

1 **SEC. ____ . PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE**
2 **AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.**

3 Section 9016(b)(6) of title 10, United States Code, is amended—

4 (1) by redesignating subparagraph (B) as subparagraph (C); and

5 (2) by inserting after subparagraph (A) the following new subparagraph (B):

6 “(B) The Assistant Secretary of the Air Force for Space Acquisition and Integration shall
7 have a Principal Military Deputy, who shall be an officer of the Space Force on active duty. The
8 Principal Military Deputy shall be appointed from among officers who have significant
9 experience in the areas of acquisition and program management. The position of Principal
10 Military Deputy for Space Acquisition and Integration shall be designated as a critical
11 acquisition position under section 1731 of this title. In the event of a vacancy in the position of
12 Assistant Secretary of the Air Force for Space Acquisition and Integration, the Principal Military
13 Deputy may serve as Acting Assistant Secretary for Space Acquisition and Integration for a
14 period of not more than one year.”.

**[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 9016 of title 10, United States Code, to add a subparagraph that describes the role of the Principal Military Deputy to the Assistant Secretary of the Air Force for Space Acquisition and Integration (ASAF (SA&I)). Section 9016, which describes the roles of the five Assistant Secretaries of the Air Force, does not presently include language to describe the role of the Principal Military Deputy to the ASAF (SA&I). This is inconsistent with language at section 9016(b)(4)(B) describing the role of the Principal Military Deputy to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics (ASAF (AT&L)). Adding language to section 9016 to describe the role of the ASAF (SA&I) Principal Military Deputy will ensure continuity of leadership and decision-making in the event of a vacancy at the ASAF (SA&I) position.

Resource Information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2024 President's Budget request.

Changes to Existing Law: This proposal would amend section 9016 of title 10, United States Code, as follows:

§ 9016. Assistant Secretaries of the Air Force

(a) There are five Assistant Secretaries of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.

(3)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Financial Management.

(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(C) The principal responsibility of the Assistant Secretary shall be the exercise of the comptroller functions of the Department of the Air Force, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.

(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Air Force.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be an officer of the Air Force on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1731 of this title. In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.

(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Air Force.

(6)(A) One of the Assistant Secretaries is the Assistant Secretary of the Air Force for Space Acquisition and Integration.

(B) The Assistant Secretary of the Air Force for Space Acquisition and Integration shall have a Principal Military Deputy, who shall be an officer of the Space Force on active duty. The

Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy for Space Acquisition and Integration shall be designated as a critical acquisition position under section 1731 of this title. In the event of a vacancy in the position of Assistant Secretary of the Air Force for Space Acquisition and Integration, the Principal Military Deputy may serve as Acting Assistant Secretary for Space Acquisition and Integration for a period of not more than one year.

(BC) Subject to the authority, direction, and control of the Secretary of the Air Force, the Assistant Secretary shall do as follows:

(i) Be responsible for and oversee all architecture and integration with respect to the acquisition of the space systems and programs of the armed forces, including in support of the Chief of Space Operations under section 9082 of this title.

(ii) Act as the chair of the Space Acquisition Council under section 9021 of this title.

(iii) Advise the service acquisition executive of the Air Force with responsibility for space systems and programs (including for all major defense acquisition programs under chapter 144 1 of this title for space) on the acquisition of such systems and programs by the Air Force.

(iv) Oversee and direct each of the following:

(I) The Space Rapid Capabilities Office under section 2273a of this title.

(II) The Space and Missile Systems Center.

(III) The Space Development Agency with respect to acquisition decisions.

(v) Advise and synchronize acquisition projects for all space systems and programs of the Air Force, including projects for space systems and programs responsibility for which is transferred to the Assistant Secretary pursuant to section 956(b)(3) of the United States Space Force Act.

(vi) Effective as of the date specified in section 957(d) of such Act, and in accordance with such section 957, serve as the Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs and discharge any senior procurement executive duties and authorities assigned by the Secretary of the Air Force pursuant to section 9014(c)(6) of this title.

1 “(a) APPOINTMENT.—There is a Vice Chief of Space Operations, appointed by the
2 President, by and with the advice and consent of the Senate, from the general officers of the
3 Space Force.

4 “(b) GRADE.—The Vice Chief of Space Operations, while so serving, has the grade of
5 general without vacating the permanent grade of the officer.

6 “(c) DUTIES.—The Vice Chief of Space Operations has such authorities and duties with
7 respect to the Space Force as the Chief of Space Operations, with the approval of the Secretary
8 of the Air Force, may delegate to or prescribe for the Vice Chief of Space Operations. Orders
9 issued by the Vice Chief of Space Operations in performing such duties have the same effect as
10 those issued by the Chief of Space Operations.

11 “(d) VACANCY IN OFFICE OF CHIEF OF SPACE OPERATIONS.—When there is a vacancy in
12 the office of Chief of Space Operations or during the absence or disability of the Chief of Space
13 Operations—

14 “(1) the Vice Chief of Space Operations shall perform the duties of the Chief of
15 Space Operations until a successor is appointed or the absence or disability ceases; or

16 “(2) if there is a vacancy in the office of the Vice Chief of Space Operations or
17 the Vice Chief of Space Operations is absent or disabled, unless the President directs
18 otherwise, the most senior officer of the Space Force in the Space Staff who is not absent
19 or disabled and who is not restricted in performance of duty shall perform the duties of
20 the Chief of Space Operations until a successor to the Chief of Space Operations or the
21 Vice Chief of Space Operations is appointed or until the absence or disability of the Chief
22 of Space Operations or Vice Chief of Space Operations ceases, whichever occurs first.”.

1 **SEC. 933. EXTENSION OF AUTHORITY TO VARY NUMBER OF SPACE FORCE**

2 **OFFICERS CONSIDERED FOR PROMOTION TO MAJOR GENERAL.**

3 Subsection (b) of section 503 of the National Defense Authorization Act for Fiscal Year
4 2022 (Public Law 117–81; 135 Stat. 1680) is amended by striking “shall terminate on December
5 31, 2022” and inserting “shall terminate on December 31, 2024”.

6 **SEC. 934. EXTENSION OF ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS**

7 **WHO TRANSFER TO THE SPACE FORCE.**

8 Subsection (d)(1) of section 606 of the William M. (Mac) Thornberry National Defense
9 Authorization Act for Fiscal Year 2021 (Public Law 116–283; 37 U.S.C. 416 note) is amended
10 by striking “ending on September 30, 2023” and inserting “ending on September 30, 2025”.

11 **SEC. 935. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT SPACE**

12 **FORCE SCHOOLS.**

13 (a) IN GENERAL.—Section 9371 of title 10, United States Code, is amended—

14 (1) in subsection (a), by inserting “or of the Space Delta 13” after “Air
15 University”; and

16 (2) in subsection (c), in paragraphs (1) and (2), by inserting “or of the Space Delta
17 13” after “Air University”.

18 (b) HEADING.—The heading of such section 9371 is amended to read as follows:

19 **“§9371. Air University and Space Delta 13: civilian faculty members”.**

20 **SEC. 936. TECHNICAL AND CONFORMING AMENDMENTS.**

21 (a) APPOINTMENT OF CHAIRMAN; GRADE AND RANK.—Section 152(c) of title 10, United
22 States Code, is amended—

23 (1) by striking “general, in the case” and inserting “general or, in the case”; and

1 (2) by striking “or, in the case of an officer of the Space Force, the equivalent
2 grade,”.

3 (b) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(c)(1)(F) of such title is
4 amended by striking “in the grade equivalent to the grade of general in the Army, Air Force, or
5 Marine Corps, or admiral in the Navy” and inserting “in the grade of general”.

6 (c) ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Section 531(a) of such title
7 is amended—

8 (1) in paragraph (1), by striking “and Regular Marine Corps in the grades of
9 ensign, lieutenant (junior grade), and lieutenant in the Regular Navy, and in the
10 equivalent grades in the Regular Space Force” and inserting “Regular Marine Corps, and
11 Regular Space Force, and in the grades of ensign, lieutenant (junior grade), and lieutenant
12 in the Regular Navy”; and

13 (2) in paragraph (2), by striking “and Regular Marine Corps in the grades of
14 lieutenant commander, commander, and captain in the Regular Navy, and in the
15 equivalent grades in the Regular Space Force” and inserting “Regular Marine Corps, and
16 Regular Space Force, and in the grades of lieutenant commander, commander, and
17 captain in the Regular Navy”.

18 (d) SERVICE CREDIT UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.—
19 Section 533(b)(2) of such title is amended—

20 (1) by striking “, or an equivalent grade in the Space Force”; and

21 (2) by striking “, or Marine Corps” and inserting “Marine Corps, or Space Force
22 or”.

1 (e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 601(e) of such title is
2 amended—

3 (1) by striking “or Marine Corps” and inserting “Marine Corps, or Space Force,
4 or”; and

5 (2) by striking “or the commensurate grades in the Space Force,”.

6 (f) CONVENING OF SELECTION BOARDS.—Section 611(a) of such title is amended by
7 striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

8 (g) INFORMATION FURNISHED TO SELECTION BOARDS.—Section 615(a)(3) of such title is
9 amended—

10 (1) in subparagraph (B)(i), by striking “, in the case of the Navy, lieutenant, or in
11 the case of the Space Force, the equivalent grade” and inserting “or, in the case of the
12 Navy, lieutenant”; and

13 (2) in subparagraph (D), by striking “in the case of the Navy, rear admiral, or, in
14 the case of the Space Force, the equivalent grade” and inserting “or, in the case of the
15 Navy, rear admiral”.

16 (h) SPECIAL SELECTION REVIEW BOARDS.—Section 628a(a)(1)(A) of such title is
17 amended by striking “, rear admiral in the Navy, or an equivalent grade in the Space Force” and
18 inserting “or rear admiral in the Navy”.

19 (i) RANK: COMMISSIONED OFFICERS OF THE ARMED FORCES.—Section 741(a) of such title
20 is amended in the table by striking “and Marine Corps” and inserting “Marine Corps, and Space
21 Force”.

22 (j) REGULAR COMMISSIONED OFFICERS.—Section 1370 of such title is amended—

1 (1) in subsection (a)(2), by striking “rear admiral in the Navy, or the equivalent
2 grade in the Space Force” each place it appears and inserting “or rear admiral in the
3 Navy”;

4 (2) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subparagraph (A), by striking “or
7 Marine Corps, lieutenant in the Navy, or the equivalent grade in the Space
8 Force” and inserting “Marine Corps, or Space Force, or lieutenant in the
9 Navy”; and

10 (ii) in subparagraph (B), by striking “or Marine Corps, rear admiral
11 in the Navy, or an equivalent grade in the Space Force” and inserting
12 “Marine Corps, or Space Force, or rear admiral in the Navy”;

13 (B) in paragraph (4), by striking “or Marine Corps, captain in the Navy, or
14 the equivalent grade in the Space Force” and inserting “Marine Corps, or Space
15 Force, or captain in the Navy”;

16 (C) in paragraph (5)—

17 (i) in subparagraph (A), by striking “or Marine Corps, lieutenant
18 commander in the Navy, or the equivalent grade in the Space Force” and
19 inserting “Marine Corps, or Space Force, or lieutenant commander in the
20 Navy”;

21 (ii) in subparagraph (B), by striking “or Marine Corps, commander
22 or captain in the Navy, or an equivalent grade in the Space Force” and

1 inserting “Marine Corps, or Space Force, or commander or captain in the
2 Navy”; and

3 (iii) in subparagraph (C), by striking “or Marine Corps, rear
4 admiral (lower half) or rear admiral in the Navy” and inserting “Marine
5 Corps, or Space Corps, or rear admiral (lower half) or rear admiral in the
6 Navy”; and

7 (D) in paragraph (6), by striking “, or an equivalent grade in the Space
8 Force,”;

9 (3) in subsection (c)(1), by striking “or Marine Corps, vice admiral or admiral in
10 the Navy, or an equivalent grade in the Space Force” and inserting “Marine Corps, or
11 Space Force, or vice admiral or admiral in the Navy”;

12 (4) in subsection (d)—

13 (A) in paragraph (1), by striking “or Marine Corps, rear admiral in the
14 Navy, or an equivalent grade in the Space Force” and inserting “Marine Corps, or
15 Space Force, or rear admiral in the Navy”; and

16 (B) in paragraph (3), by striking “or Marine Corps, captain in the Navy, or
17 the equivalent grade in the Space Force” and inserting “Marine Corps, or Space
18 Force, or captain in the Navy”;

19 (5) in subsection (e)(2), by striking “or Marine Corps, vice admiral or admiral in
20 the Navy, or an equivalent grade in the Space Force” and inserting “Marine Corps, or
21 Space Force, or vice admiral or admiral in the Navy”;

22 (6) in subsection (f)—

23 (A) in paragraph (3)—

1 (i) in subparagraph (A), by striking “or Marine Corps, rear admiral
2 in the Navy, or the equivalent grade in the Space Force” and inserting
3 “Marine Corps, or Space Force, or rear admiral in the Navy”; and

4 (ii) in subparagraph (B), by striking “or Marine Corps, vice
5 admiral or admiral in the Navy, or an equivalent grade in the Space Force”
6 and inserting “Marine Corps, or Space Force, or vice admiral or admiral in
7 the Navy”; and

8 (B) in paragraph (6)—

9 (i) in subparagraph (A), by striking “or Marine Corps, rear admiral
10 in the Navy, or the equivalent grade in the Space Force” and inserting “,
11 Marine Corps, or Space Force, or rear admiral in the Navy”; and

12 (ii) in subparagraph (B), by striking “or Marine Corps, vice
13 admiral or admiral in the Navy, or an equivalent grade in the Space Force”
14 and inserting “Marine Corps, or Space Force, or vice admiral or admiral in
15 the Navy”; and

16 (7) in subsection (g), by striking “or Marine Corps, rear admiral in the Navy, or an
17 equivalent grade in the Space Force” and inserting “Marine Corps, or Space Force, or
18 rear admiral in the Navy”.

19 (k) OFFICERS ENTITLED TO RETIRED PAY FOR NON-REGULAR SERVICE.—Section 1370a of
20 such title is amended—

21 (1) in subsection (d)(1), by striking “or Marine Corps” each place it appears and
22 inserting “Marine Corps, or Space Force”; and

1 (2) in subsection (h), by striking “or Marine Corps” and inserting “Marine Corps,
2 or Space Force”.

3 (l) RETIRED BASE PAY.—Section 1406(i)(3)(B)(v) of such title is amended by striking
4 “The senior enlisted advisor of the Space Force” and inserting “Chief Master Sergeant of the
5 Space Force”.

6 (m) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section
7 2107 of such title is amended—

8 (1) in subsection (a)—

9 (A) by striking “, as a” and inserting “or as a”; and

10 (B) by striking “or Marine Corps, or as an officer in the equivalent grade
11 in the Space Force” and inserting “Marine Corps, or Space Force”; and

12 (2) in subsection (d), by striking “lieutenant, ensign, or an equivalent grade in the
13 Space Force,” and inserting “lieutenant or ensign,”

14 (n) DESIGNATION OF SPACE SYSTEMS COMMAND AS A FIELD COMMAND OF THE UNITED
15 STATES SPACE FORCE—Section 9016(b)(6)(B)(iv)(II) of title 10, United States Code, is amended
16 by striking “Space and Missile Systems Center” and inserting “Space Systems Command”.

17 (o) CHIEF OF SPACE OPERATIONS.—Section 9082 of such title is amended—

18 (1) in subsection (a), by striking “, flag, or equivalent” each place it appears; and

19 (2) in subsection (b), by striking “grade in the Space Force equivalent to the grade
20 of general in the Army, Air Force, and Marine Corps, or admiral in the Navy” and
21 inserting “grade of general”.

22 (p) DISTINGUISHED FLYING CROSS.—Section 9279(a) of such title is amended—

23 (1) by adding “or Space Force” after “Air Force”; and

1 (2) by adding “or space” after “aerial”.

2 (q) AIRMAN’S MEDAL.—Section 9280(a)(1) of such title is amended by adding “or Space
3 Force” after “Air Force”.

4 (r) RETIRED GRADE OF COMMISSIONED OFFICERS.—Section 9341 of such title is
5 amended—

6 (1) in subsection (a)(2), by striking “or the Space Force”; and

7 (2) in subsection (b), by striking “or Reserve”.

8 (s) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY: ADMINISTRATION.—Section
9 9414b(a)(2)(B) of such title is amended by striking “or the equivalent grade in the Space Force”.

10 (t) AIR FORCE ACADEMY PERMANENT PROFESSORS; DIRECTOR OF ADMISSIONS.—Section
11 9436 of such title is amended—

12 (1) in subsection (a)—

13 (A) in the first sentence, by striking “in the Air Force or the equivalent
14 grade in the Space Force”;

15 (B) in the second sentence—

16 (i) by inserting “or Regular Space Force” after “Regular Air
17 Force”; and

18 (ii) by striking “and a permanent professor appointed from the
19 Regular Space Force has the grade equivalent to the grade of colonel in
20 the Regular Air Force”; and

21 (C) in the third sentence, by striking “in the Air Force or the equivalent
22 grade in the Space Force”; and

23 (2) in subsection (b)—

1 (A) in the first sentence, by striking “in the Air Force or the equivalent
2 grade in the Space Force” each place it appears; and

3 (B) in the second sentence—

4 (i) by inserting “or Regular Space Force” after “Regular Air
5 Force”; and

6 (ii) by striking “and a permanent professor appointed from the
7 Regular Space Force has the grade equivalent to the grade of colonel in
8 the Regular Air Force”.

9 (u) CADETS: DEGREE AND COMMISSION ON GRADUATION.—Section 9453(b) of such title
10 is amended by striking “in the equivalent grade in”.

11 (v) BASIC PAY RATES FOR ENLISTED MEMBERS.—Footnote 2 of the table titled
12 “ENLISTED MEMBERS” in section 601(c) of the John Warner National Defense Authorization
13 Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by striking
14 “the senior enlisted advisor of the Space Force” and inserting “Chief Master Sergeant of the
15 Space Force”.

16 (w) PAY OF SENIOR ENLISTED MEMBERS.—Section 210(c)(5) of title 37, United States
17 Code, is amended by striking “The senior enlisted advisor of the Space Force” and inserting
18 “The Chief Master Sergeant of the Space Force”.

19 (x) PERSONAL MONEY ALLOWANCE.—Section 414(b) of title 37, United States Code, is
20 amended by striking “the senior enlisted advisor of the Space Force” and inserting “the Chief
21 Master Sergeant of the Space Force”.

**[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

SEC. 931. EXTENSION OF ADDITIONAL AUTHORITY TO VARY SPACE FORCE END STRENGTH.

This section would extend the authority provided to the Secretary of the Air Force in the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–362) (FY2023 NDAA), after making a determination that a change in end strength would enhance manning and readiness in essential units or in critical specialties in the Space Force, to vary the Congressionally authorized end strength of the Space Force by increasing up to five percent, and decreasing up to ten percent. This section would extend the authority through fiscal year 2025.

SEC. 932. VICE CHIEF OF SPACE OPERATIONS.

This section would codify the Vice Chief of Space Operations in title 10 as a 4-star officer appointed from the Space Force. The position would have statutory duties equivalent to the other Military Service Vice Chiefs.

SEC. 933. EXTENSION OF AUTHORITY TO VARY NUMBER OF SPACE FORCE OFFICERS CONSIDERED FOR PROMOTION TO MAJOR GENERAL.

This section extends, through calendar year 2024, the authority provided by section 503 of the FY2022 NDAA. Section 503 limits the number of Space Force officers that may be recommended by a selection board for promotion to Major General to 95 percent of “the total number of brigadier generals eligible for consideration by the board” rather than 95 percent of “the number of officers included in the promotion zone,” which is the limitation established in section 616(d) of title 10, United States Code. This authority to vary the number of officers considered by the selection board is necessary to ensure that the Space Force is able to promote the necessary number of Major Generals.

In previous years this has been a particular concern. In calendar year 2020 the Department of the Air Force was not able to promote the number of General Officers needed to fill emerging requirements for the stand-up of the United States Space Force. Specifically, for the major general board, two officers were eligible in the newly established Space Force competitive category and there was a requirement to promote two officers. This was not permitted in accordance with section 616(d) of title 10. Therefore, the Department delayed the promotion board to increase the number of eligible officers to three, thus being able to select two on the promotion board. Delaying the board also delayed the confirmation of the officers selected and thus delayed critical fills for service and joint positions.

Including all Brigadier Generals “eligible for consideration” expands the size of the pool from which no more than 95 percent of the officers may be recommended for promotion by the board and will permit the Space Force to promote the necessary number of officers to Major General.

SEC. 934. EXTENSION OF ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS WHO TRANSFER TO THE SPACE FORCE.

Section 606 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) (FY2021 NDAA) created a one-time uniform allowance for officers transferring into the Space Force through September 30, 2022. This was extended to September 30, 2023, by section 616 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263). In the practical execution of transferring officers to the Space Force, the initial wave of transfers will continue through the end of FY2024. In order to avoid an equity issue between officers, solely based on the timing of their transfer, the Department of the Air Force needs to extend the expiration of the one-time uniform allowance through September 30, 2025. This section would accomplish that need.

SEC. 935. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT SPACE FORCE SCHOOLS.

The United States Space Force requires unique Professional Military and Professional Continuing Education (PME/PCE) schools (Space Delta 13) to ensure the rigorous professional development of its Guardians throughout their careers and to fulfill its mandated roll to organize, train, and equip bold leaders capable of preserving freedom of action, enabling Joint lethality and effectiveness, with the ability to provide independent options to senior leaders. PME schools will include basic, intermediate, and senior developmental education for officer, enlisted and civilian Guardians. PCE schools will include educational opportunities along a Guardian’s career that enhance the knowledge, skills, and attributes necessary for them to maintain and enhance military advantage in space. To ensure the highest level of education for PME and PCE students, the Space Force requires flexibility in hiring faculty at the Space Delta 13.

Such faculty members must have the requisite specialized education and academic experience equivalent to our national civilian colleges and universities. Due to its structure, the flexibility to hire select faculty talent is not always readily accessible via the traditional hiring process under title 5, United States Code, which does not normally provide faculty members of this caliber in a timely manner. The Space Force requires the same title 10 faculty hiring flexibility provided to other armed service academic institutions within the PME/PCE system.

This section of this proposal would amend section 9371 of title 10, United States Code, to grant the Secretary of the Air Force the authority to hire and appropriately compensate the best qualified faculty for Space Delta 13. These critical faculty will better support the Space Force in providing the best prepared forces to Combatant Commanders as required. Without this authority, the Space Force will be unable to hire the caliber of faculty required to properly educate its Guardians and to meet its obligations as a force provider.

Approval of this proposal will not amend any authorities of the Air University. Manpower authorizations for this proposal are those already approved and assigned to the Space Delta 13 Unit Manpower Document through previously authorized Space Training and Readiness Command FIELDCOM, and the Space Delta 13, which activated on 23 Aug 2021.

The Space Delta 13 requires appropriate subject matter experts in the space enterprise today in order to begin development of an independent PME.

The Space Force intends to follow the Department of the Air Force’s use of pay caps based on locality, which does allow for EX-III based on specific locations.

SEC. 936. TECHNICAL AND CONFORMING AMENDMENTS.

This section would make technical and conforming amendments to various provisions of existing law to incorporate Space Force officer grade names, “Chief Master Sergeant of the Space Force” vice “senior enlisted advisor of the Space Force,” add “Space Force” to a military personnel authority revision in the FY2021 NDAA that inadvertently left out the Space Force, make technical corrections to military decoration and awards provisions to make Space Force members eligible for the Distinguished Flying Cross and Airman’s Medal, and update the designation of the Space and Missile Systems Center to Space Systems Command.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget request that are impacted by this proposal. The section of this proposal addressing civilian faculty will not increase the overall budget requirements of the Department of Defense; Space Delta 13 will utilize already programmed resources and will not exceed existing salary levels to hire the appropriate mix of highly qualified faculty to fulfill specific educational requirements.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Officer Clothing Allowance	.012	.004	0	0	0	Operation and Maintenance, Space Force	01		
Total	.012	.004	0	0	0				

Changes to Existing Law: This proposal adds a new section 9083 to title 10, United States Code, as set forth in the legislative text above, and make changes to existing law as follows:

TITLE 10, UNITED STATES CODE

§ 152. Chairman: appointment; grade and rank

(a) APPOINTMENT; TERM OF OFFICE.—(1) There is a Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman serves at the pleasure of the President for a term of four years, beginning on October 1 of an odd-numbered year. The limitation does not apply in time of war.

* * * * *

(c) GRADE AND RANK.—The Chairman, while so serving, holds the grade of general, or in the case of the Navy, admiral, or, in the case of an officer of the Space Force, the equivalent grade, and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

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§ 181. Joint Requirements Oversight Council

(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

* * * * *

(c) COMPOSITION.—

(1) IN GENERAL.—The Joint Requirements Oversight Council is composed of the following:

(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs of Staff for making recommendations about joint military capabilities or joint performance requirements.

(B) An Army officer in the grade of general.

(C) A Navy officer in the grade of admiral.

(D) An Air Force officer in the grade of general.

(E) A Marine Corps officer in the grade of general.

(F) A Space Force officer in the grade of general. ~~in the grade equivalent to the grade of general in the Army, Air Force, or Marine Corps, or admiral in the Navy.~~

(2) SELECTION OF MEMBERS.—Members of the Council under subparagraphs (B), (C), (D), and (E) of paragraph (1) shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for selection by the Secretary of the military department concerned.

(3) RECOMMENDATIONS.—In making any recommendation to the Chairman of the Joint Chiefs of Staff as described in paragraph (1)(A), the Vice Chairman of the Joint Chiefs of Staff shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

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§ 531. Original appointments of commissioned officers

(a)(1) Original appointments in the grades of second lieutenant, first lieutenant, and captain in the Regular Army, Regular Air Force, Regular Marine Corps, and Regular Space Force, and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy ~~and Regular Marine Corps in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy~~, and in the equivalent grades in the Regular Space Force shall be made by the President alone.

(2) Original appointments in the grades of major, lieutenant colonel, and colonel in the Regular Army, Regular Air Force, Regular Marine Corps, and Regular Space Force, and in the grades of lieutenant commander, commander, and captain in the Regular Navy and Regular Marine Corps ~~in the grades of lieutenant commander, commander, and captain in the Regular Navy~~, and in the equivalent grades in the Regular Space Force shall be made by the President, by and with the advice and consent of the Senate.

* * * * *

§ 533. Service credit upon original appointment as a commissioned officer

(a)(1) For the purpose of determining the grade and rank within grade of a person receiving an original appointment in a commissioned grade (other than a warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Space Force such person shall be credited at the time of such appointment with any active commissioned service (other than service as a commissioned warrant officer) that he performed in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service before such appointment.

* * * * *

(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall credit a person who is receiving an original appointment in a commissioned grade (other than a commissioned warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Space Force and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed, designated, or assigned in officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. In determining the number of years of constructive service to be credited under this clause to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of advanced education required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the armed forces.

(D) Additional credit as follows:

(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned

(E) Additional credit for experience as a physician or dentist, if appointed as a medical or dental officer in the Army or Navy or, in the case of the Air Force, with a view to designation as a medical or dental officer.

(2) The amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of colonel in the Army, Air Force, Marine Corps, or Space Force ~~or Marine Corps~~ or captain in the Navy, ~~or an equivalent grade in the Space Force.~~

(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

* * * * *

§ 601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals

(a) The President may designate positions of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral. The President may assign to any such position an officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty in any grade above colonel or, in the case of an officer of the Navy, any grade above captain. An officer assigned to any such position has the grade specified for that position if he is appointed to that grade by the President, by and with the advice and consent of the Senate. Except as provided in subsection (b), the appointment of an officer to a grade under this section for service in a position of importance and responsibility ends on the date of the termination of the assignment of the officer to that position.

* * * * *

(e) Prior to making a recommendation to the Secretary of Defense for the nomination of an officer for appointment to a position of importance and responsibility under this section, which appointment would result in the initial appointment of the officer concerned in the grade of lieutenant general or general in the Army, Air Force, ~~or Marine Corps~~, or Space Force, vice

admiral or admiral in the Navy, ~~or the commensurate grades in the Space Force,~~ the Secretary concerned shall consider all officers determined to be among the best qualified for such position.

* * * * *

§ 611. Convening of selection boards

(a) Whenever the needs of the service require, the Secretary of the military department concerned shall convene selection boards to recommend for promotion to the next higher permanent grade, under subchapter II of this chapter, officers on the active-duty list in each permanent grade from first lieutenant through brigadier general in the Army, Air Force, Marine Corps, or Space Force ~~or Marine Corps~~ and from lieutenant (junior grade) through rear admiral (lower half) in the Navy. The preceding sentence does not require the convening of a selection board in the case of officers in the permanent grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) when the Secretary concerned recommends for promotion to the next higher grade under section 624(a)(3) of this title all such officers whom the Secretary finds to be fully qualified for promotion.

* * * * *

§ 615. Information furnished to selection boards

(a)(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 611(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the selection board.

(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 614(b) of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1), is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

(3)(A) In the case of an eligible officer considered for promotion to a grade specified in subparagraph (B), any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

(B) A grade specified in this subparagraph is as follows:

(i) In the case of a regular officer, a grade above captain or, in the case of the Navy, lieutenant, ~~in the case of the Navy, lieutenant, or in the case of the Space Force, the equivalent grade.~~

(ii) In the case of a reserve officer, a grade above lieutenant colonel or, in the case of the Navy, commander.

(C) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selection board, and to each individual member of the board, the information described in that subparagraph with regard to an officer in a grade specified in subparagraph (B) at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.

(D) With respect to the consideration of an officer for promotion to a grade at or below major general, or, in the case of the Navy, rear admiral ~~in the case of the Navy, rear admiral, or, in the case of the Space Force, the equivalent grade,~~ the requirements in subparagraphs (A) and (C) may be met through the convening and actions of a special selection review board with respect to the officer under section 628a of this title.

* * * * *

§ 628a. Special selection review boards

(a) IN GENERAL.—(1)(A) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general, or rear admiral in the Navy ~~rear admiral in the Navy, or an equivalent grade in the Space Force~~ is the subject of credible information of an adverse nature, including any substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

(B) Nothing in this section shall be construed to prevent a Secretary concerned from deferring consideration of adverse information concerning an officer subject to this section until the next regularly scheduled promotion board applicable to such officer, in lieu of furnishing such adverse information to a special selection review board under this section.

(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 624(a) of this title.

* * * * *

§ 741. Rank: commissioned officers of the armed forces

(a) Among the grades listed below, the grades of general and admiral are equivalent and are senior to other grades and the grades of second lieutenant and ensign are equivalent and are junior to other grades. Intermediate grades rank in the order listed as follows:

<i>Army, Air Force, and Marine Corps <u>Marine Corps, and Space Force</u></i>	<i>Navy and Coast Guard</i>
General	Admiral.
Lieutenant general	Vice admiral.
Major general	Rear admiral.
Brigadier general	Rear admiral (lower half).
Colonel	Captain.
Lieutenant colonel	Commander.
Major	Lieutenant commander.
Captain	Lieutenant.
First lieutenant	Lieutenant (junior grade).
Second lieutenant	Ensign.

* * * * *

§ 1370. Regular commissioned officers

(a) RETIREMENT IN HIGHEST GRADE IN WHICH SERVED SATISFACTORILY.—

(1) IN GENERAL.—Unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, Marine Corps, or Space Force who retires under any provision of law other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily.

(2) DETERMINATION OF SATISFACTORY SERVICE.—The determination of satisfactory service of an officer in a grade under paragraph (1) shall be made as follows:

(A) By the Secretary of the military department concerned, if the officer is serving in a grade at or below the grade of major general, or rear admiral in the Navy rear admiral in the Navy, or the equivalent grade in the Space Force.

(B) By the Secretary of Defense, if the officer is serving or has served in a grade above the grade of major general, or rear admiral in the Navy rear admiral in the Navy, or the equivalent grade in the Space Force.

* * * * *

(b) RETIREMENT OF OFFICERS RETIRING VOLUNTARILY.—

(1) SERVICE-IN-GRADE REQUIREMENT.—In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or lieutenant in the Navy ~~or the equivalent grade in the Space Force,~~ a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force must have served on active duty in that grade for a period of not less than three years, except that—

(A) subject to subsection (c), the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and

(B) in the case of an officer to be retired in a grade at or below the grade of major general in the Army, Air Force, Marine Corps, or Space Force, or rear admiral in the Navy ~~or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force,~~ the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

(2) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense in subparagraph (A) of paragraph (1) may not be delegated. The authority of the Secretary of a military department in subparagraph (B) of paragraph (1), as delegated to such Secretary pursuant to such subparagraph, may not be further delegated.

(3) WAIVER OF REQUIREMENT.—Subject to subsection (c), the President may waive the application of the service-in-grade requirement in paragraph (1) to officers covered by that paragraph in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under this paragraph may not be delegated.

(4) LIMITATION ON REDUCTION OR WAIVER OF REQUIREMENT FOR OFFICERS UNDER INVESTIGATION OR PENDING MISCONDUCT.—In the case of an officer to be retired in a grade above the grade of colonel in the Army, Air Force, Marine Corps, or Space Force, or captain in the Navy ~~or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force,~~ the service-in-grade requirement in paragraph (1) may not be reduced pursuant to that paragraph, or waived pursuant to paragraph (3), while the officer is under investigation for alleged misconduct or while there is pending the disposition of an adverse personnel action against the officer.

(5) GRADE AND FISCAL YEAR LIMITATIONS ON REDUCTION OR WAIVER OF REQUIREMENTS.—The aggregate number of members of an armed force in a grade for whom reductions are made under paragraph (1), and waivers are made under paragraph (3), in a fiscal year may not exceed—

(A) in the case of officers to be retired in a grade at or below the grade of major in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or lieutenant commander in the Navy, ~~or the equivalent grade in the Space Force,~~ the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade;

(B) in the case of officers to be retired in the grade of lieutenant colonel or colonel in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or commander or captain in the Navy, ~~or an equivalent grade in the Space Force,~~ the number

equal to four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade; or

(C) in the case of officers to be retired in the grade of brigadier general or major general in the Army, Air Force, ~~or Marine Corps~~, or Space Force, or rear admiral (lower half) or rear admiral in the Navy ~~or an equivalent grade in the Space Force~~, the number equal to 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade.

(6) NOTICE TO CONGRESS ON REDUCTION OR WAIVER OF REQUIREMENTS FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In the case of an officer to be retired in a grade that is a general or flag officer grade, ~~or an equivalent grade in the Space Force~~, who is eligible to retire in that grade only by reason of an exercise of the authority in paragraph (1) to reduce the service-in-grade requirement in that paragraph, or the authority in paragraph (3) to waive that requirement, the Secretary of Defense or the President, as applicable, shall, not later than 60 days prior to the date on which the officer will be retired in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of the applicable authority with respect to that officer.

(7) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING REQUIREMENT.—An officer described in paragraph (1) whose length of service in the highest grade held by the officer while on active duty does not meet the period of the service-in-grade requirement applicable to the officer under this subsection shall, subject to subsection (c), be retired in the next lower grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the military department concerned or the Secretary of Defense, as applicable.

(c) OFFICERS IN O-9 AND O-10 GRADES.—

(1) IN GENERAL.—An officer of the Army, Navy, Air Force, Marine Corps, or Space Force who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, ~~or Marine Corps~~, or Space Force, or vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force~~ under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served on active duty satisfactorily in such grade.

* * * * *

(d) CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS PENDING INVESTIGATION OR ADVERSE ACTION.—

(1) IN GENERAL.—When an officer serving in a grade at or below the grade of major general in the Army, Air Force, ~~or Marine Corps~~, or Space Force, or rear admiral in the Navy, ~~or an equivalent grade in the Space Force~~ is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of the military department concerned may—

(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer pending completion of the investigation or resolution of the personnel action, as applicable; and

(B) retire the officer in that conditional grade, subject to subsection (e).

* * * * *

(3) REDUCTION OR WAIVER OF SERVICE-IN-GRADE REQUIREMENT PROHIBITED FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In conditionally determining the retirement grade of an officer under paragraph (1)(A) or (2)(A) of this subsection to be a grade above the grade of colonel in the Army, Air Force, ~~or Marine Corps, or Space Force, or~~ captain in the Navy, ~~or the equivalent grade in the Space Force,~~ the service-in-grade requirement in subsection (b)(1) may not be reduced pursuant to subsection (b)(1) or waived pursuant to subsection (b)(3).

(4) PROHIBITION ON DELEGATION.—The authority of the Secretary of a military department under paragraph (1) may not be delegated. The authority of the Secretary of Defense under paragraph (2) may not be delegated.

(e) FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.—

(1) NO CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired will not be changed, the conditional retirement grade of the officer shall, subject to paragraph (3), be the final retired grade of the officer.

(2) CHANGE FROM CONDITIONAL RETIREMENT GRADE.—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired should be changed, the changed retirement grade shall be the final retired grade of the officer under this section, except that if the final retirement grade provided for an officer pursuant to this paragraph is the grade of lieutenant general or general in the Army, Air Force, ~~or Marine Corps, or Space Force, or~~ vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force,~~ the requirements in subsection (c) shall apply in connection with the retirement of the officer in such final retirement grade.

* * * * *

(f) FINALITY OF RETIRED GRADE DETERMINATIONS.—

(1) IN GENERAL.—Except for a conditional determination authorized by subsection (d), a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened, except as provided in paragraph (2).

(2) REOPENING.—A final determination of the retired grade of an officer may be reopened as follows:

(A) If the retirement or retired grade of the officer was procured by fraud.

(B) If substantial evidence comes to light after the retirement that could have led to determination of a different retired grade under this section if known by competent authority at the time of retirement.

(C) If a mistake of law or calculation was made in the determination of the retired grade.

(D) If the applicable Secretary determines, pursuant to regulations prescribed by the Secretary of Defense, that good cause exists to reopen the determination of retired grade.

(3) APPLICABLE SECRETARY.—For purposes of this subsection, the applicable Secretary for purposes of a determination or action specified in this subsection is—

(A) the Secretary of the military department concerned, in the case of an officer retired in a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or rear admiral in the Navy, ~~or the equivalent grade in the Space Force~~; or

(B) the Secretary of Defense, in the case of an officer retired in a grade of lieutenant general or general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force~~.

* * * * *

(6) MANNER OF MAKING OF CHANGE.—If the retired grade of an officer is proposed to be changed through the reopening of the final determination of an officer's retired grade under this subsection, the change in grade shall be made—

(A) in the case of an officer whose retired grade is to be changed to a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or rear admiral in the Navy, ~~or the equivalent grade in the Space Force~~, in accordance with subsections (a) and (b)—

(i) by the Secretary of Defense (who may delegate such authority only as authorized by clause (ii)); or

(ii) if authorized by the Secretary of Defense, by the Secretary of the military department concerned (who may not further delegate such authority);

(B) in the case of an officer whose retired grade is to be changed to the grade of lieutenant general or general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force~~, by the President, by and with the advice and consent of the Senate.

* * * * *

(g) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or rear admiral in the Navy, ~~or an equivalent grade in the Space Force~~.

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§ 1370a. Officers entitled to retired pay for non-regular service

(a) RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—Unless entitled to a different grade, or to credit for satisfactory service in a different grade under some other provision of law, a person who is entitled to retired pay under chapter 1223 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest permanent grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary of the military department concerned in accordance with this section.

* * * * *

(d) OFFICERS IN O-9 AND O-10 GRADES.—

(1) IN GENERAL.—A person covered by this section in the Army, Navy, Air Force, ~~or~~ Marine Corps, or Space Force who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or vice admiral or admiral in the Navy under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served satisfactorily in such grade.

* * * * *

(h) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term “highest permanent grade” means a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force or rear admiral in the Navy.

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§ 1406. Retired pay base for members who first became members before September 8, 1980: final basic pay

(a) USE OF RETIRED PAY BASE IN COMPUTING RETIRED PAY.—

(1) GENERAL RULE.—The retired pay or retainer pay of any person entitled to that pay who first became a member of a uniformed service before September 8, 1980, is computed using the retired pay base or retainer pay base determined under this section.

(2) EXCEPTION FOR RECOMPUTATION.—Recomputation of retired or retainer pay to reflect later active duty is provided for under section 1402 of this title without reference to a retired pay base or retainer pay base.

* * * * *

(i) SPECIAL RULE FOR FORMER CHAIRMEN AND VICE CHAIRMEN OF THE JCS, CHIEFS OF SERVICE, CHIEF OF THE NATIONAL GUARD BUREAU, COMMANDERS OF COMBATANT COMMANDS, AND SENIOR ENLISTED MEMBERS.—

(1) IN GENERAL.—For the purposes of subsections (b) through (e), in determining the rate of basic pay to apply in the determination of the retired pay base of a member who has served as Chairman or Vice Chairman of the Joint Chiefs of Staff, as a Chief of Service, as Chief of the National Guard Bureau, as a commander of a unified or specified combatant command (as defined in section 161(c) of this title), or as the senior enlisted member of an armed force or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, the highest rate of basic pay applicable to the member while serving in that position shall be used, if that rate is higher than the rate otherwise authorized by this section.

(2) EXCEPTION FOR MEMBERS REDUCED IN GRADE OR WHO DO NOT SERVE SATISFACTORILY.—Paragraph (1) does not apply in the case of a member who, while or after serving in a position specified in that paragraph and by reason of conduct occurring after October 16, 1998—

(A) in the case of an enlisted member, is reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process; or

(B) in the case an officer, is not certified by the Secretary of Defense under section 1370(c) of this title as having served on active duty satisfactorily in the grade of general or admiral, as the case may be, while serving in that position.

(3) DEFINITIONS.—In this subsection:

(A) The term “Chief of Service” means any of the following:

- (i) Chief of Staff of the Army.
- (ii) Chief of Naval Operations.
- (iii) Chief of Staff of the Air Force.
- (iv) Commandant of the Marine Corps.
- (v) Chief of Space Operations.
- (vi) Commandant of the Coast Guard.

(B) The term “senior enlisted member” means any of the following:

- (i) Sergeant Major of the Army.
- (ii) Master Chief Petty Officer of the Navy.
- (iii) Chief Master Sergeant of the Air Force.
- (iv) Sergeant Major of the Marine Corps.
- (v) ~~The senior enlisted advisor of the Space Force.~~ Chief Master Sergeant of the Space Force.
- (vi) Master Chief Petty Officer of the Coast Guard.

* * * * *

§ 2107. Financial assistance program for specially selected members

(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under his jurisdiction any eligible member of the program who will be under 31 years of age on December 31 of the calendar year

in which he is eligible under this section for appointment as an ensign in the Navy, or as a second lieutenant in the Army, Air Force, ~~or~~ Marine Corps, or Space Force ~~or as an officer in the equivalent grade in the Space Force~~, as the case may be.

* * * * *

(d) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant, or ensign, ~~or an equivalent grade in the Space Force~~, even though he is under 21 years of age.

* * * * *

§ 9016. Assistant Secretaries of the Air Force

(a) There are five Assistant Secretaries of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.

(3)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Financial Management.

(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(C) The principal responsibility of the Assistant Secretary shall be the exercise of the comptroller functions of the Department of the Air Force, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.

(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Air Force.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be an officer of the Air Force on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1731 of this title. In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.

(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Air Force.

(6)(A) One of the Assistant Secretaries is the Assistant Secretary of the Air Force for Space Acquisition and Integration.

(B) Subject to the authority, direction, and control of the Secretary of the Air Force, the Assistant Secretary shall do as follows:

(i) Be responsible for all architecture and integration of the Air Force for space systems and programs, including in support of the Chief of Space Operations under section 9082 of this title.

(ii) Act as the chair of the Space Acquisition Council under section 9021 of this title.

(iii) Advise the service acquisition executive of the Air Force with responsibility for space systems and programs (including for all major defense acquisition programs under chapter 144 of this title for space) on the acquisition of such systems and programs by the Air Force.

(iv) Oversee and direct each of the following:

(I) The Space Rapid Capabilities Office under section 2273a of this title.

(II) The ~~Space and Missile Systems Center~~ Space Systems Command.

(III) The Space Development Agency with respect to acquisition decisions.

(v) Advise and synchronize acquisition projects for all space systems and programs of the Air Force, including projects for space systems and programs responsibility for which is transferred to the Assistant Secretary pursuant to section 956(b)(3) of the United States Space Force Act.

(vi) Effective as of the date specified in section 957(d) of such Act, and in accordance with such section 957, serve as the Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs and discharge any senior procurement executive duties and authorities assigned by the Secretary of the Air Force pursuant to section 9014(c)(6) of this title.

* * * * *

§ 9082. Chief of Space Operations

(a) APPOINTMENT.—(1) There is a Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from the general, ~~flag, or equivalent~~ officers of the Space Force. The Chief serves at the pleasure of the President.

(2) The Chief shall be appointed for a term of four years. In time of war or during a national emergency declared by Congress, the Chief may be reappointed for a term of not more than four years.

(3) The President may appoint an officer as Chief of Space Operations only if—

(A) the officer has had significant experience in joint duty assignments; and

(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(d) of this title) as a general, ~~flag, or equivalent~~ officer of the Space Force.

(4) The President may waive paragraph (3) in the case of an officer if the President determines such action is necessary in the national interest.

(b) GRADE.—The Chief, while so serving, has the grade of general ~~grade in the Space Force equivalent to the grade of general in the Army, Air Force, and Marine Corps, or admiral in the Navy~~ without vacating the permanent grade of the officer.

(c) RELATIONSHIP TO THE SECRETARY OF THE AIR FORCE.—Except as otherwise prescribed by law and subject to section 9013(f) of this title, the Chief performs the duties of such position under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

(d) DUTIES.—Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief shall—

- (1) preside over the Office of the Chief of Space Operations;
- (2) transmit the plans and recommendations of the Office of the Chief of Space Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;
- (3) after approval of the plans or recommendations of the Office of the Chief of Space Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;
- (4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Space Force as the Secretary determines;
- (5) perform duties prescribed for the Chief of Space Operations by sections 171 and 2547 of this title and other provisions of law; and
- (6) perform such other military duties, not otherwise assigned by law, as are assigned to the Chief by the President, the Secretary of Defense, or the Secretary of the Air Force.

* * * * *

§ ~~9084~~ 9083. Office of the Chief of Space Operations: function; composition

(a) FUNCTION.—There is in the executive part of the Department of the Air Force an Office of the Chief of Space Operations to assist the Secretary of the Air Force in carrying out the responsibilities of the Secretary.

(b) COMPOSITION.—The Office of the Chief of Space Operations is composed of the following:

- (1) The Chief of Space Operations.
- (2) Other members of the Space Force and Air Force assigned or detailed to the Office of the Chief of Space Operations.
- (3) Civilian employees in the Department of the Air Force assigned or detailed to the Office of the Chief of Space Operations.

(c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the Office of the Chief of Space Operations shall be organized in such manner, and the members of the Office of the Chief of Space Operations shall perform such duties and have such titles, as the Secretary of the Air Force may prescribe.

§ ~~9085~~ 9084. Office of the Chief of Space Operations: general duties

(a) PROFESSIONAL ASSISTANCE.—The Office of the Chief of Space Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Air Force and to the Chief of Space Operations.

(b) AUTHORITIES.—Under the authority, direction, and control of the Secretary of the Air Force, the Office of the Chief of Space Operations shall—

(1) subject to subsections (c) and (d) of section 9014 of this title, prepare for such employment of the Space Force, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Space Force, as will assist in the execution of any power, duty, or function of the Secretary of the Air Force or the Chief of Space Operations;

(2) investigate and report upon the efficiency of the Space Force and its preparation to support military operations by commanders of the combatant commands;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) as directed by the Secretary of the Air Force or the Chief of Space Operations, coordinate the action of organizations of the Space Force; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary of the Air Force.

§ ~~9086~~ 9085. Regular Space Force: composition

(a) IN GENERAL.—The Regular Space Force is the component of the Space Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Space Force.

(b) COMPOSITION.—The Regular Space Force includes-

(1) the officers and enlisted members of the Regular Space Force; and

(2) the retired officers and enlisted members of the Regular Space Force.

§ ~~9087~~ 9086. Space Development Agency

(a) IN GENERAL.—(1) There is a Space Development Agency of the Department of Defense (in this section referred to as the "Agency"). The Director of the Space Development Agency shall be the head of the Agency.

(2) Effective on October 1, 2022-

(A) the Agency shall be an element of the Space Force; and

(B) the Director shall report-

- (i) pursuant to [section 9016\(b\)\(6\)\(B\)\(iv\)\(III\)](#) of this title, to the Assistant Secretary of the Air Force for Space Acquisition and Integration with respect to acquisition decisions; and
- (ii) directly to the Chief of Space Operations with respect to requirements decisions, personnel decisions, and any other matter not covered by clause (i).

(b) DEVELOPMENT AND INTEGRATION AUTHORITIES.—The Director shall lead-

(1) the development and demonstration of a resilient military space-based sensing, tracking, and data transport architecture that uses proliferated low-Earth orbit systems and services;

(2) the integration of next-generation space capabilities, such as novel sensors (including with respect to alternate navigation, and autonomous battle management features), and sensor and tracking components (including a hypersonic and ballistic missile tracking space sensor payload pursuant to section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021), into the architecture specified in paragraph (1) to address the requirements and needs of the armed forces and combatant commands for such capabilities;

(3) the procurement of commercial capabilities and services, including-

(A) options for integrating payloads on commercial buses and spacecraft into existing commercial architectures; and

(B) innovative commercial capabilities and services, such as on-orbit servicing or in-space transportation systems, that could extend the life of space systems, rapidly respond to threats, or contribute to resilience; and

(4) the rapid introduction, acquisition, and iteration of cost-effective, resilient solutions that leverage planned and existing commercial low-Earth orbit capabilities or innovative capabilities.

(c) BUDGET MATERIALS AND PROGRAM ELEMENTS.—Beginning not later than with respect to fiscal year 2023 and each fiscal year thereafter-

(1) in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under [section 1105\(a\)](#) of [title 31](#)), the amount requested for the activities of the Agency shall be separate from the other activities of the Space Force; and

(2) the Secretary of Defense shall ensure that the programs of the Agency are assigned program elements different from other program elements of the Space Force.

(d) DELEGATION OF AUTHORITIES.—(1) With respect to tranche 0 capabilities and tranche 1 capabilities, to the extent practicable, the Secretary of the Air Force, acting through the Service Acquisition Executive for Space Systems and Programs, shall ensure the delegation to the Agency of-

(A) head of contracting authority; and

(B) milestone decision authority for the middle tier of acquisition programs.

(2)(A) The Service Acquisition Executive for Space Systems and Programs may rescind the delegation of authority under paragraph (1) for cause or on a case-by-case basis.

(B) Not later than 30 days after the date of a rescission under subparagraph (A), the Secretary of the Air Force shall notify the congressional defense committees of such rescission.

(3) In this subsection:

(A) The term "tranche 0 capabilities" means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2022.

(B) The term "tranche 1 capabilities" means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2024.

* * * * *

§9279. Distinguished flying cross: award; limitations

(a) The President may award a distinguished flying cross of appropriate design with accompanying ribbon to any person who, while serving in any capacity with the Air Force or Space Force, distinguishes himself by heroism or extraordinary achievement while participating in an aerial or space flight.

(b) Not more than one distinguished flying cross may be awarded to a person. However, for each succeeding act that would otherwise justify award of such a cross, the President may award a suitable bar or other device to be worn as he directs.

§9280. Airman's Medal: award; limitations

(a)(1) The President may award a decoration called the "Airman's Medal", of appropriate design with accompanying ribbon, to any person who, while serving in any capacity with the Air Force or Space Force, distinguishes himself by heroism not involving actual conflict with an enemy.

(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.

(b) Not more than one Airman's Medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal, the President may award a suitable bar or other device to be worn as he directs.

* * * * *

§ 9341. General rule

(a)(1) The retired grade of a regular commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370 of this title.

(2) The retired grade of a reserve commissioned officer of the Air Force ~~or the Space Force~~ who retires other than for physical disability is determined under section 1370a of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force or a Regular ~~or Reserve~~ of the Space Force not covered by

subsection (a) who retires other than for physical disability retires in the regular or reserve grade that the member holds on the date of the member's retirement.

* * * * *

§9371. Air University and Space Delta 13: civilian faculty members

(a) AUTHORITY OF SECRETARY.—The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at a school of the Air University or of the Space Delta 13 as the Secretary considers necessary.

(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at a school of the Air University or of the Space Delta 13 after February 27, 1990.

(2) This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Air University or of the Space Delta 13 if the duration of the principal course of instruction offered at that school is less than 10 months.

* * * * *

§ 9414b. United States Air Force Institute of Technology: administration

(a) DIRECTOR AND CHANCELLOR.—

(1) SELECTION.—The Director and Chancellor of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

(2) ELIGIBILITY.—The Director and Chancellor shall be one of the following:

(A) An officer of the Air Force or the Space Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force or the Space Force in a grade not below brigadier general ~~or the equivalent grade in the Space Force~~, who has the qualifications appropriate for the position of Director and Chancellor and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

(3) TERM FOR CIVILIAN DIRECTOR AND CHANCELLOR.—An individual selected for the position of Director and Chancellor under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

* * * * *

§ 9436. Permanent professors; director of admissions

(a) A permanent professor of the Academy who is the head of a department of instruction, or who has served as such a professor for more than six years, has the grade of colonel ~~in the Air Force or the equivalent grade in the Space Force~~. However, a permanent professor appointed from the Regular Air Force or Regular Space Force has the grade of colonel ~~and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force~~ after the date when he completes six years of service as a professor, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier. All other permanent professors have the grade of lieutenant colonel ~~in the Air Force or the equivalent grade in the Space Force~~.

(b) A person appointed as director of admissions of the Academy has the regular grade of lieutenant colonel ~~in the Air Force or the equivalent grade in the Space Force~~, and, after he has served six years as director of admissions, has the regular grade of colonel ~~in the Air Force or the equivalent grade in the Space Force~~. However, a person appointed from the Regular Air Force or Regular Space Force has the regular grade of colonel ~~and a person appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force~~ after the date when he completes six years of service as director of admissions, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier.

* * * * *

§ 9453. Cadets: degree and commission on graduation

(a) The Superintendent of the Academy may, under such conditions as the Secretary of the Air Force may prescribe, confer the degree of bachelor of science upon graduates of the Academy.

(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Air Force ~~or in the equivalent grade in the Regular Space Force~~ under section 531 of this title.

* * * * *

**JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
2007**

(PUBLIC LAW 109-364; 37 U.S.C. 1009 note)

**SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC PAY AND REFORM
OF BASIC PAY RATES.**

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2007, INCREASE IN BASIC PAY.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.2 percent.

(c) REFORM OF BASIC PAY RATES.—Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade (and with years of service computed under section 205 of title 37, United States Code) are as follows:

* * * * *

ENLISTED MEMBERS¹

* * * * *

¹ Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

² Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, ~~the senior enlisted advisory of the Space Force~~ Chief Master Sergeant of the Space Force, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff is \$6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³ In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,203.90.

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WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021 (PUBLIC LAW 116-283; 37 U.S.C. 416 note)

SEC. 606. ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS WHO TRANSFER TO THE SPACE FORCE.

(a) IN GENERAL.— The Secretary of the Air Force may provide an officer who transfers from the Army, Navy, Air Force, or Marine Corps to the Space Force an allowance of not more than \$400 as reimbursement for the purchase of required uniforms and equipment.

(b) RELATIONSHIP TO OTHER ALLOWANCES.—The allowance under this section is in addition to any allowance available under any other provision of law.

(c) SOURCE OF FUNDS.—Funds for allowances provided under subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for military personnel of the Space Force for such fiscal year.

(d) APPLICABILITY.—The authority for an allowance under this section shall apply with respect to any officer described in subsection (a) who transfers to the Space Force—

(1) during the period beginning on December 20, 2019, and ending on September 30, ~~2023~~ 2025; and

(2) on or after the date the Secretary of the Air Force prescribes the official uniform for the Space Force.

* * * * *

**JAMES M. INHOFE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEAR 2023
(PUBLIC LAW 117–362, 136 STAT. 1541)**

SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE END STRENGTH.

(a) IN GENERAL.—Notwithstanding section 115(g) of title 10, United States Code, upon determination by the Secretary of the Air Force that such action would enhance manning and readiness in essential units or in critical specialties, the Secretary may vary the end strength authorized by Congress for each fiscal year as follows:

(1) Increase the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 5 percent of such authorized end strength.

(2) Decrease the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 10 percent of such authorized end strength.

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on ~~December 31, 2022~~ October 1, 2025.

* * * * *

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022
(PUBLIC LAW 117–81, 135 STAT. 1541)**

**SEC. 503. AUTHORITY TO VARY NUMBER OF SPACE FORCE OFFICERS
CONSIDERED FOR PROMOTION TO MAJOR GENERAL.**

(a) IN GENERAL.—Notwithstanding section 616(d) of title 10, United States Code, the number of officers recommended for promotion by a selection board convened by the Secretary of the Air Force under section 611(a) of title 10, United States Code, to consider officers on the

Space Force active duty list for promotion to major general may not exceed the number equal to 95 percent of the total number of brigadier generals eligible for consideration by the board.

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on December 31, ~~2022~~2024.

* * * * *

TITLE 37, UNITED STATES CODE

§ 210. Pay of senior enlisted members during terminal leave and while hospitalized

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

* * * * *

(c) In this section, the term “senior enlisted member” means the following:

- (1) The Sergeant Major of the Army.
- (2) The Master Chief Petty Officer of the Navy.
- (3) The Chief Master Sergeant of the Air Force.
- (4) The Sergeant Major of the Marine Corps.
- (5) ~~The senior enlisted advisor of the Space Force.~~ The Chief Master Sergeant of the Space Force.
- (6) The Master Chief Petty Officer of the Coast Guard.

* * * * *

§ 414. Personal money allowance

(a) ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—In addition to other pay or allowances authorized by this title, an officer who is entitled to basic pay is entitled to a personal money allowance of—

- (1) \$500 a year, while serving in the grade of lieutenant general or vice admiral, or in an equivalent grade or rank;
- (2) \$1,200 a year, in place of any other personal money allowance authorized by this section while serving as Surgeon General of the Public Health Service;
- (3) \$2,200 a year, in addition to the personal money allowance authorized by clause (1), while serving as a senior member of the Military Staff Committee of the United Nations;
- (4) \$2,200 a year, while serving in the grade of general or admiral, or in an equivalent grade or rank; or

(5) \$4,000 a year, in place of any other personal money allowance authorized by this section, while serving as Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Chief of Space Operations, Commandant of the Coast Guard, or Chief of the National Guard Bureau.

(b) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of \$2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, ~~the senior enlisted advisor of the Space Force~~ the Chief Master Sergeant of the Space Force, the Master Chief Petty Officer of the Coast Guard, the Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, or the Senior Enlisted Advisor to the Chief of the National Guard Bureau.

[AMENDMENTS RELATING TO SPACE FORCE
ORGANIZATION AND MANAGEMENT]

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND
MANAGEMENT**

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle D—United States Space Force

- Sec. 931. Extension of additional authority to vary Space Force end strength.
- Sec. 932. Vice Chief of Space Operations.
- Sec. 933. Extension of authority to vary number of Space Force officers considered for promotion to major general.
- Sec. 934. Extension of one-time uniform allowance for officers who transfer to the Space Force.
- Sec. 935. Authority to employ civilian faculty members at Space Force schools.
- Sec. 936. Technical and conforming amendments.

Subtitle D—United States Space Force

**SEC. 931. EXTENSION OF ADDITIONAL AUTHORITY TO VARY SPACE FORCE
END STRENGTH.**

Section 403(b) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–362; 136 Stat. 2552) is amended by striking “December 31, 2023” and inserting “October 1, 2025”.

SEC. 932. VICE CHIEF OF SPACE OPERATIONS.

Chapter 908 of title 10, United States Code, is amended—

(1) by redesignating sections 9083, 9084, 9085, and 9086 as sections 9084, 9085, 9086, and 9087, respectively; and

(2) by inserting after section 9082 the following new section:

“§ 9083. Vice Chief of Space Operations

1 “(a) APPOINTMENT.—There is a Vice Chief of Space Operations, appointed by the
2 President, by and with the advice and consent of the Senate, from the general officers of the
3 Space Force.

4 “(b) GRADE.—The Vice Chief of Space Operations, while so serving, has the grade of
5 general without vacating the permanent grade of the officer.

6 “(c) DUTIES.—The Vice Chief of Space Operations has such authorities and duties with
7 respect to the Space Force as the Chief of Space Operations, with the approval of the Secretary
8 of the Air Force, may delegate to or prescribe for the Vice Chief of Space Operations. Orders
9 issued by the Vice Chief of Space Operations in performing such duties have the same effect as
10 those issued by the Chief of Space Operations.

11 “(d) VACANCY IN OFFICE OF CHIEF OF SPACE OPERATIONS.—When there is a vacancy in
12 the office of Chief of Space Operations or during the absence or disability of the Chief of Space
13 Operations—

14 “(1) the Vice Chief of Space Operations shall perform the duties of the Chief of
15 Space Operations until a successor is appointed or the absence or disability ceases; or

16 “(2) if there is a vacancy in the office of the Vice Chief of Space Operations or
17 the Vice Chief of Space Operations is absent or disabled, unless the President directs
18 otherwise, the most senior officer of the Space Force in the Space Staff who is not absent
19 or disabled and who is not restricted in performance of duty shall perform the duties of
20 the Chief of Space Operations until a successor to the Chief of Space Operations or the
21 Vice Chief of Space Operations is appointed or until the absence or disability of the Chief
22 of Space Operations or Vice Chief of Space Operations ceases, whichever occurs first.”.

1 **SEC. 933. EXTENSION OF AUTHORITY TO VARY NUMBER OF SPACE FORCE**

2 **OFFICERS CONSIDERED FOR PROMOTION TO MAJOR GENERAL.**

3 Subsection (b) of section 503 of the National Defense Authorization Act for Fiscal Year
4 2022 (Public Law 117–81; 135 Stat. 1680) is amended by striking “shall terminate on December
5 31, 2022” and inserting “shall terminate on December 31, 2024”.

6 **SEC. 934. EXTENSION OF ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS**

7 **WHO TRANSFER TO THE SPACE FORCE.**

8 Subsection (d)(1) of section 606 of the William M. (Mac) Thornberry National Defense
9 Authorization Act for Fiscal Year 2021 (Public Law 116–283; 37 U.S.C. 416 note) is amended
10 by striking “ending on September 30, 2023” and inserting “ending on September 30, 2025”.

11 **SEC. 935. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT SPACE**

12 **FORCE SCHOOLS.**

13 (a) IN GENERAL.—Section 9371 of title 10, United States Code, is amended—

14 (1) in subsection (a), by inserting “or of the Space Delta 13” after “Air
15 University”; and

16 (2) in subsection (c), in paragraphs (1) and (2), by inserting “or of the Space Delta
17 13” after “Air University”.

18 (b) HEADING.—The heading of such section 9371 is amended to read as follows:

19 **“§9371. Air University and Space Delta 13: civilian faculty members”.**

20 **SEC. 936. TECHNICAL AND CONFORMING AMENDMENTS.**

21 (a) APPOINTMENT OF CHAIRMAN; GRADE AND RANK.—Section 152(c) of title 10, United
22 States Code, is amended—

23 (1) by striking “general, in the case” and inserting “general or, in the case”; and

1 (2) by striking “or, in the case of an officer of the Space Force, the equivalent
2 grade,”.

3 (b) JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(c)(1)(F) of such title is
4 amended by striking “in the grade equivalent to the grade of general in the Army, Air Force, or
5 Marine Corps, or admiral in the Navy” and inserting “in the grade of general”.

6 (c) ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Section 531(a) of such title
7 is amended—

8 (1) in paragraph (1), by striking “and Regular Marine Corps in the grades of
9 ensign, lieutenant (junior grade), and lieutenant in the Regular Navy, and in the
10 equivalent grades in the Regular Space Force” and inserting “Regular Marine Corps, and
11 Regular Space Force, and in the grades of ensign, lieutenant (junior grade), and lieutenant
12 in the Regular Navy”; and

13 (2) in paragraph (2), by striking “and Regular Marine Corps in the grades of
14 lieutenant commander, commander, and captain in the Regular Navy, and in the
15 equivalent grades in the Regular Space Force” and inserting “Regular Marine Corps, and
16 Regular Space Force, and in the grades of lieutenant commander, commander, and
17 captain in the Regular Navy”.

18 (d) SERVICE CREDIT UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.—
19 Section 533(b)(2) of such title is amended—

20 (1) by striking “, or an equivalent grade in the Space Force”; and

21 (2) by striking “, or Marine Corps” and inserting “Marine Corps, or Space Force
22 or”.

1 (e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 601(e) of such title is
2 amended—

3 (1) by striking “or Marine Corps” and inserting “Marine Corps, or Space Force,
4 or”; and

5 (2) by striking “or the commensurate grades in the Space Force,”.

6 (f) CONVENING OF SELECTION BOARDS.—Section 611(a) of such title is amended by
7 striking “or Marine Corps” and inserting “Marine Corps, or Space Force”.

8 (g) INFORMATION FURNISHED TO SELECTION BOARDS.—Section 615(a)(3) of such title is
9 amended—

10 (1) in subparagraph (B)(i), by striking “, in the case of the Navy, lieutenant, or in
11 the case of the Space Force, the equivalent grade” and inserting “or, in the case of the
12 Navy, lieutenant”; and

13 (2) in subparagraph (D), by striking “in the case of the Navy, rear admiral, or, in
14 the case of the Space Force, the equivalent grade” and inserting “or, in the case of the
15 Navy, rear admiral”.

16 (h) SPECIAL SELECTION REVIEW BOARDS.—Section 628a(a)(1)(A) of such title is
17 amended by striking “, rear admiral in the Navy, or an equivalent grade in the Space Force” and
18 inserting “or rear admiral in the Navy”.

19 (i) RANK: COMMISSIONED OFFICERS OF THE ARMED FORCES.—Section 741(a) of such title
20 is amended in the table by striking “and Marine Corps” and inserting “Marine Corps, and Space
21 Force”.

22 (j) REGULAR COMMISSIONED OFFICERS.—Section 1370 of such title is amended—

1 (1) in subsection (a)(2), by striking “rear admiral in the Navy, or the equivalent
2 grade in the Space Force” each place it appears and inserting “or rear admiral in the
3 Navy”;

4 (2) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subparagraph (A), by striking “or
7 Marine Corps, lieutenant in the Navy, or the equivalent grade in the Space
8 Force” and inserting “Marine Corps, or Space Force, or lieutenant in the
9 Navy”; and

10 (ii) in subparagraph (B), by striking “or Marine Corps, rear admiral
11 in the Navy, or an equivalent grade in the Space Force” and inserting
12 “Marine Corps, or Space Force, or rear admiral in the Navy”;

13 (B) in paragraph (4), by striking “or Marine Corps, captain in the Navy, or
14 the equivalent grade in the Space Force” and inserting “Marine Corps, or Space
15 Force, or captain in the Navy”;

16 (C) in paragraph (5)—

17 (i) in subparagraph (A), by striking “or Marine Corps, lieutenant
18 commander in the Navy, or the equivalent grade in the Space Force” and
19 inserting “Marine Corps, or Space Force, or lieutenant commander in the
20 Navy”;

21 (ii) in subparagraph (B), by striking “or Marine Corps, commander
22 or captain in the Navy, or an equivalent grade in the Space Force” and

1 inserting “Marine Corps, or Space Force, or commander or captain in the
2 Navy”; and

3 (iii) in subparagraph (C), by striking “or Marine Corps, rear
4 admiral (lower half) or rear admiral in the Navy” and inserting “Marine
5 Corps, or Space Corps, or rear admiral (lower half) or rear admiral in the
6 Navy”; and

7 (D) in paragraph (6), by striking “, or an equivalent grade in the Space
8 Force,”;

9 (3) in subsection (c)(1), by striking “or Marine Corps, vice admiral or admiral in
10 the Navy, or an equivalent grade in the Space Force” and inserting “Marine Corps, or
11 Space Force, or vice admiral or admiral in the Navy”;

12 (4) in subsection (d)—

13 (A) in paragraph (1), by striking “or Marine Corps, rear admiral in the
14 Navy, or an equivalent grade in the Space Force” and inserting “Marine Corps, or
15 Space Force, or rear admiral in the Navy”; and

16 (B) in paragraph (3), by striking “or Marine Corps, captain in the Navy, or
17 the equivalent grade in the Space Force” and inserting “Marine Corps, or Space
18 Force, or captain in the Navy”;

19 (5) in subsection (e)(2), by striking “or Marine Corps, vice admiral or admiral in
20 the Navy, or an equivalent grade in the Space Force” and inserting “Marine Corps, or
21 Space Force, or vice admiral or admiral in the Navy”;

22 (6) in subsection (f)—

23 (A) in paragraph (3)—

1 (i) in subparagraph (A), by striking “or Marine Corps, rear admiral
2 in the Navy, or the equivalent grade in the Space Force” and inserting
3 “Marine Corps, or Space Force, or rear admiral in the Navy”; and

4 (ii) in subparagraph (B), by striking “or Marine Corps, vice
5 admiral or admiral in the Navy, or an equivalent grade in the Space Force”
6 and inserting “Marine Corps, or Space Force, or vice admiral or admiral in
7 the Navy”; and

8 (B) in paragraph (6)—

9 (i) in subparagraph (A), by striking “or Marine Corps, rear admiral
10 in the Navy, or the equivalent grade in the Space Force” and inserting “,
11 Marine Corps, or Space Force, or rear admiral in the Navy”; and

12 (ii) in subparagraph (B), by striking “or Marine Corps, vice
13 admiral or admiral in the Navy, or an equivalent grade in the Space Force”
14 and inserting “Marine Corps, or Space Force, or vice admiral or admiral in
15 the Navy”; and

16 (7) in subsection (g), by striking “or Marine Corps, rear admiral in the Navy, or an
17 equivalent grade in the Space Force” and inserting “Marine Corps, or Space Force, or
18 rear admiral in the Navy”.

19 (k) OFFICERS ENTITLED TO RETIRED PAY FOR NON-REGULAR SERVICE.—Section 1370a of
20 such title is amended—

21 (1) in subsection (d)(1), by striking “or Marine Corps” each place it appears and
22 inserting “Marine Corps, or Space Force”; and

1 (2) in subsection (h), by striking “or Marine Corps” and inserting “Marine Corps,
2 or Space Force”.

3 (l) RETIRED BASE PAY.—Section 1406(i)(3)(B)(v) of such title is amended by striking
4 “The senior enlisted advisor of the Space Force” and inserting “Chief Master Sergeant of the
5 Space Force”.

6 (m) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section
7 2107 of such title is amended—

8 (1) in subsection (a)—

9 (A) by striking “, as a” and inserting “or as a”; and

10 (B) by striking “or Marine Corps, or as an officer in the equivalent grade
11 in the Space Force” and inserting “Marine Corps, or Space Force”; and

12 (2) in subsection (d), by striking “lieutenant, ensign, or an equivalent grade in the
13 Space Force,” and inserting “lieutenant or ensign,”

14 (n) DESIGNATION OF SPACE SYSTEMS COMMAND AS A FIELD COMMAND OF THE UNITED
15 STATES SPACE FORCE—Section 9016(b)(6)(B)(iv)(II) of title 10, United States Code, is amended
16 by striking “Space and Missile Systems Center” and inserting “Space Systems Command”.

17 (o) CHIEF OF SPACE OPERATIONS.—Section 9082 of such title is amended—

18 (1) in subsection (a), by striking “, flag, or equivalent” each place it appears; and

19 (2) in subsection (b), by striking “grade in the Space Force equivalent to the grade
20 of general in the Army, Air Force, and Marine Corps, or admiral in the Navy” and
21 inserting “grade of general”.

22 (p) DISTINGUISHED FLYING CROSS.—Section 9279(a) of such title is amended—

23 (1) by adding “or Space Force” after “Air Force”; and

1 (2) by adding “or space” after “aerial”.

2 (q) AIRMAN’S MEDAL.—Section 9280(a)(1) of such title is amended by adding “or Space
3 Force” after “Air Force”.

4 (r) RETIRED GRADE OF COMMISSIONED OFFICERS.—Section 9341 of such title is
5 amended—

6 (1) in subsection (a)(2), by striking “or the Space Force”; and

7 (2) in subsection (b), by striking “or Reserve”.

8 (s) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY: ADMINISTRATION.—Section
9 9414b(a)(2)(B) of such title is amended by striking “or the equivalent grade in the Space Force”.

10 (t) AIR FORCE ACADEMY PERMANENT PROFESSORS; DIRECTOR OF ADMISSIONS.—Section
11 9436 of such title is amended—

12 (1) in subsection (a)—

13 (A) in the first sentence, by striking “in the Air Force or the equivalent
14 grade in the Space Force”;

15 (B) in the second sentence—

16 (i) by inserting “or Regular Space Force” after “Regular Air
17 Force”; and

18 (ii) by striking “and a permanent professor appointed from the
19 Regular Space Force has the grade equivalent to the grade of colonel in
20 the Regular Air Force”; and

21 (C) in the third sentence, by striking “in the Air Force or the equivalent
22 grade in the Space Force”; and

23 (2) in subsection (b)—

1 (A) in the first sentence, by striking “in the Air Force or the equivalent
2 grade in the Space Force” each place it appears; and

3 (B) in the second sentence—

4 (i) by inserting “or Regular Space Force” after “Regular Air
5 Force”; and

6 (ii) by striking “and a permanent professor appointed from the
7 Regular Space Force has the grade equivalent to the grade of colonel in
8 the Regular Air Force”.

9 (u) CADETS: DEGREE AND COMMISSION ON GRADUATION.—Section 9453(b) of such title
10 is amended by striking “in the equivalent grade in”.

11 (v) BASIC PAY RATES FOR ENLISTED MEMBERS.—Footnote 2 of the table titled
12 “ENLISTED MEMBERS” in section 601(c) of the John Warner National Defense Authorization
13 Act for Fiscal Year 2007 (Public Law 109–364; 37 U.S.C. 1009 note) is amended by striking
14 “the senior enlisted advisor of the Space Force” and inserting “Chief Master Sergeant of the
15 Space Force”.

16 (w) PAY OF SENIOR ENLISTED MEMBERS.—Section 210(c)(5) of title 37, United States
17 Code, is amended by striking “The senior enlisted advisor of the Space Force” and inserting
18 “The Chief Master Sergeant of the Space Force”.

19 (x) PERSONAL MONEY ALLOWANCE.—Section 414(b) of title 37, United States Code, is
20 amended by striking “the senior enlisted advisor of the Space Force” and inserting “the Chief
21 Master Sergeant of the Space Force”.

**[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

SEC. 931. EXTENSION OF ADDITIONAL AUTHORITY TO VARY SPACE FORCE END STRENGTH.

This section would extend the authority provided to the Secretary of the Air Force in the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–362) (FY2023 NDAA), after making a determination that a change in end strength would enhance manning and readiness in essential units or in critical specialties in the Space Force, to vary the Congressionally authorized end strength of the Space Force by increasing up to five percent, and decreasing up to ten percent. This section would extend the authority through fiscal year 2025.

SEC. 932. VICE CHIEF OF SPACE OPERATIONS.

This section would codify the Vice Chief of Space Operations in title 10 as a 4-star officer appointed from the Space Force. The position would have statutory duties equivalent to the other Military Service Vice Chiefs.

SEC. 933. EXTENSION OF AUTHORITY TO VARY NUMBER OF SPACE FORCE OFFICERS CONSIDERED FOR PROMOTION TO MAJOR GENERAL.

This section extends, through calendar year 2024, the authority provided by section 503 of the FY2022 NDAA. Section 503 limits the number of Space Force officers that may be recommended by a selection board for promotion to Major General to 95 percent of “the total number of brigadier generals eligible for consideration by the board” rather than 95 percent of “the number of officers included in the promotion zone,” which is the limitation established in section 616(d) of title 10, United States Code. This authority to vary the number of officers considered by the selection board is necessary to ensure that the Space Force is able to promote the necessary number of Major Generals.

In previous years this has been a particular concern. In calendar year 2020 the Department of the Air Force was not able to promote the number of General Officers needed to fill emerging requirements for the stand-up of the United States Space Force. Specifically, for the major general board, two officers were eligible in the newly established Space Force competitive category and there was a requirement to promote two officers. This was not permitted in accordance with section 616(d) of title 10. Therefore, the Department delayed the promotion board to increase the number of eligible officers to three, thus being able to select two on the promotion board. Delaying the board also delayed the confirmation of the officers selected and thus delayed critical fills for service and joint positions.

Including all Brigadier Generals “eligible for consideration” expands the size of the pool from which no more than 95 percent of the officers may be recommended for promotion by the board and will permit the Space Force to promote the necessary number of officers to Major General.

SEC. 934. EXTENSION OF ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS WHO TRANSFER TO THE SPACE FORCE.

Section 606 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) (FY2021 NDAA) created a one-time uniform allowance for officers transferring into the Space Force through September 30, 2022. This was extended to September 30, 2023, by section 616 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263). In the practical execution of transferring officers to the Space Force, the initial wave of transfers will continue through the end of FY2024. In order to avoid an equity issue between officers, solely based on the timing of their transfer, the Department of the Air Force needs to extend the expiration of the one-time uniform allowance through September 30, 2025. This section would accomplish that need.

SEC. 935. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT SPACE FORCE SCHOOLS.

The United States Space Force requires unique Professional Military and Professional Continuing Education (PME/PCE) schools (Space Delta 13) to ensure the rigorous professional development of its Guardians throughout their careers and to fulfill its mandated roll to organize, train, and equip bold leaders capable of preserving freedom of action, enabling Joint lethality and effectiveness, with the ability to provide independent options to senior leaders. PME schools will include basic, intermediate, and senior developmental education for officer, enlisted and civilian Guardians. PCE schools will include educational opportunities along a Guardian’s career that enhance the knowledge, skills, and attributes necessary for them to maintain and enhance military advantage in space. To ensure the highest level of education for PME and PCE students, the Space Force requires flexibility in hiring faculty at the Space Delta 13.

Such faculty members must have the requisite specialized education and academic experience equivalent to our national civilian colleges and universities. Due to its structure, the flexibility to hire select faculty talent is not always readily accessible via the traditional hiring process under title 5, United States Code, which does not normally provide faculty members of this caliber in a timely manner. The Space Force requires the same title 10 faculty hiring flexibility provided to other armed service academic institutions within the PME/PCE system.

This section of this proposal would amend section 9371 of title 10, United States Code, to grant the Secretary of the Air Force the authority to hire and appropriately compensate the best qualified faculty for Space Delta 13. These critical faculty will better support the Space Force in providing the best prepared forces to Combatant Commanders as required. Without this authority, the Space Force will be unable to hire the caliber of faculty required to properly educate its Guardians and to meet its obligations as a force provider.

Approval of this proposal will not amend any authorities of the Air University. Manpower authorizations for this proposal are those already approved and assigned to the Space Delta 13 Unit Manpower Document through previously authorized Space Training and Readiness Command FIELDCOM, and the Space Delta 13, which activated on 23 Aug 2021.

The Space Delta 13 requires appropriate subject matter experts in the space enterprise today in order to begin development of an independent PME.

The Space Force intends to follow the Department of the Air Force’s use of pay caps based on locality, which does allow for EX-III based on specific locations.

SEC. 936. TECHNICAL AND CONFORMING AMENDMENTS.

This section would make technical and conforming amendments to various provisions of existing law to incorporate Space Force officer grade names, “Chief Master Sergeant of the Space Force” vice “senior enlisted advisor of the Space Force,” add “Space Force” to a military personnel authority revision in the FY2021 NDAA that inadvertently left out the Space Force, make technical corrections to military decoration and awards provisions to make Space Force members eligible for the Distinguished Flying Cross and Airman’s Medal, and update the designation of the Space and Missile Systems Center to Space Systems Command.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget request that are impacted by this proposal. The section of this proposal addressing civilian faculty will not increase the overall budget requirements of the Department of Defense; Space Delta 13 will utilize already programmed resources and will not exceed existing salary levels to hire the appropriate mix of highly qualified faculty to fulfill specific educational requirements.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Officer Clothing Allowance	.012	.004	0	0	0	Operation and Maintenance, Space Force	01		
Total	.012	.004	0	0	0				

Resubmission Information: This proposal was submitted in FY2023 (LP #404) and was approved by OMB and transmitted to the Congress. It was not included in the FY2023 NDAA.

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Changes to Existing Law: This proposal adds a new section 9083 to title 10, United States Code, as set forth in the legislative text above, and make changes to existing law as follows:

TITLE 10, UNITED STATES CODE

§ 152. Chairman: appointment; grade and rank

(a) APPOINTMENT; TERM OF OFFICE.—(1) There is a Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman serves at the pleasure of the President for a term of four years, beginning on October 1 of an odd-numbered year. The limitation does not apply in time of war.

* * * * *

(c) GRADE AND RANK.—The Chairman, while so serving, holds the grade of general, or in the case of the Navy, admiral, ~~or, in the case of an officer of the Space Force, the equivalent grade,~~ and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

* * * * *

§ 181. Joint Requirements Oversight Council

(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

* * * * *

(c) COMPOSITION.—

(1) IN GENERAL.—The Joint Requirements Oversight Council is composed of the following:

(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs of Staff for making recommendations about joint military capabilities or joint performance requirements.

(B) An Army officer in the grade of general.

(C) A Navy officer in the grade of admiral.

(D) An Air Force officer in the grade of general.

(E) A Marine Corps officer in the grade of general.

(F) A Space Force officer in the grade of general. ~~in the grade equivalent to the grade of general in the Army, Air Force, or Marine Corps, or admiral in the Navy.~~

(2) SELECTION OF MEMBERS.—Members of the Council under subparagraphs (B), (C), (D), and (E) of paragraph (1) shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for selection by the Secretary of the military department concerned.

(3) RECOMMENDATIONS.—In making any recommendation to the Chairman of the Joint Chiefs of Staff as described in paragraph (1)(A), the Vice Chairman of the Joint Chiefs of Staff shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

* * * * *

§ 531. Original appointments of commissioned officers

(a)(1) Original appointments in the grades of second lieutenant, first lieutenant, and captain in the Regular Army, Regular Air Force, Regular Marine Corps, and Regular Space Force, and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy and Regular Marine Corps in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy, and in the equivalent grades in the Regular Space Force shall be made by the President alone.

(2) Original appointments in the grades of major, lieutenant colonel, and colonel in the Regular Army, Regular Air Force, Regular Marine Corps, and Regular Space Force, and in the grades of lieutenant commander, commander, and captain in the Regular Navy and Regular Marine Corps in the grades of lieutenant commander, commander, and captain in the Regular Navy, and in the equivalent grades in the Regular Space Force shall be made by the President, by and with the advice and consent of the Senate.

* * * * *

§ 533. Service credit upon original appointment as a commissioned officer

(a)(1) For the purpose of determining the grade and rank within grade of a person receiving an original appointment in a commissioned grade (other than a warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Space Force such person shall be credited at the time of such appointment with any active commissioned service (other than service as a commissioned warrant officer) that he performed in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service before such appointment.

* * * * *

(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall credit a person who is receiving an original appointment in a commissioned grade (other than a commissioned warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Space Force and who has

advanced education or training or special experience with constructive service for such education, training, or experience as follows:

(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed, designated, or assigned in officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. In determining the number of years of constructive service to be credited under this clause to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of advanced education required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the armed forces.

(D) Additional credit as follows:

(i) For special training or experience in a particular officer field as designated by the Secretary concerned, if such training or experience is directly related to the operational needs of the armed force concerned.

(ii) During fiscal years 2021 through 2025, for advanced education in an officer field so designated, if such education is directly related to the operational needs of the armed force concerned

(E) Additional credit for experience as a physician or dentist, if appointed as a medical or dental officer in the Army or Navy or, in the case of the Air Force, with a view to designation as a medical or dental officer.

(2) The amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of colonel in the Army, Air Force, Marine Corps, or Space Force ~~or Marine Corps~~ or captain in the Navy, ~~or an equivalent grade in the Space Force.~~

(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

* * * * *

§ 601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals

(a) The President may designate positions of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral. The President may assign to

any such position an officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty in any grade above colonel or, in the case of an officer of the Navy, any grade above captain. An officer assigned to any such position has the grade specified for that position if he is appointed to that grade by the President, by and with the advice and consent of the Senate. Except as provided in subsection (b), the appointment of an officer to a grade under this section for service in a position of importance and responsibility ends on the date of the termination of the assignment of the officer to that position.

* * * * *

(e) Prior to making a recommendation to the Secretary of Defense for the nomination of an officer for appointment to a position of importance and responsibility under this section, which appointment would result in the initial appointment of the officer concerned in the grade of lieutenant general or general in the Army, Air Force, ~~or Marine Corps~~, or Space Force, vice admiral or admiral in the Navy, ~~or the commensurate grades in the Space Force~~, the Secretary concerned shall consider all officers determined to be among the best qualified for such position.

* * * * *

§ 611. Convening of selection boards

(a) Whenever the needs of the service require, the Secretary of the military department concerned shall convene selection boards to recommend for promotion to the next higher permanent grade, under subchapter II of this chapter, officers on the active-duty list in each permanent grade from first lieutenant through brigadier general in the Army, Air Force, Marine Corps, or Space Force ~~or Marine Corps~~ and from lieutenant (junior grade) through rear admiral (lower half) in the Navy. The preceding sentence does not require the convening of a selection board in the case of officers in the permanent grade of first lieutenant or, in the case of the Navy, lieutenant (junior grade) when the Secretary concerned recommends for promotion to the next higher grade under section 624(a)(3) of this title all such officers whom the Secretary finds to be fully qualified for promotion.

* * * * *

§ 615. Information furnished to selection boards

(a)(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 611(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the selection board.

(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 614(b) of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1), is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

(3)(A) In the case of an eligible officer considered for promotion to a grade specified in subparagraph (B), any credible information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

(B) A grade specified in this subparagraph is as follows:

(i) In the case of a regular officer, a grade above captain or, in the case of the Navy, lieutenant, ~~in the case of the Navy, lieutenant, or in the case of the Space Force, the equivalent grade.~~

(ii) In the case of a reserve officer, a grade above lieutenant colonel or, in the case of the Navy, commander.

(C) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selection board, and to each individual member of the board, the information described in that subparagraph with regard to an officer in a grade specified in subparagraph (B) at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.

(D) With respect to the consideration of an officer for promotion to a grade at or below major general, or, in the case of the Navy, rear admiral ~~in the case of the Navy, rear admiral, or, in the case of the Space Force, the equivalent grade~~, the requirements in subparagraphs (A) and (C) may be met through the convening and actions of a special selection review board with respect to the officer under section 628a of this title.

* * * * *

§ 628a. Special selection review boards

(a) IN GENERAL.—(1)(A) If the Secretary of the military department concerned determines that a person recommended by a promotion board for promotion to a grade at or below the grade of major general, or rear admiral in the Navy ~~rear admiral in the Navy, or an equivalent grade in the Space Force~~ is the subject of credible information of an adverse nature,

including any substantiated adverse finding or conclusion described in section 615(a)(3)(A) of this title, that was not furnished to the promotion board during its consideration of the person for promotion as otherwise required by such section, the Secretary shall convene a special selection review board under this section to review the person and recommend whether the recommendation for promotion of the person should be sustained.

(B) Nothing in this section shall be construed to prevent a Secretary concerned from deferring consideration of adverse information concerning an officer subject to this section until the next regularly scheduled promotion board applicable to such officer, in lieu of furnishing such adverse information to a special selection review board under this section.

(2) If a person and the recommendation for promotion of the person is subject to review under this section by a special selection review board convened under this section, the name of the person—

(A) shall not be disseminated or publicly released on the list of officers recommended for promotion by the promotion board recommending the promotion of the person; and

(B) shall not be forwarded to the Secretary of Defense, the President, or the Senate, as applicable, or included on a promotion list under section 624(a) of this title.

* * * * *

§ 741. Rank: commissioned officers of the armed forces

(a) Among the grades listed below, the grades of general and admiral are equivalent and are senior to other grades and the grades of second lieutenant and ensign are equivalent and are junior to other grades. Intermediate grades rank in the order listed as follows:

<i>Army, Air Force, and Marine Corps <u>Marine Corps, and Space Force</u></i>	<i>Navy and Coast Guard</i>
General	Admiral.
Lieutenant general	Vice admiral.
Major general	Rear admiral.
Brigadier general	Rear admiral (lower half).
Colonel	Captain.
Lieutenant colonel	Commander.
Major	Lieutenant commander.
Captain	Lieutenant.
First lieutenant	Lieutenant (junior grade).
Second lieutenant	Ensign.

* * * * *

§ 1370. Regular commissioned officers

(a) RETIREMENT IN HIGHEST GRADE IN WHICH SERVED SATISFACTORILY.—

(1) IN GENERAL.—Unless entitled to a different retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, Marine Corps, or Space Force who retires under any provision of law other than chapter 61 or 1223 of this title shall be retired in the highest permanent grade in which such officer is determined to have served on active duty satisfactorily.

(2) DETERMINATION OF SATISFACTORY SERVICE.—The determination of satisfactory service of an officer in a grade under paragraph (1) shall be made as follows:

(A) By the Secretary of the military department concerned, if the officer is serving in a grade at or below the grade of major general, or rear admiral in the Navy rear admiral in the Navy, or the equivalent grade in the Space Force.

(B) By the Secretary of Defense, if the officer is serving or has served in a grade above the grade of major general, or rear admiral in the Navy rear admiral in the Navy, or the equivalent grade in the Space Force.

* * * * *

(b) RETIREMENT OF OFFICERS RETIRING VOLUNTARILY.—

(1) SERVICE-IN-GRADE REQUIREMENT.—In order to be eligible for voluntary retirement under any provision of this title in a grade above the grade of captain in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or lieutenant in the Navy ~~or the equivalent grade in the Space Force,~~ a commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force must have served on active duty in that grade for a period of not less than three years, except that—

(A) subject to subsection (c), the Secretary of Defense may reduce such period to a period of not less than two years for any officer; and

(B) in the case of an officer to be retired in a grade at or below the grade of major general in the Army, Air Force, Marine Corps, or Space Force, or rear admiral in the Navy ~~or Marine Corps, rear admiral in the Navy, or an equivalent grade in the Space Force,~~ the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period of not less than two years.

(2) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense in subparagraph (A) of paragraph (1) may not be delegated. The authority of the Secretary of a military department in subparagraph (B) of paragraph (1), as delegated to such Secretary pursuant to such subparagraph, may not be further delegated.

(3) WAIVER OF REQUIREMENT.—Subject to subsection (c), the President may waive the application of the service-in-grade requirement in paragraph (1) to officers covered by that paragraph in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under this paragraph may not be delegated.

(4) LIMITATION ON REDUCTION OR WAIVER OF REQUIREMENT FOR OFFICERS UNDER INVESTIGATION OR PENDING MISCONDUCT.—In the case of an officer to be retired in a grade above the grade of colonel in the Army, Air Force, Marine Corps, or Space Force, or captain in the Navy ~~or Marine Corps, captain in the Navy, or the equivalent grade in the Space Force,~~ the service-in-grade requirement in paragraph (1) may not be reduced

pursuant to that paragraph, or waived pursuant to paragraph (3), while the officer is under investigation for alleged misconduct or while there is pending the disposition of an adverse personnel action against the officer.

(5) GRADE AND FISCAL YEAR LIMITATIONS ON REDUCTION OR WAIVER OF REQUIREMENTS.—The aggregate number of members of an armed force in a grade for whom reductions are made under paragraph (1), and waivers are made under paragraph (3), in a fiscal year may not exceed—

(A) in the case of officers to be retired in a grade at or below the grade of major in the Army, Air Force, ~~or Marine Corps, or Space Force,~~ or lieutenant commander in the Navy, ~~or the equivalent grade in the Space Force,~~ the number equal to two percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade;

(B) in the case of officers to be retired in the grade of lieutenant colonel or colonel in the Army, Air Force, ~~or Marine Corps, or Space Force,~~ or commander or captain in the Navy, ~~or an equivalent grade in the Space Force,~~ the number equal to four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade; or

(C) in the case of officers to be retired in the grade of brigadier general or major general in the Army, Air Force, ~~or Marine Corps, or Space Force,~~ or rear admiral (lower half) or rear admiral in the Navy ~~or an equivalent grade in the Space Force,~~ the number equal to 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in the applicable grade.

(6) NOTICE TO CONGRESS ON REDUCTION OR WAIVER OF REQUIREMENTS FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.—In the case of an officer to be retired in a grade that is a general or flag officer grade, ~~or an equivalent grade in the Space Force,~~ who is eligible to retire in that grade only by reason of an exercise of the authority in paragraph (1) to reduce the service-in-grade requirement in that paragraph, or the authority in paragraph (3) to waive that requirement, the Secretary of Defense or the President, as applicable, shall, not later than 60 days prior to the date on which the officer will be retired in that grade, notify the Committees on Armed Services of the Senate and the House of Representatives of the exercise of the applicable authority with respect to that officer.

(7) RETIREMENT IN NEXT LOWEST GRADE FOR OFFICERS NOT MEETING REQUIREMENT.—An officer described in paragraph (1) whose length of service in the highest grade held by the officer while on active duty does not meet the period of the service-in-grade requirement applicable to the officer under this subsection shall, subject to subsection (c), be retired in the next lower grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the military department concerned or the Secretary of Defense, as applicable.

(c) OFFICERS IN O-9 AND O-10 GRADES.—

(1) IN GENERAL.—An officer of the Army, Navy, Air Force, Marine Corps, or Space Force who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, ~~or Marine Corps, or Space Force,~~ or vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force~~ under section 601 of this title may be

retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served on active duty satisfactorily in such grade.

* * * * *

(d) **CONDITIONAL RETIREMENT GRADE AND RETIREMENT FOR OFFICERS PENDING INVESTIGATION OR ADVERSE ACTION.**—

(1) **IN GENERAL.**—When an officer serving in a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or rear admiral in the Navy, ~~or an equivalent grade in the Space Force~~ is under investigation for alleged misconduct or pending the disposition of an adverse personnel action at the time of retirement, the Secretary of the military department concerned may—

(A) conditionally determine the highest permanent grade of satisfactory service on active duty of the officer pending completion of the investigation or resolution of the personnel action, as applicable; and

(B) retire the officer in that conditional grade, subject to subsection (e).

* * * * *

(3) **REDUCTION OR WAIVER OF SERVICE-IN-GRADE REQUIREMENT PROHIBITED FOR GENERAL, FLAG, AND EQUIVALENT OFFICER GRADES.**—In conditionally determining the retirement grade of an officer under paragraph (1)(A) or (2)(A) of this subsection to be a grade above the grade of colonel in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or captain in the Navy, ~~or the equivalent grade in the Space Force~~, the service-in-grade requirement in subsection (b)(1) may not be reduced pursuant to subsection (b)(1) or waived pursuant to subsection (b)(3).

(4) **PROHIBITION ON DELEGATION.**—The authority of the Secretary of a military department under paragraph (1) may not be delegated. The authority of the Secretary of Defense under paragraph (2) may not be delegated.

(e) **FINAL RETIREMENT GRADE FOLLOWING RESOLUTION OF PENDING INVESTIGATION OR ADVERSE ACTION.**—

(1) **NO CHANGE FROM CONDITIONAL RETIREMENT GRADE.**—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired will not be changed, the conditional retirement grade of the officer shall, subject to paragraph (3), be the final retired grade of the officer.

(2) **CHANGE FROM CONDITIONAL RETIREMENT GRADE.**—If the resolution of an investigation or personnel action with respect to an officer who has been retired in a conditional retirement grade pursuant to subsection (d) results in a determination that the conditional retirement grade in which the officer was retired should be changed, the changed retirement grade shall be the final retired grade of the officer under this section, except that if the final retirement grade provided for an officer pursuant to this paragraph

is the grade of lieutenant general or general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force~~, the requirements in subsection (c) shall apply in connection with the retirement of the officer in such final retirement grade.

* * * * *

(f) FINALITY OF RETIRED GRADE DETERMINATIONS.—

(1) IN GENERAL.—Except for a conditional determination authorized by subsection (d), a determination of the retired grade of an officer pursuant to this section is administratively final on the day the officer is retired, and may not be reopened, except as provided in paragraph (2).

(2) REOPENING.—A final determination of the retired grade of an officer may be reopened as follows:

(A) If the retirement or retired grade of the officer was procured by fraud.

(B) If substantial evidence comes to light after the retirement that could have led to determination of a different retired grade under this section if known by competent authority at the time of retirement.

(C) If a mistake of law or calculation was made in the determination of the retired grade.

(D) If the applicable Secretary determines, pursuant to regulations prescribed by the Secretary of Defense, that good cause exists to reopen the determination of retired grade.

(3) APPLICABLE SECRETARY.—For purposes of this subsection, the applicable Secretary for purposes of a determination or action specified in this subsection is—

(A) the Secretary of the military department concerned, in the case of an officer retired in a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or rear admiral in the Navy, ~~or the equivalent grade in the Space Force~~; or

(B) the Secretary of Defense, in the case of an officer retired in a grade of lieutenant general or general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force~~.

* * * * *

(6) MANNER OF MAKING OF CHANGE.—If the retired grade of an officer is proposed to be changed through the reopening of the final determination of an officer's retired grade under this subsection, the change in grade shall be made—

(A) in the case of an officer whose retired grade is to be changed to a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or rear admiral in the Navy, ~~or the equivalent grade in the Space Force~~, in accordance with subsections (a) and (b)—

(i) by the Secretary of Defense (who may delegate such authority only as authorized by clause (ii)); or

(ii) if authorized by the Secretary of Defense, by the Secretary of the military department concerned (who may not further delegate such authority);

(B) in the case of an officer whose retired grade is to be changed to the grade of lieutenant general or general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or vice admiral or admiral in the Navy, ~~or an equivalent grade in the Space Force~~, by the President, by and with the advice and consent of the Senate.

* * * * *

(g) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term 'highest permanent grade' means a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or rear admiral in the Navy, ~~or an equivalent grade in the Space Force~~.

* * * * *

§ 1370a. Officers entitled to retired pay for non-regular service

(a) RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—Unless entitled to a different grade, or to credit for satisfactory service in a different grade under some other provision of law, a person who is entitled to retired pay under chapter 1223 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest permanent grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary of the military department concerned in accordance with this section.

* * * * *

(d) OFFICERS IN O-9 AND O-10 GRADES.—

(1) IN GENERAL.—A person covered by this section in the Army, Navy, Air Force, ~~or~~ Marine Corps, or Space Force who is serving or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force, or vice admiral or admiral in the Navy under section 601 of this title may be retired in such grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Committees on Armed Services of the Senate and the House of Representatives that the officer served satisfactorily in such grade.

* * * * *

(h) HIGHEST PERMANENT GRADE DEFINED.—In this section, the term “highest permanent grade” means a grade at or below the grade of major general in the Army, Air Force, ~~or~~ Marine Corps, or Space Force or rear admiral in the Navy.

* * * * *

§ 1406. Retired pay base for members who first became members before September 8, 1980: final basic pay

(a) USE OF RETIRED PAY BASE IN COMPUTING RETIRED PAY.—

(1) GENERAL RULE.—The retired pay or retainer pay of any person entitled to that pay who first became a member of a uniformed service before September 8, 1980, is computed using the retired pay base or retainer pay base determined under this section.

(2) EXCEPTION FOR RECOMPUTATION.—Recomputation of retired or retainer pay to reflect later active duty is provided for under section 1402 of this title without reference to a retired pay base or retainer pay base.

* * * * *

(i) SPECIAL RULE FOR FORMER CHAIRMEN AND VICE CHAIRMEN OF THE JCS, CHIEFS OF SERVICE, CHIEF OF THE NATIONAL GUARD BUREAU, COMMANDERS OF COMBATANT COMMANDS, AND SENIOR ENLISTED MEMBERS.—

(1) IN GENERAL.—For the purposes of subsections (b) through (e), in determining the rate of basic pay to apply in the determination of the retired pay base of a member who has served as Chairman or Vice Chairman of the Joint Chiefs of Staff, as a Chief of Service, as Chief of the National Guard Bureau, as a commander of a unified or specified combatant command (as defined in section 161(c) of this title), or as the senior enlisted member of an armed force or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, the highest rate of basic pay applicable to the member while serving in that position shall be used, if that rate is higher than the rate otherwise authorized by this section.

(2) EXCEPTION FOR MEMBERS REDUCED IN GRADE OR WHO DO NOT SERVE SATISFACTORILY.—Paragraph (1) does not apply in the case of a member who, while or after serving in a position specified in that paragraph and by reason of conduct occurring after October 16, 1998—

(A) in the case of an enlisted member, is reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process; or

(B) in the case an officer, is not certified by the Secretary of Defense under section 1370(c) of this title as having served on active duty satisfactorily in the grade of general or admiral, as the case may be, while serving in that position.

(3) DEFINITIONS.—In this subsection:

(A) The term “Chief of Service” means any of the following:

- (i) Chief of Staff of the Army.
- (ii) Chief of Naval Operations.
- (iii) Chief of Staff of the Air Force.
- (iv) Commandant of the Marine Corps.
- (v) Chief of Space Operations.
- (vi) Commandant of the Coast Guard.

(B) The term “senior enlisted member” means any of the following:

- (i) Sergeant Major of the Army.
- (ii) Master Chief Petty Officer of the Navy.

- (iii) Chief Master Sergeant of the Air Force.
- (iv) Sergeant Major of the Marine Corps.
- (v) ~~The senior enlisted advisor of the Space Force.~~ Chief Master Sergeant of the Space Force.
- (vi) Master Chief Petty Officer of the Coast Guard.

* * * * *

§ 2107. Financial assistance program for specially selected members

(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under his jurisdiction any eligible member of the program who will be under 31 years of age on December 31 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy, or as a second lieutenant in the Army, Air Force, ~~or~~ Marine Corps, or Space Force ~~or as an officer in the equivalent grade in the Space Force~~, as the case may be.

* * * * *

(d) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant, or ensign, ~~or an equivalent grade in the Space Force~~, even though he is under 21 years of age.

* * * * *

§ 9016. Assistant Secretaries of the Air Force

(a) There are five Assistant Secretaries of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.

(3)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Financial Management.

(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(C) The principal responsibility of the Assistant Secretary shall be the exercise of the comptroller functions of the Department of the Air Force, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.

(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Air Force.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be an officer of the Air Force on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1731 of this title. In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.

(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Air Force.

(6)(A) One of the Assistant Secretaries is the Assistant Secretary of the Air Force for Space Acquisition and Integration.

(B) Subject to the authority, direction, and control of the Secretary of the Air Force, the Assistant Secretary shall do as follows:

(i) Be responsible for all architecture and integration of the Air Force for space systems and programs, including in support of the Chief of Space Operations under section 9082 of this title.

(ii) Act as the chair of the Space Acquisition Council under section 9021 of this title.

(iii) Advise the service acquisition executive of the Air Force with responsibility for space systems and programs (including for all major defense acquisition programs under chapter 144 of this title for space) on the acquisition of such systems and programs by the Air Force.

(iv) Oversee and direct each of the following:

(I) The Space Rapid Capabilities Office under section 2273a of this title.

(II) ~~The Space and Missile Systems Center~~ Space Systems Command.

(III) The Space Development Agency with respect to acquisition decisions.

(v) Advise and synchronize acquisition projects for all space systems and programs of the Air Force, including projects for space systems and programs responsibility for which is transferred to the Assistant Secretary pursuant to section 956(b)(3) of the United States Space Force Act.

(vi) Effective as of the date specified in section 957(d) of such Act, and in accordance with such section 957, serve as the Service Acquisition Executive of the Department of the Air Force for Space Systems and Programs and discharge any senior procurement executive duties and authorities assigned by the Secretary of the Air Force pursuant to section 9014(c)(6) of this title.

* * * * *

§ 9082. Chief of Space Operations

(a) APPOINTMENT.—(1) There is a Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from the general, ~~flag, or equivalent~~ officers of the Space Force. The Chief serves at the pleasure of the President.

(2) The Chief shall be appointed for a term of four years. In time of war or during a national emergency declared by Congress, the Chief may be reappointed for a term of not more than four years.

(3) The President may appoint an officer as Chief of Space Operations only if—
(A) the officer has had significant experience in joint duty assignments; and
(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(d) of this title) as a general, ~~flag, or equivalent~~ officer of the Space Force.

(4) The President may waive paragraph (3) in the case of an officer if the President determines such action is necessary in the national interest.

(b) GRADE.—The Chief, while so serving, has the ~~grade of general grade in the Space Force equivalent to the grade of general in the Army, Air Force, and Marine Corps, or admiral in the Navy~~ without vacating the permanent grade of the officer.

(c) RELATIONSHIP TO THE SECRETARY OF THE AIR FORCE.—Except as otherwise prescribed by law and subject to section 9013(f) of this title, the Chief performs the duties of such position under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

(d) DUTIES.—Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief shall—

(1) preside over the Office of the Chief of Space Operations;

(2) transmit the plans and recommendations of the Office of the Chief of Space Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) after approval of the plans or recommendations of the Office of the Chief of Space Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Space Force as the Secretary determines;

(5) perform duties prescribed for the Chief of Space Operations by sections 171 and 2547 of this title and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to the Chief by the President, the Secretary of Defense, or the Secretary of the Air Force.

* * * * *

§ ~~9084~~ 9083. Office of the Chief of Space Operations: function; composition

(a) FUNCTION.—There is in the executive part of the Department of the Air Force an Office of the Chief of Space Operations to assist the Secretary of the Air Force in carrying out the responsibilities of the Secretary.

(b) COMPOSITION.—The Office of the Chief of Space Operations is composed of the following:

- (1) The Chief of Space Operations.
- (2) Other members of the Space Force and Air Force assigned or detailed to the Office of the Chief of Space Operations.
- (3) Civilian employees in the Department of the Air Force assigned or detailed to the Office of the Chief of Space Operations.

(c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the Office of the Chief of Space Operations shall be organized in such manner, and the members of the Office of the Chief of Space Operations shall perform such duties and have such titles, as the Secretary of the Air Force may prescribe.

§ ~~9085~~ 9084. Office of the Chief of Space Operations: general duties

(a) PROFESSIONAL ASSISTANCE.—The Office of the Chief of Space Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Air Force and to the Chief of Space Operations.

(b) AUTHORITIES.—Under the authority, direction, and control of the Secretary of the Air Force, the Office of the Chief of Space Operations shall—

- (1) subject to subsections (c) and (d) of section 9014 of this title, prepare for such employment of the Space Force, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Space Force, as will assist in the execution of any power, duty, or function of the Secretary of the Air Force or the Chief of Space Operations;
- (2) investigate and report upon the efficiency of the Space Force and its preparation to support military operations by commanders of the combatant commands;
- (3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;
- (4) as directed by the Secretary of the Air Force or the Chief of Space Operations, coordinate the action of organizations of the Space Force; and
- (5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary of the Air Force.

§ ~~9086~~ 9085. Regular Space Force: composition

(a) IN GENERAL.—The Regular Space Force is the component of the Space Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Space Force.

- (b) COMPOSITION.—The Regular Space Force includes-
- (1) the officers and enlisted members of the Regular Space Force; and
 - (2) the retired officers and enlisted members of the Regular Space Force.

§ 9087 9086. Space Development Agency

(a) IN GENERAL.—(1) There is a Space Development Agency of the Department of Defense (in this section referred to as the "Agency"). The Director of the Space Development Agency shall be the head of the Agency.

(2) Effective on October 1, 2022-

(A) the Agency shall be an element of the Space Force; and

(B) the Director shall report-

(i) pursuant to [section 9016\(b\)\(6\)\(B\)\(iv\)\(III\) of this title](#), to the Assistant Secretary of the Air Force for Space Acquisition and Integration with respect to acquisition decisions; and

(ii) directly to the Chief of Space Operations with respect to requirements decisions, personnel decisions, and any other matter not covered by clause (i).

(b) DEVELOPMENT AND INTEGRATION AUTHORITIES.—The Director shall lead-

(1) the development and demonstration of a resilient military space-based sensing, tracking, and data transport architecture that uses proliferated low-Earth orbit systems and services;

(2) the integration of next-generation space capabilities, such as novel sensors (including with respect to alternate navigation, and autonomous battle management features), and sensor and tracking components (including a hypersonic and ballistic missile tracking space sensor payload pursuant to section 1645 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021), into the architecture specified in paragraph (1) to address the requirements and needs of the armed forces and combatant commands for such capabilities;

(3) the procurement of commercial capabilities and services, including-

(A) options for integrating payloads on commercial buses and spacecraft into existing commercial architectures; and

(B) innovative commercial capabilities and services, such as on-orbit servicing or in-space transportation systems, that could extend the life of space systems, rapidly respond to threats, or contribute to resilience; and

(4) the rapid introduction, acquisition, and iteration of cost-effective, resilient solutions that leverage planned and existing commercial low-Earth orbit capabilities or innovative capabilities.

(c) BUDGET MATERIALS AND PROGRAM ELEMENTS.—Beginning not later than with respect to fiscal year 2023 and each fiscal year thereafter-

(1) in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under [section 1105\(a\) of title 31](#)), the amount requested for the activities of the Agency shall be separate from the other activities of the Space Force; and

(2) the Secretary of Defense shall ensure that the programs of the Agency are assigned program elements different from other program elements of the Space Force.

(d) DELEGATION OF AUTHORITIES.—(1) With respect to tranche 0 capabilities and tranche 1 capabilities, to the extent practicable, the Secretary of the Air Force, acting through the Service Acquisition Executive for Space Systems and Programs, shall ensure the delegation to the Agency of-

(A) head of contracting authority; and

(B) milestone decision authority for the middle tier of acquisition programs.

(2)(A) The Service Acquisition Executive for Space Systems and Programs may rescind the delegation of authority under paragraph (1) for cause or on a case-by-case basis.

(B) Not later than 30 days after the date of a rescission under subparagraph (A), the Secretary of the Air Force shall notify the congressional defense committees of such rescission.

(3) In this subsection:

(A) The term "tranche 0 capabilities" means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2022.

(B) The term "tranche 1 capabilities" means capabilities relating to transport, battle management, tracking, custody, navigation, deterrence, and support, that are intended to be achieved by September 30, 2024.

* * * * *

§9279. Distinguished flying cross: award; limitations

(a) The President may award a distinguished flying cross of appropriate design with accompanying ribbon to any person who, while serving in any capacity with the Air Force or Space Force, distinguishes himself by heroism or extraordinary achievement while participating in an aerial or space flight.

(b) Not more than one distinguished flying cross may be awarded to a person. However, for each succeeding act that would otherwise justify award of such a cross, the President may award a suitable bar or other device to be worn as he directs.

§9280. Airman's Medal: award; limitations

(a)(1) The President may award a decoration called the "Airman's Medal", of appropriate design with accompanying ribbon, to any person who, while serving in any capacity with the Air Force or Space Force, distinguishes himself by heroism not involving actual conflict with an enemy.

(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.

(b) Not more than one Airman's Medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal, the President may award a suitable bar or other device to be worn as he directs.

* * * * *

§ 9341. General rule

(a)(1) The retired grade of a regular commissioned officer of the Air Force or the Space Force who retires other than for physical disability is determined under section 1370 of this title.

(2) The retired grade of a reserve commissioned officer of the Air Force ~~or the Space Force~~ who retires other than for physical disability is determined under section 1370a of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force or a Regular ~~or Reserve~~ of the Space Force not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that the member holds on the date of the member's retirement.

* * * * *

§9371. Air University and Space Delta 13: civilian faculty members

(a) AUTHORITY OF SECRETARY.—The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at a school of the Air University or of the Space Delta 13 as the Secretary considers necessary.

(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at a school of the Air University or of the Space Delta 13 after February 27, 1990.

(2) This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Air University or of the Space Delta 13 if the duration of the principal course of instruction offered at that school is less than 10 months.

* * * * *

§ 9414b. United States Air Force Institute of Technology: administration

(a) DIRECTOR AND CHANCELLOR.—

(1) SELECTION.—The Director and Chancellor of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

(2) ELIGIBILITY.—The Director and Chancellor shall be one of the following:

(A) An officer of the Air Force or the Space Force on active duty in a grade not below the grade of colonel who possesses such qualifications as the Secretary considers appropriate and is assigned or detailed to such position.

(B) A member of the Senior Executive Service or a civilian individual, including an individual who was retired from the Air Force or the Space Force in a grade not below brigadier general ~~or the equivalent grade in the Space Force~~,

who has the qualifications appropriate for the position of Director and Chancellor and is selected by the Secretary as the best qualified from among candidates for the position in accordance with a process and criteria determined by the Secretary.

(3) TERM FOR CIVILIAN DIRECTOR AND CHANCELLOR.—An individual selected for the position of Director and Chancellor under paragraph (2)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

* * * * *

§ 9436. Permanent professors; director of admissions

(a) A permanent professor of the Academy who is the head of a department of instruction, or who has served as such a professor for more than six years, has the grade of colonel ~~in the Air Force or the equivalent grade in the Space Force~~. However, a permanent professor appointed from the Regular Air Force or Regular Space Force has the grade of colonel ~~and a permanent professor appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force~~ after the date when he completes six years of service as a professor, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier. All other permanent professors have the grade of lieutenant colonel ~~in the Air Force or the equivalent grade in the Space Force~~.

(b) A person appointed as director of admissions of the Academy has the regular grade of lieutenant colonel ~~in the Air Force or the equivalent grade in the Space Force~~, and, after he has served six years as director of admissions, has the regular grade of colonel ~~in the Air Force or the equivalent grade in the Space Force~~. However, a person appointed from the Regular Air Force or Regular Space Force has the regular grade of colonel ~~and a person appointed from the Regular Space Force has the grade equivalent to the grade of colonel in the Regular Air Force~~ after the date when he completes six years of service as director of admissions, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier.

* * * * *

§ 9453. Cadets: degree and commission on graduation

(a) The Superintendent of the Academy may, under such conditions as the Secretary of the Air Force may prescribe, confer the degree of bachelor of science upon graduates of the Academy.

(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Air Force ~~or in the equivalent grade in the Regular Space Force~~ under section 531 of this title.

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**JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
2007**

(PUBLIC LAW 109-364; 37 U.S.C. 1009 note)

**SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC PAY AND REFORM
OF BASIC PAY RATES.**

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) **JANUARY 1, 2007, INCREASE IN BASIC PAY.**—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.2 percent.

(c) **REFORM OF BASIC PAY RATES.**—Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade (and with years of service computed under section 205 of title 37, United States Code) are as follows:

* * * * *

ENLISTED MEMBERS¹

* * * * *

¹ Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

² Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, ~~the senior enlisted advisory of the Space Force~~ Chief Master Sergeant of the Space Force, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff is \$6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³ In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,203.90.

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**WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2021**

(PUBLIC LAW 116-283; 37 U.S.C. 416 note)

SEC. 606. ONE-TIME UNIFORM ALLOWANCE FOR OFFICERS WHO TRANSFER TO THE SPACE FORCE.

(a) IN GENERAL.— The Secretary of the Air Force may provide an officer who transfers from the Army, Navy, Air Force, or Marine Corps to the Space Force an allowance of not more than \$400 as reimbursement for the purchase of required uniforms and equipment.

(b) RELATIONSHIP TO OTHER ALLOWANCES.—The allowance under this section is in addition to any allowance available under any other provision of law.

(c) SOURCE OF FUNDS.—Funds for allowances provided under subsection (a) in a fiscal year may be derived only from amounts authorized to be appropriated for military personnel of the Space Force for such fiscal year.

(d) APPLICABILITY.—The authority for an allowance under this section shall apply with respect to any officer described in subsection (a) who transfers to the Space Force—

(1) during the period beginning on December 20, 2019, and ending on September 30, ~~2023~~ 2025; and

(2) on or after the date the Secretary of the Air Force prescribes the official uniform for the Space Force.

* * * * *

**JAMES M. INHOFE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023
(PUBLIC LAW 117–362, 136 STAT. 1541)**

SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE END STRENGTH.

(a) IN GENERAL.— Notwithstanding section 115(g) of title 10, United States Code, upon determination by the Secretary of the Air Force that such action would enhance manning and readiness in essential units or in critical specialties, the Secretary may vary the end strength authorized by Congress for each fiscal year as follows:

(1) Increase the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 5 percent of such authorized end strength.

(2) Decrease the end strength authorized pursuant to section 115(a)(1)(A) for a fiscal year for the Space Force by a number equal to not more than 10 percent of such authorized end strength.

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on ~~December 31, 2022~~ October 1, 2025.

* * * * *

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022
(PUBLIC LAW 117–81, 135 STAT. 1541)**

**SEC. 503. AUTHORITY TO VARY NUMBER OF SPACE FORCE OFFICERS
CONSIDERED FOR PROMOTION TO MAJOR GENERAL.**

(a) IN GENERAL.—Notwithstanding section 616(d) of title 10, United States Code, the number of officers recommended for promotion by a selection board convened by the Secretary of the Air Force under section 611(a) of title 10, United States Code, to consider officers on the Space Force active duty list for promotion to major general may not exceed the number equal to 95 percent of the total number of brigadier generals eligible for consideration by the board.

(b) TERMINATION.—The authority provided under subsection (a) shall terminate on December 31, ~~2022~~2024.

* * * * *

TITLE 37, UNITED STATES CODE

§ 210. Pay of senior enlisted members during terminal leave and while hospitalized

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

* * * * *

(c) In this section, the term “senior enlisted member” means the following:

- (1) The Sergeant Major of the Army.
- (2) The Master Chief Petty Officer of the Navy.
- (3) The Chief Master Sergeant of the Air Force.
- (4) The Sergeant Major of the Marine Corps.
- (5) ~~The senior enlisted advisor of the Space Force.~~ The Chief Master Sergeant of the Space Force.
- (6) The Master Chief Petty Officer of the Coast Guard.

* * * * *

§ 414. Personal money allowance

(a) ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—In addition to other pay or allowances authorized by this title, an officer who is entitled to basic pay is entitled to a personal money allowance of—

- (1) \$500 a year, while serving in the grade of lieutenant general or vice admiral, or in an equivalent grade or rank;

(2) \$1,200 a year, in place of any other personal money allowance authorized by this section while serving as Surgeon General of the Public Health Service;

(3) \$2,200 a year, in addition to the personal money allowance authorized by clause (1), while serving as a senior member of the Military Staff Committee of the United Nations;

(4) \$2,200 a year, while serving in the grade of general or admiral, or in an equivalent grade or rank; or

(5) \$4,000 a year, in place of any other personal money allowance authorized by this section, while serving as Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Chief of Space Operations, Commandant of the Coast Guard, or Chief of the National Guard Bureau.

(b) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of \$2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, ~~the senior enlisted advisor of the Space Force~~ the Chief Master Sergeant of the Space Force, the Master Chief Petty Officer of the Coast Guard, the Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, or the Senior Enlisted Advisor to the Chief of the National Guard Bureau.

1 **SEC. ___. ASSISTANCE IN SUPPORT OF DEPARTMENT OF DEFENSE**
2 **ACCOUNTING FOR MISSING UNITED STATES GOVERNMENT**
3 **PERSONNEL.**

4 (a) IN GENERAL.—Section 408 of title 10, United States Code, is amended—

5 (1) in the heading, by striking “**Equipment and training of foreign personnel to**
6 **assist in**” and inserting “**Assistance in support of**”;

7 (2) in subsection (b), by adding at the end the following new paragraph:

8 “(5) Funds.”;

9 (3) by striking subsections (d) and (f);

10 (4) by redesignating subsection (e) as subsection (d); and

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

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

15 (b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter
16 20 of title 10, United States Code, is amended by striking the item relating to section 408 and
17 inserting the following new item:

“408. Assistance in support of Department of Defense accounting for missing United States Government
personnel.”.

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

Section-by-Section Analysis

This proposal would amend section 408 of title 10, United States Code, to add funding to the types of assistance the Department of Defense (DoD) is authorized to provide to host nations that assist DoD with recovery of and accounting for U.S. personnel who are missing from designated past conflicts. This proposal also strikes paragraph (d) of section 408 to remove the financial

limitation to enable greater use of the Defense POW/MIA Accounting Agency's (DPAA) appropriations to provide assistance to foreign nations to assist with the recovery of and accounting for missing U.S. personnel. Finally, this proposal would, for the sake of efficiency, change the current congressional reporting requirement at paragraph (f) of section 408 to an annual reporting requirement.

Pursuant to sections 1501, 1501a, 1509, and 1513 of title 10, the Secretary of Defense designated DPAA as the single organization with responsibility for Department matters related to missing persons from past conflicts, including accounting for DoD personnel from past conflicts and other designated conflicts. In accomplishing its worldwide mission, DPAA has forged relationships in 46 countries that provide DoD access and, in many cases, assistance in recovery and accounting efforts. For fiscal year (FY) 2023, DPAA planned field activities in 40 countries.

Most of these operations are in remote locations, including areas where access to necessary goods and services are unavailable except through host nation governments. Payments to host nation governments are used for procurement of services and supplies, including: land access and permits; logistics services; base camp setup; excavation site preparation and remediation; workforce recruitment; helicopter landing zone clearance; vehicle and equipment rentals; and building materials and general supplies to conduct field activities. Also, these payments are used to reimburse per diem, travel, and lodging expenses for host nation government officials directly supporting DPAA field work.

Explicit statutory authority to provide funds to foreign governments would provide the most cost effective and efficient mechanism to obtain the necessary assistance to accomplish DPAA activities in these countries. Alternative avenues used in the past, such as contracting through U.S. or foreign intermediaries, significantly increased the administrative cost and delayed execution. Other options explored, such as cross-servicing agreements or acquisition-only agreements, would require significant time to implement through the international agreement process with no assurance that these countries would agree to the necessary terms of an international agreement.

For more than three decades, DPAA, and its predecessor organizations, have conducted joint field activities with host nation government entities in the Socialist Republic of Vietnam, the Lao Peoples' Democratic Republic, and the Kingdom of Cambodia to locate, recover, and identify missing U.S. personnel from the Vietnam War. There are more than 1,500 U.S. personnel still unaccounted for from the Vietnam War.

In the Socialist Republic of Vietnam, for example, DPAA has relied on the host nation government counterpart, the Vietnamese Office for Seeking Missing Persons (VNOSMP), to coordinate access, logistics, and labor required to support more than 145 large-scale joint field activities in Vietnam since 1992. What began as a tentative arrangement between two former wartime adversaries developed into a lasting partnership based on trust, and a shared commitment to reconcile the legacies of war. The good relations built over the years while working closely with the VNOSMP is exemplified by the Vietnamese government's willingness and ability to conduct unilateral field work to recover missing U.S. personnel.

Since FY 2016, the VNOSMP have conducted 36 unilateral excavations at sites inaccessible to DPAA teams due to their remoteness and elevated risk profile. This work has produced physical evidence and biological material that led to identifications and advanced DPAA's knowledge of specific wartime loss incidents that would have otherwise been unobtainable in the near-term. As recently as FY 2021, during Vietnam's pandemic lockdown, the VNOSMP unilateral teams completed 13 excavations, one of which resulted in the repatriation and identification of the remains of a U.S. Navy pilot. Host nation unilateral teams significantly enhance DPAA's capability and capacity to locate and identify missing U.S. personnel in Vietnam. Additionally, VNOSMP unilateral recovery teams generally result in a cost savings of 60 percent when compared to DPAA organic teams.

The longstanding partnership with the VNSOMP provides a model for how this authority could expand DPAA's efforts to account for missing U.S. personnel throughout the world. It would increase the ability to leverage bilateral relationships with foreign nations to increase substantially the number of field activities DPAA conducts annually, while building capacity and capabilities that would mitigate access restrictions based on national or global events, inaccessible or remote environments, or geopolitical factors. The authority to provide appropriate assistance to host nation governments is necessary to continue to maximize opportunities for DPAA field activities.

Accounting for U.S. personnel who are missing from designated past conflicts is one of the Department's most unique and essential missions. Through these efforts, DoD makes a steadfast commitment to those unaccounted for personnel who made the supreme sacrifice and to their waiting families, as well as a pledge to current Department personnel that a fallen Service member will not be forgotten. The proposal is congruent with the Secretary's priorities to foster teamwork with allies and partners and to properly support the nation's Veterans and their families long after they have served their duty.

The past conflict personnel accounting mission also directly contributes to enhanced strategic relationships and trust between the United States and the host nations where DPAA operates, and is leveraged to advance the respective bilateral relationship. If enacted, the proposal would provide specific authority for the Department, through DPAA activities, to make direct payments to host nation governments in support of accounting for U.S. personnel who are missing from designated past conflicts.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget that are impacted by this proposal.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation From	Budget Activity	Dash-1 Line Item	Program Element
	19.0	21.0	22.0	23.0	23.0	O&M DW	BA4	4GTC	0901636DPA
Total	19.0	21.0	22.0	23.0	23.0				

Cost Methodology: Estimates of resource requirements are based on projected host nation support costs for joint field activities in Vietnam, Laos, and Cambodia using prior year budget execution data and long-term operational planning estimates. These estimates assume that DPAA is sufficiently resourced to fully execute its operational plans for FY24 through FY28.

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

§ 408. Assistance in support of ~~Equipment and training of foreign personnel to assist in~~ Department of Defense accounting for missing United States Government personnel

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

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

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

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

~~(d) LIMITATION.—The amount of assistance provided under this section in any fiscal year may not exceed \$1,000,000.~~

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

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

~~(f) CONGRESSIONAL OVERSIGHT.~~—Whenever the Secretary of Defense provides assistance to a foreign nation under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. Each such report shall identify the nation to which the assistance was provided and include a description of the type and amount of the assistance provided.

1 **SEC. ___. AUTHORITY TO INCREASE THE NUMBER OF MEDICAL AND DENTAL**
2 **OFFICERS RECOMMENDED FOR PROMOTION.**

3 Section 616(d) of title 10, United States Code, is amended by inserting before the period
4 at the end the following: “, except that the Secretary concerned may increase the number of
5 officers to a number that is greater than 95 percent, but less than 100 percent, for medical and
6 dental officers being recommended for promotion to major or lieutenant commander if the
7 Secretary concerned determines that such an increase is necessary to improve or maintain
8 medical readiness”.

**[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 grant authority to the Secretary concerned to exceed the percentage limit established by section 616 of title 10, United States Code (U.S.C.), relating to the promotion of officers, in the case of medical officers and dental officers in the zone of consideration for promotion to O-4, when the Secretary concerned determines that such action is necessary to improve or maintain medical readiness. Officers recommended for promotion must still meet the requirements described in 10 U.S.C. 616(c).¹

The current limit of 95 percent recommended for promotion, imposed by 10 U.S.C. 616(d), presents serious promotion and retention issues for medical and dental officers. These officers, which include general and orthopedic surgeons, as well as most dental specialties, have extensive training and education requirements. They normally spend seven to twelve years training, and have a narrow scope of experiences at the junior officer grades. These medical specialty officers do not follow the traditional path of other officers because they normally access into the service at the grade of O-3. In fact, many medical and dental officers are in training or have just completed medical/dental training when they become eligible for promotion to O-4. As a result, the 95 percent statutory limitation adversely impacts medical and dental officers, especially in the grade of O-3 in the zone for consideration for promotion to O-4, as they have very limited, or in some cases no, actual experience outside of a training program.

¹ 10 U.S.C. 616(c) states: “A selection board convened under section 611(a) of this title may not recommend an officer for promotion unless-

(1) the officer receives the recommendation of a majority of the members of the board;
(2) a majority of the members of the board finds that the officer is fully qualified for promotion; and
(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable.”

Accordingly, some of these low-density, medical specialty officers will not be recommended for promotion - not due to inferior qualifications or failure to meet training standards, but simply because of the 95 percent limit on the number that can be recommended.

For the Army, the 95 percent limit typically results in the annual non-selection of ten to fifteen otherwise qualified doctors and dentists.² This lower promotion rate also impacts retention because medical and dental officers already have lower continuation rates at the O-4 level relative to the other branches. The loss of these officers, often after significant time and expense for specialized training, negatively impacts medical readiness across the force due to the already limited number of medical and dental officers.

In conclusion, this authority is necessary to enable the Secretary concerned to ensure medical readiness standards by retaining medical and dental officers that are otherwise qualified for promotion, but who are nonetheless not recommended due to the 95 percent limit imposed by 10 U.S.C. 616(d). The other requirements of 10 U.S.C. 616 and 10 U.S.C. 623 will remain in effect to ensure no significant loss in officer quality, and this proposal would also require the Secretary concerned to stay below a rate of 100 percent and make a determination that any increase above the 95 percent limit is necessary to address conditions of medical readiness.

Resource Information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2024 President's Budget request.

Changes to Existing Law: This proposal would amend section 616 of title 10, United States Code as follows:

§ 616. Recommendations for promotion by selection boards

(a) A selection board convened under section 611(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board, giving due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under section 615(b) of this title), considers best qualified for promotion within each competitive category considered by the board.

(b) The Secretary of the military department concerned shall establish the number of officers such a selection board may recommend for promotion from among officers being considered from below the promotion zone in any competitive category. Such number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the service so require. If the number determined under this

² Historically, the Medical Corps O-4 promotion board has been anywhere from 93 percent to 97 percent for the primary zone with an additional 2-21 officers selected from the above the zone list. Dental officers, although a much smaller population relative to the Medical Corps officers, are similarly situated with an average loss of approximately 1 to 2 officers per year as a result of the 95 percent limit.

subsection is less than one, the board may recommend one such officer. The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers which the board is authorized under section 615 of this title to recommend for promotion.

(c) A selection board convened under section 611(a) of this title may not recommend an officer for promotion unless-

(1) the officer receives the recommendation of a majority of the members of the board;

(2) a majority of the members of the board finds that the officer is fully qualified for promotion; and

(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable.

(d) The number of officers recommended for promotion by a selection board convened under section 611(a) of this title may not exceed the number equal to 95 percent of the number of officers included in the promotion zone established under section 623 of this title for consideration by the board, except that the Secretary concerned may increase the number of officers to a number that is greater than 95 percent, but less than 100 percent, for medical and dental officers being recommended for promotion to major or lieutenant commander if the Secretary concerned determines that such an increase is necessary to improve or maintain medical readiness.

(e) Except as otherwise provided by law, an officer on the active-duty list may not be promoted to a higher grade under this chapter unless he is considered and recommended for promotion to that grade by a selection board convened under this chapter.

(f) The recommendations of a selection board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 617 of this title, is signed by each member of the board.

(g) The Secretary convening a selection board under section 611(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not-

(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

(2) attempt to coerce or, by any unauthorized means, influence any action of a selection board or any member of a selection board in the formulation of the board's recommendations.

(h)(1) In selecting the officers to be recommended for promotion, a selection board shall, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, pursuant to guidelines and procedures prescribed by the Secretary, from among those officers selected for promotion, to be placed higher on the promotion list established by the Secretary under section 624(a)(1) of this title.

(2) An officer may be recommended to be placed higher on a promotion list under paragraph (1) only if the officer receives the recommendation of at least a majority of the members of the board, unless the Secretary concerned establishes an alternative requirement. Any such alternative requirement shall be furnished to the board as part of the guidelines furnished to the board under section 615 of this title.

(3) For the officers recommended to be placed higher on a promotion list under paragraph (1), the board shall recommend, pursuant to guidelines and procedures prescribed by the Secretary concerned, the order in which those officers should be placed on the list.

1 **SEC. ___. AUTHORITY TO PROVIDE DENTAL CARE FOR DEPENDENTS**
2 **LOCATED AT CERTAIN REMOTE OR ISOLATED LOCATIONS.**

3 Section 1077(c) of title 10, United States Code, is amended—

4 (1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and
5 (3)”; and

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

7 “(3)(A) Dependents who reside within a specified geographic area and are covered by a
8 dental plan established under section 1076a may receive dental care in a dental treatment facility
9 of the uniformed services on a space available basis if the Secretary of Defense determines
10 that—

11 “(i) civilian dental care within the specified geographic area is inadequate or is
12 not sufficiently available; and

13 “(ii) adequate resources exist to provide space available dental care to the
14 dependents.

15 “(B) Care provided under subparagraph (A) shall be on a reimbursable basis.”.

**[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 1077 of title 10, United States Code (U.S.C.), to allow military dependents to receive space available dental care at military dental treatment facilities (DTFs), on a reimbursable basis, when they are stationed at locations within the United States where the civilian dental care is inadequate or is not sufficiently available within a specified geographic area, as designated by the Secretary of Defense. The TRICARE Dental Program would remain the primary source of care, but this authority would offer an adjunctive care option.

Currently, sections 1076 and 1077 of title 10, U.S.C., prescribe the conditions under which a dependent of a servicemember may receive dental care in a DTF of the uniformed services. As a general rule, these statutes state that dependents are not allowed to receive dental

care in a military facility if they are participating in a TRICARE dental plan (established pursuant to section 1076a of title 10, U.S.C.) for military dependents unless: 1) the care is in response to an emergency; 2) the care is provided outside the United States; 3) the care is not covered by a TRICARE dental plan; or 4) such treatment is for pediatric cases¹ and such treatment is necessary in order to satisfy an accreditation standard. Unfortunately, this construct does not provide sufficient authority to adequately address situations where military families are assigned to locations within the United States where adequate civilian dental care is scarce or nonexistent.² Additional authority is necessary to provide space available treatment to dependents covered by a TRICARE dental plan when they are residing in remote locations.

The Government Accountability Office (GAO) recently released a report (Military Installations: DOD Should Consider Various Support Services when Designating Sites as Remote or Isolated, GAO-21-276, Published: Jul 29, 2021) that identified 43 military installations within the United States designated as “remote or isolated.” As the report stated, “DOD installations that could be considered remote or isolated often have reduced support services for servicemembers and their dependents, such as limited access to health care and housing options.” In addition to other forms of health care, these remote locations often lack adequate dental care options for military dependents.

By way of example, at the National Training Center at Fort Irwin, California, the closest town is 35 miles (45 minutes) away and only has limited dental services. The next available town is 75 miles (90 minutes) away. Dependents reported driving two to three hours for dental services or delaying dental treatment 18-24 months due to lack of adequate care near the installation.

This proposal would provide the Secretary of Defense with discretion to authorize dependent access to dental care at military facilities when it is determined that civilian dental care is inadequate or is not sufficiently available within a specified geographic area. This flexibility will improve the quality of life for military families as well as enhance readiness. Such care would remain subject to the availability and adequacy of dental resources. The primary focus of dental care would remain on active duty members in accordance with current policies, standards established by the Defense Health Agency and standards established by the respective military departments.³

Resource Information: This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2024 President’s Budget.

¹ Such care is limited to 2,000 patients per fiscal year and is only available on a space available basis.

² Section 1076 of title 10, U.S.C., entitles dependents to medical and dental care prescribed by section 1077 of title 10 in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff. However, section 1077 of title 10 further restricts the availability of space available care contemplated in section 1076 in cases where the dependent is enrolled in a TRICARE dental plan. This proposal would create a narrow exception for enrolled dependents when they are residing in a designated remote location.

³ DTFs considering space available dependent care would be required to maintain a readiness standard of 95% Dental Readiness Class 1 and 2 for active duty members in accordance with Assistant Secretary of Defense for Health Affairs Policy 07-011.

PERSONNEL					
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Army	3,490	3,490	3,490	3,490	3,490
Navy / Marines	971	971	971	971	971
Air Force	774	774	774	774	774
Coast Guard	465	465	465	465	465
Total	5,700	5,700	5,700	5,700	5,700

Changes to Existing Law: This proposal would amend section 1077 of title 10, United States Code, as follows:

§ 1077. Medical care for dependents: authorized care in facilities of uniformed services

(a) Only the following types of health care may be provided under section 1076 of this title:

- (1) Hospitalization.
- (2) Outpatient care.
- (3) Drugs, including, in accordance with subsection (h), medically necessary vitamins.
- (4) Treatment of medical and surgical conditions.
- (5) Treatment of nervous, mental, and chronic conditions.
- (6) Treatment of contagious diseases.
- (7) Physical examinations, including eye examinations, and immunizations.
- (8) Maternity and infant care, including well-baby care that includes one screening of an infant for the level of lead in the blood of the infant.
- (9) Diagnostic tests and services, including laboratory and X-ray examinations.
- (10) Dental care.
- (11) Ambulance service and home calls when medically necessary.
- (12) Durable equipment, which may be provided on a loan basis.
- (13) Primary and preventive health care services for women (as defined in section 1074d(b) of this title).
- (14) Preventive health care screening for colon or prostate cancer, at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.
- (15) Prosthetic devices, as determined by the Secretary of Defense to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease.
- (16) Except as provided by subsection (g), a hearing aid, but only for a dependent of a member of the uniformed services on active duty and only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries.
- (17) Any rehabilitative therapy to improve, restore, or maintain function, or to minimize or prevent deterioration of function, of a patient when prescribed by a physician.
- (18) In accordance with subsection (h), medically necessary food and the medical equipment and supplies necessary to administer such food (other than durable medical equipment and supplies).

(b) The following types of health care may not be provided under section 1076 of this title:

(1) Domiciliary or custodial care.

(2) Orthopedic footwear and spectacles, except that, outside of the United States and at stations inside the United States where adequate civilian facilities are unavailable, such items may be sold to dependents at cost to the United States.

(3) The elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

(c)(1) Except as specified in ~~paragraph (2)~~ paragraphs (2) and (3), a dependent participating under a dental plan established under section 1076a of this title may not be provided dental care under section 1076(a) of this title except for emergency dental care, dental care provided outside the United States, and dental care that is not covered by such plan.

(2)(A) Dependents who are 12 years of age or younger and are covered by a dental plan established under section 1076a of this title may be treated by postgraduate dental residents in a dental treatment facility of the uniformed services under a graduate dental education program accredited by the American Dental Association if-

(i) treatment of pediatric dental patients is necessary in order to satisfy an accreditation standard of the American Dental Association that is applicable to such program, or training in pediatric dental care is necessary for the residents to be professionally qualified to provide dental care for dependent children accompanying members of the uniformed services outside the United States; and

(ii) the number of pediatric patients at such facility is insufficient to support satisfaction of the accreditation or professional requirements in pediatric dental care that apply to such program or students.

(B) The total number of dependents treated in all facilities of the uniformed services under subparagraph (A) in a fiscal year may not exceed 2,000.

(3)(A) Dependents who reside within a specified geographic area and are covered by a dental plan established under section 1076a may receive dental care in a dental treatment facility of the uniformed services on a space available basis if the Secretary of Defense determines that—

(i) civilian dental care within the specified geographic area is inadequate or is not sufficiently available; and

(ii) adequate resources exist to provide space available dental care to the dependents.

(B) Care provided under subparagraph (A) shall be on a reimbursable basis.

(d)(1) Notwithstanding subsection (b)(1), hospice care may be provided under section 1076 of this title in facilities of the uniformed services to a terminally ill patient who chooses (pursuant to regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries) to receive hospice care rather than continuing hospitalization or other health care services for treatment of the patient's terminal illness.

(2) In this section, the term "hospice care" means the items and services described in section 1861(dd) of the Social Security Act (42 U.S.C. 1395x(dd)).

(e)(1) Authority to provide a prosthetic device under subsection (a)(15) includes authority to provide the following:

(A) Any accessory or item of supply that is used in conjunction with the device for the purpose of achieving therapeutic benefit and proper functioning.

(B) Services necessary to train the recipient of the device in the use of the device.

(C) Repair of the device for normal wear and tear or damage.

(D) Replacement of the device if the device is lost or irreparably damaged or the cost of repair would exceed 60 percent of the cost of replacement.

(2) An augmentative communication device may be provided as a voice prosthesis under subsection (a)(15).

(3) A prosthetic device customized for a patient may be provided under this section only by a prosthetic practitioner who is qualified to customize the device, as determined under regulations prescribed by the Secretary of Defense in consultation with the administering Secretaries.

(f)(1) Items that may be provided to a patient under subsection (a)(12) include the following:

(A) Any durable medical equipment that can improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition.

(B) Any durable medical equipment that can maximize the patient's function consistent with the patient's physiological or medical needs.

(C) Wheelchairs.

(D) Iron lungs.

(E) Hospital beds.

(2) In addition to the authority to provide durable medical equipment under subsection (a)(12), any customization of equipment owned by the patient that is durable medical equipment authorized to be provided to the patient under this section or section 1079(a)(5) of this title, and any accessory or item of supply for any such equipment, may be provided to the patient if the customization, accessory, or item of supply is essential for—

(A) achieving therapeutic benefit for the patient;

(B) making the equipment serviceable; or

(C) otherwise assuring the proper functioning of the equipment.

(g)(1) In addition to the authority to provide a hearing aid under subsection (a)(16), hearing aids may be sold under this section to dependents eligible for care under this section at cost to the United States.

(2) For purposes of selling hearing aids at cost to the United States under paragraph (1), a dependent of a member of the reserve components who is enrolled in the TRICARE program under section 1076d of this title shall be deemed to be a dependent eligible for care under this section.

(h)(1) Vitamins that may be provided under subsection (a)(3) are vitamins used for the management of a covered disease or condition pursuant to the prescription, order, or recommendation (as applicable) of a physician or other health care professional qualified to make such prescription, order, or recommendation.

- (2) Medically necessary food that may be provided under subsection (a)(18)—
- (A) is food, including a low protein modified food product or an amino acid preparation product, that is—
 - (i) furnished pursuant to the prescription, order, or recommendation (as applicable) of a physician or other health care professional qualified to make such prescription, order, or recommendation, for the dietary management of a covered disease or condition;
 - (ii) a specially formulated and processed product (as opposed to a naturally occurring foodstuff used in its natural state) for the partial or exclusive feeding of an individual by means of oral intake or enteral feeding by tube;
 - (iii) intended for the dietary management of an individual who, because of therapeutic or chronic medical needs, has limited or impaired capacity to ingest, digest, absorb, or metabolize ordinary foodstuffs or certain nutrients, or who has other special medically determined nutrient requirements, the dietary management of which cannot be achieved by the modification of the normal diet alone;
 - (iv) intended to be used under medical supervision, which may include in a home setting; and
 - (v) intended only for an individual receiving active and ongoing medical supervision under which the individual requires medical care on a recurring basis for, among other things, instructions on the use of the food; and
 - (B) may not include—
 - (i) food taken as part of an overall diet designed to reduce the risk of a disease or medical condition or as weight-loss products, even if the food is recommended by a physician or other health care professional;
 - (ii) food marketed as gluten-free for the management of celiac disease or non-celiac gluten sensitivity;
 - (iii) food marketed for the management of diabetes; or
 - (iv) such other products as the Secretary determines appropriate.
- (3) In this subsection, the term "covered disease or condition" means—
- (A) inborn errors of metabolism;
 - (B) medical conditions of malabsorption;
 - (C) pathologies of the alimentary tract or the gastrointestinal tract;
 - (D) a neurological or physiological condition; and
 - (E) such other diseases or conditions the Secretary determines appropriate.

1 **SEC. ____ . CODIFICATION OF AND REVISIONS TO AUTHORITY FOR JOINT TASK**
2 **FORCES OF THE DEPARTMENT OF DEFENSE TO SUPPORT LAW**
3 **ENFORCEMENT AGENCIES OR FEDERAL AGENCIES CONDUCTING**
4 **COUNTERTERRORISM AND COUNTER TRANSNATIONAL**
5 **ORGANIZED CRIME ACTIVITIES.**

6 (a) CODIFICATION IN TITLE 10.—Chapter 15 of title 10, United States Code, is amended
7 by adding at the end a new section consisting of—

8 (1) a heading as follows:

9 **“§ 285. Authority for joint task forces to support law enforcement agencies or other**
10 **Federal departments and agencies conducting counterterrorism and counter**
11 **transnational organized crime activities”**; and

12 (2) a text consisting of the text of section 1022 of the National Defense
13 Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 271 note).

14 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
15 amended by adding at the end the following new item:

“285. Authority for joint task forces to support law enforcement agencies or other Federal departments and agencies conducting counterterrorism and counter transnational organized crime activities.”.

16 (c) REVISIONS.—Section 285 of title 10, United States Code, as added by subsection (a)
17 of this section, is amended—

18 (1) in subsection (a), by inserting “or to another department or agency of the
19 Federal Government” after “law enforcement agencies” each place it appears;

20 (2) in subsection (b), by striking “During fiscal years 2006 through 2027, funds
21 for drug interdiction” and inserting “Funds for drug interdiction”;

22 (3) by striking subsection (c);

1 (4) by redesignating subsection (d) as subsection (c);

2 (5) in subsection (c), as redesignated by paragraph (4) of this subsection, by
3 adding at the end the following new paragraph:

4 “(3) The Secretary of Defense may only provide support for counter-terrorism or
5 counter-transnational organized crime activities under subsection (a) to a foreign law
6 enforcement agency with the concurrence of the Secretary of State.”;

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

8 “(d) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—(1) The authority provided in this
9 section to provide support to law enforcement agencies or to another department or agency of the
10 Federal Government conducting counter-terrorism activities or counter-transnational organized
11 crime activities is in addition to, and except as provided in paragraph (2), not subject to the other
12 requirements of this chapter.

13 “(2) Support under this section shall be subject to the provisions of section 275 and
14 section 276 of this title.”; and

15 (7) in paragraph (1) of subsection (e), by striking “title 10, United States Code”
16 and inserting “this title”.

17 (d) REPEAL OF SUPERSEDED AUTHORITY.—Section 1022 of the National Defense
18 Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 271 note) 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 codify and make permanent the authorities provided in section 1022 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2004 (Public Law 108-136; 10 U.S.C. 271 note) (referred to as “section 1022”). For over fifteen years, section 1022 has provided the Department of Defense (DoD) the authority to use funds from the drug interdiction and counter-drug activities account to enable joint task forces that support law enforcement

agencies conducting counter-drug activities to also provide support to law enforcement agencies conducting counter-terrorism or counter-transnational organized crime activities. In the NDAA for FY 2015, section 1022 was amended to also authorize support to law enforcement agencies conducting counter-transnational organized crime activities. Since section 1022 was first enacted in FY 2004, the authority has been reauthorized ten times. The most recent reauthorization is set to expire at the end of FY 2027.

Section 1022 has been essential in authorizing DoD analytical support to help disrupt the financial resources of terrorists and transnational criminal organizations, and other threat networks that derive revenue from illicit trafficking. Details of support authorized under section 1022 have been reported to Congress annually through a classified report. Section 1022(d) requires that counterterrorism or counter-transnational organized crime activities must “relate significantly” to counterdrug objectives, unless the Secretary issues a waiver that providing such support is “vital to the national security interests of the United States.” This provision allows DoD to support the most critical national security requirements, while preserving the integrity of the counterdrug appropriation for activities to disrupt the flow of cocaine, heroin, and other dangerous drugs and precursor chemicals bound for the United States. Codifying section 1022 would facilitate long-term planning and budgeting, and would enhance the efforts of the Combatant Commanders to confront the persistent national security threat posed to the United States and our allies and partners by the nexus among drug trafficking, terrorism, and other forms of transnational organized crime.

In addition, this proposal would amend the authority to authorize DoD joint task forces to provide support for the counterterrorism or counter-transnational organized crime activities of not only law enforcement agencies, but also of any other department or agency of the Federal Government. This revision would conform the newly codified section 285 authority with section 284 of title 10, U.S. Code, which allows for DoD to provide support for the counterdrug activities or activities to counter transnational organized crime “of any other department or agency of the Federal Government.”

Resource Information: The resources affected by this proposal are reflected in the table below and are included within the Fiscal Year (FY) 2024 President’s Budget request:

RESOURCE IMPACT (\$Millions)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Counter-Narcotics Support	638.273	638.273	638.273	638.273	638.273	Drug Interdiction and Counter-drug Activities, Defense	BA01	0105D	N/A
Total	638.273	638.273	638.273	638.273	638.273				

Changes to Existing Law: This proposal would transfer the text of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 into a new section 285 of title 10, United States Code, and amend such section as follows:

~~SEC. 1022. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.~~

§ 285. Authority for joint task forces to support law enforcement agencies or other Federal agencies conducting counterterrorism and counter transnational organized crime activities

(a) ~~AUTHORITY.~~—A joint task force of the Department of Defense that provides support to law enforcement agencies or to another department or agency of the Federal Government conducting counter-drug activities may also provide, subject to all applicable laws and regulations, support to law enforcement agencies or to another department or agency of the Federal Government conducting counter-terrorism activities or counter-transnational organized crime activities.

(b) ~~AVAILABILITY OF FUNDS.~~—~~During fiscal years 2006 through 2027, funds~~ Funds for drug interdiction and counter-drug activities that are available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism or counter-transnational organized crime support authorized by subsection (a).

(c) ~~ANNUAL REPORT.~~—~~Not later than December 31 of each year in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report setting forth, for the one-year period ending on the date of such report, the following:~~

~~(1) An assessment of the effect on counter drug, counter transnational organized crime, and counter terrorism activities and objectives of using counter drug funds of a joint task force to provide counter terrorism or counter transnational organized crime support authorized by subsection (a).~~

~~(2) A description of the type of support and any recipient of support provided under subsection (a), and a description of the objectives of such support.~~

~~(3) A list of current joint task forces exercising the authority under subsection (a).~~

~~(4) A certification by the Secretary of Defense that any support provided under subsection (a) during such one-year period was provided in compliance with the requirements of subsection (d).~~

(d) CONDITIONS.—(1) Support for counter-terrorism or counter-transnational organized crime activities provided under subsection (a) may only be provided if the Secretary of Defense determines that the objectives of using the counter-drug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counter-drug activities by that joint task force or any other joint task force.

(2) The Secretary of Defense may waive the requirements of paragraph (1) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to the congressional defense committees notice in writing of any waiver issued under this subparagraph, together with a description of the vital national security interests associated with the support covered by such waiver.

(3) The Secretary of Defense may only provide support for counter-terrorism or counter-transnational organized crime activities under subsection (a) to a foreign law enforcement agency with the concurrence of the Secretary of State.

(d) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—(1) The authority provided in this section to provide support to law enforcement agencies or to another department or agency of the Federal Government conducting counter-terrorism activities or counter-transnational organized crime activities is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

(2) Support under this section shall be subject to the provisions of section 275 and section 276 of this title.

(e) DEFINITIONS.—(1) In this section, the term “transnational organized crime” has the meaning given such term in section 284(i) of title 10, United States Code this title.

(2) For purposes of applying the definition of transnational organized crime under paragraph (1) to this section, the term “illegal means”, as it appears in such definition, includes the trafficking of money, human trafficking, illicit financial flows, illegal trade in natural resources and wildlife, trade in illegal drugs and weapons, and other forms of illegal means determined by the Secretary of Defense.

1 **SEC. __. REDELEGATION OF AUTHORITY TO DETERMINE AND ESTABLISH**
2 **THE REASONABLE VALUE OF CARE AND TREATMENT UNDER**
3 **THE FEDERAL MEDICAL CARE RECOVERY ACT.**

4 Section 2 of Public Law 87–693 (42 U.S.C. 2652) is amended—

5 (1) by amending subsection (a) to read as follows:

6 “(a) The President shall prescribe regulations to carry out this Act.”;

7 (2) by redesignating subsections (b) and (c) as subsections (c) and (d),
8 respectively; and

9 (3) by inserting after subsection (a) the following new subsection (b):

10 “(b) For purposes of this Act, the head of the department or agency of the United States
11 concerned shall determine and establish, from time to time, rates that represent the reasonable
12 value of the hospital, medical, surgical, or dental care and treatment (including prostheses and
13 medical appliances) furnished or to be furnished.”.

Section-by-Section Analysis

This proposal would redelegate from the President to the head of the department or agency of the United States concerned the authority to establish reimbursement rates under the Federal Medical Care Recovery Act. Currently, under Executive Order (EO) 11060 (issued November 7, 1962), the President’s authority is delegated to the Director of the Office of Management and Budget (OMB). The Department of Defense (DoD) and OMB agree that the responsibility would be more properly assigned to the head of the department or agency of the United States concerned. It could then be delegated to the appropriate official in the department or agency concerned, such as the DoD Comptroller.

Under current practice, annually, or as needed, the Defense Health Agency’s Uniform Business Office, through the Assistant Secretary of Defense for Health Affairs (ASD(HA)), assists in establishing the rates referenced in EO 11060 by determining “the reasonable value of hospital, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished” within DoD medical treatment facilities. The ASD(HA) submits rates to the Director of OMB for review and approval to publish the rates in the Federal Register. OMB has expressed that the setting of rates is a well-established and accepted DoD practice, and that therefore the authority to sign the Federal Register notices should be redelegated to the DoD Comptroller and other affected agencies.

Resource Information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2024 President’s Budget request.

Changes to Existing Law: This proposal would amend section 2 of Public Law 87–693 (42 U.S.C. 2652) as follows:

SEC. 2. (a) The President may prescribe regulations to carry out this Act.

(b) For purposes of this Act, the head of the department or agency of the United States concerned shall determine and establish, from time to time, rates that represent, including regulations with respect to the determination and establishment of the reasonable value of the hospital, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished.

~~(b)~~ (c) To the extent prescribed by regulations under subsection (a), the head of the department or agency of the United States concerned may (1) compromise, or settle and execute a release of, any claim which the United States has by virtue of the right established by section 1; or (2) waive any such claim, in whole or in part, for the convenience of the Government, or if he determines that collection would result in undue hardship upon the person who suffered the injury or disease resulting in care or treatment described in section 1.

~~(e)~~ (d) No action taken by the United States in connection with the rights afforded under this legislation shall operate to deny to the injured person the recovery for that portion of his damage not covered hereunder.

1 **SEC. ___. ENHANCED AUTHORITY TO INCREASE SPACE LAUNCH CAPACITY.**

2 Chapter 135 of title 10, United States Code, is amended by inserting after section
3 2276 the following new section:

4 **“§ 2276a. Special authority for the commercial development of space launch facilities**

5 “(a) IN GENERAL.—The Secretary of a military department, pursuant to the
6 authorities in this section or any other provision of law, may increase Federal and
7 commercial space launch capacity on any domestic real property under the control of the
8 Secretary through—

9 “(1) commercial development; and

10 “(2) the provision of space launch support services.

11 “(b) LEASE AUTHORITY.—

12 “(1) IN GENERAL.—The Secretary concerned, consistent with national security
13 interests of the United States, may lease any real property under the control of the
14 Secretary that the Secretary determines is suitable for use as a commercial space
15 launch or space launch support site.

16 “(2) CONDITION ON LEASES.—A lease under this section—

17 “(A) shall not be for more than twenty-five years, unless the Secretary
18 concerned determines that a longer period will promote the national defense
19 or serve the public interest;

20 “(B) shall permit the Secretary concerned to revoke the lease at any
21 time, unless the Secretary determines that the omission of such provision will
22 promote the national defense or serve the public interest;

23 “(C) shall require the lessee to develop, operate, and maintain the real
24 property as a commercial space launch or space launch support facility; and

25 “(D) shall provide for the payment of consideration by the lessee to the
26 Secretary concerned, in cash or in-kind, in an amount the Secretary concerned
27 determines appropriate to promote the national defense or serve the public
28 interest.

29 “(3) DISPOSITION OF CONTRACTOR-CONSTRUCTED FACILITIES, IMPROVEMENTS,
30 AND INFRASTRUCTURE UPON LEASE TERMINATION.—At termination of a lease entered
31 into pursuant to this subsection, at the discretion of the Secretary concerned, any
32 lessee constructed facilities, improvements or other infrastructure shall be transferred
33 to the United States or demolished and removed at no cost to the United States and to
34 the satisfaction of the Secretary concerned.

35 “(4) CASH CONSIDERATION.—Subsection (e)(1) of section 2667 of this title
36 shall apply with respect to any cash proceeds received by the Secretary concerned in
37 connection with a lease granted under this section in the same manner as such
38 subsection applies to money rent received pursuant to leases entered into under such
39 section, except that at least 50 percent of the rents collected under this section shall
40 be used to support Federal or commercial space launch capability.

41 “(5) IN-KIND CONSIDERATION.—For purposes of this subsection, in-kind
42 consideration includes the provision of, or the future provision of, equipment,
43 services, or structures (other than lessee improvements to the land leased) that
44 support common space launch or launch support as the lessee’s consideration for a

45 lease authorized in this subsection. The types of in-kind consideration may include,
46 those specified in subsection (c)(1) of section 2667 of this title.

47 “(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may
48 require such additional terms and conditions in a lease under this section as the
49 Secretary concerned considers appropriate to protect the interests of the United
50 States.

51 “(7) INAPPLICABILITY OF CERTAIN LAWS.—The lease of property or facilities
52 under this section shall not be subject to the following provisions of law:

53 “(A) Sections 2662, 2667 (except as specifically provided for under
54 this section), and 2801 through 2815 of this title.

55 “(B) Subtitle I of title 40 and division C (except sections 3302,
56 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

57 “(C) Section 1302 of title 40.

58 “(D) Section 501 of the McKinney-Vento Homeless Assistance Act
59 (42 U.S.C. 11411).

60 “(c) PROVISION OF LAUNCH EQUIPMENT AND SERVICES TO COMMERCIAL ENTITIES.—

61 “(1) AGREEMENT AUTHORITY.—The Secretary concerned may enter into
62 contracts or other transactions with commercial entities that intend to conduct space
63 launch activities on a military installation under the jurisdiction of the Secretary.
64 Any such agreement may include the provision of supplies, services, equipment, and
65 construction needed for commercial space launch.

66 “(2) AGREEMENT COSTS.—

67 “(A) DIRECT COSTS.—An agreement entered into under paragraph (1)
68 shall include a provision that requires the commercial entity entering into the
69 agreement to reimburse the Department of Defense for all direct costs to the
70 United States that are associated with the goods, services, and equipment
71 provided to the commercial entity under the contract.

72 “(B) INDIRECT COSTS.—In addition, the contract may include a
73 provision that requires the commercial entity to reimburse the Department of
74 Defense for such indirect costs as the Secretary concerned considers to be
75 appropriate. In such a case, the contract may provide for the recovery of
76 indirect costs through establishment of a rate, fixed price or similar
77 mechanism the Secretary concerned finds reasonable.

78 “(3) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts
79 collected from a commercial entity pursuant to paragraph (2) shall be credited to the
80 appropriation accounts under which the costs associated with the contract (direct and
81 indirect) were incurred.

82 “(d) DEFINITIONS.—In this section:

83 “(1) SPACE LAUNCH.—The term ‘space launch’ includes all activities,
84 supplies, equipment, facilities or services supporting launch preparation, launch,
85 reentry, recovery and other launch-related activities for both the payload and the
86 space transportation vehicle.

87 “(2) COMMERCIAL ENTITY.—The term ‘commercial entity’ or ‘commercial’
88 means a non-Federal entity organized under the laws of the United States or of any
89 jurisdiction within the United States.”.

Section-by-Section Analysis

National interests require the Department of Defense (DoD) to maintain globally competitive ranges with capacity to support national security space (NSS) launch, civil (NASA) launch, commercial launch, and test operations on demand, while preserving DoD's national security interests. Moreover, the Department is congressionally mandated to conduct NSS launches as a commercial service [51 U.S.C. 50131], maintain robust launch infrastructure and industrial base [10 U.S.C. 2273], and promote the development of the space launch industry [10 U.S.C. 2276(a), 2020 National Space Policy, and 2020 National Space Transportation Policy].

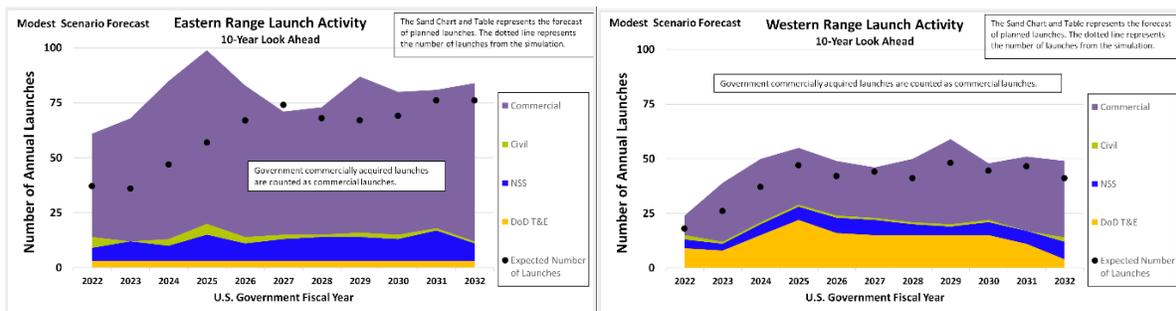
Space launch is a dynamic, commercial enterprise and the Department is not equipped to succeed as a commercial-like actor. Moreover, DoD ranges require modernization of facilities, processes, technology, practices and policies on a continuous basis in order to meet market and mission requirements. Industry innovation and development has positioned the U.S. as the world leader in space launch activity. If the Department is to continue providing support to the commercial space enterprise to maintain our national advantage, it must have the legal authorities to succeed. Such authorities will enable the Department to operate effectively, efficiently, and in a sustained manner with commercial space launch entities; maintain and build facilities to meet commercial and Department needs; and equitably leverage commercial funding sources to grow space transportation infrastructure and service capacity.

Current law does not adequately posture the Department to support commercial space launch. To date, the 10 U.S.C. 2276 has never been used for commercial space launch cooperation. To wit, the reimbursable fund and contract authority the law provides are insufficient, inflexible, untimely and ineffective in the commercial environment. As such, the Department has been using alternative authorities provided under Title 51. Per chapters 505 and 509 of title 51, United States Code, the Department is limited to providing launch services or property "otherwise not needed for public use" for direct cost only and has no acceptable non-Federal investment mechanism for improvements. The reimbursement restriction to direct costs was appropriate when the commercial activity was marginal and, in essence, occupied the unused time between government activities.

Within the last three years, commercial space has become the predominant user of range resources. Costs continue to expand as a result of this increased usage and a direct cost only reimbursement scheme limits continued expansion. While the recent, rapid growth of the commercial space industry is the result of successful national policy and innovative commercial technological development, it is also clear that the DoD is subsidizing a commercial endeavor. This may have been appropriate during the nascent beginnings of a vibrant commercial market for space launch services, but is now misaligned with the incredible growth in that industry and estimates for further expansion.

Current launch projections indicate increasing commercial activity. To match the velocity of launch growth, additional contributions from commercial entities are required to sustain launch capability. Average launch tempo over the last four years was approximately 30 launches per year from the east and west coasts combined. We have the potential to grow to

more than **125 launches per year** by FY2026 with no corresponding increase in appropriated funds to operate, maintain, sustain, and improve the ranges. The graph below represents projected increases. The color representation of user activity demonstrates the stunning presence of commercial activity on the range. This increase in commercial activity is happening coincident with increased government spacecraft procurement by a wider variety of government agencies than historically participate in the marketplace. The government is reviewing the role of proliferated constellations and is engaging industry to best take advantage of commercial practices, products, and processes. This will add stress to range and industry capacity necessitating increased responsiveness.



90

The inability to recoup the costs to support commercial space launches has already had a material impact on DoD processes and priorities and it will severely limit our ability to support the anticipated growth in commercial space launches. The excess capacity construct required by current statute places an effective cap on the number of launches that the United States Space Force (USSF) can support. The direct cost only reimbursement rules, coupled with the “otherwise not needed for public use” constraint, restrict our deliberate planning for commercial space activity and effectively caps capacity at DoD appropriation levels. It makes industry a last user of resources and prevents the Department from procuring operational services if they extend beyond DoD need. This is an unreliable approach to services and commodities necessary to meet congressionally mandated guidance and sustain industry expansion.

Affordable and reliable Assured Access to Space, as directed in 10 U.S.C. 2273, is only achievable through commercial space launch capability and a robust space launch infrastructure and industrial base. This proposal provides for a new section, 2276a, to be added to chapter 135 of Title 10. This proposed new section will provide increased authority and flexibility to the Secretary concerned to support commercial launch activity on DoD launch ranges with necessary cost recovery authorities to match the current expansion by industry.

Subsection (a) of the proposed new section of title 10 would authorize the Secretary concerned to increase space launch capacity (for both commercial and federal requirements) on any real property under the Secretary’s control through commercial development and by providing space launch support services to the commercial space companies conducting space launch operations on DoD property. This does not include authority for international agreements or agreements related to foreign realty.

Subsection (b) of the proposed new section of title 10 would establish specific authority for the Secretary concerned to lease any real property controlled by the Secretary if he or she determines that it is suitable for use as a commercial space launch or space launch support site. The lease authority provides the Department unique flexibility to encourage both commercial development and obtain commercial infrastructure contributions. In particular, paragraphs (3) and (4) specify that any money or in-kind consideration received in connection with a lease entered into under the section shall be used to support federal or commercial space launch. Lease terms and consideration are assessed based on the greater public and defense purposes, providing flexibility in attracting commercial investment. Rents may be collected as cash or in-kind consideration. Leveraging in-kind consideration provides a means to obtain recapitalization of the shared infrastructure managed by the Department.

Subsection (c) of the proposed new section of title 10 would authorize the Secretary to enter into agreements and receive cost reimbursement for all costs (both direct and indirect) associated with the provision of goods and services to commercial entities conducting space launch activities. The proposal recognizes the essential role the Department plays in supporting commercial launch customers. This provision is based upon the longstanding statutory authority for the Department to collect reimbursement from commercial test entities who use government test facilities pursuant to 10 U.S.C. 2681. Both elements of this proposal are critical for continued growth and to sustain the capacity of U.S. space transportation infrastructure and services.

Finally, subsection (d) of the proposed new section of title 10 would provide definitions for the terms, “Space Launch” and “Commercial Entity” for purposes of the new section.

The enactment of this proposal would allow commercial space launch providers (as well as state and local governments) to contribute to the improvement of our nation’s space transportation infrastructure and will enable the Department to continue providing reliable and predictable access to a space launch capability that is adaptable to industry requirements. The flexible lease authorities provide the essential and timely means by which the Department can cooperatively meet these goals with non-federal (commercial and state government) entities operating on our ranges. By expanding allowances for in-kind consideration, it will also allow essential investment in space transportation infrastructure for Department requirements.

The future of ensuring a robust space transportation infrastructure and industrial base to support NSS and commercial launch is achieved through: (1) real authority, tools, capacity and flexibility to effectively operate in congressionally mandated commercial space transportation realm; (2) partnerships with industry to ensure our ranges continue to meet commercial and industry capacity and capability needs over time; and (3) sharing costs for the range of the future with industry and other partners. The proposed legislation achieves these goals.

Resource information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2024 President’s Budget. The table below represents reimbursable funds collected from industry under the authorities in this proposal.

This proposal is focused on gaining the necessary authorities to sustain continued space launch growth and requests no additional government funding. With the authority to collect indirect costs, there will likely be a limited reduction in current support requirements. Estimates are provided in the table below. The additional money received resulting from this proposal will be sourced by industry to meet the specific objectives as provided in written agreements with the government to grow space launch capacity. Funding in the table below represent estimates based on current direct cost reimbursement. Actual launch numbers and activity determine direct cost reimbursement levels. Direct cost reimbursement will be provided to the appropriation from which the expenses originated. We are conducting a Business Case Analysis which will validate our process and historical numbers. This might adjust the indirect cost 2.99% rate, as appropriate. The 2.99% was chosen as the initial indirect cost rate based on the mission partner support charge determined for SSC’s Commercial SATCOM Communications Office. The indirect cost rate will be monitored annually to validate appropriate percentage to meet need.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Space Launch Direct Cost Reimbursement (SLD 30 & 45)	\$92.7	\$94.7	\$96.8	\$99.0	\$101.2		01		
Space Launch Indirect Cost Reimbursement (2.99%)	\$2.8	\$2.8	\$2.9	\$3.0	\$3.1	Operation and Maintenance, Space Force	01		
Total	\$95.5	\$97.5	\$99.7	\$102	\$104.3				

Changes to Existing Law: This proposal adds a new section to title 10, United States Code, as set forth in the legislative text above.

1 **SEC. ___. EXPANSION OF CONTINUATION PAY ELIGIBILITY.**

2 (a) CONTINUATION PAY: FULL TSP MEMBERS WITH 8 TO 12 YEARS OF SERVICE.—Section
3 356 of title 37, United States Code, is amended—

4 (1) in the section heading, by striking “8” and inserting “7”; and

5 (2) in subsections (a)(1) and (d), by striking “8” and inserting “7”.

6 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of
7 such title is amended by striking the item relating to section 356 and inserting the following
8 new item:

9 “356. Continuation pay: full TSP members with 7 to 12 years of service.”.

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

Section-by-Section Analysis

This proposal would expand the continuation pay eligibility window for mid-career service members. Under the proposal, the current range of eight to twelve years would be expanded an additional year to become seven to twelve years. This change is necessary to address high attrition rates among service members before their eighth year of service.

Continuation pay provides the Department of Defense with a critical tool to address retention in mid-career service members. Unfortunately, the current continuation pay eligibility window prevents the military departments from fully addressing the mid-career retention problem. For example, the Army’s, historical attrition data from 2015 to 2021 shows that the Army lost 473 officers and 2,670 enlisted members in the seventh year-of-service, an amount higher than any subsequent year prior to retirement.¹ This pattern of attrition results in a consistent need for an excess of company grade officers to maintain future field grade strength. It further exacerbates existing shortages of mid-career non-commissioned officers with talents in high demand who needed to serve in critical positions across the services. The Navy and the Air Force have indicated that they have similar mid-career retention issues that could be at least partially mitigated by expanding the eligibility window.

In order for the military departments to meet mid-career retention goals, continuation pay was established as an incentive program to provide a cash payment (lump sum or up to four payments) to service members in return for a new three-year minimum service obligation.²

¹ A review of the last seven fiscal years indicates that the average officer loss during the seventh year-of-service was 473. For comparison, the average loss during the eighth and ninth year of service was 428 and 294 respectively.

² 37 USC 356.

Congress originally adopted this incentive program in the fiscal year (FY) 2016 National Defense Authorization Act (NDAA) (section 634), amended it in the FY 2017 NDAA to provide more flexibility in the timing of this payment, and further amended it in section 633 of the FY 2017 NDAA to change the service obligation to a minimum of three additional years following acceptance.³ Similarly, the law authorizes military departments to pay an active duty member, or reserve component member who is performing Active Guard or Reserve duty, a minimum amount of continuation pay equal to 2.5 times their monthly basic pay.⁴ For reserve component members not on active duty, the minimum continuation pay is equal to 0.5 times the monthly basic pay of an active component member of similar rank and length of service.⁵

By expanding the eligibility window, the Service Secretaries will have an improved ability to address retention at a known point of significant voluntary separation. Given the high attrition rates prior to the eighth year-of-service, the military departments need this additional flexibility beyond what is currently provided.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget request that are impacted by this proposal. Continuation pay is a multiplier of a servicemembers’ basic pay, so offering continuation pay earlier in a career timeline when basic pay is lower, represents a possible cost avoidance/savings for the Services.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Army	(1.74)	(9.65)	(8.24)	(13.69)	(24.47)	Military Personnel, Army	1 / 2	NA	NA
Navy/USMC*	0	0	0	0	0				
Air Force**	The Air Force does not intend to use this authority.								
Total	(1.74)	(9.65)	(8.24)	(13.69)	(24.47)				

*The Navy currently uses continuation pay at the 12-year mark and has no immediate plans to change.

**The Air Force does not intend to implement at this time, but appreciates having the flexibility this authority could provide if needed in the future.

Changes to Existing Law: This proposal would amend section 356 of title 37, United States Code as follows:

§ 356. Continuation pay: full TSP members with 8~~7~~ to 12 years of service

³ U.S. Congressional Research Service. Military Retirement: Background and Recent Developments (RL34751; May 10, 2018), by Kristy N. Kamarek, at 8.

⁴ *Id.*

⁵ *Id.*

(a) Continuation Pay.-The Secretary concerned shall make a payment of continuation pay to each full TSP member (as defined in section 8440e(a) of title 5) of the uniformed services under the jurisdiction of the Secretary who-

(1) has completed not less than §7 and not more than 12 years of service in a uniformed service; and

(2) enters into an agreement with the Secretary to serve for not less than 3 additional years of obligated service.

(b) Payment Amount.-The Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member's monthly basic pay. The multiple for a full TSP member who is a member of a regular component or a reserve component, if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10), shall not be less than 2.5 times the member's monthly basic pay. The multiple for a full TSP member who is a member of a reserve component not performing active Guard or Reserve duty (as so defined) shall not be less than 0.5 times the monthly basic pay to which the member would be entitled if the member were a member of a regular component. The maximum amount the Secretary concerned may pay a member under this section is-

(1) in the case of a member of a regular component-

(A) the monthly basic pay of the member at 12 years of service multiplied by 2.5; plus

(B) at the discretion of the Secretary concerned, the monthly basic pay of the member at 12 years of service multiplied by such number of months (not to exceed 13 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a); and

(2) in the case of a member of a reserve component-

(A) the amount of monthly basic pay to which the member would be entitled at 12 years of service if the member were a member of a regular component multiplied by 0.5; plus

(B) at the discretion of the Secretary concerned, the amount of monthly basic pay described in subparagraph (A) multiplied by such number of months (not to exceed 6 months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

(c) Additional Discretionary Authority.-In addition to the continuation pay required under subsection (a), the Secretary concerned may provide continuation pay under this subsection to a full TSP member described in subsection (a), and subject to the service agreement referred to in paragraph (2) of such subsection, in an amount determined by the Secretary concerned.

(d) Timing of Payment.-The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member has completed not less than §7 and not more than 12 years of service in a uniformed service.

(e) Lump Sum or Installments.-A full TSP member may elect to receive continuation pay provided under subsection (a) or (c) in a lump sum or in a series of not more than four payments.

(f) Relationship to Other Pay and Allowances.-Continuation pay under this section is in addition to any other pay or allowance to which the full TSP member is entitled.

(g) Repayment.-A full TSP member who receives continuation pay under this section (a) 1 and fails to complete the obligated service required under such subsection shall be subject to the repayment provisions of section 373 of this title.

(h) Regulations.-Each Secretary concerned shall prescribe regulations to carry out this section.

1 **SEC. ____ . EXTENSION OF AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.**

2 Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (title VI of division F
3 of Public Law 111–8; 8 U.S.C. 1101 note) is amended—

4 (1) in the heading, by striking “2023” and inserting “2026”;

5 (2) in the matter preceding clause (i) in the first sentence, by striking “38,500”
6 and inserting “58,500”;

7 (3) in clause (i), by striking “December 31, 2024” and inserting “December 31,
8 2026”; and

9 (4) in clause (ii), by striking “December 31, 2024” and inserting “December 31,
10 2026”.

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

Section-by-Section Analysis

This proposal would modify and extend the Afghan Special Immigrant Visa (SIV) Program to reflect the enduring and evolving nature of the U.S. mission in Afghanistan. The modification reflects the continuing nature of the U.S. and international missions in Afghanistan by extending the law until December 31, 2026. This program will continue at the discretion of the Secretary of State, in consultation with the Secretary of Defense, in order to maintain program stability and adaptability to the continuing mission in Afghanistan. Authority for the program will remain with the Secretary of State, but the Secretary of Defense may provide input.

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

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

SEC. 602. PROTECTION FOR AFGHAN ALLIES.

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

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

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

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.—

* * * * *

(3) NUMERICAL LIMITATIONS.—

* * * * *

(F) FISCAL YEARS 2015 THROUGH ~~2023~~ 2026.—In addition to any unused balance under subparagraph (D), for the period beginning on the date of the enactment of this subparagraph until such time that available special immigrant visas under subparagraphs (D) and (E) and this subparagraph are exhausted, the total number of principal aliens who may be provided special immigrant status under this section shall not exceed ~~38,500~~ 58,500. For purposes of status provided under this subparagraph-

(i) the period during which an alien must have been employed in accordance with paragraph (2)(A)(ii) must terminate on or before ~~December 31, 2024~~ December 31, 2026;

(ii) the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with paragraph (2)(D) not later than ~~December 31, 2024~~ December 31, 2026; and

(iii) the authority to issue visas shall commence on the date of the enactment of this subparagraph and shall terminate on the date such visas are exhausted .

* * * * *

1 **SEC. ____ . EXTENSION OF AUTHORITY FOR DEPARTMENT OF DEFENSE**
2 **SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL**
3 **SECURITY INTEREST OF THE UNITED STATES.**

4 Subsection (h) of section 1210A of the National Defense Authorization Act for Fiscal
5 Year 2020 (Public Law 116-92; 133 Stat. 1626) is amended by striking “December 31, 2023”
6 and inserting “December 31, 2025”.

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

Section-by-Section Analysis

This proposal would extend the authority to conduct programs authorized under section 1210A of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Public Law 116-92), Defense Support for Stabilization Activities in National Security Interest of the United States.

The United States has a vital national security interest in promoting stability in certain fragile and conflict-affected States in order to guard against State weakness, political subversion, or State collapse. Stabilization is a core pillar of irregular warfare activities, is clearly identified in the National Defense Strategy (NDS) as a vital wartime mission, and is necessary to consolidate military gains into lasting strategic success.

Despite its importance, the Department of Defense (DoD) does not possess the authority to conduct stabilization activities directly, and instead relies upon its interagency partners, namely the Department of State (DOS) and the U.S. Agency for International Development (USAID). However, civilian personnel often cannot access the very areas they must stabilize, particularly in hostile or conflict-affected areas.

Section 1210A grants the authority for DoD to provide rapid and flexible support to the stabilization efforts of other U.S. Government departments and agencies, greatly increasing their ability to access unstable areas. Once implemented in conjunction with parallel interagency efforts, this extension will continue DoD’s ability to prioritize, plan, and execute stabilization activities with interagency partners – supporting the NDS objective of “enabling U.S. interagency counterparts to advance U.S. influence and national security interests.”

The utility of section 1210A has been recognized by the Commanders of U.S. Africa Command and U.S. Central Command and the Chairman of the Joint Chiefs of Staff as critical to DoD efforts to consolidate military gains, accelerate a unified government response to the COVID-19 pandemic, and provide flexibility in countering Chinese, Russian, and Iranian influence activities in priority countries.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget that are impacted by this proposal.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation From	Budget Activity	Dash-1 Line Item	Program Element
International Security Cooperation Programs Account	\$1,293	\$1,347	\$1,314	\$1,345	\$1,373	Operation and Maintenance, Defense-Wide	04	4GTD	1002200T DSCA DoD Managed Programs
Total	\$1,293	\$1,347	\$1,314	\$1,345	\$1,373	--	--	--	--

Changes to Existing Law: This proposal would make the following changes to section 1210A of the National Defense Authorization Act for Fiscal Year 2020.

SEC. 1210A. DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State and in consultation with the Administrator of the United States Agency for International Development, provide support to other Federal agencies specified in subsection (c)(1) for the stabilization activities of such agencies.

(b) DESIGNATION OF FOREIGN AREAS.—

(1) IN GENERAL.—Amounts authorized to be provided pursuant to this section shall be available only for support for stabilization activities—

(A)(i) in a country specified in paragraph (2); and

(ii) that the Secretary of Defense, with the concurrence of the Secretary of State, has determined are in the national security interest of the United States; or

(B) in a country that—

(i)(I) has been selected as a priority country under section 505 of the Global Fragility Act of 2019 (22 U.S.C. 9804); or

(II) is located in a region that has been selected as a priority region under section 505 of such Act; and

(ii) has Department of Defense resource or personnel presence to support such activities.

(2) SPECIFIED COUNTRIES.—The countries specified in this paragraph are as follows:

(A) Iraq.

(B) Syria.

(C) Afghanistan.

(D) Somalia.

(c) SUPPORT TO OTHER AGENCIES.—

(1) IN GENERAL.—Support under subsection (a) may be provided to the Department of State, the United States Agency for International Development, or other Federal agencies, on a reimbursable or nonreimbursable basis. The authority to provide such support under this paragraph on a reimbursable basis is in addition to other authorities to provide support on such basis.

(2) TYPE OF SUPPORT.—Support under subsection (a) may consist of logistic support, supplies, and services.

(d) REQUIREMENT FOR A STABILIZATION STRATEGY.—

(1) LIMITATION.—With respect to any country specified in subsection (b)(2), no amount of support may be provided under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress a detailed report setting forth a stabilization strategy for such country.

(2) ELEMENTS OF STRATEGY.—The stabilization strategy required by paragraph (1) shall set forth the following:

(A) The United States interests in conducting stabilization activities in the country specified in subsection (b)(2).

(B) The key foreign partners and actors in such country.

(C) The desired end states and objectives of the United States stabilization activities in such country.

(D) The Department of Defense support intended to be provided for the stabilization activities of other Federal agencies under subsection (a).

(E) Any mechanism for civil-military coordination regarding support for stabilization activities.

(F) The mechanisms for monitoring and evaluating the effectiveness of Department of Defense support for United States stabilization activities in the area.

(e) IMPLEMENTATION IN ACCORDANCE WITH GUIDANCE.—Support provided under subsection (a) shall be implemented in accordance with the guidance of the Department of Defense entitled “DoD Directive 3000.05 Stabilization”, dated December 13, 2018 (or successor guidance).

(f) REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress on an annual basis a report that includes the following:

(1) The identification of each foreign area within countries specified in subsection (b)(2) for which support to stabilization has occurred.

(2) The total amount spent by the Department of Defense, broken out by recipient Federal agency and activity.

(3) An assessment of the contribution of each activity toward greater stability.

(4) An articulation of any plans for continued Department of Defense support to stabilization in the specified foreign area in order to maintain or improve stability.

(5) Other matters as the Secretary of Defense considers to be appropriate.

(g) USE OF FUNDS.—

(1) SOURCE OF FUNDS.—Amounts for activities carried out under this section in a fiscal year shall be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for Operation and Maintenance.

(2) LIMITATION.—Not more than \$18,000,000 in each fiscal year is authorized to be used to provide nonreimbursable support under this section.

(h) EXPIRATION.—The authority provided under this section may not be exercised after ~~December 31, 2023~~ December 31, 2025.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.—The term “logistic support, supplies, and services” has the meaning given the term in section 2350(1) of title 10, United States Code.

1 **SEC. ___. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN**
2 **COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED**
3 **STATES MILITARY OPERATIONS.**

4 (a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most recently amended by
6 section 1206 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023
7 (Public Law 117–263), is further amended in the matter preceding paragraph (1) by striking
8 “beginning on October 1, 2022, and ending on December 31, 2023” and inserting “beginning on
9 October 1, 2023, and ending on December 31, 2024.”.

10 (b) MODIFICATION TO LIMITATIONS.—Subsection (d)(1) of such section is amended by
11 striking “beginning on October 1, 2022, and ending on December 31, 2023, may not exceed
12 \$30,000,000” and inserting “beginning on October 1, 2023, and ending on December 31, 2024,
13 may not exceed \$15,000,000”.

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

Section-by-Section Analysis

This proposal would extend through December 31, 2024, the current authority to use funds made available for the Department of Defense for operation and maintenance, Defense-wide activities: (1) to reimburse any key cooperating nation (other than Pakistan) for certain support provided by that nation to U.S. military operations in Afghanistan, Iraq, or Syria; and (2) to provide certain assistance to any key cooperating nation supporting U.S. military operations in Afghanistan, Iraq, or Syria, subject to the conditions and limitations in the statute. The proposal would also reduce the limit on the aggregate amount of payments available under the authority for the period of the extension from \$30,000,000 to \$15,000,000.

Resource Information: The resources impacted by this proposal are reflected in the table below and are included within the Fiscal Year 2024 President’s Budget request.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Coalition Support Funds (CSF)	\$15					Operation and Maintenance, Defense-wide	04	4GTD DSCA	
Total	\$15								

Changes to Existing Law: This proposal would make the following changes to section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393):

SEC. 1233. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense for the period beginning on ~~October 1, 2022~~ October 1, 2023, and ending on ~~December 31, 2023~~ December 31, 2024, for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation (other than Pakistan) for—

- (1) logistical and military support provided by that nation to or in connection with United States military operations in Afghanistan, Iraq, or Syria; and
- (2) logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).

(b) OTHER SUPPORT.—Using funds described in subsection (a)(2), the Secretary of Defense may also assist any key cooperating nation supporting United States military operations in Afghanistan, Iraq, or Syria through the following:

- (1) The provision of specialized training to personnel of that nation in connection with such operations, including training of such personnel before deployment in connection with such operations.
- (2) The procurement and provision of supplies to that nation in connection with such operations.
- (3) The procurement of specialized equipment and the loaning of such specialized equipment to that nation on a non-reimbursable basis in connection with such operations.

(c) AMOUNTS OF REIMBURSEMENT.—

- (1) IN GENERAL.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may

determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(2) SUPPORT.—Support authorized by subsection (b) may be provided in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, considers appropriate.

(d) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.— The aggregate amount of reimbursements made under subsection (a) and support provided under subsection (b) during the period beginning on ~~October 1, 2022~~ October 1, 2023, and ending on ~~December 31, 2023~~ December 31, 2024, may not exceed ~~\$30,000,000~~ \$15,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(e) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense shall notify the appropriate congressional committees not later than 15 days before making any reimbursement under the authority in subsection (a) or providing any support under the authority in subsection (b).

(2) EXCEPTION.—The requirement to provide notice under paragraph (1) shall not apply with respect to a reimbursement for access based on an international agreement.

(f) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a), and any support provided under the authority in subsection (b), during such quarter.

(g) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

1 **SEC. __. EXTENSION OF MEDICAL COUNTERMEASURE PRIORITY REVIEW**
2 **VOUCHER PROGRAM.**

3 Section 565A(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–
4 4a(g)) is amended by striking “October 1, 2023” and inserting “October 1, 2029”.

[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 565A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4a) to extend the Medical Countermeasure (MCM) Priority Review Voucher (PRV) program through October 1, 2029. The program is currently set to expire on October 1, 2023.

Section 3086 of the 21st Century Cures Act (Public Law 114-255), “Encouraging Treatments for Agents that Present a National Security Threat,” added section 565A to the Federal Food, Drug, and Cosmetic Act. Section 565A created a PRV program designed to incentivize MCM product development against agents that are considered material threats under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b).

Since the PRV program’s inception, a number of companies have cited it as a significant incentive. One such company, Gilead Sciences, indicated that the existence of a PRV was the determining factor in its ability to submit a proposal for development of a filovirus countermeasure, Remdesivir (approved by the Food and Drug Administration in October 2020 as the first treatment of COVID-19); without the PRV, Gilead simply could not make a compelling financial argument to its shareholders.

This extension is critical for Department of Defense (DoD) MCM development given that the typical time it takes to develop a drug or biologic is between 10 and 15 years. By extending the sunset provision, this proposal ensures the continued existence of a powerful market incentive for companies to invest in DoD MCM research and development projects.

Resource Information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2024 President’s Budget request.

Changes to Existing Law: This proposal makes the following amendment to section 565A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4a):

SEC. 565A. [21 U.S.C. 360bbb–4a] PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR AGENTS THAT PRESENT NATIONAL SECURITY THREATS.

(a) DEFINITIONS.—In this section:

(1) HUMAN DRUG APPLICATION.—The term “human drug application” has the meaning given such term in section 735(1).

(2) PRIORITY REVIEW.—The term “priority review”, with respect to a human drug application, means review and action by the Secretary on such application not later than 6 months after receipt by the Secretary of such application, as described in the Manual of Policies and Procedures in the Food and Drug Administration and goals identified in the letters described in section 101(b) of the Food and Drug Administration Safety and Innovation Act.

(3) PRIORITY REVIEW VOUCHER.—The term “priority review voucher” means a voucher issued by the Secretary to the sponsor of a material threat medical countermeasure application that entitles the holder of such voucher to priority review of a single human drug application submitted under section 505(b)(1) or 351(a) of the Public Health Service Act after the date of approval of the material threat medical countermeasure application.

(4) MATERIAL THREAT MEDICAL COUNTERMEASURE APPLICATION.—The term “material threat medical countermeasure application” means an application that—

(A) is a human drug application for a drug intended for use—

(i) to prevent or treat harm from a biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F–2(c)(2)(A)(ii) of the Public Health Service Act; or

(ii) to mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, or biological product against such agent;

(B) the Secretary determines eligible for priority review;

(C) is approved after the date of enactment of the 21st Century Cures Act;

and

(D) is for—

(i) a human drug, no active moiety (as defined by the Secretary in section 314.3 of title 21, Code of Federal Regulations (or any successor regulations)) of which has been approved in any other application under section 505(b)(1); or

(ii) a biological product, no active ingredient-of which has been approved in any other application under section 351 of the Public Health Service Act.

(b) PRIORITY REVIEW VOUCHER.—

(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a material threat medical countermeasure application upon approval by the Secretary of such material threat medical countermeasure application.

(2) TRANSFERABILITY.—The sponsor of a material threat medical countermeasure application that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a human drug for which an application under section 505(b)(1) or section 351(a) of the Public Health Service Act will be submitted after the date of the approval of the material threat medical

countermeasure application. There is no limit on the number of times a priority review voucher may be transferred before such voucher is used.

(3) NOTIFICATION.—

(A) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 calendar days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay for the user fee to be assessed in accordance with this section.

(B) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under subparagraph (A) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.

(c) PRIORITY REVIEW USER FEE.—

(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the average cost incurred by the agency in the review of a human drug application subject to priority review in the previous fiscal year.

(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2016, for that fiscal year, the amount of the priority review user fee.

(4) PAYMENT.—

(A) IN GENERAL.—The priority review user fee required by this subsection shall be due upon the submission of a human drug application under section 505(b)(1) or section 351(a) of the Public Health Service Act for which the priority review voucher is used.

(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection and all other applicable user fees are not paid in accordance with the Secretary's procedures for paying such fees.

(C) NO WAIVERS, EXEMPTIONS, REDUCTIONS, OR REFUNDS.—The Secretary may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section.

(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

(6) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

(d) NOTICE OF ISSUANCE OF VOUCHER AND APPROVAL OF PRODUCTS UNDER VOUCHER.—The Secretary shall publish a notice in the Federal Register and on the Internet website of the Food and Drug Administration not later than 30 calendar days after the occurrence of each of the following:

(1) The Secretary issues a priority review voucher under this section.

(2) The Secretary approves a drug pursuant to an application submitted under section 505(b) of this Act or section 351(a) of the Public Health Service for which the sponsor of the application used a priority review voucher issued under this section.

(e) ELIGIBILITY FOR OTHER PROGRAMS.—Nothing in this section precludes a sponsor who seeks a priority review voucher under this section from participating in any other incentive program, including under this Act, except that no sponsor of a ~~material threat~~ medical countermeasure application may receive more than one priority review voucher issued under any section of this chapter with respect to such drug.

(f) RELATION TO OTHER PROVISIONS.—The provisions of this section shall supplement, not supplant, any other provisions of this Act or the Public Health Service Act that encourage the development of medical countermeasures.

(g) SUNSET.—The Secretary may not award any priority review vouchers under subsection (b) after October 1, ~~2023~~ 2029.

A BILL

To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America*
2 *in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Authorization Act for Fiscal Year
5 2024”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PROCUREMENT

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force and Space Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Production Act purchases.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Sec. 301. Operation and maintenance funding.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—[RESERVED]

TITLE VI—[RESERVED]

TITLE VII—[RESERVED]

TITLE VIII—[RESERVED]

TITLE IX—[RESERVED]

TITLE X—[RESERVED]

TITLE XI—[RESERVED]

TITLE XII—[RESERVED]

TITLE XIII—[RESERVED]

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. Chemical agents and munitions destruction, defense.

Sec. 1403. Drug interdiction and counter-drug activities, defense.

Sec. 1404. Defense Inspector General.

Sec. 1405. Defense Health Program.

Subtitle B—Other Matters

Sec. 1411. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.

Sec. 1412. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—[RESERVED]

DIVISION B—[RESERVED]

1 **TITLE I—PROCUREMENT**

2 **SEC. 101. ARMY.**

3 Funds are hereby authorized to be appropriated for fiscal year 2024 for procurement

4 for the Army as follows:

5 (1) For aircraft, \$3,012,440,000.

- 1 (2) For missiles, \$4,962,017,000.
- 2 (3) For ammunition, \$2,967,578,000.
- 3 (4) For weapons and tracked combat vehicles, \$3,765,521,000.
- 4 (5) For other procurement, \$8,672,979,000.

5 **SEC. 102. NAVY AND MARINE CORPS.**

6 Funds are hereby authorized to be appropriated for fiscal year 2024 for procurement
7 for the Navy and Marine Corps as follows:

- 8 (1) For aircraft, \$17,336,760,000.
- 9 (2) For shipbuilding and conversion, \$32,848,950,000.
- 10 (3) For ammunition procurement, Navy and Marine Corps, \$1,293,273,000.
- 11 (4) For weapons, \$6,876,385,000.
- 12 (5) For other procurement, \$14,535,257,000.
- 13 (6) For procurement, Marine Corps, \$3,979,212,000.

14 **SEC. 103. AIR FORCE AND SPACE FORCE.**

15 Funds are hereby authorized to be appropriated for fiscal year 2024 for procurement
16 for the Air Force and Space Force as follows:

- 17 (1) For aircraft, \$20,315,204,000.
- 18 (2) For missiles, \$5,530,446,000.
- 19 (3) For procurement, Space Force, \$4,714,294,000.
- 20 (4) For ammunition, \$703,158,000.
- 21 (5) For other procurement, \$30,417,892,000.

22 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

1 Funds are hereby authorized to be appropriated for fiscal year 2024 for Defense-wide
2 procurement in the amount of \$6,056,975,000.

3 **SEC. 105. DEFENSE PRODUCTION ACT PURCHASES.**

4 Funds are hereby authorized to be appropriated for fiscal year 2024 for purchases
5 under the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) in the amount of
6 \$968,605,000.

7 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

9 Funds are hereby authorized to be appropriated for fiscal year 2024 for the use of the
10 Department of Defense for research, development, test, and evaluation as follows:

11 (1) For the Army, \$15,775,381,000.

12 (2) For the Navy, \$26,922,225,000.

13 (3) For the Air Force, \$46,565,356,000.

14 (4) For the Space Force, \$19,199,340,000.

15 (5) For Defense-wide activities, \$36,185,834,000.

16 (6) For the Director of Operational Test and Evaluation, \$331,489,000.

17 **TITLE III—OPERATION AND MAINTENANCE**

18 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

19 Funds are hereby authorized to be appropriated for fiscal year 2024 for the use of the
20 Armed Forces and other activities and agencies of the Department of Defense for expenses,
21 not otherwise provided for, for operation and maintenance, in amounts as follows:

22 (1) For the Army, \$59,554,553,000.

23 (2) For the Navy, \$72,244,533,000.

- 1 (3) For the Marine Corps, \$10,281,913,000.
- 2 (4) For the Air Force, \$62,750,095,000.
- 3 (5) For the Space Force, \$5,017,468,000.
- 4 (6) For Defense-wide activities, \$52,767,563,000.
- 5 (7) For the Army Reserve, \$3,630,948,000.
- 6 (8) For the Navy Reserve, \$1,380,810,000.
- 7 (9) For the Marine Corps Reserve, \$329,395,000.
- 8 (10) For the Air Force Reserve, \$4,116,256,000.
- 9 (11) For the Army National Guard, \$8,683,104,000.
- 10 (12) For the Air National Guard, \$7,253,694,000.
- 11 (13) For the United States Court of Appeals for the Armed Forces,
12 \$16,620,000.
- 13 (14) For Environmental Restoration, Army, \$198,760,000.
- 14 (15) For Environmental Restoration, Navy, \$335,240,000.
- 15 (16) For Environmental Restoration, Air Force, \$349,744,000.
- 16 (17) For Environmental Restoration, Defense-wide, \$8,965,000.
- 17 (18) For Environmental Restoration, Formerly Used Defense Sites,
18 \$232,806,000.
- 19 (19) For Overseas Humanitarian, Disaster, and Civic Aid programs,
20 \$114,900,000.
- 21 (20) For Cooperative Threat Reduction programs, \$350,999,000.
- 22 (21) For Department of Defense Acquisition Workforce Development Fund,
23 \$54,977,000.

1 (22) For Disposal of Department of Defense Real Property, \$6,513,000.

2 (23) For Lease of Department of Defense Real Property, \$32,410,000.

3 (24) For Counter-Islamic State of Iraq and Syria Train and Equip Fund,
4 \$397,950,000.

5 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

6 **Subtitle A—Active Forces**

7 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

8 The Armed Forces are authorized strengths for active duty personnel as of September
9 30, 2024, as follows:

10 (1) The Army, 452,000.

11 (2) The Navy, 347,000.

12 (3) The Marine Corps, 172,300.

13 (4) The Air Force, 324,700.

14 (5) The Space Force, 9,400.

15 **Subtitle B—Reserve Forces**

16 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

17 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve
18 personnel of the reserve components as of September 30, 2024, as follows:

19 (1) The Army National Guard of the United States, 325,000.

20 (2) The Army Reserve, 174,800.

21 (3) The Navy Reserve, 57,200.

22 (4) The Marine Corps Reserve, 33,600.

23 (5) The Air National Guard of the United States, 108,400.

1 (6) The Air Force Reserve, 69,600.

2 (7) The Coast Guard Reserve, 7,000.

3 (b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for
4 the Selected Reserve of any reserve component shall be proportionately reduced by—

5 (1) the total authorized strength of units organized to serve as units of the
6 Selected Reserve of such component which are on active duty (other than for
7 training) at the end of the fiscal year; and

8 (2) the total number of individual members not in units organized to serve as
9 units of the Selected Reserve of such component who are on active duty (other than
10 for training or for unsatisfactory participation in training) without their consent at the
11 end of the fiscal year.

12 (c) END STRENGTH INCREASES.—Whenever units or individual members of the
13 Selected Reserve for any reserve component are released from active duty during any fiscal
14 year, the end strength prescribed for such fiscal year for the Selected Reserve of such
15 reserve component shall be increased proportionately by the total authorized strengths of
16 such units and by the total number of such individual members.

17 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**
18 **THE RESERVES.**

19 Within the end strengths prescribed in section 411(a), the reserve components of the
20 Armed Forces are authorized, as of September 30, 2024, the following number of Reserves
21 to be serving on full-time active duty or full-time duty, in the case of members of the
22 National Guard, for the purpose of organizing, administering, recruiting, instructing, or
23 training the reserve components:

1 (1) The Army National Guard of the United States, 30,845.

2 (2) The Army Reserve, 16,511.

3 (3) The Navy Reserve, 10,327.

4 (4) The Marine Corps Reserve, 2,355.

5 (5) The Air National Guard of the United States, 25,713.

6 (6) The Air Force Reserve, 6,070.

7 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

8 The minimum number of military technicians (dual status) as of the last day of fiscal
9 year 2024 for the reserve components of the Army and the Air Force (notwithstanding
10 section 129 of title 10, United States Code) shall be the following:

11 (1) For the Army National Guard of the United States, 22,294.

12 (2) For the Army Reserve, 6,492.

13 (3) For the Air National Guard of the United States, 10,817.

14 (4) For the Air Force Reserve, 6,882.

15 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**
16 **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

17 During fiscal year 2024, the maximum number of members of the reserve
18 components of the Armed Forces who may be serving at any time on full-time operational
19 support duty under section 115(b) of title 10, United States Code, is the following:

20 (1) The Army National Guard of the United States, 17,000.

21 (2) The Army Reserve, 13,000.

22 (3) The Navy Reserve, 6,200.

23 (4) The Marine Corps Reserve, 3,000.

1 (5) The Air National Guard of the United States, 16,000.

2 (6) The Air Force Reserve, 14,000.

3 **Subtitle C—Authorization of Appropriations**

4 **SEC. 421. MILITARY PERSONNEL.**

5 There is hereby authorized to be appropriated for military personnel for fiscal year
6 2024 a total of \$178,873,966,000.

7 **TITLE V—[RESERVED]**

8 **TITLE VI—[RESERVED]**

9 **TITLE VII—[RESERVED]**

10 **TITLE VIII—[RESERVED]**

11 **TITLE IX—[RESERVED]**

12 **TITLE X—[RESERVED]**

13 **TITLE XI—[RESERVED]**

14 **TITLE XII—[RESERVED]**

15 **TITLE XIII—[RESERVED]**

16 **TITLE XIV—OTHER AUTHORIZATIONS**

17 **Subtitle A—Military Programs**

18 **SEC. 1401. WORKING CAPITAL FUNDS.**

19 Funds are hereby authorized to be appropriated for fiscal year 2024 for the use of the
20 Armed Forces and other activities and agencies of the Department of Defense for providing
21 capital for working capital and revolving funds in the amount of \$1,682,708,000.

1 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
3 appropriated for the Department of Defense for fiscal year 2024 for expenses, not otherwise
4 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of
5 \$1,091,844,000 of which—

6 (1) \$89,284,000 is for Operation and Maintenance; and

7 (2) \$1,002,560,000 is for Research, Development, Test, and Evaluation.

8 (b) USE.—Amounts authorized to be appropriated under subsection (a) are
9 authorized for—

10 (1) the destruction of lethal chemical agents and munitions in accordance with
11 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C.
12 1521); and

13 (2) the destruction of chemical warfare materiel of the United States that is
14 not covered by section 1412 of such Act.

15 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE.**

16 Funds are hereby authorized to be appropriated for the Department of Defense for
17 fiscal year 2024 for expenses, not otherwise provided for, for Drug Interdiction and
18 Counter-Drug Activities, Defense, in the amount of \$886,426,000.

19 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

20 Funds are hereby authorized to be appropriated for the Department of Defense for
21 fiscal year 2024 for expenses, not otherwise provided for, for the Office of the Inspector
22 General of the Department of Defense, in the amount of \$525,365,000 of which—

23 (1) \$520,867,000 is for Operation and Maintenance;

1 (2) \$3,400,000 is for Research, Development, Test and Evaluation; and

2 (3) \$1,098,000 is for Procurement.

3 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

4 Funds are hereby authorized to be appropriated for the Department of Defense for
5 fiscal year 2024 for expenses, not otherwise provided for, for the Defense Health Program,
6 in the amount of \$38,413,960,000 of which—

7 (1) \$37,100,306,000 is for Operation and Maintenance;

8 (2) \$931,773,000 is for Research, Development, Test, and Evaluation; and

9 (3) \$381,881,000 is for Procurement.

10 **Subtitle B—Other Matters**

11 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF**
12 **DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL**
13 **FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A.**
14 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

15 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be
16 appropriated for section 1405 and available for the Defense Health Program for operation
17 and maintenance, \$172,000,000 may be transferred by the Secretary of Defense to the Joint
18 Department of Defense–Department of Veterans Affairs Medical Facility Demonstration
19 Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization
20 Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection
21 (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized
22 and appropriated specifically for the purpose of such a transfer.

1 (b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section
2 1704, facility operations for which funds transferred under subsection (a) may be used are
3 operations of the Captain James A. Lovell Federal Health Care Center, consisting of the
4 North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and
5 supporting facilities designated as a combined Federal medical facility under an operational
6 agreement covered by section 706 of the Duncan Hunter National Defense Authorization
7 Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

8 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**
9 **RETIREMENT HOME.**

10 There is hereby authorized to be appropriated for fiscal year 2024 from the Armed
11 Forces Retirement Home Trust Fund the sum of \$77,000,000 for the operation of the Armed
12 Forces Retirement Home.

13 **TITLE XV—[RESERVED]**

14 **DIVISION B—[RESERVED]**

Section-by-Section Analysis

TITLE I—PROCUREMENT

Sections 101 through 105 would authorize appropriations for fiscal year 2024 for the procurement accounts of the Department of Defense in amounts equal to the budget authority requested in the President’s Budget for fiscal year 2024.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Section 201 would authorize appropriations for fiscal year 2024 for the research, development, test, and evaluation accounts of the Department of Defense in amounts equal to the budget authority requested in the President’s Budget for fiscal year 2024.

TITLE III—OPERATION AND MAINTENANCE

Section 301 would authorize appropriations for fiscal year 2024 for the Operation and Maintenance accounts of the Department of Defense in amounts equal to the budget authority requested in the President’s Budget for fiscal year 2024.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Section 401 would prescribe the personnel strengths for the active forces in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's Budget for fiscal year 2024.

Subtitle B—Reserve Forces

Section 411 would prescribe the end strengths for the Selected Reserve of each reserve component of the Armed Forces in the numbers provided for by the budget authority and appropriations requested for the Department of Defense, and the Department of Homeland Security for the Coast Guard Reserve, in the President’s Budget for fiscal year 2024.

Section 412 would prescribe the end strengths for reserve component members on full-time active duty or full-time National Guard duty for the purpose of administering the reserve forces for fiscal year 2024.

Section 413 would prescribe the end strengths for dual-status technicians of the reserve components of the Army and Air Force for fiscal year 2024.

Section 414 would prescribe the maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Section 421 would authorize appropriations for fiscal year 2024 for military personnel.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Section 1401 would authorize appropriations for the Defense Working Capital Funds in the amount equal to the budget authority requested in the President’s Budget for fiscal year 2024.

Section 1402 would authorize appropriations for Chemical Agents and Munitions Destruction, Defense in amounts equal to the budget authority requested in the President’s Budget for fiscal year 2024.

Section 1403 would authorize appropriations for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount equal to the budget authority requested in the President’s Budget for fiscal year 2024.

Section 1404 would authorize appropriations for the Defense Inspector General in amounts equal to the budget authority requested in the President’s Budget for fiscal year 2024.

Section 1405 would authorize appropriations for the Defense Health Program in amounts equal to the budget authority requested in the President’s Budget for fiscal year 2024.

Subtitle B—Other Matters

Section 1411, within the funds authorized for operation and maintenance under section 1405, would authorize funds to be transferred to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by section 1704(a) of the National Defense Authorization Act for Fiscal Year 2010.

Section 1412 would authorize appropriations for fiscal year 2024 for the Armed Forces Retirement Home in the amount equal to the budget authority requested in the President’s Budget for fiscal year 2024.

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. Extension of authority to use cash payments in special account from land conveyance, Natick Soldier Systems Center, Massachusetts.
- Sec. 2105. Extension of authority to carry out certain fiscal year 2018 project.
- Sec. 2106. Extension of authority to carry out certain fiscal year 2019 projects.
- Sec. 2107. Extension of authority to carry out certain fiscal year 2021 projects.

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 2019 projects.
- Sec. 2205. Extension of authority to carry out certain fiscal year 2021 projects.

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 2017 projects.
- Sec. 2305. Extension of authority to carry out certain fiscal year 2018 projects.
- Sec. 2306. Extension of authority to carry out certain fiscal year 2019 projects.
- Sec. 2307. Extension of authority to carry out certain fiscal year 2021 projects.

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.
- Sec. 2405. Extension of authority to carry out certain fiscal year 2019 projects.
- Sec. 2406. Modification of authority to carry out certain fiscal year 2019 project.
- Sec. 2407. Extension of authority to carry out certain fiscal year 2021 project.
- Sec. 2408. Extension of authority to carry out certain fiscal year 2021 projects.
- Sec. 2409. Additional authority to carry out certain fiscal year 2022 projects.
- Sec. 2410. Additional authority to carry out certain fiscal year 2023 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. Republic of Poland funded construction projects

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 Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authority to carry out certain fiscal year 2018 project.
Sec. 2608. Extension of authority to carry out certain fiscal year 2019 project.
Sec. 2609. Extension of authority to carry out certain fiscal year 2021 projects.
Sec. 2610. Modification of authority to carry out certain fiscal year 2022 project.
Sec. 2611. Modification of authority to carry out certain fiscal year 2023 project.

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 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 2024”.

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, 2026; or

1 (2) the date of the enactment of an Act authorizing funds for military construction
2 for fiscal year 2027.

3 (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military
4 construction projects, land acquisition, family housing projects and facilities, and contributions
5 to the North Atlantic Treaty Organization Security Investment Program (and authorizations of
6 appropriations therefor), for which appropriated funds have been obligated before the later of—

7 (1) October 1, 2026; or

8 (2) the date of the enactment of an Act authorizing funds for fiscal year 2027 for
9 military construction projects, land acquisition, family housing projects and facilities, or
10 contributions to the North Atlantic Treaty Organization Security Investment Program.

11 **SEC. 2003. EFFECTIVE DATE.**

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

13 (1) October 1, 2023; or

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

15 **TITLE XXI—ARMY MILITARY CONSTRUCTION**

16 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION**

17 **PROJECTS.**

18 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
19 authorization of appropriations in section 2103(a) and available for military construction projects
20 inside the United States as specified in the funding table in section 3002, the Secretary of the
21 Army may acquire real property and carry out military construction projects for the installations
22 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
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Alabama	Redstone Arsenal	\$50,000,000
Georgia	Fort Gordon	\$163,000,000
Hawaii	Aliamanu Military Reservation	\$20,000,000
Kansas	Fort Riley	\$105,000,000
Kentucky	Fort Campbell	\$38,000,000
Massachusetts	Soldier Systems Center Natick	\$18,500,000
Michigan	Detroit Arsenal	\$72,000,000
North Carolina	Fort Bragg	\$69,500,000
Pennsylvania	Letterkenny Army Depot	\$89,000,000
Texas	Fort Bliss	\$74,000,000
	Red River Army Depot	\$113,000,000
Washington	Joint Base Lewis-McChord	\$100,000,000

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	Grafenwoehr	\$10,400,000
	Hohenfels	\$56,000,000

6 (c) PROTOTYPE PROJECT.—Using amounts appropriated pursuant to the authorization of
7 appropriations in section 2103(a) and available for military construction projects as specified in
8 the funding table in section 3002, the Secretary of the Army may carry out a military
9 construction project for the installation, and in the amount, set forth in the following table as a
10 prototype project pursuant to the pilot authority for use of Other Transactions in section 4022 of
11 title 10, United States Code, notwithstanding subchapters I and III of chapter 169 and chapters
12 221 and 223 of title 10, United States Code, and chapter 11 of title 40, United States Code:

Army Prototype Project

State	Installation or Location	Amount
North Carolina	Fort Bragg	\$85,000,000

1 **SEC. 2102. FAMILY HOUSING.**

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

Army: Family Housing			
Country	Installation	Units	Amount
Germany	Baumholder	Family Housing New Construction	\$78,746,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	\$98,600,000

8 (b) 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 2103(a) and available for military family housing functions as specified
11 in the funding table in section 3002, the Secretary of the Army may improve existing military
12 family housing units in an amount not to exceed \$100,000,000.

13 (c) 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 \$27,549,000.

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

1 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
2 appropriated for fiscal years beginning after September 30, 2023, for military construction, land
3 acquisition, and military family housing functions of the Department of the Army as specified in
4 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 2101 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. 2104. EXTENSION OF AUTHORITY TO USE CASH PAYMENTS IN SPECIAL**
11 **ACCOUNT FROM LAND CONVEYANCE, NATICK SOLDIER**
12 **SYSTEMS CENTER, MASSACHUSETTS.**

13 Section 2844(c)(2)(C) of the Military Construction Authorization Act for Fiscal Year
14 2018 (division B of Public Law 115-91; 131 Stat. 1865) is amended by striking “October 1,
15 2025” and inserting “October 1, 2027”.

16 **SEC. 2105. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
17 **2018 PROJECT.**

18 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
19 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the
20 authorization set forth in the table in subsection (b), as provided in section 2101(b) of that Act
21 (131 Stat. 1819) and extended by section 2106(a) of the Military Construction Act for Fiscal
22 Year 2023 (division B of Public Law 117-263; 136 Stat. xxxx), shall remain in effect until

1 October 1, 2024, or the date of the enactment of an Act authorizing funds for military
2 construction for fiscal year 2025, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a) 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

4 **SEC. 2106. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
5 **2019 PROJECTS.**

6 (a) SECTION 2101 OF FY 2019 NDAA.—

7 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
8 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat.
9 2240), the authorizations set forth in the table in paragraph (2), as provided in section
10 2101 of that Act (132 Stat. 2241), shall remain in effect until October 1, 2024, or the date
11 of the enactment of an Act authorizing funds for military construction for fiscal year
12 2025, whichever is later.

13 (2) TABLE.—The table referred to in paragraph (1) is as follows:

Army: Extension of 2019 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Korea	Camp Tango	Command and Control Facility	\$17,500,000
Maryland	Fort Meade	Cantonment Area Roads	\$16,500,000

14 (b) SECTION 2901 OF FY 2019 NDAA.—

15 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
16 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat.

2240), the authorizations set forth in the table in paragraph (2), as provided in section 2901 of that Act (132 Stat. 2286), shall remain in effect until October 1, 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Army: Extension of 2019 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Bulgaria	Nevo Selo FOS	EDI: Ammunition Holding Area	\$5,200,000
Romania	Mihail Kogalniceanu FOS	EDI: Explosives & Ammo Load/Unload Apron.	\$21,651,000

SEC. 2107. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 PROJECTS.

(a) SECTION 2101(A) OF FY 2021 NDAA.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in paragraph (2), as provided in section 2101(a) of that Act (134 Stat. 4295), shall remain in effect until October 1, 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Army: Extension of 2021 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Arizona	Yuma Proving Ground	Ready Building	\$14,000,000
Georgia	Fort Gillem	Forensic Lab	\$71,000,000

Louisiana	Fort Polk	Information Systems Facility	\$25,000,000
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(b) SECTION 2865 OF FY 2021 NDAA.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorization set forth in the table in paragraph (2), as provided in section 2865 of that Act (134 Stat. 4360), shall remain in effect until October 1, 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Army: Extension of 2021 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
Georgia	Fort Gordon	Child Development Center	\$21,000,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION

PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 3002, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations 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	Port Hueneme	\$110,000,000
	Twentynine Palms	\$42,100,000
Connecticut	New London	\$331,718,000

District of Columbia	8th St and I	\$131,800,000
Maryland	Fort Meade	\$186,480,000
	Patuxent River	\$141,700,000
North Carolina	Cherry Point Marine Corps Air Station	\$125,150,000
Virginia	Dam Neck	\$109,680,000
	Norfolk	\$158,095,000
	Quantico	\$127,120,000
	Yorktown	\$221,920,000
Washington	Kitsap	\$195,000,000

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
Guam	Andersen Air Force Base	\$497,620,000
	Finegayan	\$351,400,000
	Joint Region Marianas	\$769,640,000
Italy	Sigonella	\$77,072,000

6 (c) PROTOTYPE PROJECT.—Using amounts appropriated pursuant to the authorization of
7 appropriations in section 2203(a) and available for military construction projects as specified in
8 the funding table in section 3002, the Secretary of the Navy may carry out a military construction
9 project for the installation, and in the amount, set forth in the following table as a prototype
10 project pursuant to pilot authority for use of Other Transaction in section 4022 of title 10, United
11 States Code, notwithstanding subchapters I and III of chapter 169 and chapters 221 and 223 of
12 title 10, United States Code, and chapter 11 of title 40, United States Code:

Navy Prototype Project

State	Installation or Location	Amount
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Virginia	Joint Expeditionary Base Little Creek – Fort Story	\$35,000,000
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1 **SEC. 2202. FAMILY HOUSING.**

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

Navy: Family Housing

Country	Installation	Units	Amount
Guam	Joint Region Marianas	Replace Andersen Housing Ph 8	\$121,906,000
Mariana Islands	Guam	Replace Andersen Housing (AF) PH7	\$83,126,000

8 (b) 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 2203(a) and available for military family housing functions as specified
11 in the funding table in section 3002, the Secretary of the Navy may improve existing military
12 family housing units in an amount not to exceed \$57,740,000.

13 (c) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
14 of appropriations in section 2203(a) and available for military family housing functions as
15 specified in the funding table in section 3002, the Secretary of the Navy 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 \$14,370,000.

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

1 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
2 appropriated for fiscal years beginning after September 30, 2023, for military construction, land
3 acquisition, and military family housing functions of the Department of the Navy, as specified in
4 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 2201 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. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
11 **2019 PROJECTS.**

12 (a) SECTION 2201 OF FY 2019 NDAA.—

13 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
14 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat.
15 2240), the authorizations set forth in the table in paragraph (2), as provided in section
16 2201 of that Act (132 Stat. 2244), shall remain in effect until October 1, 2024, or the date
17 of the enactment of an Act authorizing funds for military construction for fiscal year
18 2025, whichever is later.

19 (2) TABLE.—The table referred to in paragraph (1) is as follows:

Navy: Extension of 2019 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Bahrain	SW Asia	Fleet Maintenance Facility & TOC	\$26,340,000
North Carolina	Marine Corps Base Camp Lejeune	2 nd Radio BN Complex, Phase 2	\$51,300,000

South Carolina	Marine Corps Air Station Beaufort	Recycling/Hazardous Waste Facility	\$9,517,000
Washington	Bangor	Pier and Maintenance Facility	\$88,960,000

1 (b) SECTION 2810 OF FY 2019 NDAA.—

2 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
3 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat.
4 2240), the authorization set forth in the table in paragraph (2), as provided in section
5 2810 of that Act (132 Stat. 2266), shall remain in effect until October 1, 2024, or the date
6 of the enactment of an Act authorizing funds for military construction for fiscal year
7 2025, whichever is later.

8 (2) TABLE.—The table referred to in paragraph (1) is as follows:

Navy: Extension of 2019 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
South Carolina	Marine Corps Air Station Beaufort	Laurel Bay Fire Station	\$10,750,000

9 (c) SECTION 2902 OF FY 2019 NDAA.—

10 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
11 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat.
12 2240), the authorization set forth in the table in paragraph (2), as provided in section
13 2902 of that Act (132 Stat. 2286), shall remain in effect until October 1, 2024, or the date
14 of the enactment of an Act authorizing funds for military construction for fiscal year
15 2025, whichever is later.

16 (2) TABLE.—The table referred to in paragraph (1) is as follows:

Navy: Extension of 2019 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Greece	Naval Support Activity Souda Bay	EDI: Joint Mobility Processing Center	\$41,650,000

1 **SEC. 2205. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
2 **2021 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
4 Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the
5 authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (134
6 Stat. 4297), shall remain in effect until October 1, 2024, or the date of the enactment of an Act
7 authorizing funds for military construction for fiscal year 2025, whichever is later.

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

Navy: Extension of 2021 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
California	Twentynine Palms	Wastewater Treatment Plant	\$76,500,000
Guam	Joint Region Marianas	Joint Communication Upgrade	\$166,000,000
Maine	NCTAMS LANT Detachment Cutler	Perimeter Security	\$26,100,000
Nevada	Fallon	Range Training Complex, Phase 1	\$29,040,000

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

10 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION**
11 **PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
13 authorization of appropriations in section 2303(a) and available for military construction projects
14 inside the United States as specified in the funding table in section 3002, the Secretary of the Air

1 Force may acquire real property and carry out military construction projects for the installations
 2 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
Florida	MacDill Air Force Base	\$131,000,000
	Patrick Space Force Base	\$27,000,000
Georgia	Robins Air Force Base	\$115,000,000
Mississippi	Columbus Air Force Base	\$39,500,000
South Dakota	Ellsworth Air Force Base	\$235,000,000
Texas	Joint Base San Antonio	\$20,000,000
Utah	Hill Air Force Base	\$82,000,000
Wyoming	F E Warren Air Force Base	\$85,000,000

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

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	\$26,000,000
	Tindal	\$130,500,000
Guam	Joint Region Marianas	\$411,000,000
Norway	Rygge	\$119,000,000
Philippines	Basa	\$35,000,000
Spain	Moron	\$26,000,000
United Kingdom	Royal Air Force Fairford	\$47,000,000
	Royal Air Force Lakenheath	\$78,000,000

9 (c) PROTOTYPE PROJECT.—Using amounts appropriated pursuant to the authorization of
 10 appropriations in section 2303(a) and available for military construction projects as specified in
 11 the funding table in section 3002, the Secretary of the Air Force may carry out a military
 12 construction project for the installation, and in the amount, set forth in the following table as a

1 prototype project pursuant to pilot authority for use of Other Transactions in section 4022 of title
2 10, United States Code, notwithstanding subchapters I and III of chapter 169 and chapters 221
3 and 223 of title 10, United States Code, and chapter 11 of title 40, United States Code:

Air Force Prototype Project		
State	Installation or Location	Amount
Massachusetts	Hanscom Air Force Base	\$37,000,000

4 **SEC. 2302. FAMILY HOUSING.**

5 (a) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of
6 title 10, United States Code, and using amounts appropriated pursuant to the authorization of
7 appropriations in section 2303(a) and available for military family housing functions as specified
8 in the funding table in section 3002, the Secretary of the Air Force may improve existing military
9 family housing units in an amount not to exceed \$229,282,000.

10 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
11 of appropriations in section 2303(a) and available for military family housing functions as
12 specified in the funding table in section 3002, the Secretary of the Air Force may carry out
13 architectural and engineering services and construction design activities with respect to the
14 construction or improvement of family housing units in an amount not to exceed \$7,815,000.

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

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
17 appropriated for fiscal years beginning after September 30, 2023, for military construction, land
18 acquisition, and military family housing functions of the Department of the Air Force, as
19 specified in the funding table in section 3002.

20 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
21 variations authorized by section 2853 of title 10, United States Code, and any other cost variation

1 authorized by law, the total cost of all projects carried out under section 2301 of this Act may not
2 exceed the total amount authorized to be appropriated under subsection (a), as specified in the
3 funding table in section 3002.

4 **SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
5 **2017 PROJECTS.**

6 (a) SECTION 2301(B) OF FY 2017 NDAA.—

7 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
8 Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat.
9 2688), the authorizations set forth in the table in paragraph (2), as provided in section
10 2301(b) of that Act (130 Stat. 2696) and extended by section 2304 of the Military
11 Construction Act for Fiscal Year 2022 (division B of Public Law 117-181; 135 Stat.
12 2169), shall remain in effect until October 1, 2024, or the date of the enactment of an Act
13 authorizing funds for military construction for fiscal year 2025, whichever is later.

14 (2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2017 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Germany	Ramstein Air Base	37 AS Squadron Operations/Aircraft Maintenance Unit	\$13,437,000
Germany	Spangdahlem Air Base	Upgrade Hardened Aircraft Shelters for F/A-22	\$2,700,000
Japan	Yokota Air Base	C-130J Corrosion Control Hangar	\$23,777,000

15 (b) SECTION 2902 OF FY 2017 NDAA.—

16 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
17 Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat.
18 2688), the authorization set forth in the table in paragraph (2), as provided in section

2902 of that Act (130 Stat. 2743) and extended by section 2304 of the Military Construction Act for Fiscal Year 2022 (division B of Public Law 117-181; 135 Stat. 2169), shall remain in effect until October 1, 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2017 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Germany	Spangdahlem Air Base	F/A-22 Low Observable/Composite Repair Facility	\$12,000,000

SEC. 2305. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.

(a) SECTION 2301(A) OF FY 2018 NDAA.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the authorization set forth in the table in paragraph (2), as provided in section 2301(a) of that Act (131 Stat. 1825) and extended by section 2304(a) of the Military Construction Act for Fiscal Year 2023 (division B of Public Law 117-263; 136 Stat. xxxx), shall remain in effect until October 1, 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2018 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
Florida	Tyndall Air Force Base	Fire Station	\$17,000,000

1 (b) SECTION 2903 OF FY 2018 NDAA.—

2 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
3 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat.
4 1817), the authorizations set forth in the table in paragraph (2), as provided in section
5 2903 of that Act (131 Stat. 1876) and extended by section 2304(b) of the Military
6 Construction Act for Fiscal Year 2023 (division B of Public Law 117-263; 136 Stat.
7 xxxx), shall remain in effect until October 1, 2024, or the date of the enactment of an Act
8 authorizing funds for military construction for fiscal year 2025, whichever is later.

9 (2) TABLE.—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

10 **SEC. 2306. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
11 **2019 PROJECTS.**

12 (a) SECTION 2301 OF FY 2019 NDAA.—

13 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
14 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat.
15 2240), the authorizations set forth in the table in paragraph (2), as provided in section

2301 of that Act (132 Stat. 2246), shall remain in effect until October 1, 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2019 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Mariana Islands	Tinian	APR-Cargo Pad with Taxiway Extension.	\$46,000,000
	Tinian	APR-Maintenance Support Facility	\$4,700,000
Maryland	Joint Base Andrews	Child Development Center	\$13,000,000
	Joint Base Andrews	PAR Relocate Haz Cargo Pad and EOD Range.	\$37,000,000
New Mexico	Holloman Air Force Base	MQ-9 FTU Ops Facility	\$85,000,000
	Kirtland Air Force Base	Wyoming Gate Upgrade for Anti-Terrorism Compliance	\$7,000,000
United Kingdom	Royal Air Force Lakenheath	F-35A ADAL Conventional Munitions MX.	\$9,204,000
Utah	Hill Air Force Base	Composite Aircraft Antenna Calibration Fac.	\$26,000,000

(b) SECTION 2903 OF FY 2019 NDAA.—

(1) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2240), the authorizations set forth in the table in paragraph (2), as provided in section 2903 of that Act (132 Stat. 2287), shall remain in effect until October 1, 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2019 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Slovakia	Malacky	EDI: Regional Munitions Storage Area	\$59,000,000
United Kingdom	RAF Fairford	EDI: Construct DABS-FEV Storage	\$87,000,000
	RAF Fairford	EDI: Munitions Holding Area	\$19,000,000

1 **SEC. 2307. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**

2 **2021 PROJECTS.**

3 (a) SECTION 2301 OF FY 2021 NDAA.—

4 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
5 Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat.
6 4294), the authorization set forth in the table in paragraph (2), as provided in section
7 2301 of that Act (134 Stat. 4299), shall remain in effect until October 1, 2024, or the date
8 of the enactment of an Act authorizing funds for military construction for fiscal year
9 2025, whichever is later.

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

Air Force: Extension of 2021 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
Virginia	Joint Base Langley-Eustis	Access Control Point Main Gate With Land Acq.	\$19,500,000

11 (b) SECTION 2902 OF FY 2021 NDAA.—

12 (1) EXTENSION.—Notwithstanding section 2002 of the Military Construction
13 Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat.
14 4294), the authorizations set forth in the table in paragraph (2), as provided in section
15 2902 of that Act (134 Stat. 4373), shall remain in effect until October 1, 2024, or the date

of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.

(2) TABLE.—The table referred to in paragraph (1) is as follows:

Air Force: Extension of 2021 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Germany	Ramstein Air Base	EDI: Rapid Airfield Damage Repair Storage	\$36,345,000
	Spangdahlem	EDI: Rapid Airfield Damage Repair Storage	\$25,824,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND

ACQUISITION PROJECTS.

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

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$147,975,000
California	Miramar	\$103,000,000
	San Diego	\$101,644,000
Maryland	Fort Meade	\$885,000,000
	Joint Base Andrews	\$38,300,000
Montana	Great Falls International Airport	\$30,000,000
Utah	Hill Air Force Base	\$14,200,000
Virginia	Fort Belvoir	\$185,000,000
	Joint Expeditionary Base Little Creek – Fort Story	\$61,000,000

Washington	Pentagon	\$30,600,000
	Joint Base Lewis-McChord	\$62,000,000
	Manchester	\$71,000,000

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
Cuba	Guantanamo Bay Naval Station	\$257,000,000
Germany	Baumholder	\$41,000,000
	Ramstein Air Base	\$181,764,000
Honduras	Soto Cano Air Base	\$41,300,000
Japan	Kadena Air Base	\$100,300,000
Spain	Rota	\$80,000,000

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 United States

State	Installation or Location	Project	Amount
California	Marine Corps Air Station Miramar	Electrical Infrastructure, On-Site Generation, and Microgrid Improvements	\$30,550,000

	Naval Base San Diego	Microgrid and Backup Power	\$6,300,000
	Vandenberg Space Force Base	Microgrid with Backup Power	\$57,000,000
Colorado	Buckley Space Force Base	Replacement Water Well	\$5,700,000
	Buckley Space Force Base	Redundant Electrical Supply	\$9,000,000
Georgia	Naval Submarine Base Kings Bay	Electrical Transmission and Distribution Improvements Ph 2	\$49,500,000
Kansas	Forbes Field	Microgrid and Backup Power	\$5,850,000
Missouri	Lake City Army Ammunition Plant	Microgrid and Backup Power	\$80,100,000
Nebraska	Offutt Air Force Base	Microgrid and Backup Power	\$41,000,000
North Carolina	Fort Bragg (Camp Mackall)	Microgrid and Backup Power	\$10,500,000
Oklahoma	Fort Sill	Microgrid and Backup Power	\$76,650,000
Texas	Fort Hood	Microgrid and Backup Power	\$18,250,000
Virginia	Pentagon	HVAC Efficiency Upgrades	\$2,250,000
Washington	Joint Base Lewis-McChord	Power Generation and Microgrid	\$49,850,000
Wyoming	F E Warren Air Force Base	Microgrid and Battery Storage	\$25,000,000

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 United States

Country	Installation or Location	Project	Amount
Korea	K-16 Air Base	K16 Emergency Backup Power	\$5,650,000
Kuwait	Camp Buehring	Microgrid and Backup Power	\$18,850,000
Puerto Rico	Fort Buchanan	Microgrid and Backup Power	\$56,000,000

6 (c) IMPROVEMENT OF CONVEYED UTILITY SYSTEMS.—In the case of a utility system that
7 is conveyed under section 2688 of title 10, United States Code, and that only provides utility

1 services to a military installation, notwithstanding subchapters I and III of chapter 169 and
 2 chapters 221 and 223 of title 10, United States Code, and chapter 11 of title 40, United States
 3 Code, the Secretary of Defense or the Secretary of a military department may authorize a
 4 contract with the conveyee of the utility system to carry out the military construction projects set
 5 forth in the following table:

Improvement of Conveyed Utility Systems		
State	Installation or Location	Project
Nebraska	Offutt Air Force Base	Microgrid and Backup Power
North Carolina	Fort Bragg (Camp Mackall)	Microgrid and Backup Power
Texas	Fort Hood	Microgrid and Backup Power
Washington	Joint Base Lewis-McChord	Power Generation and Microgrid

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

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
 8 appropriated for fiscal years beginning after September 30, 2023, for military construction, land
 9 acquisition, and military family housing functions of the Department of Defense (other than the
 10 military departments), as specified in the funding table in section 3002.

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

16 **SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
 17 **2018 PROJECTS.**

18 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 19 Authorization Act for Fiscal Year 2018 (division B of Public Law 115–91; 131 Stat. 1817), the

1 authorizations set forth in the table in subsection (b), as provided in section 2401(b) of that Act
 2 (131 Stat. 1829) and extended by section 2404 of the Military Construction Act for Fiscal Year
 3 2023 (division B of Public Law 117-263; 136 Stat. xxxx), shall remain in effect until October 1,
 4 2024, or the date of the enactment of an Act authorizing funds for military construction for fiscal
 5 year 2025, whichever is later.

6 (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	PDI: Construct Bulk Storage Tanks PH 1	\$30,800,000
Puerto Rico	Punta Borinquen	Ramey Unit School Replacement	\$61,071,000

7 **SEC. 2405. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
 8 **2019 PROJECTS.**

9 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 10 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2240), the
 11 authorizations set forth in the table in subsection (b), as provided in section 2401(b) of that Act
 12 (132 Stat. 2249), shall remain in effect until October 1, 2024, or the date of the enactment of an
 13 Act authorizing funds for military construction for fiscal year 2025, whichever is later.

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

Defense Agencies: Extension of 2019 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Germany	Baumholder	SOF Joint Parachute Rigging Facility	\$11,504,000
Japan	Camp McTureous	Bechtel Elementary School	\$94,851,000
	Iwakuni	Fuel Pier	\$33,200,000

1 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
2 **YEAR 2019 PROJECT.**

3 (a) MODIFICATION OF PROJECT AUTHORITY.—In the case of the authorization contained in
4 the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2019
5 (division B of Public Law 115–232; 132 Stat. 2249) for Baumholder, Germany, for construction
6 of a SOF Joint Parachute Rigging Facility, the Secretary of Defense may construct a 3,200
7 square meter facility.

8 (b) MODIFICATION OF PROJECT AMOUNTS.—

9 (1) DIVISION B TABLE.—The authorization table in section 2401(b) of the Military
10 Construction Defense Authorization Act for Fiscal Year 2019 (division B of Public Law
11 115–232; 132 Stat. 2249) is amended in the item relating to Baumholder, Germany, by
12 striking “\$11,504,000” and inserting “\$23,000,000” to reflect the project modification
13 made by subsection (a).

14 (2) DIVISION D TABLE.—The funding table in section 4601 of the John S. McCain
15 National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat.
16 2406) is amended in the item relating to Baumholder, Germany, SOF Joint Parachute
17 Rigging Facility, by striking “\$11,504” in the Conference Authorized column and
18 inserting “\$23,000” to reflect the project modification made by subsection (a).

19 **SEC. 2407. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
20 **2021 PROJECT.**

21 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
22 Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat. 4294), the
23 authorization set forth in the table in subsection (b), as provided in section 2401(b) of that Act

1 (134 Stat. 4304), shall remain in effect until October 1, 2024, or the date of the enactment of an
 2 Act authorizing funds for military construction for fiscal year 2025, whichever is later.

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

Defense Agencies: Extension of 2021 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Japan	Def Fuel Support Point Tsurumi	Fuel Wharf	\$49,500,000

4 **SEC. 2408. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
 5 **2021 PROJECTS.**

6 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 7 Authorization Act for Fiscal Year 2021 (division B of Public Law 116–283; 134 Stat. 4294), the
 8 authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act (134
 9 Stat. 4306), shall remain in effect until October 1, 2024, or the date of the enactment of an Act
 10 authorizing funds for military construction for fiscal year 2025, whichever is later.

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

ERCIP Projects: Extension of 2021 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Arkansas	Ebbing Air National Guard Base	PV Arrays and Battery Storage	\$2,600,000
California	Marine Corps Air Combat Center Twenty Nine Palms	Install 10 Mw Battery Energy Storage for Various Buildings	\$11,646,000
	Military Ocean Terminal Concord	Military Ocean Terminal Concord Microgrid	\$29,000,000
Italy	Naval Support Activity Monterey	Cogeneration Plant at B236	\$10,540,000
	Naval Support Activity Naples	Smart Grid	\$3,490,000

Nevada	Creech Air Force Base	Central Standby Generators	\$32,000,000
Virginia	Naval Medical Center Portsmouth	Retro Air Handling Units From Constant Volume; Reheat to Variable Air Volume	\$611,000

1 **SEC. 2409. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
2 **2022 PROJECTS.**

3 In the case of a utility system that is conveyed under section 2688 of title 10, United
4 States Code, and that only provides utility services to a military installation, notwithstanding
5 subchapters I and III of chapter 169 and chapters 221 and 223 of title 10, United States Code,
6 and chapter 11 of title 40, United States Code, the Secretary of Defense or the Secretary of a
7 military department may authorize a contract with the conveyee of the utility system to carry out
8 the military construction projects set forth in the following table:

Improvement of Conveyed Utility Systems

State	Installation or Location	Project
Alabama	Fort Rucker	Construct a 10 MW RICE Generator Plant and Micro-Grid Controls
Georgia	Fort Benning	Construct 4.8MW Generation and Microgrid
	Fort Stewart	Construct a 10 MW Generation Plant, with Microgrid Controls
New York	Fort Drum	Well Field Expansion Project
North Carolina	Fort Bragg	Construct 10 MW Microgrid Utilizing Existing and New Generators
	Fort Bragg	Fort Bragg Emergency Water System

9 **SEC. 2410. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
10 **2023 PROJECTS.**

1 In the case of a utility system that is conveyed under section 2688 of title 10, United
 2 States Code, and that only provides utility services to a military installation, notwithstanding
 3 subchapters I and III of chapter 169 and chapters 221 and 223 of title 10, United States Code,
 4 and chapter 11 of title 40, United States Code, the Secretary of Defense or the Secretary of a
 5 military department may authorize a contract with the conveyee of the utility system to carry out
 6 the military construction projects set forth in the following table:

Improvement of Conveyed Utility Systems		
State	Installation or Location	Project
Georgia	Fort Stewart-Hunter Army Airfield	Power Generation and Microgrid
Kansas	Fort Riley	Power Generation and Microgrid
Texas	Fort Hood	Power Generation and Microgrid

7 **TITLE XXV—INTERNATIONAL PROGRAMS**

8 **Subtitle A—North Atlantic Treaty Organization Security Investment**
 9 **Program**

10 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION**
 11 **PROJECTS.**

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

17 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

1 Funds are hereby authorized to be appropriated for fiscal years beginning after September
2 30, 2023, for contributions by the Secretary of Defense under section 2806 of title 10, United
3 States Code, for the share of the United States of the cost of projects for the North Atlantic
4 Treaty Organization Security Investment Program authorized by section 2501 as specified in the
5 funding table in section 3002.

6 **Subtitle B—Host Country In-kind Contributions**

7 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.**

8 Pursuant to agreement with the Republic of Korea for required in-kind contributions, the
9 Secretary of Defense may accept military construction projects for the installations or locations
10 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 Bonifas	Vehicle Maintenance Shop	\$7,700,000
Army	Camp Carroll	Humidity Controlled Warehouse	\$189,000,000
Army	Camp Humphreys	Airfield Services Storage Warehouse	\$7,100,000
Army	Camp Walker	Consolidated Fire and Military Police Station	\$48,000,000
Army	Pusan	Warehouse Facility	\$40,000,000
Navy	Chinhae	Electrical Switchgear Building	\$6,000,000
Air Force	Osan Air Base	Consolidated Operations Group and Maintenance Group Headquarters	\$46,000,000
Air Force	Osan Air Base	Flight Line Dining Facility	\$6,800,000
Air Force	Osan Air Base	Reconnaissance Squadron Operations and Avionics Facility	\$30,000,000
Air Force	Osan Air Base	Repair Aircraft Maintenance Hangar B1732	\$8,000,000

Air Force	Osan Air Base	Upgrade Electrical Distribution East, Phase 2	\$46,000,000
Air Force	Osan Air Base	Water Supply Treatment Facility	\$22,000,000

1 **SEC. 2512. REPUBLIC OF POLAND FUNDED CONSTRUCTION PROJECTS.**

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

Republic of Poland Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Powidz	Barracks and Dining Facility	\$93,000,000
Army	Powidz	Rotary Wing Aircraft Apron	\$35,000,000
Army	Swietoszow	Bulk Fuel Storage	\$35,000,000
Army	Swietoszow	Rail Extension and Railhead	\$7,300,000
Air Force	Wroclaw	Aerial Port of Debarkation Ramp	\$59,000,000
Air Force	Wroclaw	Taxiways to Aerial Port of Debarkation Ramp	\$39,000,000
Defense-Wide	Lubliniec	Special Operations Forces Company Operations Facility	\$16,200,000

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

6 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 Using amounts appropriated pursuant to the authorization of appropriations in section
9 2606 and available for the National Guard and Reserve as specified in the funding table in
10 section 3002, the Secretary of the Army may acquire real property and carry out military

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

Army National Guard		
State	Installation or Location	Amount
Arizona	Surprise Readiness Center	\$15,000,000
Idaho	Jerome County Regional Site	\$17,000,000
Illinois	N Riverside (NG Maint Center)	\$24,000,000
Missouri	Bellefontaine	\$28,000,000
New Hampshire	Littleton	\$23,000,000
New Mexico	Rio Rancho TS	\$11,000,000
Ohio	Camp Perry Joint Training Center	\$19,200,000
Oregon	Washington County Readiness Center	\$26,000,000
Pennsylvania	Hermitage Readiness Center	\$13,600,000
South Carolina	Aiken County Readiness Center	\$20,000,000
	MTA McCrady Training Site	\$7,900,000
Virginia	Sandston RC & FMS 1	\$20,000,000
Wisconsin	Viroqua	\$18,200,000

3 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND**
 4 **ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the authorization of appropriations in section
 6 2606 and available for the National Guard and Reserve as specified in the funding table in
 7 section 3002, the Secretary of the Army may acquire real property and carry out military
 8 construction projects for the Army Reserve locations inside the United States, and in the
 9 amounts, set forth in the following table:

Army Reserve		
State	Installation or Location	Amount
Alabama	Birmingham	\$57,000,000
Arizona	Phoenix	\$12,000,000

10 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE**
 11 **CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

1 Using amounts appropriated pursuant to the authorization of appropriations in section
 2 2606 and available for the National Guard and Reserve as specified in the funding table in
 3 section 3002, the Secretary of the Navy may acquire real property and carry out military
 4 construction projects for the Navy Reserve and Marine Corps Reserve locations inside the
 5 United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation or Location	Amount
Michigan	Battle Creek	\$24,549,000
Virginia	Dam Neck	\$12,400,000

6 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 Using amounts appropriated pursuant to the authorization of appropriations in section
 9 2606 and available for the National Guard and Reserve as specified in the funding table in
 10 section 3002, the Secretary of the Air Force may acquire real property and carry out military
 11 construction projects for the Air National Guard locations inside the United States, and in the
 12 amounts, set forth in the following table:

Air National Guard

State	Installation or Location	Amount
Alabama	Montgomery Regional Airport (ANG) Base	\$7,000,000
Arizona	Tucson International Airport	\$11,600,000
Colorado	Buckley Air National Guard Base	\$12,000,000
Indiana	Fort Wayne International Airport	\$8,900,000
Oregon	Portland International Airport	\$40,500,000

13 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND**
 14 **ACQUISITION PROJECTS.**

1 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 2 authorization of appropriations in section 2606 and available for the National Guard and Reserve
 3 as specified in the funding table in section 3002, the Secretary of the Air Force may acquire real
 4 property and carry out military construction projects for the Air Force Reserve locations inside
 5 the United States, and in the amounts, set forth in the following table:

Air Force Reserve: Inside the United States

State	Location	Amount
California	March Air Force Base	\$226,500,000
Texas	Fort Worth	\$16,000,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 7 authorization of appropriations in section 2606 and available for the National Guard and Reserve
 8 as specified in the funding table in section 3002, the Secretary of the Air Force may acquire real
 9 property and carry out military construction projects for the Air Force Reserve location outside
 10 the United States, and in the amount, set forth in the following table:

Air Force Reserve: Outside the United States

Country	Installation or Location	Amount
Guam	Joint Region Marianas	\$27,000,000

11 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND**
 12 **RESERVE.**

13 Funds are hereby authorized to be appropriated for fiscal years beginning after September
 14 30, 2023, for the costs of acquisition, architectural and engineering services, and construction of
 15 facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of
 16 title 10, United States Code (including the cost of acquisition of land for those facilities), as
 17 specified in the funding table in section 3002.

18 **SEC. 2607. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
 19 **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 (b), as provided in section 2604 of that Act (131
 4 Stat. 1836) and extended by section 2608 of the Military Construction Act for Fiscal Year 2023
 5 (division B of Public Law 117-263; 136 Stat. xxxx), shall remain in effect until October 1, 2024,
 6 or the date of the enactment of an Act authorizing funds for military construction for fiscal year
 7 2025, whichever is later.

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

National Guard and Reserve: Extension of 2018 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range	\$8,000,000

9 **SEC. 2608. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
 10 **2019 PROJECT.**

11 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
 12 Authorization Act for Fiscal Year 2019 (division B of Public Law 115–232; 132 Stat. 2240), the
 13 authorization set forth in the table in subsection (b), as provided in sections 2604 of that Act (132
 14 Stat. 2255), shall remain in effect until October 1, 2024, or the date of the enactment of an Act
 15 authorizing funds for military construction for fiscal year 2025, whichever is later.

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

National Guard and Reserve: Extension of 2019 Project Authorization

State	Installation or Location	Project	Original Authorized Amount
New York	Francis S. Gabreski Airport	Security Forces / Comm. Training Facility	\$20,000,000

1 **SEC. 2609. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR**
2 **2021 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction
4 Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the
5 authorizations set forth in the table in subsection (b), as provided in sections 2601, 2602, and
6 2604 of that Act (134 Stat. 4312, 4313, 4314), shall remain in effect until October 1, 2024, or the
7 date of the enactment of an Act authorizing funds for military construction for fiscal year 2025,
8 whichever is later.

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

National Guard and Reserve: Extension of 2021 Project Authorizations

State/Country	Installation or Location	Project	Original Authorized Amount
Arkansas	Fort Chaffee	National Guard Readiness Center	\$15,000,000
California	Bakersfield	National Guard Vehicle Maintenance Shop.	\$9,300,000
Colorado	Peterson Space Force Base	National Guard Readiness Center	\$15,000,000
Guam	Joint Region Marianas	Space Control Facility #5	\$20,000,000
Ohio	Columbus	National Guard Readiness Center	\$15,000,000
Massachusetts	Devens Reserve Forces Training Area	Automated Multipurpose Machine Gun Range.	\$8,700,000
North Carolina	Asheville	Army Reserve Center/Land	\$24,000,000
Puerto Rico	Fort Allen	National Guard Readiness Center	\$37,000,000
South Carolina	Joint Base Charleston	National Guard Readiness Center	\$15,000,000
Texas	Fort Worth	Aircraft Maintenance Hangar Addition/Alt.	\$6,000,000
	Joint Base San Antonio	F-16 Mission Training Center	\$10,800,000
Virgin Islands	St. Croix	Army Aviation Support Facility (AASF)	\$28,000,000

	St. Croix	CST Ready Building	\$11,400,000
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1 **SEC. 2610. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
2 **YEAR 2022 PROJECT.**

3 (a) NICKELL MEMORIAL ARMORY, KANSAS.—

4 (1) TRANSFER AUTHORITY.—From amounts appropriated for “Military
5 Construction, Army National Guard” pursuant to the authorization of appropriations in
6 section 2606 and available as specified in the funding table in section 4601 of the
7 National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81, 135 Stat.
8 2315), the Secretary of Defense may transfer up to \$420,000 to an appropriation for
9 “Military Construction, Air National Guard” for use for study, planning, design, and
10 architect and engineer services for a sensitive compartmented information facility project
11 at Nickell Memorial Armory, Kansas.

12 (2) MERGER OF AMOUNTS TRANSFERRED.—Any amount transferred under
13 paragraph (1) shall be merged with and available for the same purposes, and for the same
14 time period, as the “Military Construction, Air National Guard” appropriation to which
15 transferred.

16 (b) AUTHORITY.—Using amounts transferred pursuant to subsection (a), the Secretary of
17 the Air Force may carry out study, planning, design, and architect and engineer services
18 activities for a sensitive compartmented information facility project at Nickell Memorial
19 Armory, Kansas.

20 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
21 **YEAR 2023 PROJECT.**

1 In the case of the authorization contained in the table in section 2602 of the Military
2 Construction Authorization Act for Fiscal Year 2023 (division B of Public Law 117–263; 136
3 Stat. xxxx) for Camp Pendleton, California, for construction of an Area Maintenance Support
4 Activity, the Secretary of the Army may construct a 15,000 square foot facility.

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, 2023, 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 2024 Budget Request
	Alabama		

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
Army	Redstone Arsenal	Substation	50,000
	Alaska		
Army	Fort Wainwright	CTC: Enlisted Unaccompanied Pers Hsg	34,000
	Georgia		
Army	Fort Gordon	Cyber Instructional Facility (Classrooms)	163,000
	Germany		
Army	Grafenwoehr	Automated Multipurpose Machine Gun Range	10,400
Army	Hohenfels	Simulations Center	56,000
	Hawaii		
Army	Aliamanu Military Reservation	Water Storage Tank	20,000
	Kansas		
Army	Fort Riley	Aircraft Maintenance Hanger	105,000
	Kentucky		
Army	Fort Campbell	Multipurpose Training Range	38,000
	Massachusetts		
Army	Soldier Systems Center Natick	Barracks Addition	18,500
	Michigan		
Army	Detroit Arsenal	Ground Transport Equipment Building	72,000
	North Carolina		
Army	Fort Bragg	Automated Record Fire Range	19,500
Army	Fort Bragg	Barracks	50,000
Army	Fort Bragg	Barracks (Facility Prototyping)	85,000
	Pennsylvania		
Army	Letterkenny Army Depot	Guided Missile Maintenance Building	89,000
	Texas		
Army	Fort Bliss	Rail Yard	74,000
Army	Red River Army Depot	Component Rebuild Shop	113,000
	Washington		
Army	Joint Base Lewis-McChord	Barracks	100,000
	Worldwide Unspecified		
Army	Unspecified Worldwide Locations	Host Nation Support	26,000
Army	Unspecified Worldwide Locations	Planning and Design	270,875
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	76,280
Military Construction, Army Total			1,470,555
	Australia		

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
Navy	Darwin California	PDI: Aircraft Parking Apron (INC)	134,624
Navy	Port Hueneme	Laboratory Compound Facilities Improvements	110,000
Navy	Twentynine Palms Connecticut	Communications Towers	42,100
Navy	New London	Submarine Pier 31 Extension	112,518
Navy	New London District of Columbia	Weapons Magazine & Ordnance Operations Fac.	219,200
Navy	8th St and I Guam	Bachelor Enlisted Quarters & Support Facility	131,800
Navy	Andersen Air Force Base	PDI: Child Development Center	105,220
Navy	Andersen Air Force Base	PDI: Joint Consol. Comm. Center (INC)	107,000
Navy	Finegayan	PDI: 9th ESB Training Complex	23,380
Navy	Finegayan	PDI: Artillery Battery Facilities	137,550
Navy	Finegayan	PDI: Consolidated MEB HQ/NCIS PHII	19,740
Navy	Finegayan	PDI: Recreation Center	34,740
Navy	Finegayan	PDI: Religious Ministry Services Facility	46,350
Navy	Finegayan	PDI: Satellite Communications Facility (INC)	166,159
Navy	Finegayan	PDI: Training Center	89,640
Navy	Joint Region Marianas	PDI: Joint Communication Upgrade (INC)	292,830
Navy	Joint Region Marianas	PDI: Missile Integration Test Facility	174,540
	Hawaii		
Navy	Joint Base Pearl Harbor-Hickam	Dry Dock 3 Replacement (Inc)	1,318,711
	Italy		
Navy	Sigonella	EDI: Ordnance Magazines	77,072
	Maine		
Navy	Kittery	Multi-Mission Drydock #1 Extension (Inc)	544,808
	Maryland		
Navy	Fort Meade	Cybersecurity Operations Facility	186,480
Navy	Patuxent River	Aircraft Development and Maintenance Facs	141,700
	North Carolina		
Navy	Cherry Point Marine Corps Air Station	Aircraft Maintenance Hangar (INC)	19,529
Navy	Cherry Point Marine Corps Air Station	Maintenance Facility & Marine Air Group HQs	125,150
	Virginia		

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
Navy	Dam Neck	Maritime Surveillance System Facility	109,680
Navy	Joint Expeditionary Base Little Creek – Fort Story	Child Development Center (Facility Prototyping)	35,000
Navy	Norfolk	Child Development Center	43,600
Navy	Norfolk	MQ-25 Aircraft Laydown Facilities	114,495
Navy	Norfolk	Submarine Pier 3 (INC)	99,077
Navy	Portsmouth	Dry Dock Saltwater System for CVN-78 (INC)	81,082
Navy	Quantico	Water Treatment Plant	127,120
Navy	Yorktown	Weapons Magazines	221,920
	Washington		
Navy	Kitsap	Shipyards Electrical Backbone	195,000
	Worldwide Unspecified		
Navy	Unspecified Worldwide Locations	Planning and Design	599,942
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	34,430
Military Construction, Navy Total			6,022,187
	Alaska		
AF	Joint Base Elmendorf-Richardson	EXTEND RUNWAY 16/34, INC 3	107,500
	Australia		
AF	Darwin	PDI: Squadron Operations Facility	26,000
AF	Tindal	PDI: Aircraft Maintenance Support Facility	17,500
AF	Tindal	PDI: Bomber Apron	93,000
AF	Tindal	PDI: Squadron Operations Facility	20,000
	Florida		
AF	MacDill Air Force Base	KC-46 ADAL Fuel System Maintenance Dock	18,000
AF	MacDill Air Force Base	KC-46A ADAL Aircraft Corrosion Control	25,000
AF	MacDill Air Force Base	KC-46A ADAL Aircraft Maintenance Hangar	27,000
AF	MacDill Air Force Base	KC-46A ADAL Apron & Hydrant Fueling Pits	61,000
AF	Patrick Space Force Base	C2C: Consolidated Communications Center	15,000
AF	Patrick Space Force Base	Commercial Vehicle Inspection	15,000
AF	Patrick Space Force Base	Final Denial Barriers, South Gate	12,000
	Georgia		
AF	Robins Air Force Base	Battle Management Combined Operations Complex	115,000
	Guam		
AF	Joint Region Marianas	PDI: NORTH AIRCRAFT PARKING RAMP, INC	109,000
	Japan		

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
AF	Kadena Air Base	PDI: Helo Rescue Ops Maintenance Hangar Inc 3	46,000
AF	Kadena Air Base	PDI: Theater A/C Corrosion Control Ctr, Inc	42,000
	Louisiana		
AF	Barksdale Air Force Base	Weapons Generation Facility Inc 3	112,000
	Mariana Islands		
AF	Tinian	PDI: Airfield Development Phase 1, Inc 3	26,000
AF	Tinian	PDI: Fuel Tanks w/Pipeln & Hydrant, Inc 3	20,000
AF	Tinian	PDI: Parking Apron, Inc 3	32,000
	Massachusetts		
AF	Hanscom Air Force Base	Child Development Center (Facility Prototyping)	37,000
AF	Hanscom Air Force Base	MIT-Lincoln Lab (West Lab CSL/MIF), Inc 4	70,000
	Mississippi		
AF	Columbus Air Force Base	T-7A GROUND BASED TRAINING SYSTEM FACILITY	30,000
AF	Columbus Air Force Base	T-7A UNIT MAINTENANCE TRAINING FACILITY	9,500
	Norway		
AF	Rygge	EDI: DABS-FEV Storage	88,000
AF	Rygge	EDI: Munitions Storage Area	31,000
	Oklahoma		
AF	Tinker Air Force Base	KC-46 3-BAY DEPOT MAINTENANCE HANGAR INC 3	78,000
	Philippines		
AF	Basa	PDI: Transient Aircraft Parking Apron	35,000
	South Dakota		
AF	Ellsworth Air Force Base	B-21 Fuel System Maintenance Dock	75,000
AF	Ellsworth Air Force Base	B-21 Phase Hangar	160,000
AF	Ellsworth Air Force Base	B-21 Weapons Generation Facility Inc	160,000
	Spain		
AF	Moron	EDI: Munitions Storage	26,000
	Texas		
AF	Joint Base San Antonio	Child Development Center - LAK	20,000
	United Kingdom		
AF	Royal Air Force Fairford	EDI: RADR Storage Facility	47,000
AF	Royal Air Force Lakenheath	EDI: RADR Storage Facility	28,000
AF	Royal Air Force Lakenheath	Surety Dormitory	50,000

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
	Utah		
AF	Hill Air Force Base	F-35 T-7A East Campus Infrastructure	82,000
	Worldwide Unspecified		
AF	Unspecified Worldwide Locations	Planning and Design	434,914
AF	Unspecified Worldwide Locations	Unspecified Minor Construction	64,900
	Wyoming		
AF	F E Warren Air Force Base	GBSD Integrated Command Center, Inc 2	27,000
AF	F E Warren Air Force Base	GBSD Integrated Training Center	85,000
AF	F E Warren Air Force Base	GBSD Missile Handling Complex, Inc 2	28,000
Military Construction, Air Force Total			2,605,314
	Alabama		
Def-Wide	Redstone Arsenal	Ground Test Facility Infrastructure	147,975
	California		
Def-Wide	Miramar	Ambulatory Care Cntr - Dental Clinic Add//Alt	103,000
Def-Wide	San Diego	Ambulatory Care Center - Dental Clinic Replmt	101,644
	Cuba		
Def-Wide	Guantanamo Bay Naval Station	Ambulatory Care Center INC 1	60,000
	Germany		
Def-Wide	Baumholder	SOF Company Operations Facility	41,000
Def-Wide	Baumholder	SOF Joint Parachute Rigging Facility	23,000
Def-Wide	Kaiserslautern Air Base	Kaiserslautern Middle School	21,275
Def-Wide	Ramstein Air Base	Ramstein Middle School	181,764
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement INC 11	77,210
Def-Wide	Stuttgart	Robinson Barracks Elem School Replacement	8,000
	Honduras		
Def-Wide	Soto Cano Air Base	Fuel Facilities	41,300
	Japan		
Def-Wide	Kadena Air Base	PDI SOF Maintenance Hangar	88,900
Def-Wide	Kadena Air Base	PDI: SOF Composite Maintenance Facility	11,400
Def-Wide	Yokosuka	Kinnick High School INC	70,000
	Maryland		
Def-Wide	Bethesda Naval Hospital	Medical Center Addition/Alteration INC 7	101,816
Def-Wide	Fort Meade	NSAW Mission Ops and Records Center (INC)	105,000
Def-Wide	Fort Meade	NSAW Recap Building 4 (INC)	315,000
Def-Wide	Fort Meade	NSAW Recap Building 5 (ECB 5) INC	65,000

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
Def-Wide	Joint Base Andrews Montana	Hydrant Fueling System	38,300
Def-Wide	Great Falls International Airport Spain	Fuel Facilities	30,000
Def-Wide	Rota Utah	Bulk Tank Farm PH 1	80,000
Def-Wide	Hill Air Force Base Virginia	Open Storage	14,200
Def-Wide	Fort Belvoir	DIA Headquarters Annex	185,000
Def-Wide	Joint Expeditionary Base Little Creek – Fort Story	SOF SDVT2 Operations Support Facility	61,000
Def-Wide	Pentagon Washington	Sec Ops and Pedestrian Access Facs	30,600
Def-Wide	Joint Base Lewis-McChord	SOF Consolidated Rigging Facility	62,000
Def-Wide	Manchester Worldwide Unspecified	Bulk Storage Tanks PH 2	71,000
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conservation Investment Program	548,000
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conservation Investment Program Planning and Design	86,250
Def-Wide	Unspecified Worldwide Locations	Planning and Design, CYBER	30,215
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DEFW	32,579
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DHA	49,610
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DLA	24,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, DODEA	8,568
Def-Wide	Unspecified Worldwide Locations	Planning and Design, MDA	1,035
Def-Wide	Unspecified Worldwide Locations	Planning and Design, NSA	3,068
Def-Wide	Unspecified Worldwide Locations	Planning and Design, SOCOM	25,130
Def-Wide	Unspecified Worldwide Locations	Planning and Design, TJS	2,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design, WHS	590
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction, TJS	11,107
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DEFW	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, DLA	4,875
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction, SOCOM	19,271
Military Construction, Defense-Wide Total			2,984,682
	Worldwide Unspecified		
Def - Wide	NATO Security Investment Program	NATO Security Investment Program	\$293,434

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
NATO Security Investment Program Total			\$293,434
	Arizona		
Army NG	Surprise Readiness Center	National Guard Readiness Center	15,000
	Idaho		
Army NG	Jerome County Regional Site	National Guard Vehicle Maintenance Shop	17,000
	Illinois		
Army NG	N River (NG Maint Center)	National Guard Vehicle Maintenance Shop	24,000
	Missouri		
Army NG	Bellefontaine	National Guard Readiness Center	28,000
	New Hampshire		
Army NG	Littleton	National Guard Vehicle Maintenance Shop Add	23,000
	New Mexico		
Army NG	Rio Rancho TS	National Guard Vehicle Maintenance Shop Add	11,000
	Ohio		
Army NG	Camp Perry Joint Training Center	National Guard Readiness Center	19,200
	Oregon		
Army NG	Washington County Readiness Center	National Guard Readiness Center	26,000
	Pennsylvania		
Army NG	Hermitage Readiness Center	National Guard Readiness Center	13,600
	South Carolina		
Army NG	Aiken County Readiness Center	National Guard Readiness Center	20,000
Army NG	MTA McCrady Training Site	Automated Multipurpose Machine Gun Range	7,900
	Virginia		
Army NG	Sandston RC & FMS 1	Aircraft Maintenance Hangar	20,000
	Wisconsin		
Army NG	Viroqua	National Guard Readiness Center	18,200
	Worldwide Unspecified		
Army NG	Unspecified Worldwide Locations	Planning and Design	34,286
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	63,000
Military Construction, Army National Guard Total			340,186
	Alabama		
Army Res	Birmingham	Army Reserve Center/AMSA/Land	57,000
	Arizona		
Army Res	Phoenix	Area Maintenance Support Activity	12,000
	Worldwide Unspecified		

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
Army Res	Unspecified Worldwide Locations	Planning and Design	23,389
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	14,687
Military Construction, Army Reserve Total			107,076
	Michigan		
N/MC Res	Battle Creek	Organic Supply Facilities	24,549
	Virginia		
N/MC Res	Dam Neck	G/ATOR Support Facilities	12,400
	Worldwide Unspecified		
N/MC Res	Unspecified Worldwide Locations	Planning and Design	6,495
N/MC Res	Unspecified Worldwide Locations	Unspecified Minor Construction	7,847
Military Construction, Naval Reserve Total			51,291
	Alabama		
Air NG	Montgomery Regional Airport (ANG) Base	F-35 ADAL Sq Ops Bldg 1303	7,000
	Arizona		
Air NG	Tucson International Airport	MCCA: Aircraft Arresting System (New RWY)	11,600
	Colorado		
Air NG	Buckley Air National Guard Base	Aircraft Corrosion Control	12,000
	Indiana		
Air NG	Fort Wayne International Airport	Fire Station	8,900
	Oregon		
Air NG	Portland International Airport	Special Tactics Complex, Phase 1	22,000
Air NG	Portland International Airport	Special Tactics Complex, Phase 2	18,500
	Worldwide Unspecified		
Air NG	Unspecified Worldwide Locations	Planning and Design	35,600
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	63,122
Military Construction, Air National Guard Total			178,722
	California		
Air Res	March Air Force Base	KC-46 Add/Alter B1244 FuT/Cargo Pallet Storage	17,000
Air Res	March Air Force Base	KC-46 Add/Alter B6000 Simulator Facility	8,500
Air Res	March Air Force Base	KC-46 Two Bay Maintenance/Fuel Hangar	201,000
	Guam		
Air Res	Joint Region Marianas	Aerial Port Facility	27,000
	Texas		
Air Res	Fort Worth	LRS Warehouse	16,000

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
	Worldwide Unspecified		
Air Res	Unspecified Worldwide Locations	Planning and Design	12,146
Air Res	Unspecified Worldwide Locations	Unspecified Minor Construction	9,926
Military Construction, Air Force Reserve Total			291,572
	Georgia		
FH Con Army	Fort Gordon	Fort Gordon MHPI Equity Investment	50,000
	Germany		
FH Con Army	Baumholder	Family Housing New Construction (70 units)	78,746
	Kwajalein		
FH Con Army	Kwajalein Atoll	Family Housing Replacement Construction (20 units)	98,600
	Missouri		
FH Con Army	Fort Leonard Wood	Fort Leonard Wood MHPI Equity Investment	50,000
	Worldwide Unspecified		
FH Con Army	Unspecified Worldwide Locations	Planning and Design	27,549
Family Housing Construction, Army Total			304,895
	Worldwide Unspecified		
FH Ops Army	Unspecified Worldwide Locations	Furnishings	12,121
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	86,019
FH Ops Army	Unspecified Worldwide Locations	Leasing	112,976
FH Ops Army	Unspecified Worldwide Locations	Maintenance	86,706
FH Ops Army	Unspecified Worldwide Locations	Management	41,121
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	554
FH Ops Army	Unspecified Worldwide Locations	Services	7,037
FH Ops Army	Unspecified Worldwide Locations	Utilities	38,951
Family Housing Operation And Maintenance, Army Total			385,485
	Guam		
FH Con Navy	Joint Region Marianas	Replace Andersen Housing Ph 8 (57 units)	121,906
	Mariana Islands		

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
FH Con Navy	Guam	Replace Andersen Housing (AF) PH7 (46 units)	83,126
	Worldwide Unspecified		
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements (55 units)	57,740
FH Con Navy	Unspecified Worldwide Locations	Planning and Design	4,782
FH Con Navy	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design	9,588
Family Housing Construction, Navy And Marine Corps Total			277,142
	Worldwide Unspecified		
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	17,744
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	65,655
FH Ops Navy	Unspecified Worldwide Locations	Leasing	60,214
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	101,356
FH Ops Navy	Unspecified Worldwide Locations	Management	61,896
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	419
FH Ops Navy	Unspecified Worldwide Locations	Services	13,250
FH Ops Navy	Unspecified Worldwide Locations	Utilities	43,320
Family Housing Operation And Maintenance, Navy And Marine Corps Total			363,854
	Alabama		
FH Con AF	Maxwell Air Force Base	MHPI Restructure-AETC Group II	65,000
	Colorado		
FH Con AF	U.S. Air Force Academy	Construction Improvement - Carlton House (1 unit)	9,282
	Hawaii		
FH Con AF	Hickam Air Force Base	MHPI Restructure-JB Pearl Harbor-Hickam	75,000
	Mississippi		
FH Con AF	Keesler Air Force Base	MHPI Restructure-Southern Group	80,000
	Worldwide Unspecified		
FH Con AF	Unspecified Worldwide Locations	Planning and Design	7,815
Family Housing Construction, Air Force Total			237,097
	Worldwide Unspecified		
FH Ops AF	Unspecified Worldwide Locations	Furnishings	12,884

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

Account	State/Country and Installation	Project Title	FY 2024 Budget Request
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	31,803
FH Ops AF	Unspecified Worldwide Locations	Leasing	5,143
FH Ops AF	Unspecified Worldwide Locations	Maintenance	135,410
FH Ops AF	Unspecified Worldwide Locations	Management	68,023
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	2,377
FH Ops AF	Unspecified Worldwide Locations	Services	10,692
FH Ops AF	Unspecified Worldwide Locations	Utilities	48,054
Family Housing Operations And Maintenance, Air Force Total			314,386
Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings, DIA	673
FH Ops DW	Unspecified Worldwide Locations	Furnishings, NSA	89
FH Ops DW	Unspecified Worldwide Locations	Leasing, DIA	32,042
FH Ops DW	Unspecified Worldwide Locations	Leasing, NSA	13,658
FH Ops DW	Unspecified Worldwide Locations	Maintenance, NSA	35
FH Ops DW	Unspecified Worldwide Locations	Utilities, DIA	4,273
FH Ops DW	Unspecified Worldwide Locations	Utilities, NSA	15
Family Housing Operations And Maintenance, Defense-Wide Total			50,785
Worldwide Unspecified			
FH IF DW	Unspecified Worldwide Locations	Administrative Expenses - FHIF	6,611
Family Housing Improvement Fund, Defense-Wide Total			6,611
Worldwide Unspecified			
FH UHIF DW	Unspecified Worldwide Locations	Administrative Expenses - UHIF	496
Unaccompanied Housing Improvement Fund Total			496
Worldwide Unspecified			
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Army	150,640
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Navy	108,818
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Air Force	123,990
BRAC	Unspecified Worldwide Locations	Base Realignment and Closure, Defense-Wide	5,726
Base Realignment and Closure Account Total			389,174

1 **SEC. __. SUPPORT FOR COUNTERDRUG ACTIVITIES AND ACTIVITIES TO**
2 **COUNTER TRANSNATIONAL ORGANIZED CRIME: INCREASE IN**
3 **CAP FOR SMALL SCALE CONSTRUCTION PROJECTS.**

4 Section 284 of title 10, United States Code, is amended

5 (1) by amending subsection (c)(2) to read as follows:

6 “(2) SECRETARY OF STATE CONCURRENCE.—The Secretary may only provide
7 support for a purpose described in this subsection with the concurrence of the Secretary
8 of State.”; and

9 (2) in subsection (i)(3), by striking “\$750,000” and inserting “\$2,000,000”.

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

Section-by-Section Analysis

This proposal would enhance the ability of the Department of Defense (DoD), through the Combatant Commanders, to support the counterdrug small-scale construction projects of foreign partners. The current cap for these projects, established in 2016, is \$750,000. Since that time, inflation and the increasing cost of materials have challenged the ability of the U.S. Government to provide meaningful small-scale construction support to foreign counterdrug partners. By increasing DoD’s authority to assist foreign counterdrug partners with small-scale construction, this proposal, if enacted, would enable DoD, through the Combatant Commanders, to ensure foreign partners do not turn to competitors, such as Russia and the People’s Republic of China, for support.

This proposal would also require the Secretary of Defense to secure the concurrence of the Secretary of State in order to provide support to foreign law enforcement agencies for the purposes described in section 284(c) of title 10, United States Code.

Resource Information: This proposal impacts the authority to use existing funding within the Drug Interdiction and Counter-drug Activities appropriation. The table below reflects the entirety of that appropriation requested within the Fiscal Year (FY) 2024 President’s Budget.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E)

									program s)
Small Scale Construction Projects	35,972	43,171	33,423	32,407	40,262	Drug Interdiction and Counter-drug Activities, Defense	BA01	121_01 1C6C_01 1CCM_01 121A_01 SAG 1	N/A
Total	35,972	43,171	33,423	32,407	40,262				

Changes to Existing Law: This proposal would amend section 284 of title 10, United States Code, as follows:

§ 284. Support for counterdrug activities and activities to counter transnational organized crime

(a) SUPPORT TO OTHER AGENCIES.—The Secretary of Defense may provide support for the counterdrug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

(1) in the case of support described in subsection (b), such support is requested—

(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

(B) by the appropriate official of a State, local, or tribal government, in the case of support for State, local, or tribal law enforcement agencies; or

(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government, in coordination with the Secretary of State, that has counterdrug responsibilities or responsibilities for countering transnational organized crime.

(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

(A) preserving the potential future utility of such equipment for the Department of Defense; and

(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.

(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State, local, or tribal law enforcement agency within or outside the United States.

(5) Counterdrug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

(6) The detection, monitoring, and communication of the movement of—

(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

(9) The provision of linguist and intelligence analysis services.

(10) Aerial and ground reconnaissance.

(c) TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

(1) PURPOSES.—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

(A) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime within or outside the United States.

(B) The establishment (including small scale construction) and operation of bases of operations or training facilities for the purpose of facilitating counterdrug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

(C) The detection, monitoring, and communication of the movement of—

(i) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

(ii) surface traffic outside the geographic boundaries of the United States.

(D) Establishment of command, control, communications, and computer networks for improved integration of United States Federal and foreign law enforcement entities and United States Armed Forces.

(E) The provision of linguist and intelligence analysis services.

(F) Aerial and ground reconnaissance.

~~(2) COORDINATION WITH SECRETARY OF STATE.—In providing support for a purpose described in this subsection, the Secretary shall coordinate with the Secretary of State.~~

(2) SECRETARY OF STATE CONCURRENCE.—The Secretary may only provide support for the purposes described in this subsection with the concurrence of the Secretary of State.

(d) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

(e) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 276 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

(f) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564)) for the purpose of aiding civilian law enforcement agencies.

(g) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—

(1) ADDITIONAL AUTHORITY.—The authority provided in this section for the support of counterdrug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

(2) EXCEPTION.—Support under this section shall be subject to the provisions of section 275 and, except as provided in subsection (e), section 276 of this title.

(h) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not less than 15 days before providing support for an activity under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

(A) In the case of support for a purpose described in subsection (c)—

(i) the country the capacity of which will be built or enabled through the provision of such support;

(ii) the budget, implementation timeline with milestones, anticipated delivery schedule for support, and completion date for the purpose or project for which support is provided;

(iii) the source and planned expenditure of funds provided for the project or purpose;

(iv) a description of the arrangements, if any, for the sustainment of the project or purpose and the source of funds to support sustainment of the capabilities and performance outcomes achieved using such support, if applicable;

(v) a description of the objectives for the project or purpose and evaluation framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient;

(vi) information, including the amount, type, and purpose, about the support provided the country during the three fiscal years preceding the fiscal year for which the support covered by the notice is provided under this section under—

(I) this section;

(II) section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(III) peacekeeping operations;

(IV) the International Narcotics Control and Law Enforcement program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(V) Nonproliferation, Anti-Terrorism, Demining, and Related Programs;

(VI) counterdrug activities authorized by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85); or

(VII) any other significant program, account, or activity for the provision of security assistance that the Secretary of Defense and the Secretary of State consider appropriate;

(vii) an evaluation of the capacity of the recipient country to absorb the support provided; and

(viii) an evaluation of the manner in which the project or purpose for which the support is provided fits into the theater security cooperation strategy of the applicable geographic combatant command.

(B) In the case of support for a purpose described in subsection (b) or (c), a description of any small scale construction project for which support is provided.

(2) COORDINATION WITH SECRETARY OF STATE.—In providing notice under this subsection for a purpose described in subsection (c), the Secretary of Defense shall coordinate with the Secretary of State.

(3) QUARTERLY REPORTS.—

(A) IN GENERAL.—Not less frequently than once each quarter, the Secretary shall submit to the appropriate committees of Congress a report on Department of Defense support provided under subsection (b) during the quarter

preceding the quarter during which the report is submitted. Each such report shall be submitted in written and electronic form and shall include—

- (i) an identification of each recipient of such support;
- (ii) a description of the support provided and anticipated duration of such support; and
- (iii) a description of the sources and amounts of funds used to provide such support;

(B) APPROPRIATE COMMITTEES OF CONGRESS.—Notwithstanding subsection (i)(1), for purposes of a report under this paragraph, the appropriate committees of Congress are—

- (i) the Committees on Armed Services of the Senate and House of Representatives; and
- (ii) any committee with jurisdiction over the department or agency that receives support covered by the report.

(i) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means-

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

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

(2) The term “Indian tribe” means a Federally recognized Indian tribe.

(3) The term “small scale construction” means construction at a cost not to exceed ~~\$750,000~~ \$2,000,000 for any project.

(4) The term “tribal government” means the governing body of an Indian tribe, the status of whose land is “Indian country” as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

(5) The term “tribal law enforcement agency” means the law enforcement agency of a tribal government.

(6) The term “transnational organized crime” means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.

1 **SEC. ___. INCREASE IN SMALL-SCALE CONSTRUCTION LIMIT AND**
2 **THRESHOLD FOR CERTAIN PROJECTS TO BUILD CAPACITY OF**
3 **FOREIGN SECURITY FORCES.**

4 (a) DEFINITION OF SMALL-SCALE CONSTRUCTION.—Section 301(8) of title 10, United
5 States Code, is amended by striking “\$1,500,000” and inserting “\$2,000,000”.

6 (b) INCREASE IN THRESHOLD FOR SMALL-SCALE CONSTRUCTION PROJECTS REQUIRING
7 ADDITIONAL DOCUMENTATION.—Section 333(e)(8) of title 10, United States Code, is amended
8 by striking “\$750,000” and inserting “\$1,000,000”.

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

Section-by-Section Analysis

This proposal would amend section 301(8) of title 10, United States Code, to increase the maximum amount from \$1,500,000 to \$2,000,000 for small-scale construction projects. This proposal would also amend section 333(e)(8) of title 10, United States Code, to increase the threshold from \$750,000 to \$1,000,000 for small-scale construction projects that require special congressional notification. For projects above that threshold, the Secretary of Defense is required to submit to Congress a Department of Defense Form 1391 and a masterplan of planned infrastructure investments at the location over the next five years. This proposal would eliminate that requirement for construction projects at or below \$1,000,000.

World events since the current small-scale construction limit was established, to include the COVID-19 pandemic and the Russian invasion of Ukraine, have caused significant and continuing impacts on the global economy. Due to global inflation, the maximum limit, and the threshold for additional documentation, of small-scale construction requires adjustment due to the rising costs of supplies, material, transportation, and labor. The increases in the maximum limit and threshold will assist the Department in the ability to continue counter-influence activities with foreign security forces. For example, when a Department of Defense Form 1391 and a five-year masterplan are required, the time needed to design and execute a construction project is increased, limiting the combatant command’s ability to quickly respond to the needs of our allies and partners.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget that are impacted by this proposal.

RESOURCE IMPACT (\$MILLIONS)

Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
International Security Cooperation Program	1,293	1,347	1,314	1,345	1,373	Operation & Maintenance, Defense Wide	04	4GTD/DSCA	1002200T DSCA DoD Managed Program
Total	1,293	1,347	1,314	1,345	1,373				

Changes to Existing Law: This proposal amends sections 301 and 333 of title 10, United States Code, as follows:

§ 301. Definitions

In this chapter:

(8) The term "small-scale construction" means construction at a cost not to exceed ~~\$1,500,000~~ \$2,000,000 for any project.

§ 333. Foreign security forces: authority to build capacity

(a) **AUTHORITY.**—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of building the capacity of such forces to conduct one or more of the following:

- (1) Counterterrorism operations.
- (2) Counter-weapons of mass destruction operations.
- (3) Counter-illicit drug trafficking operations.
- (4) Counter-transnational organized crime operations.
- (5) Maritime and border security operations.
- (6) Military intelligence operations.
- (7) Air domain awareness operations.
- (8) Operations or activities that contribute to an existing international coalition operation that is determined by the Secretary to be in the national interest of the United States.
- (9) Cyberspace security and defensive cyberspace operations.

(b) **CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.**—

(1) **CONCURRENCE IN CONDUCT OF PROGRAMS.**—The concurrence of the Secretary of State is required to conduct or support any program authorized by subsection (a).

(2) JOINT DEVELOPMENT AND PLANNING OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall jointly develop and plan any program carried out pursuant to subsection (a). In developing and planning a program to build the capacity of the national security forces of a foreign country under subsection (a), the Secretary of Defense and Secretary of State should jointly consider political, social, economic, diplomatic, and historical factors, if any, of the foreign country that may impact the effectiveness of the program.

(3) IMPLEMENTATION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall coordinate the implementation of any program under subsection (a). The Secretary of Defense and the Secretary of State shall each designate an individual responsible for program coordination under this paragraph at the lowest appropriate level in the Department concerned.

(4) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

(c) TYPES OF CAPACITY BUILDING.—

(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction supporting security cooperation programs under this section.

(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

(A) Observance of and respect for the law of armed conflict, human rights and fundamental freedoms, the rule of law, and civilian control of the military.

(B) Institutional capacity building.

(3) OBSERVANCE OF AND RESPECT FOR THE LAW OF ARMED CONFLICT, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE RULE OF LAW, AND CIVILIAN CONTROL OF THE MILITARY.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense or the Department of State is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, training that includes a comprehensive curriculum on the law of armed conflict, human rights and fundamental freedoms, and the rule of law, and that enhances the capacity to exercise responsible civilian control of the military, as applicable, to such national security forces.

(4) INSTITUTIONAL CAPACITY BUILDING.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department of Defense or another department or agency is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, a program of institutional capacity building with appropriate institutions of such foreign country to enhance the capacity of such foreign country to organize, administer, employ, manage, maintain, sustain, or oversee the national security forces of such foreign country.

(d) LIMITATIONS.—

(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

(3) DURATION OF SUSTAINMENT SUPPORT.—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 2015 or 2016, for a period in excess of five years unless the notice on the program pursuant to subsection (e) includes the information specified in paragraph (7) of subsection (e).

(e) NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program, and the amount, type, and purpose of the support to be provided.

(2) A detailed evaluation of the capacity of the foreign country and unit to absorb the training or equipment to be provided under the program.

(3) The cost, implementation timeline, and delivery schedule for assistance under the program.

(4) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

(5) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

(6) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned, and of the interagency integrated country strategy, that will be advanced by the program.

(7) In the case of a program described in subsection (d)(3), each of the following:

(A) A written justification that the provision of sustainment support described in that subsection for a period in excess of five years will enhance the security interest of the United States.

(B) To the extent practicable, a plan to transition such sustainment support from funding through the Department to funding through another security sector assistance program of the United States Government or funding through partner nations.

(8) In the case of activities under a program that results in the provision of small-scale construction above ~~\$750,000~~ \$1,000,000, the location, project title, and cost of each small-scale construction project that will be carried out, a Department of Defense Form

1391 for each such project, and a masterplan of planned infrastructure investments at the location over the next 5 years.

(9) In the case of a program described in subsection (a), each of the following:

(A) A description of whether assistance under the program could be provided pursuant to other authorities under this title, the Foreign Assistance Act of 1961, or any other train and equip authorities of the Department of Defense.

(B) An identification of each such authority described in subparagraph (A).

(f) QUARTERLY MONITORING REPORTS.—The Director of the Defense Security Cooperation Agency shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, supplies (including consumables), and small-scale construction under programs under subsection (a).

(2) Information on the timeliness of delivery of defense articles, defense services, supplies (including consumables), and small-scale construction when compared with delivery schedules for such articles, services, supplies, and construction previously provided to Congress.

(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

(g) FUNDING.—

(1) SOLE SOURCE OF FUNDS.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in connection with such programs as authorized by this section, may be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for operation and maintenance, Defense-wide, and available for the Defense Security Cooperation Agency for such programs and purposes.

(2) AVAILABILITY OF FUNDS FOR PROGRAMS ACROSS FISCAL YEARS.—

(A) IN GENERAL.—Amounts available in a fiscal year to carry out the authority in subsection (a) may be used for programs under that authority that begin in such fiscal year and end not later than the end of the second fiscal year thereafter.

(B) ACHIEVEMENT OF FULL OPERATIONAL CAPACITY.—If, in accordance with subparagraph (A), equipment or training is delivered under a program under the authority in subsection (a) in the fiscal year after the fiscal year in which the program begins, amounts for defense articles, training, defense services, supplies (including consumables), and small-scale construction associated with such equipment or training and necessary to ensure that the recipient unit achieves full operational capability for such equipment or training may be used in the fiscal year in which the foreign country takes receipt of such equipment and in the next two fiscal years.

1 **SEC. ___. LETHAL MEANS SAFETY RESEARCH AND EVALUATION.**

2 Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year
3 2011 (Public Law 111–383; 10 U.S.C. 1030 note prec.) is amended—

4 (1) in paragraph (1), by striking “or” at the end;

5 (2) in paragraph (2), by striking the period at the end and inserting “; or”; and

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

7 “(3) collect information that has been provided on a voluntary basis relating to
8 firearm ownership and safety practices of members of the Armed Forces for the purposes
9 of—

10 “(A) conducting research related to suicide and violence prevention efforts
11 of the Department of Defense; and

12 “(B) determining the need for and use of safe storage containers and other
13 safety devices intended to prevent the misuse of, unintended access to, or theft of
14 personally owned firearms.”.

**[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 1062 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 to permit the Secretary of Defense to collect voluntary information relating to firearm ownership and safety practices of members of the Armed Forces for the purposes of (1) conducting research related to Department of Defense (DoD) suicide and violence prevention efforts, and (2) determining the need for and use of safe storage containers and other safety devices. The proposed language specifies that any information collected will be provided on a voluntary basis.

Improving lethal means safety is a central component of the suicide prevention strategies implemented by the White House, the Department of Defense, the Military Services, and the Combatant Commands. According to the DoD’s Annual Suicide Report for Calendar Year 2020, 64 percent of suicides among Active Component Service members were attributable to firearms, compared to 45 percent of suicide deaths within the U.S. population. The numbers for Reserve

and National Guard Service members are even starker, where 75 percent and 80 percent, respectively, involved firearms. The vast majority of these suicides (87 percent to 95 percent) involved personally owned firearms.

Section 1062 currently restricts the ability of the Department to collect information related to firearm ownership and practices for the vast majority of Service members who do not live on DoD installations. Research shows that safe storage of firearms saves lives. Successful implementation of programs promoting lethal means safety requires understanding storage practices and perceptions among Service members so efforts can be tailored to populations and issues of greatest concern and impact.

Section 1062 includes rules of construction that provide limited exemptions to the overarching restriction. This proposal would add an additional rule of construction to address a gap in DoD's suicide and violence prevention strategies.

Because the proposed changes rely on the voluntary disclosure of information for very specific purposes, the changes do not otherwise alter the protections established in section 1062 of the NDAA for FY 2011. These changes will enable the DoD to pursue evidence-based strategies to promote lethal means safety as a component of its suicide prevention.

Resource Information: This proposal has no significant impact on the use of resources requested within the FY 2024 President's Budget.

Changes to Existing Law: This proposal would amend section 1062 of the National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. prec. 1030 note) as follows:

SEC. 1062. PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense shall not prohibit, issue any requirement relating to, or collect or record any information relating to the otherwise lawful acquisition, possession, ownership, carrying, or other use of a privately owned firearm, privately owned ammunition, or another privately owned weapon by a member of the Armed Forces or civilian employee of the Department of Defense on property that is not—

- (1) a military installation; or
- (2) any other property that is owned or operated by the Department of Defense.

(b) EXISTING REGULATIONS AND RECORDS.—

(1) REGULATIONS.—Any regulation promulgated before the date of enactment of this Act shall have no force or effect to the extent that it requires conduct prohibited by this section.

(2) RECORDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall destroy any record containing information described in subsection (a) that was collected before the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to limit the authority of the Secretary of Defense to—

(1) create or maintain records relating to, or regulate the possession, carrying, or other use of a firearm, ammunition, or other weapon by a member of the Armed Forces or civilian employee of the Department of Defense while—

(A) engaged in official duties on behalf of the Department of Defense; or

(B) wearing the uniform of an Armed Force; or

(2) create or maintain records relating to an investigation, prosecution, or adjudication of an alleged violation of law (including regulations not prohibited under subsection (a)), including matters related to whether a member of the Armed Forces constitutes a threat to the member or others; or

(3) collect information that has been provided on a voluntary basis relating to firearm ownership and safety practices of members of the Armed Forces for the purposes of—

(A) conducting research related to suicide and violence prevention efforts of the Department of Defense; and

(B) determining the need for and use of safe storage containers and other safety devices intended to prevent the misuse of, unintended access to, or theft of personally owned firearms.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the privately owned weapons policy of the Department of Defense, including legal and policy issues regarding the regulation of privately owned firearms off of a military installation, as recommended by the Department of Defense Independent Review Related to Fort Hood; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report regarding the findings of and recommendations relating to the review conducted under paragraph (1), including any recommendations for adjustments to the requirements under this section.

(e) MILITARY INSTALLATION DEFINED.—In this section, the term “military installation” has the meaning given that term under section 2687(e)(1) of title 10, United States Code.

1 **SEC. __. MODIFICATION OF APPROVAL AUTHORITY FOR HIGH DOLLAR**
2 **OTHER TRANSACTIONS FOR PROTOTYPES.**

3 (a) AMENDMENTS RELATING TO AUTHORITY.—Section 4022(a)(2)(C)(i)(I) of title 10,
4 United States Code, is amended by inserting after “subsection (d)” the following: “were met for
5 the prior transaction for the prototype project that provided for the award of the follow-on
6 production contract or transaction, and the requirements of subsection (f)”.

7 (b) AMENDMENT RELATING TO APPROPRIATE USE OF AUTHORITY.—Section 4022(d) of
8 such title is amended by adding at the end the following new paragraph:

9 “(3) The requirements of this subsection do not apply to follow-on production contracts
10 or transactions under subsection (f).”

**[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 proposal would fix an internal inconsistency for the approval of large dollar Other Transaction Agreements for Prototype Projects (OTs) and follow-on production OTs or contracts under the authority of section 4022 of title 10, United States Code (section 4022). OTs for prototype projects are not subject to the Federal Acquisition Regulation. OTs for prototype projects spur innovation and attract nontraditional defense contractors and small businesses with leading-edge technologies to enable acquisition of innovative technologies more rapidly.

Subsection (d) of section 4022 provides requirements for appropriate use of this authority for prototype projects. Subsection (d) includes the requirements that to use the authority for a prototype project there must be participation (at specified levels) by nontraditional defense contractors, nonprofit research institutions, or small businesses, or require a cost share, or an exceptional circumstances determination. Subsection (f) of such section provides requirements for follow-on production OTs or contracts. Subsection (a)(2) of such section provides approval authority requirements, including a requirement for written determinations for large dollar OT prototype projects and for follow-on production OTs or contracts. The approval threshold in subsection (a)(2)(C) for follow-on production OTs or contracts include criteria that “the requirements of subsection (d) will be met.” As indicated above, subsection (d) provides requirements for appropriate use of this authority for prototype projects. However, subsection (d) makes no mention of appropriate use of this authority for follow-on production OTs or contracts, and subsection (d) by its own language is limited to OT prototype projects. When a follow-on production OT or contract is awarded, the prototype project is already completed, but

the follow-on contract or OT is yet to be performed. It does not make sense to have a requirement for the follow-on production OT or contract to have an approval that the requirements of subsection (d) related to the prototype project “will” be met. Further, there is no indication in the legislative history that the amendment to subsection (a)(2) that added or revised approval requirements for follow-on production OTs or contracts are intended to apply subsection (d) requirements for prototype projects to follow-on production OTs or contracts. The legislative proposal includes changes to section 4022 made by the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117-263. This legislative proposal is still needed because section 4022(a)(2)(C) retains the criteria that for a follow-on production OT or contract that the covered official still determine that “the requirements of subsection (d) will be met”. This criteria to meet the requirements of subsection (d) should apply to only prototype projects, and not follow-on production OTs or contracts. However, the approval determination for a follow-on production OT or contract should include criteria that the requirements of subsection (f) for a follow-on production OT or contract should be made in this case.

This inconsistency has been a problem in the past because some written determinations for high dollar OT approvals under subsection (a)(2) for follow-on production OTs or contracts have attempted to satisfy the requirement of the criteria that “the requirements of subsection (d) will be met” by applying facts related to the follow-on production phase. However, as explained above, subsection (d) is limited to OTs for prototype projects, and not to follow-on production OTs or contracts. Such inconsistency has also put the approving official, either the Under Secretary of Defense for Acquisition and Sustainment, or for Research and Engineering, in the position of making the statutory determination relating to the inconsistency. Therefore, a statutory amendment is required to fix the inconsistency. The proposed amendment would limit the approval requirements under subsection (a)(2) to the application of the requirements of subsection (d) to the prototype project phase. The proposal adds criteria to subsection (a)(2)(C) for follow-on production OTs or contracts to meet the requirements of subsection (f) for follow-on production OTs or contracts, and meet the requirements of subsection (d) for the prior prototype phase OT. Further, the legislative proposal would clarify the intent that the requirements of subsection (d) do not apply to follow-on production contracts or transactions under subsection (f).

Resource Information: This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2024 President’s Budget.

Changes to Existing Law: This proposal would amend section 4022 of title 10, United States Code, as follows:

§4022. Authority of the Department of Defense to carry out certain prototype projects

(a) Authority.- (1) Subject to paragraph (2), the Director of the Defense Advanced Research Projects Agency, the Secretary of a military department, or any other official designated by the Secretary of Defense may, under the authority of [section 4021 of this title](#), carry out prototype projects that are directly relevant to enhancing the mission effectiveness of personnel of the Department of Defense or improving platforms, systems, components, or materials proposed to

be acquired or developed by the Department of Defense or to improvement of platforms, systems, components, or materials in use by the armed forces.

(2) The authority of this section-

(A) may be exercised for a transaction for a prototype project that is expected to cost the Department of Defense in excess of \$100,000,000 but not in excess of \$500,000,000 (including all options) only upon a written determination by the senior procurement executive for the agency as designated for the purpose of [section 1702\(c\) of title 41](#), or, for the Defense Advanced Research Projects Agency or the Missile Defense Agency, the director of the agency that-

(i) the requirements of subsection (d) will be met; and

(ii) the use of the authority of this section is essential to promoting the success of the prototype project;

(B) may be exercised for a transaction for a prototype project that is expected to cost the Department of Defense in excess of \$500,000,000 (including all options) only if-

(i) the Under Secretary of Defense for Research and Engineering or the Under Secretary of Defense for Acquisition and Sustainment determines in writing that-

(I) the requirements of subsection (d) will be met; and

(II) the use of the authority of this section is essential to meet critical national security objectives; and

(ii) the congressional defense committees are notified in writing at least 30 days before such authority is exercised; and

(C) may be exercised for a transaction for a follow-on production contract or transaction that is awarded pursuant to subsection (f) and expected to cost the Department of Defense in excess of \$100,000,000 (including all options) only if a covered official—

(i) determines in writing that—

(I) the requirements of subsection (d) were met for the prior transaction for the prototype project that provided for the award of the follow-on production contract or transaction, and the requirements of subsection (f) will be met; and

(II) the use of the authority of this section is essential to meet critical national security objectives; and

(ii) notifies the congressional defense committees in writing of the determinations required under clause (i) at the time such authority is exercised.

(3) The authority of a senior procurement executive or director of the Defense Advanced Research Projects Agency or Missile Defense Agency under paragraph (2)(A), and the authority of the Under Secretaries of Defense under paragraph (2)(B), may not be delegated.

(b) Exercise of Authority.-

(1) Subsection (e)(2) of such section 4021 shall not apply to projects carried out under subsection (a).

(2) To the maximum extent practicable, competitive procedures shall be used when entering into agreements to carry out the prototype projects under subsection (a).

(c) Comptroller General Access to Information.- (1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of \$5,000,000 shall include a clause that provides for the

Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

(2) The requirement in paragraph (1) shall not apply with respect to a party or entity, or a subordinate element of a party or entity, that has not entered into any other agreement that provides for audit access by a Government entity in the year prior to the date of the agreement.

(3)(A) The right provided to the Comptroller General in a clause of an agreement under paragraph (1) is limited as provided in subparagraph (B) in the case of a party to the agreement, an entity that participates in the performance of the agreement, or a subordinate element of that party or entity if the only agreements or other transactions that the party, entity, or subordinate element entered into with Government entities in the year prior to the date of that agreement are cooperative agreements or transactions that were entered into under this section or [section 4021 of this title](#).

(B) The only records of a party, other entity, or subordinate element referred to in subparagraph (A) that the Comptroller General may examine in the exercise of the right referred to in that subparagraph are records of the same type as the records that the Government has had the right to examine under the audit access clauses of the previous agreements or transactions referred to in such subparagraph that were entered into by that particular party, entity, or subordinate element.

(4) The head of the contracting activity that is carrying out the agreement may waive the applicability of the requirement in paragraph (1) to the agreement if the head of the contracting activity determines that it would not be in the public interest to apply the requirement to the agreement. The waiver shall be effective with respect to the agreement only if the head of the contracting activity transmits a notification of the waiver to Congress and the Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

(5) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1) more than three years after the final payment is made by the United States under the agreement.

(d) Appropriate Use of Authority.-(1) The Secretary of Defense shall ensure that no official of an agency enters into a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section unless one of the following conditions is met:

(A) There is at least one nontraditional defense contractor or nonprofit research institution participating to a significant extent in the prototype project.

(B) All significant participants in the transaction other than the Federal Government are small businesses (including small businesses participating in a program described under section 9 of the Small Business Act (15 U.S.C. 638)) or nontraditional defense contractors.

(C) At least one third of the total cost of the prototype project is to be paid out of funds provided by sources other than the Federal Government.

(D) The senior procurement executive for the agency determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract, or would provide an opportunity to expand the defense supply base in a manner that would not be practical or feasible under a contract.

(2)(A) Except as provided in subparagraph (B), the amounts counted for the purposes of this subsection as being provided, or to be provided, by a party to a transaction with respect to a prototype project that is entered into under this section other than the Federal Government do not include costs that were incurred before the date on which the transaction becomes effective.

(B) Costs that were incurred for a prototype project by a party after the beginning of negotiations resulting in a transaction (other than a contract, grant, or cooperative agreement) with respect to the project before the date on which the transaction becomes effective may be counted for purposes of this subsection as being provided, or to be provided, by the party to the transaction if and to the extent that the official responsible for entering into the transaction determines in writing that-

- (i) the party incurred the costs in anticipation of entering into the transaction; and
- (ii) it was appropriate for the party to incur the costs before the transaction became effective in order to ensure the successful implementation of the transaction.

(3) The requirements of this subsection do not apply to follow-on production contracts or transactions under subsection (f).

(e) Definitions.-In this section:

(1) The term “covered official” means—

- (A) a service acquisition executive;
- (B) the Director of the Defense Advanced Research Projects Agency;
- (C) the Director of the Missile Defense Agency;
- (D) the Undersecretary of Defense for Acquisition and Sustainment; or
- (E) the Undersecretary of Defense for Research and Engineering.

(2) The term “nontraditional defense contractor” has the meaning given the term under [section 3014 of this title](#).

(3) The term “service acquisition executive” has the meaning given that term in [section 101\(a\) of this title](#).

(4) The term “small business” means a small business concern as defined under [section 3 of the Small Business Act \(15 U.S.C. 632\)](#).

(5) The term “prototype project” includes a project that addresses—

- (A) a proof of concept, model, or process, including a business process;
- (B) reverse engineering to address obsolescence;
- (C) a pilot or novel application of commercial technologies for defense purposes;
- (D) agile development activity;
- (E) the creation, design, development, or demonstration of operational utility; or
- (F) any combination of subparagraphs (A) through (E).

(f) Follow-on Production Contracts or Transactions.-[\(1\)](#) A transaction entered into under this section for a prototype project may provide for the award of a follow-on production contract or transaction to the participants in the transaction. A transaction includes all individual prototype subprojects awarded under the transaction to a consortium of United States industry and academic institutions.

[\(2\)](#) A follow-on production contract or transaction provided for in a transaction under [paragraph \(1\)](#) may be awarded to the participants in the transaction without the use of competitive procedures, notwithstanding the requirements of [chapter 221 of this title](#) and even if explicit notification was not listed within the request for proposal for the transaction, if-

(A) competitive procedures were used for the selection of parties for participation in the transaction; and

(B) the participants in the transaction successfully completed the prototype project provided for in the transaction.

(3) A follow-on production contract or transaction may be awarded, pursuant to this subsection, when the Department determines that an individual prototype or prototype subproject as part of a consortium is successfully completed by the participants.

(4) Award of a follow-on production contract or transaction pursuant to the terms under this subsection is not contingent upon the successful completion of all activities within a consortium as a condition for an award for follow-on production of a successfully completed prototype or prototype subproject within that consortium.

(5) Contracts and transactions entered into pursuant to this subsection may be awarded using the authority in subsection (a), under the authority of [chapter 137](#) of this title, or under such procedures, terms, and conditions as the Secretary of Defense may establish by regulation.

(g) Authority To Provide Prototypes and Follow-on Production Items as Government-furnished Equipment.-An agreement entered into pursuant to the authority of subsection (a) or a follow-on contract or transaction entered into pursuant to the authority of subsection (f) may provide for prototypes or follow-on production items to be provided to another contractor as Government-furnished equipment.

(h) Applicability of Procurement Ethics Requirements.-An agreement entered into under the authority of this section shall be treated as a Federal agency procurement for the purposes of [chapter 21](#) of title 41.

(i) PILOT AUTHORITY FOR USE OF OTHER TRANSACTIONS FOR INSTALLATION OR FACILITY PROTOTYPING.—

(1) IN GENERAL.—The Secretary of Defense or the Secretary of a military department may establish a pilot program under which the Secretary may, under the authority of this section, carry out prototype projects that are directly relevant to enhancing the ability of the Department of Defense to prototype the design, development, or demonstration of new construction techniques or technologies to improve military installations or facilities (as such terms are defined in section 2801 of this title).

(2) LIMITS.—In carrying out prototype projects under the pilot program established under paragraph (1)—

(A) not more than two prototype projects may begin to be carried out per fiscal year under such pilot program; and

(B) the aggregate value of all transactions entered into under such pilot program may not exceed \$200,000,000.

(3) SUNSET.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the authority to carry out prototype projects under the pilot program established under paragraph (1) shall terminate on September 30, 2025.

(B) ONGOING PROJECT EXCEPTION.—Subparagraph (A) shall not apply with respect to prototype projects being carried out under the pilot program established under paragraph (1) on the date described in subparagraph (A).

1 **SEC. ___. MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT TO CERTAIN**
2 **GOVERNMENTS FOR BORDER SECURITY OPERATIONS.**

3 Section 1226(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (22
4 U.S.C. 2151 note) is amended by adding at the end the following new subparagraphs:

5 “(G) To the Government of Turkmenistan for purposes of supporting and
6 enhancing efforts of the armed forces of Turkmenistan to increase security and
7 sustain increased security along the border of Turkmenistan with Afghanistan.

8 “(H) To the Government of Uzbekistan for purposes of supporting and
9 enhancing efforts of the armed forces of Uzbekistan to increase security and
10 sustain increased security along the border of Uzbekistan with Afghanistan.

11 “(I) To the Government of Tajikistan for purposes of supporting and
12 enhancing efforts of the armed forces of Tajikistan to increase security and sustain
13 increased security along the border of Tajikistan with Afghanistan.”.

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

Section-by-Section Analysis

This proposal would expand the list of eligible countries authorized to receive reimbursement for certain border security operations to include Turkmenistan, Uzbekistan, and Tajikistan. Each of these three countries share borders with Afghanistan, and providing this authorization would strengthen security cooperation with Turkmenistan, Uzbekistan, and Tajikistan following our departure from Afghanistan.

Resource Information: The resources impacted by this proposal are reflected in the table below and are included within the Fiscal Year (FY) 2024 President’s Budget.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Border Security	\$520					Operation and Maintenance, Defense-wide	04	4GTD	
Total	\$520								

Changes to Existing Law: This proposal would amend Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2151 note):

SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR BORDER SECURITY OPERATIONS.

(a) AUTHORITY TO PROVIDE SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to provide support on a reimbursement basis as follows:

(A) To the Government of Jordan for purposes of supporting and enhancing efforts of the armed forces of Jordan to increase security and sustain increased security along the border of Jordan with Syria and Iraq.

(B) To the Government of Lebanon for purposes of supporting and enhancing efforts of the armed forces of Lebanon to increase security and sustain increased security along the border of Lebanon with Syria.

(C) To the Government of Egypt for purposes of supporting and enhancing efforts of the armed forces of Egypt to increase security and sustain increased security along the border of Egypt with Libya.

(D) To the Government of Tunisia for purposes of supporting and enhancing efforts of the armed forces of Tunisia to increase security and sustain increased security along the border of Tunisia with Libya.

(E) To the Government of Oman for purposes of supporting and enhancing efforts of the armed forces of Oman to increase security and sustain increased security along the border of Oman with Yemen.

(F) To the Government of Pakistan for purposes of supporting and enhancing efforts of the armed forces of Pakistan to increase security and sustain increased security along the border of Pakistan with Afghanistan.

(G) To the Government of Turkmenistan for purposes of supporting and enhancing efforts of the armed forces of Turkmenistan to increase security and sustain increased security along the border of Turkmenistan with Afghanistan.

(H) To the Government of Uzbekistan for purposes of supporting and enhancing efforts of the armed forces of Uzbekistan to increase security and sustain increased security along the border of Uzbekistan with Afghanistan.

(I) To the Government of Tajikistan for purposes of supporting and enhancing efforts of the armed forces of Tajikistan to increase security and sustain increased security along the border of Tajikistan with Afghanistan.

(2) FREQUENCY.—Support may be provided under this subsection on a quarterly basis.

* * * * *

1 **SEC. 2218. MODIFICATION OF AUTHORITY TO PURCHASE USED VESSELS**
2 **UNDER THE NATIONAL DEFENSE SEALIFT FUND**

3 Section 2218(f)(3) of title 10, United States Code, is amended—

4 (1) by striking subparagraphs (C), (E) and (G); and

5 (2) by redesignating subparagraphs (D) and (F) as subparagraphs (C) and (D),
6 respectively.

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

Section-by-Section Analysis

This proposal would amend section 2218 of title 10, United States Code, to provide the Secretary of Defense with the discretionary authority to purchase foreign-built, used vessels without limitation on number of vessels at the rate required to recapitalize the Ready Reserve Force. This authority is intended to recapitalize surge sealift capability with used commercial ships. Every ship purchased will require work by U.S. shipyards to prepare it for government service and potentially reclassify or modify for military utility.

The Secretary of Defense has delivered the certification of a new construction acquisition plan of more than 10 sealift or auxiliary ships with the first ship delivery by 2028. This delivery completes the requirement for the Secretary to initiate an acquisition strategy for the construction in United States shipyards of not less than ten new vessels that are sealift vessels, auxiliary vessels, or a combination of such vessels and the requirement should be removed from the language.

Over 70% of the Surge Sealift vessels are approaching the end of their service life in the next 10 years. By modifying the buy-used authority and removing all limits on the number of used vessels authorized for purchase, the Navy can accelerate the path to recapitalize the Surge Sealift fleet immediately while continuing to support the U.S. shipyard industrial base. The commercial ship industry continuously refreshes or recapitalizes its fleet. As a result, the inventory of used ships available for sale is constantly refreshing and will be scrutinized by the Department of Transportation’s (DOT) Maritime Administration (MARAD) Vessel Acquisition Manager to place a priority on buying used U.S. built vessels that best fit the need of Surge Sealift. Removal of the 30-day wait period following the delivery of the 30-Day Report to Congress with recommended purchase details would allow MARAD to execute final purchase without delay, as expected by commercial market norms.

MARAD has purchased the first two of the more than fifty used vessels necessary, as outlined in the 30-Year Shipbuilding Plan submitted as part of the President’s Budget for fiscal year (FY) 2023 (PB23). The Department of Defense Appropriations Act, 2022 provided funding for five used vessels and the PB23 budget requests two additional used vessels, bringing the total of used vessels to nine. Authority to purchase used vessels, beyond the nine currently authorized, is required in FY 2024 to continue the Buy-Used Recapitalization Program and to

take full advantage of opportunities in the commercial market. Without additional authority, Navy will be unable to execute appropriated funds.

Resource Information: Funds to purchase the used vessels pursuant to this proposal would be included as part of the Department of Navy’s budget submissions based upon market surveys and business case assessments. The table reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President’s Budget request that are impacted by this proposal.

Program	RESOURCE REQUIREMENTS (\$MILLIONS)					Appropriation	Budget Activity	BLI/SAG	Program Element
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028				
# of Ships	2	2	2	2	2	Shipbuilding & Conversion, Navy	05	5201	NA
Used Ships Funding	\$141.8	\$148.8	\$152.4	\$157.9	\$161.0	Shipbuilding & Conversion, Navy	05	5201	NA
Total	\$141.8	\$148.8	\$152.4	\$157.9	\$161.0				

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

§ 2218. National Defense Sealift Fund

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

* * * * *

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

(2) Construction, alteration, or conversion of vessels with funds in the National Defense Sealift Fund pursuant to subsection (c) (1) shall be conducted in United States ship yards and shall be subject to section 1424(b) of Public Law 101-510 (104 Stat. 1683).

(3) (A) Notwithstanding the limitations in subsections (c)(1)(D) and (1), the Secretary of Defense may, as part of a program to recapitalize the Ready Reserve Force component of the National Defense Reserve Fleet and the Military Sealift Command surge fleet, purchase any used vessels, regardless of where such vessel was constructed if such vessel –

- (i) participated in the Maritime Security Fleet; and
- (ii) is available for purchase at a reasonable cost, as determined by the Secretary.

(B) If the Secretary determines that no used vessel meeting the requirements under clause (i) and (ii) of subparagraph (A) is available, the Secretary may purchase a used vessel comparable to a vessel described in clause (i) of subparagraph (A), regardless of the source of the vessel or where the vessel was constructed, if such vessel is available for purchase at a reasonable cost, as determined by the Secretary.

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

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

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

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

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

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

~~(i) The proposed date of the purchase.~~

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

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

~~(iv) The proposed military utility of the vessel.~~

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

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

~~(vii) Certification that—~~

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

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

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

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

* * * * *

1 **SEC. ___. NON-MEDICAL COUNSELING SERVICES FOR MILITARY FAMILIES.**

2 Section 1781 of title 10, United States Code, is amended by adding at the end the
3 following new subsections:

4 “(d) NON-MEDICAL COUNSELING SERVICES.—(1) In carrying out its duties under
5 subsection (b), the Office may coordinate programs and activities for the provision of non-
6 medical counseling services to military families through the Department of Defense Family
7 Readiness System.

8 “(2) Notwithstanding any other provision of law, a mental health professional described
9 in paragraph (3) may provide non-medical counseling services at any location in a State, the
10 District of Columbia, or a territory or possession of the United States, without regard to where
11 the provider or recipient of such services is located, or the mode of the delivery of such services,
12 if the provision of such services is within the scope of the authorized Federal duties of the
13 professional.

14 “(3) A mental health professional described in this paragraph is an individual who is—

15 “(A) a mental health professional who holds a covered license or certification;

16 “(B) a member of the armed forces, a civilian employee of the Department of
17 Defense, or a contractor designated by the Secretary of Defense; and

18 “(C) performing authorized duties for the Department of Defense under a program
19 or activity referred to in paragraph (1).

20 “(e) DEFINITIONS.—In this section:

21 “(1) COVERED LICENSE OR CERTIFICATION.—The term ‘covered license or
22 certification’ means a current, unrestricted license or certification that—

1 “(A) is issued by an official agency of a State, the District of Columbia, or
2 a Commonwealth, territory, or possession of the United States;

3 “(B) grants permission to provide mental health care independently as a
4 mental health-care professional; and

5 “(C) is recognized by the Secretary of Defense as an appropriate license
6 for the provision of non-medical counseling services.

7 “(2) NON-MEDICAL COUNSELING SERVICES—The term ‘non-medical counseling
8 services’ means mental health care services that—

9 “(A) are non-clinical, short-term, supportive, and solution-focused; and

10 “(B) address topics related to personal growth, development, and positive
11 functioning.”.

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

Section-by-Section Analysis

This proposal would amend 10 U.S.C. § 1781 to permit mental health professionals contracted or employed by the Department of Defense to provide non-medical counseling services to the qualifying populations without regard for their geographic location.

Mental health care professionals, such as those serving as Military and Family Life Counselors, are currently unable to provide non-medical counseling services in States in which they are not specifically licensed. This reduces the flexibility and responsiveness of the providers, and limits the ability of the Department to responsively resource the military community with non-medical counseling services.

Resource Information: This proposal has no significant impact on the use of resources requested within the Fiscal Year (FY) 2024 President’s Budget.

Changes to Existing Law: This proposal would amend 1781 of title 10, United States Code, as follows:

§ 1781. Office of Military Family Readiness Policy

(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Military Family Readiness Policy (in this section referred to as the “Office”). The Office shall be headed by the Director of Military Family Readiness Policy, who shall serve within the Office of the Under Secretary of Defense for Personnel and Readiness.

(b) DUTIES.—The Office—

(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

(c) STAFF.—The Office shall have not less than five professional staff members.

(d) NON-MEDICAL COUNSELING SERVICES.—(1) In carrying out its duties under subsection (b), the Office may coordinate programs and activities for the provision of non-medical counseling services to military families through the Department of Defense Family Readiness System.

(2) Notwithstanding any other provision of law, a mental health professional described in paragraph (3) may provide non-medical counseling services at any location in a State, the District of Columbia, or a territory or possession of the United States, without regard to where the provider or recipient of such services is located, or the mode of the delivery of such services, if the provision of such services is within the scope of the authorized Federal duties of the professional.

(3) A mental health professional described in this paragraph is a person who is an individual who is—

(A) a mental health professional who holds a covered license or certification;

(B) a member of the armed forces, a civilian employee of the Department of Defense, or a contractor designated by the Secretary of Defense; and

(C) performing authorized duties for the Department of Defense under a program or activity referred to in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) COVERED LICENSE OR CERTIFICATION.—The term ‘covered license or certification’ means a current, unrestricted license or certification that—

(A) is issued by an official agency of a State, the District of Columbia, or a Commonwealth, territory, or possession of the United States;

(B) grants permission to provide mental health care independently as a mental health-care professional; and

(C) is recognized by the Secretary of Defense as an appropriate license for the provision of non-medical counseling services.

(2) NON-MEDICAL COUNSELING SERVICES—The term ‘non-medical counseling services’ means mental health care services that—

(A) are non-clinical, short-term, supportive, and solution-focused; and

(B) address topics related to personal growth, development, and positive functioning.

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 maintains 11 operational aircraft carriers as required by section 8062(b) of title 10, 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
4. Ensure adequate aircrew availability to match planned deployment cycles, which ultimately impacts career progression and 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 that is excess to need. 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) 2024 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 FY2024 President's Budget request. The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2024 President's Budget request that are impacted by this proposal.

The following costs are estimates in current year dollars and timeline of efforts across the FYDP. Total projected cost is estimated at **\$11.95B**.

1. Procurement of an additional 82 aircraft of differing Type/Model/Series (T/M/S) valued at **\$9.49B**. (APN Funding = Aircraft Procurement, Navy)
 - a. F-35C: 30 quantity x \$121M = \$3.63B
 - b. F/A-18E/F: 25 quantity x \$87.5M = \$2.2B
 - c. EA-18G: 9 quantity x \$115M = \$1.04B (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. MQ-25A: 7 quantity x \$124M = \$868M
2. Restoration of 15 preserved aircraft of differing Type/Model/Series (T/M/S) valued at **\$39M**.
 - a. MH-60S: 5 quantity x \$2.6M = \$13M
 - b. MH-60R: 10 quantity x \$2.6M = \$26M
3. Captive Air Training Missile (CATM) and pod procurement estimated at **\$218.4M**. (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: 5 quantity x \$36M = \$180M
4. Initial Common Support Equipment (CSE) procurement estimates at **\$78M**. (OMN Funding = Operations & Maintenance, Navy)
5. Military Construction costs estimated at **\$468M**. (MILCON Funding = Military Construction)
 - a. F-35 Hangar: Two squadrons at Lemoore = \$220M
 - b. EA-18G Hangar: One squadron at NAS Whidbey Island = \$75M

- c. Renovation of existing spaces: NAS Lemoore to support CVW Staff = \$173M
6. Manpower estimated at **\$1.13B**. (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	FY24	FY25	FY26	FY27	FY28	FYDP
COM CVW	N/A	24	28	22	27	\$5.81	\$5.97	\$6.14	\$6.32	\$6.52	\$30.76
VFA	F-35C	29	239	29	239	\$24.39	\$25.07	\$25.77	\$26.54	\$27.34	\$129.11
VFA	F-35C	29	239	29	239	\$24.39	\$25.07	\$25.77	\$26.54	\$27.34	\$129.11
VFA	F/A-18E	31	238	28	226	\$23.16	\$23.8	\$24.46	\$25.20	\$25.50	\$122.12
VFA	F/A-18F	52	242	47	230	\$26.59	\$27.33	\$28.08	\$28.92	\$29.12	\$140.04
VAQ	E/A-18G	30	179	27	170	\$18.39	\$18.90	\$19.42	\$20.01	\$20.42	\$97.14
VAW	E-2D	42	154	38	147	\$18.30	\$18.80	\$19.32	\$19.90	\$20.14	\$96.46
HSC**	MH-60S	27	208	25	187	\$19.46	\$20.00	\$20.56	\$21.17	\$21.64	\$102.83
HSM**	MH-60R	47	323	43	307	\$32.27	\$33.16	\$34.09	\$35.11	\$35.41	\$170.04
VRM***	CMV-22B	13	75	13	75	\$8.29	\$8.52	\$8.76	\$9.02	\$9.52	\$44.11
VUQ	MQ-25	14	120	14	120	\$12.15	\$12.49	12.84	\$13.22	\$13.45	\$64.15
Total		338	2045	315	1967	\$213.20	\$219.11	\$225.21	\$231.95	\$236.40	\$1.13B

* 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

7. Naval Visibility and Management of Operating and Support Cost (VAMOSOC) for a fully burdened CVW = **\$414M** per year. (OMN Funding = Operations & Maintenance, Navy)
8. Non-Combat Expenditure Allowance (NCEA) for CVW training requirements = **\$110M**. (OMN Funding = Operations & Maintenance, Navy)
- 312,708 quantity rounds
 - 3,492 quantity inert training bombs
 - 454 quantity live bombs
 - 20,378 quantity chaff/flare
 - 18 quantity towed decoy
 - 664 quantity helo launched rockets/missiles
 - 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 for the peacetime promotion of the national security interests and prosperity of the United States and for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the duties described in the preceding sentence 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 and not less than 31 operational amphibious warfare ships, of which not less than 10 shall be amphibious assault ships. For purposes of this subsection, an operational aircraft carrier or amphibious warfare ship includes an aircraft carrier or amphibious warfare ship 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)(1)(A) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 and ending on September 30, 2027, the Secretary of the Navy may not—

- (i) retire an EA–18G aircraft;
- (ii) reduce funding for unit personnel or weapon system sustainment activities for EA–18G aircraft in a manner that presumes future congressional authority to divest such aircraft;
- (iii) place an EA–18G aircraft in active storage status or inactive storage status; or
- (iv) keep an EA–18G aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions.

(B) The prohibition under subparagraph (A) shall not apply to individual EA–18G aircraft that the Secretary of the Navy determines, on a case-by-case basis, to be no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

(2)(A) The Secretary of the Navy shall maintain a total aircraft inventory of EA–18G aircraft of not less than 158 aircraft, of which not less than 126 aircraft shall be coded as primary mission aircraft inventory.

(B) The Secretary of the Navy may reduce the number of EA–18G aircraft in the inventory of the Navy below the minimum number specified in subparagraph (A) if the Secretary determines, on a case-by-case basis, that an aircraft is no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

(C) In this paragraph, the term “primary mission aircraft inventory” means aircraft assigned to meet the primary aircraft authorization—

- (i) to a unit for the performance of its wartime mission;
- (ii) to a training unit for technical and specialized training for crew personnel or leading to aircrew qualification;
- (iii) to a test unit for testing of the aircraft or its components for purposes of research, development, test, and evaluation, operational test and evaluation, or to support testing programs; or
- (iv) to meet requirements for missions not otherwise specified in clauses (i) through (iii).

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

(g)¹ In this section, the term ‘amphibious warfare ship’ means a ship that is classified as an amphibious assault ship (general purpose) (LHA), an amphibious assault ship (multi-purpose) (LHD), an amphibious transport dock (LPD), or a dock landing ship (LSD).

¹ Section 121(a) of the National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263) redesignated then-subsection (f) (relating to nuclear powered aircraft carriers) as subsection (g) and inserted a new subsection (f) as shown. Section 1023 of that Act also added a new subsection (g) to the end of the section. As a result there are two subsections designated as subsection (g).

1 **SEC. ____ . EXPANSION OF ELIGIBILITY FOR REIMBURSEMENT OF QUALIFIED**
2 **LICENSURE, CERTIFICATION, AND BUSINESS RELOCATION COSTS**
3 **INCURRED BY MILITARY SPOUSES.**

4 Section 453(g) of title 37, United States Code, is amended—

5 (1) by striking the subsection heading and inserting “REIMBURSEMENT OF
6 QUALIFYING SPOUSE RELICENSING COSTS AND BUSINESS COSTS”;

7 (2) in paragraph (1)—

8 (A) in the matter preceding subparagraph (A), by striking “or qualified
9 business costs” and inserting “and qualified business costs”;

10 (B) by amending subparagraph (A) to read as follows:

11 “(A) the member relocates to a new jurisdiction or geographic area as the result
12 of—

13 “(i) an assignment to a duty station;

14 “(ii) a reassignment, either as a result of a permanent change of station or
15 permanent change of assignment, between duty stations;

16 “(iii) a transfer from a regular component of a uniformed service into the
17 Selected Reserve of the Ready Reserve of a uniformed service, if the member is
18 authorized a final move from the last duty station to the new jurisdiction or
19 geographic area; or

20 “(iv) retirement, separation, or placement on the temporary disability
21 retired list under chapter 61 of title 10; and”;

22 (C) in subparagraph (B), by striking “reassignment” and inserting
23 “relocation”;

1 (3) in paragraph (2), by striking “reassignment” both places it appears and
2 inserting “relocation”;

3 (4) in paragraph (4)—

4 (A) in subparagraph (A), by striking “movement described in” and all that
5 follows through the semicolon and inserting “the member’s relocation described
6 in paragraph (1);”; and

7 (B) in subparagraph (B), by striking “reassignment” and inserting
8 “relocation”; and

9 (5) in paragraph (5)—

10 (A) in subparagraph (A), by striking “movement described in” and all that
11 follows through the semicolon and inserting “the member’s relocation described
12 in paragraph (1);”; and

13 (B) in subparagraph (B), by striking “reassignment” and inserting
14 “relocation”.

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

Section-by-Section Analysis

This proposal would expand eligibility for reimbursement of qualified licensure, certification, and business relocation costs incurred by military spouses by authorizing reimbursement in cases in which the costs are incurred as the result of—

(1) a Service member transitioning from a regular component of an armed force to the Selected Reserve¹ of an armed force and moving away from the last duty station at Government expense (dependents authorized); or

(2) a Service member retiring or being placed on the temporary disability retirement list as a result of a physical disability and moving away from the last duty station at Government expense (dependents authorized).

Military spouses face significant barriers to meaningful employment. These barriers arise from multiple challenges, one of which is the ability to pay licensure and certification costs and

¹ 10 U.S.C. 10143

costs associated with relocating a business enterprise upon their arrival to a new location. Such requirements associated with licensure, certification, and business relocation costs are usually incurred as a result of a change in assignment or permanent change of station move. Forty percent of military spouses experience challenges with licensure (generally related to costs for license transfer or re-licensure) after a change in duty station, which leads to underemployment and employment gaps. Current law accounts for military spouse licensure and certification costs and authorizes reimbursement for up to \$1,000 in most cases. The fiscal year 2023 National Defense Authorization Act expanded the law to include costs related to business relocation. However, in both cases, the eligibility is limited to those situations involving a permanent change of station move between duty stations.

Analysis indicates spouses of Service members transitioning to a Reserve Component also experience licensing and certification challenges.² The services are always seeking ways to incentivize members to remain in service across the various components. This proposal provides the services with an additional incentive for Service members to transition to a reserve component while also directly addressing military spouse unemployment. For the Army, in 2020, approximately 5,700 soldiers transitioned from the regular Army to the Reserve Component in various capacities. Of those, 1,634 were married soldiers who transitioned to a different State for their continued service in the Reserve Component. Expanding the opportunity for spouses of these members to receive reimbursement will directly impact the overall quality of life of our military families and will also serve as an additional incentive for continued service in the Reserve Component.³

Similarly, spouses of Service members pending retirement or separation as a result of a physical disability often experience even greater financial burdens due to their Service member's additional challenges associated with obtaining meaningful employment. This situation often results in spouses seeking additional employment to provide financial support for their families. In 2020, approximately 10,600 Soldiers were separated or retired as a result of a physical disability. Based on historical trends, we estimate 3,537 Army spouses relocated to a different state as a result of a Service member's disability separation or disability retirement.

Expanding the opportunity for these additional categories of spouses to receive reimbursement will directly impact the overall quality of life of our military families during a difficult period of transition as well as create additional incentives for continued service in a Reserve Component after transitioning from a Regular Component.

Resource Information: The resources affected by this proposal are reflected in the table below and are included within the Fiscal Year (FY) 2024 President's Budget request.

² The Army is still gathering data on costs associated with relocating businesses, but anecdotal evidence indicates that spouse owned businesses face similar challenges to those requiring new professional licenses or certifications.

³ This proposal is drafted in a manner to extend eligibility to spouses of members who transfer to a Reserve Component in such a capacity that they are actively involved in such component. It is not intended to authorize reimbursement for the spouses of members who leave active service and transfer to the Individual Ready Reserve, Inactive National Guard, or similar element.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
Army	.30	.30	.31	.31	.31	Military Personnel, Army	5	N/A	N/A
Navy	.15	.15	.15	.15	.15	Military Personnel, Navy	5	N/A	N/A
Air Force	.15	.15	.15	.15	.15	Military Personnel, Air Force	5	N/A	N/A
Marines	.05	.05	.05	.05	.05	Military Personnel, Marine Corps	5	N/A	N/A
Total	.65	.65	.66	.66	.66				

Changes to Existing Law: This proposal would amend section 453 of title 37, United States Code as follows:

§ 453. Allowable travel and transportation: specific authorities

(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel and transportation allowances under this subchapter in accordance with this section.

* * * * *

(g) REIMBURSEMENT OF QUALIFYING SPOUSE RELICENSING COSTS ~~OR~~ AND BUSINESS COSTS ~~INCIDENT TO A MEMBER'S PERMANENT CHANGE OF STATION OR ASSIGNMENT.~~—(1) From amounts otherwise made available for a fiscal year to provide travel and transportation allowances under this chapter, the Secretary concerned may reimburse a member of the uniformed services for qualified relicensing costs ~~or~~ and qualified business costs of the spouse of the member when—

(A) ~~the member is reassigned, either permanent change of station or permanent change of assignment, between duty stations located in separate jurisdictions with unique licensing or certification requirements and authorities; and~~ relocates to a new jurisdiction or geographic area as the result of—

(i) an assignment to a duty station;

(ii) a reassignment, either as a result of a permanent change of station or permanent change of assignment, between duty stations;

(iii) a transfer from a regular component of a uniformed service into the Selected Reserve of the Ready Reserve of a uniformed service, if the member is authorized a final move from the last duty station to the new jurisdiction or geographic area; or

(iv) retirement, separation, or placement on the temporary disability retired list under chapter 61 of title 10; and

(B) the movement of the member's dependents is authorized at the expense of the United States under this section as part of the ~~reassignment~~ relocation.

(2)(A) Reimbursement provided to a member under this subsection for qualified relicensing costs may not exceed \$1,000 in connection with each ~~reassignment~~ relocation described in paragraph (1).

(B) Reimbursement provided to a member under this subsection for qualified business costs may not exceed \$1,000 in connection with each relocation ~~reassignment~~ described in paragraph (1).

(3) No reimbursement may be provided under this subsection for qualified relicensing costs or qualified business costs paid or incurred after December 31, 2029.

(4) In this subsection, the term "qualified relicensing costs" means costs, including exam, continuing education courses, business license, permit, and registration fees, incurred by the spouse of a member if—

(A) the spouse was licensed or certified in a profession, or owned a business, during the member's previous duty assignment and requires a new professional license or certification, or business license or permit, to engage in that profession in a new jurisdiction because of ~~movement described in paragraph (1)(B) in connection with the member's change in duty location pursuant to reassignment described in paragraph (1)(A)~~ the member's relocation described in paragraph (1); and

(B) the costs were incurred or paid to secure or maintain the professional license or certification, or business license or permit, from the new jurisdiction in connection with such ~~reassignment~~ relocation.

(5) In this subsection, the term "qualified business costs" means costs, including moving services for equipment, equipment removal, new equipment purchases, information technology expenses, and inspection fees, incurred by the spouse of a member if—

(A) the spouse owned the business during the member's previous duty assignment and the costs result from ~~movement described in paragraph (1)(B) in connection with the member's change in duty location pursuant to a reassignment described in paragraph (1)(A)~~ the member's relocation described in paragraph (1); and

(B) the costs were incurred or paid to move such business to a new location in connection with such ~~reassignment~~ relocation.

* * * * *

1 **SEC. ____ . REMOVAL OF ACTIVE DUTY PROHIBITION FOR MEMBERS OF THE**
2 **AIR FORCE RESERVE POLICY COMMITTEE.**

3 Section 10305 of title 10, United States Code, is amended—

4 (1) in subsection (b), by striking “not on active duty” each place it appears; and

5 (2) in subsection (c)—

6 (A) by inserting “of the reserve components” after “among the members”; and

7 (B) by striking “not on active duty”.

[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 permit Air National Guard of the United States (ANGUS) and United States Air Force Reserve (USAFR) officers on active duty to serve on the Air Force Reserve Forces Policy Committee (AFRPC).

Current law prohibits the ANGUS and USAFR members of the Committee from being on active duty. Therefore, when the best qualified officers are on active duty, this prohibition limits the authority of the Secretary of the Air Force to appoint those officers to review and comment on major policy matters directly affecting the reserve components and the mobilization preparedness of the Air Force. The nature of reserve component service has materially changed since the membership provision was enacted. The current operational environment has required the integration of the Air Force reserve components into an operational part of the total force.

The nature of reserve service requires periodic tours on active duty to fully develop reserve component leaders and integrate them into operational and institutional leadership structures. The best candidates for appointment to the Committee have broad experience, earned both on active duty and in traditional reserve component status. Likewise, the flexibility to select the best officer from within the Committee to serve as the Chairman is also increased by striking the same “not on active duty” restriction. The current provision necessitates terminating membership on the Committee if a member is placed on active duty. Termination of membership on the Committee, due to the performance of active duty, creates personnel turbulence that undermines the ability of the Committee to perform its mission.

In 2018, section 10302 of title 10, United States Code, was amended to remove the “not on active duty” prohibition for the Army Reserve Force Policy Committee. Additionally, section 10303, Navy Reserve Policy Board, and section 10304, Marine Corps Reserve Policy Board, have never had any active duty restrictions built into law. The change would allow the Air Force to mirror the other Services’ laws governing Committee membership.

The proposal provides the Secretary of the Air Force flexibility to appoint to and retain on the Committee the best qualified reserve component officers, regardless of whether the officers are on active duty or are not on active duty.

Resource Information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2024 President's Budget.

Changes to Existing Law: This proposal would amend section 10305 of title 10, United States Code, as follows:

§10305. Air Force Reserve Forces Policy Committee

(a) There is in the Office of the Secretary of the Air Force an Air Reserve Forces Policy Committee on Air National Guard and Air Force Reserve Policy. The Committee shall review and comment upon major policy matters directly affecting the reserve components and the mobilization preparedness of the Air Force. The Committee's comments on such policy matters shall accompany the final report regarding any such matters submitted to the Secretary of the Air Force and the Chief of Staff.

(b) The committee consists of officers in the grade of colonel or above, as follows:

- (1) five members of the Regular Air Force on duty with the Air Staff;
- (2) five members of the Air National Guard of the United States ~~not on active duty~~; and
- (3) five members of the Air Force Reserve ~~not on active duty~~.

(c) The members of the Committee shall select the Chairman from among the members of the reserve components on the Committee ~~not on active duty~~.

(d) A majority of the members of the Committee shall act whenever matters affecting both the Air National Guard of the United States and Air Force Reserve are being considered. However, when any matter solely affecting one of the Air Force Reserve components is being considered, it shall be acted upon only by the Subcommittee on Air National Guard Policy or the Subcommittee on Air Force Reserve Policy, as appropriate.

(e) The Subcommittee on Air National Guard Policy consists of the members of the Committee other than the Air Force Reserve members.

(f) The Subcommittee on Air Force Reserve Policy consists of the members of the Committee other than the Air National Guard members.

(g) Membership on the Air Staff Committee is determined by the Secretary of the Air Force and is for a minimum period of three years. Except in the case of members of the Committee from the Regular Air Force, the Secretary of the Air Force, when appointing new members, shall insure that among the officers of each component on the Committee there will at all times be two or more members with more than one year of continuous service on the Committee.

(h) There shall be not less than 10 officers of the Air National Guard of the United States and the Air Force Reserve on duty with the Air Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Air Staff while on that duty.