Countermeasures, Navy	21.4	22.0	22.6	23.3	12.0	Reserve Personnel, Navy	01	0000	0204303 N
Airborne Mine Countermeasures, Navy	85.0	72.6	74.1	5.3	5.4	Operation and Maintenance, Navy	01	1A1A	0204303 N
Airborne Mine Countermeasures, Navy	6.9	6.8	6.7	6.7	3.3	Operation and Maintenance, Navy Reserves	01	1A1A	0502360 N
Air Systems Support (PRL)	2.0	0.0	0.0	0.0	0.0	Operation and Maintenance, Navy	01	1A4N	0204303 N
Navy Intelligence Support	.24	.16	.16	.17	.09	Military Personnel, Navy	00	0000	0305191 N
Total	202.03	178.87	297.8	191.19	50.39				

Notes:

1. The MH-53E helicopter is over 30 years old and has a service life of 10,000 hours. The average number of hours on our current inventory of 29 airframes is 7800 hours.
2. The MCM-1 AVENGER is over 30 years old and is 5 years past it's expected service life.

Changes to Existing Law: This proposal would amend section 1046 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) as follows:

SEC. 1046. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend funds to—

- (1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH-53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON helicopter squadron or detachment.

(a) (b) WAIVER.—The Secretary of the Navy may waive the prohibition under subsection

(1) with respect to an AVENGER-class ship or a SEA DRAGON helicopter, if the Secretary, ~~with the concurrence of the Director of Operational Test and Evaluation,~~ certifies in writing to the congressional defense committees that the Secretary has—

(A) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational requirements that are currently being met by the ship or helicopter to be retired, transferred, or placed in storage;

(B) achieved initial operational capability of all systems described in subparagraph (A); and

(C) deployed a sufficient quantity of systems described in subparagraph (A) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the ship or helicopter to be retired, transferred, or placed in storage; or

(2) with respect to a SEA DRAGON helicopter, if the Secretary certifies to such committees that the Secretary has determined, on a case-by-case basis, that such a helicopter is non-operational because of a mishap or other damage or because it is uneconomical to repair.

1 **SEC. ___. MODIFICATION OF REQUIREMENT TO TRANSFER PUBLIC HEALTH**
2 **FUNCTIONS TO DEFENSE HEALTH AGENCY.**

3 Section 1073c(e)(2)(B) of title 10, United States Code, is amended—

4 (1) by striking “Army Public Health Command” and inserting “Army Public
5 Health Center”;

6 (2) by striking “Navy-Marine Corps Public Health Command” and inserting
7 “Navy-Marine Corps Public Health Center”; and

8 (3) by striking the period at the end and inserting the following: “; except that, at
9 the discretion of the Secretary of Defense, a military department may retain a public
10 health function that would otherwise be transferred under this subparagraph if the
11 function addresses a need that is unique to the military department and the function is in
12 direct support of operating forces and necessary to execute national security and defense
13 strategies.”.

**[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 legislative proposal would modify the requirement for the Secretary of Defense, acting through the Director of the Defense Health Agency (DHA), to establish a subordinate organization for public health, by making it clear that the Secretary of Defense has specific discretion as to which elements of public health, currently held by the respective military departments, will be retained by the military departments. Fundamentally, this proposal allows the Secretary of Defense to consolidate certain public health functions under the DHA and allow the military departments to retain a public health function if the function addresses a need that is unique to the military department and the function is in direct support of operating forces and necessary to execute national security and defense strategies.

This proposal is necessary to ensure that the Secretary of Defense has flexibility to allow the Secretaries of the military departments to perform select public health functions. It is essential to military readiness that these public health programs are synchronized and integrated with other warfighting functions to ensure military medical readiness to support the lethality of the military departments in a timely and efficient manner. For example, the Secretary of Defense

may elect for the military departments to retain unique functions, such as deployable preventive medicine units and veterinary services and other operational, regional, and installation-level public health support functions, that are in direct support of operating forces and necessary to execute national security and defense strategies.

Of note, although not required by section 1073c(e) of title 10, United States Code, the military departments are preparing to transfer portions of the installation-level military medical treatment facility public health functions and resources to the Defense Health Agency, thus enabling the establishment of the Defense Health Agency as a more comprehensive public health organization with increased functionality.

In conclusion, the historic transformation of the Military Health System is vital for coordinating efforts and creating efficiencies. However, the respective military departments should retain certain capabilities, as determined by the Secretary of Defense, for service-unique requirements related to public health that are in direct support of operating forces and necessary to execute national security and defense strategies.

Resource Information: This proposal has no impact on the use of resources. The modification of the requirement to transfer the Army Public Health Center, the Navy-Marine Corps Public Health Center, and Air Force public health programs to the Defense Health Agency will maintain some of these capabilities within the military department under currently authorized funding and personnel requirements.

Changes to Existing Law: This proposal would make the following changes to section 1073c of title 10, United States Code:

§1073c. Administration of Defense Health Agency and military medical treatment facilities

(a) ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.—(1) In accordance with paragraph (5), by not later than September 30, 2021, the Director of the Defense Health Agency shall be responsible for the administration of each military medical treatment facility, including with respect to—

- (A) provision and delivery of health care within each such facility;
- (B) management of privileging, scope of practice, and quality of health care provided within each such facility;
- (C) budgetary matters;
- (D) information technology;
- (E) health care administration and management;
- (F) supply and equipment;
- (G) administrative policy and procedure;
- (H) military medical construction; and
- (I) any other matters the Secretary of Defense determines appropriate.

(2) In addition to the responsibilities set forth in paragraph (1), the Director of the Defense Health Agency shall, commencing when the Director begins to exercise responsibilities under that paragraph, have the authority—

(A) to direct, control, and serve as the primary rater of the performance of commanders or directors of military medical treatment facilities;

(B) to direct and control any intermediary organizations between the Defense Health Agency and military medical treatment facilities;

(C) to determine the scope of medical care provided at each military medical treatment facility to meet the military personnel readiness requirements of the senior military operational commander of the military installation;

(D) to identify the capacity of each military medical treatment facility to support clinical readiness standards of health care providers established by the Secretary of a military department or the Assistant Secretary of Defense for Health Affairs;

(E) to determine total workforce requirements at each military medical treatment facility;

(F) to determine, in coordination with each Secretary of a military department, manning, including joint manning, assigned to military medical treatment facilities and intermediary organizations;

(G) to select, after considering nominations from the Secretaries of the military departments, commanders or directors of military medical treatment facilities;

(H) to address personnel staffing shortages at military medical treatment facilities; and

(I) to select among service nominations for commanders or directors of military medical treatment facilities.

(3) The military commander or director of each military medical treatment facility shall be responsible for—

(A) on behalf of the military departments, ensuring the readiness of the members of the armed forces at such facility; and

(B) on behalf of the Defense Health Agency, furnishing the health care and medical treatment provided at such facility.

(4) If the Secretary of Defense determines it appropriate, a military director (or any other senior military officer or officers) of a military medical treatment facility may be a commanding officer for purposes of chapter 47 of this title (the Uniform Code of Military Justice) with respect to military personnel assigned to the military medical treatment facility.

(5) The Secretary of Defense shall establish a timeline to ensure that each Secretary of a military department transitions the administration of military medical treatment facilities from such Secretary to the Director of the Defense Health Agency pursuant to paragraph (1) by the date specified in such paragraph.

(6) The Secretary of Defense shall establish within the Defense Health Agency a professional staff to provide policy, oversight, and direction to carry out paragraphs (1) and (2). The Secretary shall carry out this paragraph by appointing the positions specified in subsections (b) and (c).

(b) DHA ASSISTANT DIRECTOR.—(1) There is in the Defense Health Agency an Assistant Director for Health Care Administration. The Assistant Director shall—

(A) be a career appointee within the Department; and

(B) report directly to the Director of the Defense Health Agency.

(2) The Assistant Director shall be appointed from among individuals who have the education and experience to perform the responsibilities of the position.

- (3) The Assistant Director shall be responsible for the following:
- (A) Establishing priorities for health care administration and management.
 - (B) Establishing policies, procedures, and direction for the provision of direct care at military medical treatment facilities.
 - (C) Establishing priorities for budgeting matters with respect to the provision of direct care at military medical treatment facilities.
 - (D) Establishing policies, procedures, and direction for clinic management and operations at military medical treatment facilities.
 - (E) Establishing priorities for information technology at and between the military medical treatment facilities.

(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A) There is in the Defense Health Agency a Deputy Assistant Director for Information Operations.

(B) The Deputy Assistant Director for Information Operations shall be responsible for policies, management, and execution of information technology operations at and between the military medical treatment facilities.

(2)(A) There is in the Defense Health Agency a Deputy Assistant Director for Financial Operations.

(B) The Deputy Assistant Director for Financial Operations shall be responsible for the policy, procedures, and direction of budgeting matters and financial management with respect to the provision of direct care at military medical treatment facilities.

(3)(A) There is in the Defense Health Agency a Deputy Assistant Director for Health Care Operations.

(B) The Deputy Assistant Director for Health Care Operations shall be responsible for the policy, procedures, and direction of health care administration in the military medical treatment facilities.

(4)(A) There is in the Defense Health Agency a Deputy Assistant Director for Medical Affairs.

(B) The Deputy Assistant Director for Medical Affairs shall be responsible for policy, procedures, and direction of clinical quality and process improvement, patient safety, infection control, graduate medical education, clinical integration, utilization review, risk management, patient experience, and civilian physician recruiting at military medical treatment facilities.

(5) Each Deputy Assistant Director appointed under paragraphs (1) through (4) shall report directly to the Assistant Director for Health Care Administration.

(d) CERTAIN RESPONSIBILITIES OF DHA DIRECTOR.—(1) In addition to the other duties of the Director of the Defense Health Agency, the Director shall coordinate with the Joint Staff Surgeon to ensure that the Director most effectively carries out the responsibilities of the Defense Health Agency as a combat support agency under section 193 of this title.

(2) The responsibilities of the Director shall include the following:

(A) Ensuring that the Defense Health Agency meets the operational needs of the commanders of the combatant commands.

(B) Coordinating with the military departments to ensure that the staffing at the military medical treatment facilities supports readiness requirements for members of the armed forces and health care personnel.

(C) Ensuring that the Defense Health Agency meets the military medical readiness requirements of the senior military operational commander of the military installations.

(e) ADDITIONAL DHA ORGANIZATIONS.—Not later than September 30, 2022, the Secretary of Defense shall, acting through the Director of the Defense Health Agency, establish within the Defense Health Agency the following:

(1) A subordinate organization, to be called the Defense Health Agency Research and Development—

(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Research and Development);

(B) comprised of the Army Medical Research and Materiel Command and such other medical research organizations and activities of the armed forces as the Secretary considers appropriate; and

(C) responsible for coordinating funding for Defense Health Program Research, Development, Test, and Evaluation, the Congressionally Directed Medical Research Program, and related Department of Defense medical research.

(2) A subordinate organization, to be called the Defense Health Agency Public Health—

(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Public Health); and

(B) comprised of the Army Public Health ~~Center Command~~, the Navy-Marine Corps Public Health ~~Center Command~~, Air Force public health programs, and any other related defense health activities that the Secretary considers appropriate, including overseas laboratories focused on preventive medicine, environmental health, and similar matters; except that, at the discretion of the Secretary of Defense, a military department may retain a public health function that would otherwise be transferred under this subparagraph if the function addresses a need that is unique to the military department and the function is in direct support of operating forces and necessary to execute national security and defense strategies.

(f) TREATMENT OF DEPARTMENT OF DEFENSE FOR PURPOSES OF PERSONNEL ASSIGNMENT.—In implementing this section—

(1) the Department of Defense shall be considered a single agency for purposes of civilian personnel assignment under title 5; and

(2) the Secretary of Defense may reassign any employee of a component of the Department of Defense or a military department in a position in the civil service (as defined in section 2101 of title 5) to any other component of the Department of Defense or military department.

(g) DEFINITIONS.—In this section:

(1) The term “career appointee” has the meaning given that term in section 3132(a)(4) of title 5.

(2) The term “Defense Health Agency” means the Defense Agency established pursuant to Department of Defense Directive 5136.13, or such successor Defense Agency.

(3) The term “military medical treatment facility” means—

(A) any fixed facility of the Department of Defense that is outside of a deployed environment and used primarily for health care; and

(B) any other location used for purposes of providing health care services as designated by the Secretary of Defense.

1 **SEC. ___. MODIFICATION OF REQUIREMENT TO TRANSFER RESEARCH AND**
2 **DEVELOPMENT FUNCTIONS TO DEFENSE HEALTH AGENCY.**

3 Section 1073c(e) of title 10, United States Code, is amended—

4 (1) in the matter preceding paragraph (1), by striking “September 30, 2022,” and
5 inserting “September 30, 2023,”; and

6 (2) in paragraph (1)(B), by striking “the Army Medical Research and Materiel
7 Command” and inserting “those elements of the Army Medical Research and Materiel
8 Command as the Secretary considers appropriate,”.

[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 legislative proposal would modify the requirement for the Secretary of Defense, acting through the Director of the Defense Health Agency (DHA), to establish a subordinate organization for research and development by making it clear that the Secretary of Defense has discretion as to which elements of medical research, currently held by the respective military departments, will transfer to DHA to comprise these new organizations. Fundamentally, this proposal allows the Secretary of Defense to consolidate common medical research development and acquisition (RDA) programs under the DHA and align service-specific medical RDA within each service.

This proposal is necessary to ensure that the Secretary of Defense has flexibility to allow the Secretaries of the military departments to perform those functions that are in direct support of operating forces and are necessary to execute the U.S. National Security and Defense Strategies. Such functions include military department-specific medical research, product development and acquisition, and medical logistics programs involved with battlefield casualty care, as well as maintenance of a medically ready force as directed in section 7013 of title 10, United States Code, and section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232). It is essential to military readiness that these programs are synchronized and integrated with other warfighting functions to ensure that proper combat casualty care and military medical readiness support the Army’s lethality in a timely and efficient manner.

The Military Health System (MHS) is currently undergoing a historic transformation as the DHA assumes authority, direction, and control for MTFs around the globe. Current statutory requirements mandate the transfers of Army organizations responsible for medical research and development, as well as operational medical logistics to DHA. This proposal ensures the

Secretary of Defense has discretion to allow the Army (as well as the other services) to remain in control of essential medical research and materiel functions that support readiness, combat casualty care, and lethality in combat environments across multiple domains with full life-cycle infrastructure (research labs, product development/program management, and acquisition). It is important to note that these functions are not focused primarily on care at MTFs. Most capabilities employed in MTFs are developed by the civilian medicine industry; whereas, capabilities developed by Army's Medical Research and Development Command (MRDC) in research, development, and acquisition are inherently oriented toward operational medicine for warfighters. Medical programs must also be synchronized and integrated with other warfighting functions to ensure proper combat casualty care, military medical readiness, and lethality. The clearest examples of this synchronization include medical variants of air-and-ground vehicles, as well as casualty support capabilities for other non-medical vehicles in austere environments. Moving all medical research, development, and acquisition will decrease system synchronization and integration away from system developers, thereby complicating research, development, and acquisition within the military departments and eliminating other essential service-specific capabilities.

Additionally, system acquisition of related non-medical warfighting capabilities will also be hampered. Medical research, development, and acquisition responsibilities are co-located within MRDC, which effectively supports both joint and military service activities. Moving it from Army management to agency management in its entirety will specifically produce inefficiencies for the Army that are contrary to best practices described by the Government Accountability Office and others. As conditions during war may change rapidly, medical research and development is essential to respond quickly and effectively to support warfighter capabilities and survivability. If certain aspects of MRDC's medical research and development assets are not left with the Army, the Army's ability to fulfill its responsibilities under title 10, United States Code, and integrate medical capabilities with warfighting systems for service members will be materially degraded.

In conclusion, the historic MHS transformation is vital for standardizing care across the MTFs and creating efficiencies. However, the respective military services should retain certain capabilities, as determined by the Secretary of Defense, for military-relevant and field-based military medical knowledge and systems. The current pandemic has reinforced central tenets of the services' responsibilities under title 10, United States Code, and the need for the Secretaries of the military departments to control military service-specific medical research and product development and acquisition programs involved with battlefield casualty care, soldier readiness, and force readiness. Ensuring that these programs are responsive to and integrated with warfighting functions is essential to optimize combat casualty care, military medical readiness, and lethality and ensure a coordinated response to emerging threats in a timely and efficient manner.

Resource Information: This proposal has no impact on the use of resources. The modification of the requirement to transfer Medical Research and Materiel Command to the Defense Health Agency will maintain some of these capabilities within the Army under currently authorized funding and personnel requirements.

Changes to Existing Law: This proposal would make the following changes to section 1073c title 10, United States Code:

§1073c. Administration of Defense Health Agency and military medical treatment facilities

(a) ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.—(1) In accordance with paragraph (5), by not later than September 30, 2021, the Director of the Defense Health Agency shall be responsible for the administration of each military medical treatment facility, including with respect to—

- (A) provision and delivery of health care within each such facility;
- (B) management of privileging, scope of practice, and quality of health care provided within each such facility;
- (C) budgetary matters;
- (D) information technology;
- (E) health care administration and management;
- (F) supply and equipment;
- (G) administrative policy and procedure;
- (H) military medical construction; and
- (I) any other matters the Secretary of Defense determines appropriate.

(2) In addition to the responsibilities set forth in paragraph (1), the Director of the Defense Health Agency shall, commencing when the Director begins to exercise responsibilities under that paragraph, have the authority—

- (A) to direct, control, and serve as the primary rater of the performance of commanders or directors of military medical treatment facilities;
- (B) to direct and control any intermediary organizations between the Defense Health Agency and military medical treatment facilities;
- (C) to determine the scope of medical care provided at each military medical treatment facility to meet the military personnel readiness requirements of the senior military operational commander of the military installation;
- (D) to identify the capacity of each military medical treatment facility to support clinical readiness standards of health care providers established by the Secretary of a military department or the Assistant Secretary of Defense for Health Affairs;
- (E) to determine total workforce requirements at each military medical treatment facility;
- (F) to determine, in coordination with each Secretary of a military department, manning, including joint manning, assigned to military medical treatment facilities and intermediary organizations;
- (G) to select, after considering nominations from the Secretaries of the military departments, commanders or directors of military medical treatment facilities;
- (H) to address personnel staffing shortages at military medical treatment facilities; and
- (I) to select among service nominations for commanders or directors of military medical treatment facilities.

(3) The military commander or director of each military medical treatment facility shall be responsible for—

(A) on behalf of the military departments, ensuring the readiness of the members of the armed forces at such facility; and

(B) on behalf of the Defense Health Agency, furnishing the health care and medical treatment provided at such facility.

(4) If the Secretary of Defense determines it appropriate, a military director (or any other senior military officer or officers) of a military medical treatment facility may be a commanding officer for purposes of chapter 47 of this title (the Uniform Code of Military Justice) with respect to military personnel assigned to the military medical treatment facility.

(5) The Secretary of Defense shall establish a timeline to ensure that each Secretary of a military department transitions the administration of military medical treatment facilities from such Secretary to the Director of the Defense Health Agency pursuant to paragraph (1) by the date specified in such paragraph.

(6) The Secretary of Defense shall establish within the Defense Health Agency a professional staff to provide policy, oversight, and direction to carry out paragraphs (1) and (2). The Secretary shall carry out this paragraph by appointing the positions specified in subsections (b) and (c).

(b) DHA ASSISTANT DIRECTOR.—(1) There is in the Defense Health Agency an Assistant Director for Health Care Administration. The Assistant Director shall—

(A) be a career appointee within the Department; and

(B) report directly to the Director of the Defense Health Agency.

(2) The Assistant Director shall be appointed from among individuals who have the education and experience to perform the responsibilities of the position.

(3) The Assistant Director shall be responsible for the following:

(A) Establishing priorities for health care administration and management.

(B) Establishing policies, procedures, and direction for the provision of direct care at military medical treatment facilities.

(C) Establishing priorities for budgeting matters with respect to the provision of direct care at military medical treatment facilities.

(D) Establishing policies, procedures, and direction for clinic management and operations at military medical treatment facilities.

(E) Establishing priorities for information technology at and between the military medical treatment facilities.

(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A) There is in the Defense Health Agency a Deputy Assistant Director for Information Operations.

(B) The Deputy Assistant Director for Information Operations shall be responsible for policies, management, and execution of information technology operations at and between the military medical treatment facilities.

(2)(A) There is in the Defense Health Agency a Deputy Assistant Director for Financial Operations.

(B) The Deputy Assistant Director for Financial Operations shall be responsible for the policy, procedures, and direction of budgeting matters and financial management with respect to the provision of direct care at military medical treatment facilities.

(3)(A) There is in the Defense Health Agency a Deputy Assistant Director for Health Care Operations.

(B) The Deputy Assistant Director for Health Care Operations shall be responsible for the policy, procedures, and direction of health care administration in the military medical treatment facilities.

(4)(A) There is in the Defense Health Agency a Deputy Assistant Director for Medical Affairs.

(B) The Deputy Assistant Director for Medical Affairs shall be responsible for policy, procedures, and direction of clinical quality and process improvement, patient safety, infection control, graduate medical education, clinical integration, utilization review, risk management, patient experience, and civilian physician recruiting at military medical treatment facilities.

(5) Each Deputy Assistant Director appointed under paragraphs (1) through (4) shall report directly to the Assistant Director for Health Care Administration.

(d) CERTAIN RESPONSIBILITIES OF DHA DIRECTOR.—(1) In addition to the other duties of the Director of the Defense Health Agency, the Director shall coordinate with the Joint Staff Surgeon to ensure that the Director most effectively carries out the responsibilities of the Defense Health Agency as a combat support agency under section 193 of this title.

(2) The responsibilities of the Director shall include the following:

(A) Ensuring that the Defense Health Agency meets the operational needs of the commanders of the combatant commands.

(B) Coordinating with the military departments to ensure that the staffing at the military medical treatment facilities supports readiness requirements for members of the armed forces and health care personnel.

(C) Ensuring that the Defense Health Agency meets the military medical readiness requirements of the senior military operational commander of the military installations.

(e) ADDITIONAL DHA ORGANIZATIONS.—Not later than September 30, ~~2022~~2023, the Secretary of Defense shall, acting through the Director of the Defense Health Agency, establish within the Defense Health Agency the following:

(1) A subordinate organization, to be called the Defense Health Agency Research and Development—

(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Research and Development);

(B) comprised of those elements of the Army Medical Research and Materiel Command as the Secretary considers appropriate, and such other medical research organizations and activities of the armed forces as the Secretary considers appropriate; and

(C) responsible for coordinating funding for Defense Health Program Research, Development, Test, and Evaluation, the Congressionally Directed Medical Research Program, and related Department of Defense medical research.

(2) A subordinate organization, to be called the Defense Health Agency Public Health—

(A) led, at the election of the Director, by a director or commander (to be called the Director or Commander of Defense Health Agency Public Health); and

(B) comprised of the Army Public Health Command, the Navy–Marine Corps Public Health Command, Air Force public health programs, and any other related defense health activities that the Secretary considers appropriate, including overseas laboratories focused on preventive medicine, environmental health, and similar matters.

(f) TREATMENT OF DEPARTMENT OF DEFENSE FOR PURPOSES OF PERSONNEL ASSIGNMENT.—In implementing this section—

(1) the Department of Defense shall be considered a single agency for purposes of civilian personnel assignment under title 5; and

(2) the Secretary of Defense may reassign any employee of a component of the Department of Defense or a military department in a position in the civil service (as defined in section 2101 of title 5) to any other component of the Department of Defense or military department.

(g) DEFINITIONS.—In this section:

(1) The term “career appointee” has the meaning given that term in section 3132(a)(4) of title 5.

(2) The term “Defense Health Agency” means the Defense Agency established pursuant to Department of Defense Directive 5136.13, or such successor Defense Agency.

(3) The term “military medical treatment facility” means—

(A) any fixed facility of the Department of Defense that is outside of a deployed environment and used primarily for health care; and

(B) any other location used for purposes of providing health care services as designated by the Secretary of Defense.

1 **SEC. ____ . NATO SPECIAL OPERATIONS HEADQUARTERS.**

2 (a) CODIFICATION.—Subchapter II of chapter 138 of title 10, United States Code, is
3 amended by adding at the end a new section 2350r consisting of—

4 (1) a heading as follows:

5 “§ 2350r. North Atlantic Treaty Organization Special Operations Headquarters”; and

6 (2) a text consisting of subsections (a) and (b) of section 1244 of the National
7 Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541).

8 (b) PERMANENT EXTENSION; CLARIFICATIONS.—Section 2350r of title 10, United States
9 Code, as added by subsection (a) of this section, is amended—

10 (1) in subsection (a), by striking “each of fiscal years 2013 through 2024” and
11 inserting “each fiscal year”;

12 (2) in subsection (a), by striking “\$50,000,000” and inserting “\$60,000,000”; and

13 (3) in subsection (b)—

14 (A) in paragraph (1), by inserting “and nations approved by the North
15 Atlantic Council as NATO partner nations” after “NATO nations”; and

16 (B) in paragraph (2), by inserting “and such NATO partner nations” after
17 “NATO nations”.

18 (c) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of
19 subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the
20 following new item:

“2350r North Atlantic Treaty Organization Special Operations Headquarters.”.

21 (d) CONFORMING REPEAL.—Section 1244 of the National Defense Authorization Act for
22 Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541) is repealed.

[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 permanently extend the funding authorization and authorities in support of the NATO Special Operations Headquarters (NSHQ). The United States will continue to serve as the framework nation for the NSHQ.

This proposal would codify into Title 10 the NSHQ’s role as the primary point of development, coordination, and direction for all NATO special operations-related activities; optimizes the development and employment of NATO and NATO-recognized partner special operations forces (SOF); and provides, when directed by SACEUR, an operational SOF command capability.

The amendment to strike subsections (a) - (d) of the National Defense Authorization Act for Fiscal Year 2020 are conforming amendments. The requirements contained in that subsection are fulfilled or incorporated into Subchapter II of chapter 138 of title 10, United States Code.

Resource Information: The resources impacted 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/SAG	Program Element
NSHQ	\$40.50	\$41.30	\$42.10	\$43.00	\$43.80	Operation and Maintenance, Army	04	441	1001491A
Total	\$40.50	\$41.30	\$42.10	\$43.00	\$43.80	Operation and Maintenance, Army	04	441	1001491A

PERSONNEL IMPACT									
Program	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Appropriation	Budget Activity	BLI/SAG	Program Element
NSHQ	42	42	42	42	42	Operation and Maintenance, Army	01	N/A	N/A
Total	42	42	42	42	42	Operation and Maintenance, Army	01	N/A	N/A

Changes to Existing Law: This proposal would add a new section 2350o to chapter 138 of title 10, United States Code, consisting of the text of section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 11-84) amended as follows:

~~SEC. 1244. NATO SPECIAL OPERATIONS HEADQUARTERS.~~

§ 2350r. North Atlantic Treaty Organization Special Operations Headquarters

(a) ~~AUTHORIZATION.~~—Of the amounts authorized to be appropriated for each fiscal year of fiscal years 2013 through 2024 for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as “NATO”) operations, the Secretary of Defense is authorized to use up to ~~\$60,000,000~~\$50,000,000 for each fiscal year for the purposes set forth in subsection (b).

(b) ~~PURPOSES.~~—The Secretary shall provide funds for the NATO Special Operations Headquarters (hereinafter in this section referred to as the “NSHQ”) to—

(1) improve coordination and cooperation between the special operations forces of NATO nations and nations approved by the North Atlantic Council as NATO partner nations;

(2) facilitate joint operations by the special operations forces of NATO nations and such NATO partner nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

~~(c) LIMITATION.~~—Of the amounts made available under subsection (a) for fiscal year 2020, not more than 90 percent of such amounts may be obligated or expended until the Secretary of Defense, acting through the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, submits to the congressional defense committees a report on the decision to realign responsibilities for overseeing and supporting NSHQ from U.S. Special Operations Command to U.S. European Command, including—

~~(1) a justification and description of the impact of such realignment; and~~

~~(2) a description of how such realignment will strengthen the role of the NSHQ in fostering special operations capabilities within NATO.~~

~~(d) ANNUAL REPORT.~~—Not later than March 1 of each year until 2024, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report regarding support for the NSHQ. Each report shall include the following:

~~(1) The total amount of funding provided by the United States and other NATO nations to the NSHQ for operating costs of the NSHQ.~~

~~(2) A description of the activities carried out with such funding, including—~~

~~(A) the amount of funding allocated for each such activity;~~

~~(B) the extent to which other NATO nations participate in each such activity;~~

~~(C) the extent to which each such activity is carried out in coordination or cooperation with the Joint Special Operations University;~~

~~(D) the extent to which each such activity is carried out in relation to other security cooperation activities, exercises, or operations of the Department of Defense;~~

~~(E) the extent to which each such activity is designed to meet the purposes set forth in paragraphs (1) through (5) of subsection (b); and~~

~~(F) an assessment of the extent to which each such activity will promote the mission of the NSHQ.~~

~~(3) Other contributions, financial or in kind, provided by the United States and other NATO nations in support of the NSHQ.~~

~~(4) Any other matters that the Secretary of Defense considers appropriate.~~

1 **SEC. ____ . PILOT PROGRAM ON EMBEDDED HEALTH PROVIDERS AT AIR**
2 **FORCE RESERVE AND AIR NATIONAL GUARD INSTALLATIONS.**

3 (a) PILOT PROGRAM AUTHORIZED.—The Secretary of the Air Force may carry out a pilot
4 program to provide unit-embedded behavioral healthcare to members of the Air Force Reserve
5 and Air National Guard. Healthcare provided through the pilot program is authorized regardless
6 of the member’s duty status at the time of the provision of care.

7 (b) PURPOSES.—The purposes of the pilot program under this section are—

8 (1) to evaluate the feasibility and advisability of expanding behavioral healthcare
9 access to members of the reserve components when the members are not in duty status;

10 (2) to determine the structure of unit-embedded behavioral healthcare in the
11 reserve components; and

12 (3) to determine how increased access to behavioral healthcare will affect military
13 readiness.

14 (c) LOCATIONS.—The Secretary of the Air Force may carry out the pilot program under
15 this section at not more than four military installations.

16 (d) DURATION.—The duration of the pilot program under subsection (a) may not exceed
17 three years.

18 (e) REPORT.—Not later than 180 days after the conclusion of the pilot program under
19 subsection (a), the Secretary of the Air Force shall submit to the Committees on Armed Services
20 of the Senate and the House of Representatives a report on the results of the program.

21 **SEC. ____ . PILOT PROGRAM ON EMBEDDED BEHAVIORAL HEALTH PROVIDERS**
22 **FOR LIMITED SCOPE ASSISTANCE TO ASSIGNED CIVILIANS.**

1 (a) PILOT PROGRAM AUTHORIZED.—The Secretary of the Air Force may carry out a pilot
2 program to provide unit-embedded behavioral healthcare to civilian employees of the
3 Department of the Air Force assigned to units with unit-embedded behavioral healthcare
4 providers on a space available basis.

5 (b) PURPOSES.—The purposes of the pilot program under this section are—

6 (1) to evaluate the feasibility and advisability of expanding unit-embedded
7 behavioral healthcare to civilian employees; and

8 (2) to determine how increased civilian employee access to behavioral healthcare
9 will affect military readiness.

10 (c) LOCATIONS.—The Secretary of the Air Force may carry out the pilot program under
11 this section at not more than four military installations.

12 (d) DURATION.—The duration of the pilot program under subsection (a) may not exceed
13 three years.

14 (e) REPORT.—Not later than 180 days after the conclusion of the pilot program under
15 subsection (a), the Secretary of the Air Force shall submit to the Committees on Armed Services
16 of the Senate and the House of Representatives a report on the results of the program.

**[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

The first part of this proposal authorizes the Secretary of the Air Force to carry out a pilot program to provide unit-embedded behavioral healthcare to members of the Air Force Reserve and Air National Guard. Such care may be provided to members under the pilot program regardless of the member’s duty status at the time of provision of care. The second part of this proposal would provide unit-embedded behavioral healthcare to civilian employees of the Department of the Air Force assigned to units with unit-embedded behavioral healthcare providers on a space available basis at no additional cost to the Government.

The proposal seeks to enhance Force and family well-being for reserve component members and civilian employees, increase resilience, decrease negative outcomes (suicide, sexual assault, domestic violence, and workplace violence) and optimize human performance. The three primary concepts that underscore this commander-driven effort are: 1) Engage Forces and families early; 2) Normalize help-seeking behavior as a strength; and 3) Decentralize – bring helping resources to where our Forces are, e.g. squadron or group. Embedded resources provide a persistent and proximate relationship with Forces and families that can diminish the stigmas associated with help-seeking and thereby maximize their well-being and resilience.

The Air Force began piloting unit-embedded healthcare providers for the active duty population in July 2018 at Beale AFB, CA, JB Elmendorf-Richardson, AK, Minot AFB, ND, and Whiteman AFB, MO. The outputs demonstrated that personnel associated their embedded providers with their units, felt a need to and willingness to seek help, and then engaged with their providers as the program intended. The embedded behavioral health providers met with individuals, groups, and at times the entire squadron to address individual and unit concerns. Across the 12 groups in the beta test, the embedded behavioral health providers averaged 300-600 individual engagements per month, spending 240-385 hours per month in counseling sessions. Likewise, the embedded Religious Support Teams averaged 170-270 individual engagements per month. Overall, some of the key issues they addressed were: relationships, anxiety, depression, life skills, work stress, and coping skills.

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

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
TN – AFRC Base	\$2.5	\$2.5	\$2.5	\$0	\$0	Operation and Maintenance, Air Force	04 04	42G	88737F
TN – ANG Base	\$2.5	\$2.5	\$2.5	\$0	\$0	Operation and Maintenance, Air Force	04	42G	88737F
TN – AFGSC Base with co-located AFR Wing	\$2.5	\$2.5	\$2.5	\$0	\$0	Operation and Maintenance, Air Force	04	42G	88737F
TN – PACAF (Joint Base) with adjacent ANG Wing	\$2.5	\$2.5	\$2.5	\$0	\$0	Operation and Maintenance, Air Force	04	42G	88737F
Total	\$10	\$10	\$10	\$0	\$0	--	--	--	--

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

1 **SEC. ____ . REDUCTION IN THE MINIMUM NUMBER OF NAVY CARRIER AIR**
2 **WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO**
3 **BE MAINTAINED.**

4 Section 8062(e) of title 10, United States Code, is amended—

5 (1) in paragraph (1), by striking “until the earlier of” and all that follows and
6 inserting “until the date on which additional operationally deployable aircraft carriers can
7 fully support a 10th carrier air wing;”; and

8 (2) in paragraph (2), by striking “the earlier of” and all that follows through “and
9 (B) of” and inserting “the date referred to in”.

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

Section-by-Section Analysis

This proposal would amend section 8062(e) of title 10, United States Code, which directs the Secretary of the Navy to ensure that the Navy maintains nine CVWs until the earlier of – the date on which additional deployable aircraft carriers can fully support a 10th CVW or October 1, 2025. Under this proposal, the Navy maintains the requirement for nine CVWs, matching the number of fully staffed CVWs to the number of aircraft carriers (CVNs) readily available for worldwide deployment per the Global Force Management Allocation Plan (GFMAP) and CVN maintenance schedules. Although the Navy currently has 11 operational aircraft carriers as required by section 8062(b) of title 10, at least two CVNs are regularly unavailable for worldwide deployment due to routine or scheduled maintenance or repair to include Refueling and Complex Overhaul (44 month duration), Docking Planned Incremental Availability (16 months) or Planned Incremental Availability (six months). Thus, the minimum requirement for CVWs is two less than the number of CVNs, i.e. nine total CVWs.

The current CVN maintenance schedule efficiently pairs nine CVWs to nine operational CVNs according to ship availability; 11 total CVNs with two under maintenance protocols (RCOH, DPIA, PIA, CIA, etc.). This provides a repeatable and consistent process to:

1. Maximize and align CVW/CVN capability and capacity;
2. Enable proper allocation of resources for those deployed and about to deploy; and
3. Offer a more predictable deployment cycle, improving Sailors’ quality of life and ultimate retention.

The composition of the Air Wing of the Future (AWOTF) is rapidly evolving, with an extensive focus on the technological development required to achieve the right mix of air superiority platforms in the 2030's and beyond. The Navy proposes funding those investment opportunities in future capabilities instead of constituting the 10th Carrier Air Wing. This additional contemporary air wing will not provide the nation with more capability and will severely delay the Air Wing of the Future (AWOTF). By removing the requirement for 1 Oct 2025, development of the 10th CVW will remain congruent with augments to the CVN Build/Inactivation plan.

Resource Information: The resources reflected below estimate the additional requirements needed to stand up the 10th CVW. These resources are not currently programmed within the Fiscal Year (FY) 2023 President's Budget request. If enacted, this proposal would allow the Navy to avoid these costs and to fund technological modernization for the AWOTF, which is included within the FY2023 President's Budget request.

The following costs are estimates in current year dollars and timeline of efforts across the FYDP. Total projected cost is estimated at **\$13.829B**.

1. Procurement of an additional 102 aircraft of differing Type/Model/Series (T/M/S) valued at **\$11.4B**. (APN Funding = Aircraft Procurement, Navy)
 - a. F-35C: 30 quantity x \$121M = \$3.63B
 - b. F/A-18E/F: 39 quantity x \$87.5M = \$3.41B
 - c. EA-18G: 12 quantity x \$115M = \$1.48B (includes cold line restart at \$100M for AEA kits)
 - d. E-2D: 10 quantity x \$190M = \$1.9B
 - e. CMV-22: 3 quantity x \$100M = \$300M
 - f. MH-60S: 8 quantity x \$30M = \$252M (includes cold line restart at \$12M)
 - g. MQ-25B: 5 quantity x \$84M = \$420M
2. Captive Air Training Missile (CATM) and pod procurement estimated at **\$290.4M**. (WPN Funding = Weapons Procurement, Navy)
 - a. CATM-9X-2 Sidewinder: 32 quantity x \$250K = \$8M
 - b. CATM-120D AMRAAM: 28 quantity x \$615K = \$17.2M
 - c. CATM-84 Harpoon II+: 2 quantity x \$600K = \$1.2M
 - d. CATM-88E AARGM ER: 12 quantity x \$1M = \$12M
 - e. Shipsets Next Generation Jammer pods: 7 quantity x \$36M = \$252M
3. Initial Common Support Equipment (CSE) procurement estimates at **\$78M**. (OMN Funding = Operations & Maintenance, Navy)
4. Military Construction costs estimated at **\$286.7M**. (MILCON Funding = Military Construction)
 - a. F-35 Hangar: Two squadrons at Lemoore = \$202M
 - b. EA-18G Hangar: One squadron at NAS Whidbey Island = \$49.7M
 - c. Renovation of existing spaces: NAS Lemoore to support CVW Staff = \$35M
5. Manpower estimated at **\$1.25B**. (MPN Funding = Military Personnel, Navy)
 - a. Aircrew CNATRA and FRS training requirements: 166 pilots/NFOs x 4 year period = \$265.6M (includes an additional 25 instructors and 20 training aircraft)

b. The below chart delineates CVW composition by squadron type and officer/enlisted.

UNIT	T/M/S	REQUIREMENT		AUTHORIZED*		MILITARY PERSONNEL, NAVY (\$M)					
		Officers	Enlisted	Officers	Enlisted	FY23	FY24	FY25	FY26	FY27	FYDP
COM CVW	N/A	24	28	22	27	\$2.83	\$5.81	\$5.97	\$6.14	\$6.32	\$27.07
VFA	F-35C	29	239	29	239	\$11.87	\$24.39	\$25.07	\$25.77	\$26.54	\$113.63
VFA	F/A-18E	27	225	25	214	\$10.55	\$21.68	\$22.28	\$22.90	\$23.59	\$101.01
VFA	F/A-18E	31	238	28	226	\$11.27	\$23.16	\$23.8	\$24.46	\$25.20	\$107.88
VFA	F/A-18F	52	242	47	230	\$12.94	\$26.59	\$27.33	\$28.08	\$28.92	\$123.86
VAQ	E/A-18G	30	179	27	170	\$8.95	\$18.39	\$18.90	\$19.42	\$20.01	\$85.67
VAW	E-2D	42	154	38	147	\$8.9	\$18.30	\$18.80	\$19.32	\$19.90	\$85.22
HSC**	MH-60S	27	208	25	187	\$9.47	\$19.46	\$20.00	\$20.56	\$21.17	\$90.66
HSM**	MH-60R	47	323	43	307	\$15.7	\$32.27	\$33.16	\$34.09	\$35.11	\$150.32
VRM***	CMV-22B	13	75	13	75	\$4.03	\$8.29	\$8.52	\$8.76	\$9.02	\$38.62
VUQ	MQ-25	14	120	14	120	\$5.91	\$12.15	\$12.49	12.84	\$13.22	\$56.62
Total		336	2031	311	1942	\$102.41	\$210.50	\$216.33	\$222.34	\$228.98	\$980.56

* Resourcing to 90% of Officer and 95% of Enlisted requirement for existing T/M/S and 100% of requirement for new T/M/S

** Indicates full squadron manpower requirement

*** Reflects entire VRM Det manpower.

Note: Costing data reflects only active duty military and does not include Healthcare or Total Ownership Cost

6. Naval Visibility and Management of Operating and Support Cost (VAMOSOC) for a fully burdened CVW = **\$414M** per year. (OMN Funding = Operations & Maintenance, Navy)
7. Non-Combat Expenditure Allowance (NCEA) for CVW training requirements = **\$110M**. (OMN Funding = Operations & Maintenance, Navy)
 - a. 312,708 quantity rounds
 - b. 3,492 quantity inert training bombs
 - c. 454 quantity live bombs
 - d. 20,378 quantity chaff/flare
 - e. 18 quantity towed decoy
 - f. 664 quantity helo launched rockets/missiles
 - g. 756 quantity smoke canisters
 - h. 1,536 quantity sonobuoys
 - i. 96 quantity Mk-39 EMATT TER (submarine simulator for ASW)

Changes to Existing Law: This proposal would amend section 8062 of title 10, United States Code, as follows:

§ 8062. United States Navy: composition; functions

(a) The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Navy shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

(b) The naval combat forces of the Navy shall include not less than 11 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.

(c) All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation consists of combat and service and training forces, and includes land-based naval aviation, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the Navy, and the entire remainder of the aeronautical organization of the Navy, together with the personnel necessary therefor.

(d) The Navy shall develop aircraft, weapons, tactics, technique, organization, and equipment of naval combat and service elements. Matters of joint concern as to these functions shall be coordinated between the Army, the Air Force, the Coast Guard, the Space Force, and the Navy.

(e) The Secretary of the Navy shall ensure that—

(1) the Navy maintains a minimum of 9 carrier air wings until ~~the earlier of~~
(A) the date on which additional operationally deployable aircraft carriers
can fully support a 10th carrier air wing; or
(B) October 1, 2025;

(2) after the ~~earlier of the two dates referred to in subparagraphs (A) and (B) of~~
date referred to in paragraph (1), the Navy maintains a minimum of 10 carrier air wings;
and

(3) for each such carrier air wing, the Navy maintains a dedicated and fully
staffed headquarters.

(f) A nuclear powered aircraft carrier may not be retired before its first refueling.

1 **SEC. ____ . REPEAL OF REQUIREMENTS TO TRANSITION BALLISTIC MISSILE**
2 **DEFENSE PROGRAMS TO THE MILITARY DEPARTMENTS AND TO**
3 **ESTABLISH A MAJOR FORCE PROGRAM.**

4 (a) REPEAL RELATING TO TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS.—
5 Effective October 1, 2022, section 1676(b) of the National Defense Authorization Act for Fiscal
6 Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note) is repealed.

7 (b) REPEAL RELATING TO MAJOR FORCE PROGRAM.—Section 239a of title 10, United
8 States Code, is amended—

9 (1) by striking subsection (a);

10 (2) by redesignating subsections (b) and (c) as subsections (a) and (b),
11 respectively; and

12 (3) in the section heading, by striking “**major force program and**”

13 (c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such
14 title is amended by striking the item relating to section 239a and inserting the following new
15 item:

“239a. National security space programs: budget assessment.”.

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

Section-by-Section Analysis

Repeal relating to transition of ballistic missile defense programs: Section 1676(b) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (P.L. 115-91; 10 U.S.C. 2431 note) enacted on December 12, 2017, as most recently amended by the National Defense Authorization Act for Fiscal Year 2022 (P.L. 117–81), requires the Secretary of Defense to transfer the acquisition authority and the total obligational authority for certain missile defense programs from the Missile Defense Agency (MDA) to a military department no later than October 1, 2023.

Section 1676(b) also requires the Secretary of Defense to submit a report on the plans of the Department of Defense (DoD) for the transition of the referenced missile defense programs from

MDA to a military department. The submission deadline for the report to the congressional defense committees was not later than one year after the enactment of the NDAA for FY 2018. The report was transmitted to Congress on 3 June 2020. The report concluded with the Secretary's request for support of the repeal proposal.

Section 1676(b) applies to MDA programs that, as of October 1, 2023, have received Milestone C or equivalent approval. While most discussions within the Department and with the Congressional defense committees have been focused on the Terminal High Altitude (THAAD) program, application of the requirement was not limited to a particular Ballistic Missile Defense System (BMDS) program.

This proposal would, if enacted, repeal the section 1676(b) requirements for transfer of acquisition authority and total obligational authority for covered programs and would repeal the reporting requirement. The rationale for repeal:

- Existing Departmental processes include successful cost-sharing arrangements. Before and after a proposed transfer:
 - MDA funds BMDS-unique system sustainment support, multi-domain integration, configuration management, operational feedback for development and modernization, FMS, manufacturing and production, MDS Testing, new mission functional allocation, and BMDS-unique training, logistics, and spares.
 - Services fund manning, institutional training, multi-mission operations and sustainment of common associated support items of equipment, base operations, site or system security forces, CCMD deployment options, and warfighter quality of life.
 - Cost-sharing arrangements based upon this model have been successfully implemented between MDA and the Military Departments and have resulted in sufficient funding across the spectrum of development, test, fielding, and sustainment activities necessary for life-cycle operation of a covered program.
 - The repeal of section 1676(b) will eliminate the requirement to transfer based upon milestone approval and permit each transfer to be proposed and executed within the existing statutory requirements and Departmental guidance and in accordance with these successful cost-sharing arrangements between MDA and Services.
- Statutory requirements and Departmental processes exist and have served well. Guided by 10 U.S.C. § 224 and existing Departmental processes to include the 10 June 2011 DEPSECDEF Memo, Funding Responsibilities for Ballistic Missile Defense System (BMDS) Elements, MDA has successfully transferred PATRIOT Advanced Capability, Phase 3 to the Army in March 2003, COBRA DANE to the Air Force in February 2009, and Upgraded Early Warning Radar (UEWR) BMD capabilities to the Air Force in October 2013. The repeal of section 1676(b) will eliminate the requirement to transfer funding or responsibilities beyond the current arrangements or based upon milestone approval and permit each transfer to be proposed and executed within the existing statutory requirements and Departmental guidance.
- Funding for BMDS programs will be placed at risk. Transfer of a Ballistic Missile Defense program from MDA where funding for the covered program is dedicated to the development, testing, fielding, and sustainment of BMDS programs, to a Military

Department where the covered program must compete service-wide with other service priorities may result in the realignment of BMDS program funding to other Service requirements. Repeal of section 1676(b) will eliminate the requirement to transfer BMDS funding and responsibilities based upon milestone approval and permit each transfer to be proposed and executed based upon detailed transfer agreements between MDA and the Military Department. Prominent among the interests served through the agreed terms will be the protection of funding for BMDS system requirements.

- Enactment of this proposal will result in the Missile Defense Agency retaining the responsibilities for development, integration, procurement, fielding, modernization, and sustainment of BMDS-unique equipment.
- The Secretary of Defense, the Military Departments, and the Missile Defense Agency all recommend that future transfers be executed in accordance with 10 U.S.C. § 224 and the 10 June 2011 DEPSECDEF Memo, Funding Responsibilities for Ballistic Missile Defense System (BMDS) Elements.

More than a decade of BMDS Operations has demonstrated that the system's greatest strength is its integration. The MDA's expertise and experience at integrating a wide array of sensors, communications, and engagement systems is unsurpassed within DoD. Transferring procurement to the Services presents the potential for budgetary impediments to maintaining BMDS interoperability and integrity.

MDA's ability to pursue in-stride spiral and block developments, such as those to Ground Based Interceptors, Command and Control, Battle Management and Communications (C2BMC) and Aegis BMD software, or the SM-3 Blk IB Threat Upgrade interceptor, has resulted in steady increases in capability with essentially no interruptions or adjustment phases for the warfighter. Here again, the MDA believes that transferring BMD program elements to the Services would introduce organizational impediments that would slow the pace of necessary upgrades the warfighter will depend on.

MDA is sensitive to the spirit and intent of the NDAA direction, and believes that efforts should be made, where appropriate, to shift some acquisition authority and obligational authority from MDA to the Services. Specifically, MDA offers this proposed amendment to repeal the inflexible requirement to transfer at a Milestone decision or equivalent and, in place of that inflexible approach, continue to execute in accordance with existing cost-sharing arrangements between MDA and the services and execute transfers in accordance with 10 U.S.C. § 224 and the 10 June 2011 DEPSECDEF Memo, Funding Responsibilities for Ballistic Missile Defense System (BMDS) Elements.

Repeal relating to major force program: This proposal also would repeal section 239a(a) of title 10, United States Code. Section 1676(a) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018, enacted on December 12, 2017, amended title 10 by adding section 239a, Missile defense and defeat programs: major force program and budget assessment.

Section 239a(a) directed the Department of Defense to "establish a unified major force program [(MFP)] for missile defense and defeat".

The repeal of section 239a(a) will eliminate the requirement to designate Missile Defeat and Defense as an MFP and permit each MDD program to be proposed and executed within the existing statutory requirements and Departmental guidance.

In lieu of an MFP designation, the Secretary of Defense shall, as a part of the documentation that supports the President's annual budget for the Department of Defense, develop a consolidated budget justification display that encompasses current missile defense and defeat programs of the Department of Defense and its components and prioritizes missile defense and defeat programs in accordance with the requirements of the Department of Defense and national security. The rationale for repeal:

The Missile Defense Agency (MDA), the military services, and the defense-wide agencies can already provide a complete funding profile of MDD programs and funding, which could provide the following benefits:

- Maintain visibility, clarify prioritization, reduce duplication, and establish ownership of the MDD funding and programs across DOD;
- Properly budget for the MDD programs throughout their lifecycle; and
- Protect funding for MDD programs to prevent diversion to other Service/Agency priorities without DOD leadership approval

These benefits, and the continued identification and financial management of MDD funding resources, provide similar benefits of a Major Force Program.

Consensus of this proposal has been reached across the Secretary of Defense, the Military Departments, and the Missile Defense Agency.

Resource Information: Resources impacted by this proposal are within the MDA appropriations in the FY23 President's Budget request. If this proposal is not enacted, implementation of the requirement will require transfers impacting multiple appropriations.

Changes to Existing Law: This proposal would amend section 1676 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431 note) and section 239a of title 10, United States Code, as follows:

Public Law 115–91:

SEC. 1676. ADMINISTRATION OF MISSILE DEFENSE AND DEFEAT PROGRAMS.

(a) MAJOR FORCE PROGRAM.— [added section 239a to title 10, United States Code]

~~(b) TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.—~~

~~(1) REQUIREMENT.— Not later than October 1, 2023, the Secretary of Defense shall transfer the acquisition authority and the total obligational authority for each missile defense program described in paragraph (2) from the Missile Defense Agency to a military department.~~

~~(2) MISSILE DEFENSE PROGRAM DESCRIBED.— A missile defense program described in this paragraph is a missile defense program of the Missile Defense Agency that, as of the date~~

specified in paragraph (1), has received Milestone C approval (as defined in section 2366 of title 10, United States Code) or equivalent approval.

(3) REPORT.—

(A) IN GENERAL.— Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments pursuant to paragraph (1).

(B) SCOPE.— The report under subparagraph (A) shall cover the period covered by the future-years defense program that is submitted under section 221 of title 10, United States Code, in the year in which such report is submitted.

(C) MATTERS INCLUDED.— The report under subparagraph

(A) shall include the following:

(i) An identification of —

(I) the missile defense programs planned to be transitioned from the Missile Defense Agency to the military departments; and

(II) the missile defense programs, if any, not planned for transition to the military departments.

(ii) The schedule for transition of each missile defense program planned to be transitioned to a military department, and an explanation of such schedule.

(iii) A description of —

(I) the status of the plans of the Missile Defense Agency and the military departments for the transition of missile defense programs from that agency to the military departments; and

(II) the status of any agreement between the Missile Defense Agency and one or more of the military departments on the transition of any such program from that agency to the military departments, including any agreement on the operational test criteria that must be achieved before such transition.

(iv) An identification of the element of the Department of Defense (whether the Missile Defense Agency, a military department, or both) that will be responsible for funding each missile defense program to be transitioned to a military department, and at what date.

(v) A description of the type of funds that will be used (whether funds for research, development, test, and evaluation, procurement, military construction, or operation and maintenance) for each missile defense program to be transitioned to a military department.

(vi) An explanation of the number of systems planned for procurement for each missile defense program to be transitioned to a military department, and the schedule for procurement of each such system.

(vii) A description of how the Missile Defense Agency will continue the responsibility for the research and development of improvements to missile defense programs.

(c) ROLE OF MISSILE DEFENSE AGENCY.—

(1) IN GENERAL.— [added section 205 to title 10, United States Code]

* * * * *

(3) APPLICATION.—

(A) TERMS.—Subsection (a) of section 205 of title 10, United States Code, as added by paragraph (1), shall apply the day following the date on which the present incumbent in the office of the Director of the Missile Defense Agency, as of the date of the enactment of this Act, ceases to serve as such.

(B) REPORTING.—Subsection (b) of such section 205 shall apply beginning on February 1, 2018. In carrying out such subsection, the Missile Defense Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering in the same manner as the Missile Defense Agency was under the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to Department of Defense Directive 5134.09. Any reference in such Instruction to the Under Secretary of Defense for Acquisition, Technology, and Logistics shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering, including with respect to the Under Secretary serving as the chairman of the Missile Defense Executive Board.

Title 10, United States Code:

§239a. Missile defense and defeat programs: ~~major force program and budget assessment~~

~~(a) Establishment of Major Force Program.—The Secretary of Defense shall establish a unified major force program for missile defense and defeat programs pursuant to section 222(b) of this title to prioritize missile defense and defeat programs in accordance with the requirements of the Department of Defense and national security.~~

~~(b)~~ Budget Assessment.—(1) The Secretary shall include with the defense budget materials for each of fiscal years 2019 through 2023 a report on the budget for missile defense and defeat programs of the Department of Defense.

(2) Each report on the budget for missile defense and defeat programs of the Department under paragraph (1) shall include the following:

(A) An overview of the budget, including—

(i) a comparison between that budget, the previous budget, the most recent and prior future-years defense program submitted to Congress under section 221 of this title (such comparison shall exclude the responsibility for research and development of the continuing improvement of such missile defense and defeat program), and the amounts appropriated for such missile defense and defeat programs during the previous fiscal year; and

(ii) the specific identification, as a budgetary line item, for the funding under such programs.

(B) An assessment of the budget, including significant changes, priorities, challenges, and risks.

(C) Any additional matters the Secretary determines appropriate.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

~~(e)~~ Definitions.—In this section:

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

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

(3) The term “missile defense and defeat programs” means active and passive ballistic missile defense programs, cruise missile defense programs for the homeland, and missile defeat programs.

1 **SEC. __. TERMINATION OF THE VETERANS’ ADVISORY BOARD ON DOSE**
2 **RECONSTRUCTION.**

3 Section 601 of the Veterans Benefit Act of 2003 (Public Law 108-183; 38 U.S.C. 1154
4 note) is amended—

5 (1) in subsection (b), by striking “, including the establishment of the advisory
6 board required by subsection (c)”;

7 (2) by striking subsection (c).

[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 terminates the Veterans’ Advisory Board on Dose Reconstruction (VBDR) as this committee has achieved its statutory objectives. The VBDR’s objectives were to provide review and oversight of the Radiation Dose Reconstruction Program and make recommendations on modifications in the mission or procedures of the Radiation Dose Reconstruction Program to the Secretaries of the Departments of Defense and Veterans Affairs. The VBDR was composed of private sector experts and scientists in historical dose reconstruction, radiation health, and risk communication, representatives from the Defense Threat Reduction Agency and the Department of Veterans Affairs, and three veterans, one of whom is a member of an atomic veterans group. This effort was focused on identifying veterans who had served and were exposed to nuclear radiation in the 1950s and 1960s. Since the efforts to identify those exposed has been completed, the advisory body to assist in that effort has completed its assigned mission.

Congress, as identified in the Federal Advisory Committee Act (5 U.S.C., Appendix), finds that “advisory committees should be terminated when they are no longer carrying out the purposes for which they are established.” Current DoD policy is to “continually evaluate advisory committee requirements and, when appropriate, request termination when the advisory committee’s objectives have been accomplished, the advisory committee’s work is made obsolete by the passing of time; [or] another entity has assumed the advisory committee’s functions...”.

From 2003 to 2012, the VBDR submitted 76 recommendations to the Departments of Defense and Veterans Affairs, all of which were fully implemented for an estimated cost savings, for DoD alone, at over \$21 million as well as improved health care for DoD Veterans. A full list of the VBDR recommendations can be found on the VBDR website (<http://www.vbdr.org/>) as all VBDR meetings were open to the public and all meeting minutes were posted for public review and access. Since its last meeting on July 23, 2013, the VBDR has not met and then-Under Secretary of Defense for Acquisition, Technology, and Logistics Kendall and then-Secretary of

Defense Hagel concluded that VBDR had accomplished its mission. The DoD, in consultation with the General Services Administration, made the VRBD administratively inactive on July 14, 2014, pending final termination which requires this statutory language change.

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 would make the following changes to existing law.

Veterans Benefits Act of 2003 (Public Law 108-183, December 16, 2003)

TITLE VI—EXPOSURE TO HAZARDOUS SUBSTANCES

SEC. 601. [38 U.S.C. 1154 note] RADIATION DOSE RECONSTRUCTION PROGRAM OF DEPARTMENT OF DEFENSE.

(a) ***

(b) ON-GOING REVIEW AND OVERSIGHT.—The Secretaries shall jointly take appropriate actions to ensure the on-going independent review and oversight of the Radiation Dose Reconstruction Program, including the establishment of the advisory board required by subsection (c).

~~(c) ADVISORY BOARD.—(1) In taking actions under subsection (b), the Secretaries shall jointly appoint an advisory board to provide review and oversight of the Radiation Dose Reconstruction Program.~~

~~(2) The advisory board under paragraph (1) shall be composed of the following:~~

~~(A) At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program.~~

~~(B) At least one expert in radiation health matters.~~

~~(C) At least one expert in risk communications matters.~~

~~(D) A representative of the Department of Veterans Affairs.~~

~~(E) A representative of the Defense Threat Reduction Agency.~~

~~(F) At least three veterans, including at least one veteran who is a member of an atomic veterans group.~~

~~(3) The advisory board under paragraph (1) shall—~~

~~(A) conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction Program and of decisions by the Department of Veterans Affairs on claims for service connection of radiogenic diseases;~~

~~(B) assist the Department of Veterans Affairs and the Defense Threat Reduction Agency in communicating to veterans information on the mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program; and~~

~~(C) carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretaries shall jointly specify.~~

~~(4) The advisory board under paragraph (1) may make such recommendations on modifications in the mission or procedures of the Radiation Dose Reconstruction Program as the advisory board considers appropriate as a result of the audits conducted under paragraph (3)(A).~~