

1 **SEC. ____ . AUTHORITY FOR SECRETARY OF DEFENSE TO ACQUIRE REAL**
2 **PROPERTY AND FACILITIES IN THE NATIONAL CAPITAL REGION**
3 **AND TO ADMINISTER SUCH PROPERTY AS PART OF THE**
4 **PENTAGON RESERVATION.**

5 (a) AUTHORITY OF THE SECRETARY OF DEFENSE TO ACQUIRE REAL PROPERTY AND
6 FACILITIES IN NATIONAL CAPITAL REGION.— Chapter 159 of title 10, United States Code, is
7 amended by inserting after section 2674 the following new section:

8 **“§2674a. Acquisition by Secretary of Defense of real property and facilities in the National**
9 **Capital Region; inclusion in Pentagon Reservation**

10 “(a) AUTHORITY.—Notwithstanding section 2682 of this title, the Secretary of Defense
11 may acquire fee title to real property and facilities in the National Capital Region for an activity
12 or agency of the Department of Defense other than a military department.

13 “(b) AUTHORIZATION BY LAW REQUIRED FOR ABOVE-THRESHOLD ACQUISITION.—If the
14 cost to acquire fee title to real property or facilities under subsection (a) exceeds the limitation
15 specified in section 2663(c) of this title for an acquisition of interests in land, the Secretary may
16 acquire the real property or facilities only if the acquisition is specifically authorized by law.

17 “(c) INCLUSION IN PENTAGON RESERVATION.—Any real property or facility acquired
18 under this section is part of the Pentagon Reservation.

19 “(d) DEFINITIONS.—In this section, the terms ‘National Capital Region’ and ‘Pentagon
20 Reservation’ have the meanings given those terms in section 2674(f) of this title.”.

21 (b) ACQUIRED REAL PROPERTY INCLUDED IN AUTHORITIES APPLICABLE TO PENTAGON
22 RESERVATION.—Section 2674(f)(1) of such title is amended by striking “means the” and all the
23 follows and inserting “means the following:

- 1 “(A) The Pentagon.
- 2 “(B) The Mark Center Campus.
- 3 “(C) The Raven Rock Mountain Complex.
- 4 “(D) Any real property or facility acquired under section 2674a of this
- 5 title.”.

[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 add a new section 2674a to chapter 159 of title 10, United States Code (U.S.C.), to authorize the Secretary of Defense to acquire real property within the National Capital Region (NCR) for the Pentagon Reservation. Currently, the Secretary must rely upon the real property acquisition authority of a designated Secretary of a military department. In addition, any real property acquired by a military department for use by a defense agency activity within the NCR remains under the jurisdiction, custody, and control of a military department unless the definition of Pentagon Reservation is amended by Congress and then transferred to the Secretary of Defense. This military department acquisition process and the additional legislative requirement impose unnecessary constraints and inefficiencies. This proposal would provide the Secretary with the authority to acquire fee title to property or facilities in the National Capital Region and to administer them under the authorities applicable to the Pentagon Reservation.

Section 2674 of title 10, United States Code, provides that the Pentagon Reservation, as the Headquarters of the Department of Defense (DoD), is under the jurisdiction, custody, and control of the Secretary of Defense, not the Secretary of a military department, and defines the Pentagon Reservation as including the Pentagon, Mark Center Campus, and the Raven Rock Mountain Complex. Section 2682 of title 10 specifies that DoD real property that is used by a DoD activity or agency (other than a military department) shall be under the jurisdiction of a military department designated by the Secretary of Defense. Section 2661 of title 10 does include the Secretary of Defense in the definition of “Secretary of a military department” and “Secretary concerned” with respect to the Pentagon Reservation. However, none of that language explicitly exempts, and therefore authorizes, the Secretary of Defense to acquire real property for the Pentagon Reservation.

This proposal would also amend the definition of the Pentagon Reservation in section 2674(f)(1) to include any property or facility acquired under the new authority. Adding language that expands that definition without a firm boundary enables the Secretary of Defense, if the other changes are accepted, to add real property to the Pentagon Reservation without Congress having to amend subsection 2674(f)(1). This change will enable the Department to move expeditiously on real property acquisition and management, saving taxpayer money by not missing acquisition opportunities and facilitating direct management of real property by DoD.

Section 2850 of the Fiscal Year (FY) 2025 National Defense Authorization Act provides additional substantive importance for the Secretary of Defense to reduce DoD expenditure on leased facilities by 25 percent by December 23, 2029. Expanding the Secretary’s ability to acquire real property as part of the Pentagon Reservation will reduce administrative burdens and enable more efficient and effective capabilities that can better react to predictable market fluctuations while concurrently reducing leased facilities for the DoD. Studies demonstrate conclusively that over the longer term, the costs of property ownerships are substantially lower than the costs of leasing. Absent the authority this provision would provide, such opportunities could be lost due to the current inefficient bureaucratic necessity of acquiring the fee simple title through the Secretary of one of the military departments.

Authorizing the Secretary of Defense to acquire fee simple title to real property in the National Capital Region is also aligned with the President’s direction in Executive Order 1422, “Implementing the President’s Department of Government Efficiency Cost Efficiency Initiative,” which directs a reduction in the Federal Government leased space footprint and ensures the Federal government acquires real property interests in an economically efficient manner.

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

Changes to Existing Law: This proposal would add a new section to chapter 159 of title 10, United States Code, as set forth in the legislative text above. In addition, this proposal would amend section 2674 of title 10, United States Code, as follows:

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

(a) PENTAGON RESERVATION.—The Secretary of Defense has jurisdiction, custody, and control over, and responsibility for, the operation, maintenance, and management of the Pentagon Reservation.

(b) ***

* * * * *

(f) DEFINITIONS.—In this section:

(1) The term “Pentagon Reservation” means the following:

(A) The Pentagon,

(B) the The Mark Center Campus, and

(C) the The Raven Rock Mountain Complex.

(D) Any real property or facility acquired under section 2674a of this title.

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

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

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

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

1 **SEC. ___. AUTHORITY TO BUILD FOREIGN SECURITY FORCES CAPACITY FOR**
2 **SPACE DOMAIN AWARENESS AND SPACE SUPPORT FUNCTIONS.**

3 Section 333(a) of title 10, United States Code, is amended by adding at the end the
4 following new paragraph:

5 “(10) Space domain awareness and space support functions.”.

[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 333 of title 10, United States Code, to include authority to build foreign partner capacity for space domain awareness and space operations. The addition would provide valuable support to Department of Defense (DoD) efforts to clarify its authority to conduct space-related activities to build partnership capacity (BPC).

In response to the increasing pace and scope of malign space activity by China and Russia, the United States began to revise fundamentally our national approach in the space domain. A Space Strategic Review conducted by the Secretary of Defense and the Director of National Intelligence identified key gaps in the Department’s posture, including that it needed to improve significantly its approach to, and ability to work more closely and more actively with, all tiers of international allies and partners in the space domain. These conclusions were endorsed by national leadership. The 2026 National Defense Strategy, released on January 23, 2026, reinforced the need to empower allies and partners to do more to counter Chinese influence and defend themselves.

DoD, and by extension the United States, will be challenged to fulfill the imperatives laid out in these strategies without improving not just our own capabilities to defend and to operate in space, but also those of our allies and partners, who present us with a strategic advantage over adversaries. Leveraging the contributions of our allies and partners requires us first to help them strengthen their ability to operate in today’s contested space environment, either alone or in concert with us. Space-related BPC is a high priority for the Department; however, current efforts are hindered by a lack of clearly applicable authority.

While some space-based capabilities such as geospatial intelligence, surveillance, and reconnaissance, global positioning, and satellite communications are covered under the current authority because they have primary effects on the current approved mission areas, such as maritime and border security operations, section 333 does not allow for BPC efforts that are for the specific purpose of building capacity in the space domain that do not have primary effects on the current mission sets authorized under section 333.

The proposed amendment would clarify that section 333 is applicable to DoD’s BPC activities that are designed to build partners’ ability to operate in the space domain. Given our global, interconnected nature, it is essential that allies and partners not only raise their space capability foundations but also develop and employ more advanced capabilities to protect and defend their national space capabilities which, if unprotected, can reduce the resiliency and redundancy they offer the U.S. space architecture.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2027 President’s Budget that are impacted by this proposal. This proposal would utilize, but not impact, the existing International Security Cooperation Programs (ISCP) request below.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
ISCP	\$1,339	\$1,367	\$1,394	\$1,423	\$1,452	0100	04	4GTD	1002201T
Total	\$1,339	\$1,367	\$1,394	\$1,423	\$1,452				

Changes to Existing Law: This proposal would make the following change to section 333 of title 10, United States Code:

§ 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.
- (10) Space domain awareness and space support functions.**

(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, 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) SEMI-ANNUAL MONITORING REPORTS.—The Director of the Defense Security Cooperation Agency shall, on a semi-annual basis, submit to the appropriate committees of Congress a report setting forth, for the preceding 180 days, 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.—Amounts made available in fiscal year 2025 or any subsequent 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 third fiscal year thereafter.

(h) EQUIPMENT DISPOSITION; NOTICE AND WAIT.—

(1) The Secretary of Defense may treat as stocks of the Department of Defense—

(A) equipment procured to carry out a program pursuant to subsection (a) that has not yet been transferred to a foreign country and is no longer needed to support such program or any other program carried out pursuant to such subsection; and

(B) equipment that has been transferred to a foreign country to carry out a program pursuant to subsection (a) and is returned by the foreign country to the United States.

(2) Notice and wait.—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:

(A) The foreign country, and specific unit, whose capacity was intended to be built under the program, and the amount, type, and purpose of the equipment that was to be provided.

(B) An explanation why the equipment is no longer needed to support such program or another program carried out pursuant to such subsection.

(i) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may—

(A) allow a foreign country to provide sole-source direction for assistance in support of a program carried out pursuant to subsection (a); and

(B) enter into an agreement with a foreign country to provide such sole-source direction.

(2) NOTIFICATION.—Not later than 72 hours after the Secretary of Defense enters into an agreement under paragraph (1), the Secretary shall submit to the congressional defense committees a written notification that includes the following:

(A) A description of the parameters of the agreement, including types of support, objectives, and duration of support and cooperation under the agreement.

(B) A description and justification of any anticipated use of sole-source direction pursuant to such agreement.

(C) An assessment of the extent to which the equipment to be provided under the agreement-

(i) responds to the needs of the foreign country; and

(ii) can be sustained by the foreign country.

(D) A determination as to whether the anticipated costs to be incurred under the agreement are fair and reasonable.

(E) A certification that the agreement is in the national security interests of the United States.

(F) Any other matter relating to the agreement, as determined by the Secretary of Defense.

1 **SEC. ___.CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY**
2 **RELATING TO THE LICENSING OF INTELLECTUAL PROPERTY.**

3 Section 2260 of title 10, United States Code, is amended—
4 (1) by striking subsection (c); and
5 (2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e),
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 make a clarifying change to section 2260 of title 10, United States Code (section 2260), relating to the licensing of intellectual property, by repealing subsection (c), which is an exception to the general licensing provisions in subsection (a). Subsection (c) has never been implemented but does create confusion in the public.

Typically, the military services license their trademarks pursuant to subsection (a) of section 2260. Subsection (a) puts no limitation on which trademarks may be licensed. Accordingly, it is possible to license, for example, service names (Army, Marine Corps, Navy), acronyms (SEALs, USMC), insignia (SEALs Trident), and unit names (Blue Angels). Subsection (a) also puts no limitation on the nature of the licensee or the underlying products, and therefore a broad range of licensees (from hobbyists to large manufacturers) are eligible to sell a wide range of goods (e.g., clothing, key chains, video games, and posters, just to name a few). Lastly, subsection (a) places no limitation or “cap” on the amount of trademark royalties charged. It simply states that the Secretary of Defense “may retain and expend fees received from such licensing....”

It is important to note that section 2260 was enacted in 2004 without subsection (c) (Public Law 108–375; section 1004). Subsection (c) was added in 2008 (Public Law 110–181; section 882), presumably because it was determined that the amendment would be beneficial to one or more “toy or hobby manufacturers.” The 2008 amendments also added the Department of Homeland Security so that the Coast Guard and other components could also operate trademark licensing programs.

Subsection (c) of section 2260 is an exception to the general licensing rule that is triggered only when a very specific set of circumstances is met. In addition to other limitations, the licensee under subsection (c) must be a “toy or hobby manufacturer” and the mark relates to “military designations” or “likenesses of military weapons systems.” A fee for a license under subsection (c) may not exceed, by more than a nominal amount, “the amount needed to recover all costs of the Department of Defense in processing the request for the license and supplying the license.”

To date, the military services have not executed a license pursuant to subsection (c) of section 2260. As such, there appears to be little justification for retaining subsection (c), which creates much confusion in the public.

Specifically, members of the public have mistakenly believed that (1) the general licensing authority in section 2260 is limited to military designations or likenesses of military weapons systems, and (2) that the branches may only collect a nominal amount. The licensing programs regularly have to explain to prospective licensees that they are not eligible for subsection (c). Furthermore, at times the licensing programs must defend their ability to collect more than a nominal amount or license marks other than the military designations and weapons systems. Note that section 2260 provides that royalty payments go to morale, welfare, and recreation activities.

Repeal of subsection (c) of section 2260 would eliminate public confusion by clarifying the ability of the Department of Defense to license a range of goods, and not be limited to charging a nominal amount.

Resource Information: This proposal has no impact on the use of resources requested within the Fiscal Year (FY) 2027 President’s Budget. The military services already accept and will continue to accept royalties derived from the licensing of their respective trademarks in accordance with the other subsections. Trademark royalties are used to pay the costs of operating the trademark licensing programs, which necessarily includes protection and enforcement of trademarks.

Changes to Existing Law: This proposal would amend section 2260 of title 10, United States Code, as follows:

§ 2260. Licensing of intellectual property: retention of fees

(a) **AUTHORITY.**—Under regulations prescribed by the Secretary of Defense or the Secretary of Homeland Security, the Secretary concerned may license trademarks, service marks, certification marks, and collective marks owned or controlled by the Secretary concerned and may retain and expend fees received from such licensing in accordance with this section.

(b) **DESIGNATED MARKS.**—The Secretary concerned shall designate the trademarks, service marks, certification marks, and collective marks regarding which the Secretary will exercise the authority to retain licensing fees under this section.

~~(c) **LICENSES FOR QUALIFYING COMPANIES.**—~~

~~(1) The Secretary concerned may license trademarks, service marks, certification marks, and collective marks owned or controlled by the Secretary relating to military designations and likenesses of military weapons systems to any qualifying company upon receipt of a request from the company.~~

~~(2) For purposes of paragraph (1), a qualifying company is any United States company that—~~

~~(A) is a toy or hobby manufacturer; and~~

~~(B) is determined by the Secretary concerned to be qualified in accordance with such criteria as determined appropriate by the Secretary of Defense.~~

~~(3) The fee for a license under this subsection shall not exceed by more than a nominal amount the amount needed to recover all costs of the Department of Defense in processing the request for the license and supplying the license.~~

~~(4) A license to a qualifying company under this subsection shall provide that the license may not be transferred, sold, or relicensed by the qualifying company.~~

~~(5) A license under this subsection shall not be an exclusive license.~~

~~(c)~~ **USE OF FEES.**—The Secretary concerned shall use fees retained under this section for the following purposes:

(1) For payment of the following costs incurred by the Secretary:

(A) Costs of securing trademark registrations.

(B) Costs of operating the licensing program under this section.

(2) For morale, welfare, and recreation activities under the jurisdiction of the Secretary, to the extent (if any) that the total amount of the licensing fees available under this section for a fiscal year exceed the total amount needed for such fiscal year under paragraph (1).

~~(d)~~ **AVAILABILITY.**—Fees received in a fiscal year and retained under this section shall be available for obligation in such fiscal year and the following two fiscal years.

~~(e)~~ **DEFINITIONS.**—In this section:

(1) The terms “trademark”, “service mark”, “certification mark”, and “collective mark” have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

(2) The term “Secretary concerned” has the meaning provided in section 101(a)(9) of this title and also includes—

(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

1 **SEC. ____ . ENHANCED AUTHORITY FOR TRANSFERS BETWEEN CYBER**
2 **EXCEPTED SERVICE AND COMPETITIVE SERVICE.**

3 Section 1643(a)(1) of the National Defense Authorization Act for Fiscal Year 2017
4 (Public Law 114-328; 10 U.S.C. 1599f note) is amended—

5 (1) by striking, “military departments and Defense Agencies concerned” and
6 inserting “the Department of Defense”; and

7 (2) by striking “in such military departments and Defense Agencies”.

[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 transfer agreement authority to the entire Department of Defense to further remove barriers to movement between the cyber excepted service (CES) and competitive service. Under the current authority, certain employees are excluded from this limited agreement which allows employees serving in CES positions in pay plan GG on permanent excepted service appointments in the military departments and Defense Agencies to be appointed to competitive service GS or equivalent positions without needing to compete as external, non-federal applicants. This expansion will serve as a key enabling feature of the DoD’s cybersecurity workforce policy to facilitate seamless movement of the cybersecurity workforce between these organizations, with their skills, experiences, and talents employed to the fullest possible degree at every step in their careers. Expanding the Cyber Interagency Transfer Authority to the entire DoD promotes cross-agency expertise, rapid response capabilities, skill development, and collaboration with U.S. allies. Personnel gain valuable experience by working in different Components, enhancing their understanding of diverse cyber threats and strategies. Having a pool of experts readily available ensures faster and more effective responses during cyber incidents. Exposure to different environments fosters skill development and innovation.

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

Changes to Existing Law: This proposal would amend section 1643(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1599f note) as follows:

SEC. 1643. CYBER MISSION FORCES MATTERS.

(a) ACTIONS PENDING FULL IMPLEMENTATION OF PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the Secretary of Defense completes implementation of the authority in subsection (a) of section 1599f of title 10, United States Code, for United States Cyber Command workforce

positions in accordance with the implementation plan required by subsection (d) of such section, the Secretary shall do each of the following:

(1) Notwithstanding sections 3309 through 3318 of title 5, United States Code, provide for and implement a transfer agreement between excepted service position systems and competitive service position systems in ~~military departments and Defense Agencies concerned~~ the Department of Defense to satisfy the requirements for cyber workforce positions from among a mix of employees in the excepted service and the competitive service ~~in such military departments and Defense Agencies.~~

(2) Implement in the defense civilian cyber personnel system a classification system commonly known as a “Rank-in-person” classification system similar to such classification system used by the National Security Agency as of the date of the enactment of this Act [Dec. 23, 2016].

(3) Approve direct hiring authority for cyber workforce positions up to the GG or GS–15 level in accordance with the criteria in section 3304 of title 5, United States Code.

(4) Notwithstanding section 5333 of title 5, United States Code, authorize officials conducting hiring in the competitive service for cyber workforce positions to set starting salaries at up to a step-five level with no justification and at up to a step-ten level with justification that meets published guidelines applicable to the excepted service.

(b) OTHER MATTERS.—The Principal Cyber Advisor to the Secretary of Defense, acting through the cross-functional team under section 392a(a)(3) of title 10, United States Code, and in consultation with the Commander of the United States Cyber Command, shall supervise—

(1) the development of training standards for computer network operations tool developers for military, civilian, and contractor personnel supporting the cyber mission forces;

(2) the rapid enhancement of capacity to train personnel to those standards to meet the needs of the cyber mission forces for tool development; and

(3) actions necessary to ensure timely completion of personnel security investigations and adjudications of security clearances for tool development personnel.

1 **SEC. ____ . ENHANCEMENTS TO RECRUITMENT AND RETENTION AUTHORITIES**
2 **FOR CIVILIAN PERSONNEL OF THE UNITED STATES CYBER**
3 **COMMAND.**

4 (a) OVERSEAS RETURN RIGHTS.—Section 1599f of title 10, United States Code, as
5 amended by section 1113 of the National Defense Authorization Act for Fiscal Year 2026
6 (Public Law 119-60), is amended—

7 (1) by redesignating subsections (f) through (l) as subsections (g) through (m),
8 respectively; and

9 (2) by inserting after subsection (e) the following new subsection (f):

10 “(f) OVERSEAS RETURN RIGHTS.—The Secretary shall grant an employee who has a
11 permanent appointment and is employed in the United States or in a nonforeign area and who
12 accepts an assignment in a foreign area or in a nonforeign area different from the one in which
13 the employee is currently employed statutory return rights.”.

14 (b) PROBATIONARY PERIOD.—Subsection (j) of such section, as so redesignated, is
15 amended—

16 (1) in the subsection heading, by striking “THREE-YEAR”; and

17 (2) by striking “three years” and inserting “two years, notwithstanding the
18 requirements under section 7511 of title 5”.

**[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 enable the Department of Defense (DoD) to offer similar overseas return rights currently afforded to competitive civil service employees under section 1586 of title 10, United States Code, to Cyber Excepted Service employees under section 1599f of title 10 and would provide an opportunity for employees in the competitive service who occupy DoD cyber positions to convert voluntarily to the CES without the tangible statutory return rights and

advantages afforded to competitive service employees through section 1586 of title 10 which at present are lost upon conversion to Cyber Excepted Service. Extending overseas return rights to employees under this section would also provide the Secretary of Defense authority to exercise the full scope of CES appointment authority pursuant to public law that encompasses positions within the CES hybrid system aligned to both title 10 and title 5 provisions for employees who are assigned to duty outside the United States. This amendment permits the unfettered establishment of a CES employee population and achieves the level of effectiveness necessary for the Department's cyber offensive and defensive mission worldwide. Offering these statutory rights to Cyber Excepted Service personnel will remove another obstacle for the Secretary of Defense and the Secretaries of the military departments in achieving the Department's goal to recruit, develop, and retain a high-quality civilian workforce and ultimately facilitate and achieve mission success. Without these statutory return rights, the person would lose significant rights which could prevent them from returning to their prior home, town, or state if they accept the conversion to CES. Currently, personnel stationed overseas when their competitive service position converts to CES, are better off not accepting the conversion to CES but staying in the competitive service in order to guarantee their return rights at the end of their tour.

This proposal would also align the probationary period for Cyber Excepted Service employees with other excepted service positions within the Department and the Federal government so as to promote fairness, consistency, and equitable treatment. A disparate probationary period undermines morale and can hinder recruitment of highly qualified candidates. A uniform probationary period fosters a more cohesive workforce and simplifies personnel management across different personnel systems within the Department of Defense.

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

Changes to Existing Law: This proposal would amend section 1599f of title 10, United States Code, as amended by section 1113 of the National Defense Authorization Act for Fiscal Year 2026 (Public Law 119-60), as follows:

§ 1599f. United States Cyber Command recruitment and retention

- (a) GENERAL AUTHORITY.—(1) The Secretary of Defense may—
- (A) establish, as positions in the excepted service, such qualified positions in the Department of Defense as the Secretary determines necessary to carry out the responsibilities of the United States Cyber Command, including—
 - (i) positions held by staff of the headquarters of the United States Cyber Command;
 - (ii) positions held by elements of the United States Cyber Command enterprise relating to cyberspace operations, including elements assigned to the Joint Task Force-Department of Defense Information Networks;
 - (iii) positions held by elements of the military departments supporting the United States Cyber Command;
 - (iv) positions held in combatant commands, defense agencies, and field activities supporting the United States Cyber Command; and

(v) up to 500 positions not otherwise described in clauses (i) through (iv) that the Secretary determines are hard-to-fill, highly skilled positions critical to cyber- space planning and operations in defense of, and which advance, U.S. national interests in collaboration with domestic and international partners.

(B) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

(C) subject to the requirements of subsections (b) and (c), fix the compensation of an individual for service in a qualified position.

(2) The authority of the Secretary under this subsection applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

(b) RATES OF PAY.—The Secretary—

(1) consistent with paragraph (2), shall fix the rates of basic pay for employees appointed under subsection (a)(1)(B)—

(A) with a rate of pay provided for employees in comparable positions in the Federal Government; and

(B) subject to the same limitations on maximum rates of pay established for such employees by statute or regulation; and

(2) may prescribe a rate of basic pay for such an employee so appointed at a rate not to exceed a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at level I of the Executive Schedule under section 5312 of title 5.

(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

(2) An employee in a qualified position whose rate of basic pay is fixed under subsection (b)(1) shall be eligible for an allowance under section 5941 of title 5 on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

(d) IMPLEMENTATION PLAN REQUIRED.—The authority granted in subsection (a) shall become effective 30 days after the date on which the Secretary of Defense provides to the congressional defense committees a plan for implementation of such authority. The plan shall include the following:

(1) An assessment of the current scope of the positions covered by the authority.

(2) A plan for the use of the authority.

(3) An assessment of the anticipated workforce needs of the United States Cyber Command across the future-years defense plan.

(4) Other matters as appropriate.

(e) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in subsection (a) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an

office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

(f) OVERSEAS RETURN RIGHTS.—The Secretary shall grant an employee who has a permanent appointment and is employed in the United States or in a nonforeign area and who accepts an assignment in a foreign area or in a nonforeign area different from the one in which the employee is currently employe statutory return rights.

~~(f)~~ (g) TRAINING.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

(2) For purposes of this subsection, covered personnel are employees of the Department who—

(A) carry out functions relating to—

(i) the management of human resources and the civilian workforce of the Department; or

(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.

~~(g)~~ (h) REQUIRED REGULATIONS.—The Secretary in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

~~(h)~~ (i) ANNUAL REPORT.—(1) Not later than one year after the date of the enactment of this section and not less frequently than once each year thereafter until the date that is three years after the date of the enactment of National Defense Authorization Act for Fiscal Year 2026, the Director of the Office of Personnel Management, in coordination with the Secretary, shall submit to the appropriate committees of Congress a detailed report on the administration of this section during the most recent one-year period.

(2) Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

(A) A discussion of the process used in accepting applications, assessing candidates, ensuring adherence to veterans' preference, and selecting applicants for vacancies to be filled by an individual for a qualified position.

(B) A description of the following:

(i) How the Secretary plans to fulfill the critical need of the Department to recruit and retain employees in qualified positions.

(ii) The measures that will be used to measure progress.

(iii) Any actions taken during the reporting period to fulfill such critical need.

(C) A discussion of how the planning and actions taken under subparagraph (B) are integrated into the strategic workforce planning of the Department.

(D) The metrics on actions occurring during the reporting period, including the following:

(i) The number of employees in qualified positions hired, disaggregated by occupation, grade, and level or pay band.

(ii) The placement of employees in qualified positions, disaggregated by military department, Defense Agency, or other component within the Department.

(iii) The total number of veterans hired.

(iv) The number of separations of employees in qualified positions, disaggregated by occupation and grade and level or pay band.

(v) The number of retirements of employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

(vi) The number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions, disaggregated by occupation, grade, and level or pay band.

(vii) The total number of positions, the title, duties, and responsibilities of each position, and the location of each position, including the assigned department, agency, command, and cost of establishing, appointing, and paying the salary of such positions.

(viii) A description of—

(I) how the Department has used the pay authorities in subsection

(b); and

(II) the effect of such authorities on recruitment and retention in the Cyber Excepted Service.

(4) by redesignating

(E) A description of the training provided to employees described in subsection (f)(2) on the use of authorities under this section.

~~(i)-(j)~~ (j) PROBATIONARY PERIOD.—The probationary period for all employees hired under the authority established in this section shall be ~~three years~~ two years, notwithstanding the requirements under section 7511 of title 5.

~~(j)-(k)~~ (k) INCUMBENTS OF EXISTING COMPETITIVE SERVICE POSITIONS.—(1) An individual occupying a position on the date of the enactment of this section that is selected to be converted to a position in the excepted service under this section shall have the right to refuse such conversion.

(2) After the date on which an individual who refuses a conversion under paragraph (1) stops serving in the position selected to be converted, the position may be converted to a position in the excepted service.

~~(k)-(l)~~ (l) FEDERAL WAGE SYSTEM POSITIONS.—The Secretary may—

(1) consistent with section 5341 of title 5, adopt such provisions of that title to provide for prevailing rate systems of basic pay; and

(2) apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of such title.

~~(l)-(m)~~ (m) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “collective bargaining agreement” has the meaning given that term in section 7103(a)(8) of title 5.

(3) The term “excepted service” has the meaning given that term in section 2103 of title 5.

(4) The term “preference eligible” has the meaning given that term in section 2108(3) of title 5.

(5) The term “qualified position” means a position, designated by the Secretary for the purpose of this section, in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the United States Cyber Command relating to cyber operations.

(6) The term “Senior Executive Service” has the meaning given that term in section 2101a of title 5.

1 **SEC. __. EXCEPTION FOR BELOW-THRESHOLD MODIFICATIONS OF NUCLEAR**
2 **MISSILES TO LIMITATION ON MODIFICATION OF MAJOR ITEMS OF**
3 **EQUIPMENT SCHEDULED FOR RETIREMENT OR DISPOSAL.**

4 Section 2244a(b) of title 10, United States Code, is amended by adding at the end the
5 following new paragraph:

6 “(4) EXCEPTION FOR BELOW-THRESHOLD NUCLEAR MISSILE MODIFICATIONS.—The
7 prohibition in subsection (a) does not apply to a modification of a nuclear missile for
8 which the cost is less than \$500,000.”.

[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 2244a of title 10, United States Code, to add a fourth exception to the prohibition on modification of equipment scheduled for retirement or disposal. While the United States is modernizing the missiles supporting all three legs of the Nuclear Triad over the next decade, actual deliveries of new systems will determine the divestment schedule of legacy systems. Throughout the modernization effort, the continuing safety, security, and reliability of legacy nuclear weapon systems is critical to maintain effective deterrence and ensure national security.

The need to maintain safe, secure, and reliable nuclear weapons until actual divestment of the missiles will require some modifications to legacy weapon systems within the five-year window that do not meet current exceptions. Nuclear weapon systems require a higher threshold based on the additional requirements to maintain higher reliability, operate in more strenuous post-attack environments, as well as to maintain nuclear certification.

While individual National Security waivers could be processed and approved for each modification, the time lost to notifying Congress of each waiver before modifications can begin could result in a shortfall for national nuclear deterrence until modernized capabilities deliver, or reliance on a nuclear weapon with a known and un-corrected reliability issue. Given that each National Security waiver would be based on a similar justification – the criticality of an effective and uninterrupted nuclear deterrent to United States national security – requiring multiple such waivers not only is a needlessly time-consuming use of agency resources, but also could result in modification delays and unacceptable national security risks.

This exception would permit, but not require, modifications to nuclear missiles to be carried out. All modifications shall continue to be subject to oversight outlined in the Department

of Defense, Air Force instructions and regulations and may be cancelled by the appropriate authority. Modifications will be limited to those needed to maintain baseline safety, security, and reliability requirements as no legacy system can be modified to the extent that it invalidates a current modernization program based on the evolving threats of current peer competitors.

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

Changes to Existing Law: This proposal would amend section 2244a of title 10, United States Code, as follows:

(a) PROHIBITION.—Except as otherwise provided in this section, the Secretary of a military department may not carry out a modification of an aircraft, weapon, vessel, or other item of equipment that the Secretary plans to retire or otherwise dispose of within five years after the date on which the modification, if carried out, would be completed.

(b) EXCEPTIONS.—

(1) EXCEPTION FOR BELOW-THRESHOLD MODIFICATIONS.—The prohibition in subsection (a) does not apply to a modification for which the cost is less than \$100,000.

(2) EXCEPTION FOR TRANSFER OF REUSABLE ITEMS OF VALUE.—The prohibition in subsection (a) does not apply to a modification in a case in which—

(A) the reusable items of value, as determined by the Secretary, installed in the item of equipment as part of such modification will, upon the retirement or disposal of the item to be modified, be removed from such item of equipment, refurbished, and installed on another item of equipment; and

(B) the cost of such modification (including the cost of the removal and refurbishment of reusable items of value under subparagraph (A)) is less than \$1,000,000.

(3) EXCEPTION FOR SAFETY MODIFICATIONS.—The prohibition in subsection (a) does not apply to a safety modification.

(4) EXCEPTION FOR BELOW-THRESHOLD NUCLEAR MISSILE MODIFICATIONS.—The prohibition in subsection (a) does not apply to a modification of a nuclear missile for which the cost is less than \$500,000.

(c) WAIVER AUTHORITY.—The Secretary concerned may waive the prohibition in subsection (a) in the case of any modification otherwise subject to that subsection if the Secretary determines that carrying out the modification is in the national security interest of the United States. Whenever the Secretary issues such a waiver, the Secretary shall notify the congressional defense committees in writing.

1 **SEC. ____. EXCLUSION OF MANUFACTURING ARSENAL WORKLOAD FROM**
2 **DEPOT CARRYOVER CALCULATION.**

3 Section 377(2) of the James M. Inhofe National Defense Authorization Act for Fiscal
4 Year 2023 (Public Law 117–263; 10 U.S.C. 2476 note) is amended by inserting “any
5 manufacturing arsenal workload and” after “calculated carryover amount”.

Section-by-Section Analysis

This proposal would amend section 377 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (10 U.S.C. 2476 note), as amended by section 345 of the FY 2024 NDAA, to specifically exclude manufacturing arsenal workload from the Army’s carryover calculation. Removing arsenal manufacturing from the carryover calculation ensures an accurate representation of depot maintenance carryover, which will allow for the Army’s carryover metric to be comparable to the other military services, which do not operate any arsenals.

According to the Government Accountability Office (GAO) analysis contained in GAO Report GAO-19-452, titled “Depot Maintenance: DOD Should Adopt a Metric That Provides Quality Information on Funded Unfinished Work,” dated July 26, 2019, some of the inputs used to determine allowable carryover included financial data unrelated to depots. Specifically, the outlay rates associated with different appropriations are unreliable for carryover calculations because they include expenditure information unrelated to depot maintenance. Blending depot maintenance and arsenal manufacturing is distorting the carryover calculation. In FY 2023, arsenals accounted for 26.2 percent of carryover. Since 2017, congressional marks related to carryover total \$486M, which have been levied against the depot maintenance program. Unwarranted reductions in depot maintenance only hinders Army readiness and creates volatility in depot operations.

Inclusion of manufacturing arsenal workload is distorting¹ the actual depot carryover value. Removing arsenal workload from the carryover calculation will portray a more accurate picture of unfilled orders within the depot maintenance program, thereby improving resourcing decisions and allowing for a better comparison amongst the services. This proposal aligns with the recommendation made by GAO Report GAO-19-452. In that report, GAO recommended that the Department of Defense develop and adopt a carryover metric for depot maintenance that

¹ The fundamental reason for this distortion lies in the different nature of arsenal manufacturing and depot maintenance operations. Arsenal manufacturing workload is funded primarily with three-year PROC funding and requires up to three fiscal years to complete production. Arsenal manufacturing requires additional lead time to address feasibility, risk assessments, and first article tests to ensure a viable production line. Multi-year appropriations are required, and workload cannot be completed in a single fiscal year. These issues do not exist within depot maintenance, as the quantity of the items to be repaired are known and the primary lead time is associated with assembling materials and performing maintenance. Technical information and statements of work are well-established prior to the item entering the maintenance process. Depot maintenance overhauls are primarily funded with O&M funds (one-year appropriations). This workload can be completed within the same fiscal year.

provides reliable, complete, consistent, and appropriate information. This proposal would partially resolve the concerns identified by GAO.

It is important to note that the Army is the only service that has manufacturing arsenals and serves as the single manager for conventional ammunition (SMCA). Arsenals produce critical ammunition and manufacture Abrams and Howitzer gun tubes. In many cases, arsenals are single sources of supply. Arsenal manufacturing and ammunition production inflates the Army's carryover to accommodate all services' requirements. The role of the SMCA is to avoid duplication of effort and other inefficiencies in the production of conventional ammunition.

The current calculation methodology jeopardizes the ability to maintain core workload as required by 10 U.S.C. 2464. When funding in the depot maintenance program is reduced due to marks from excess carryover, the ability to maintain Government-owned and Government-operated technical sources of repair becomes increasingly fragile. The depot maintenance workforce is a unique pillar for both surge and mobilization and is fundamental to sustaining United States combat power. Carryover marks threaten the Army's ability to retain a skilled and trained workforce.

If adopted, this proposal will allow for a more appropriate evaluation of carryover that ensures parity with the other services. Through the separation of arsenal manufacturing and the Army's depot maintenance program, actual depot-level carryover will be clearly identified for review and conformance across the DoD. Removal of the arsenal manufacturing from the carry over calculation will also present a consistent comparison between the services for depot maintenance operations. Finally, this proposal will resolve the inflation of depot maintenance carryover, while improving and simplifying the transparency required to assess and measure the success of depot maintenance operations.

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

Changes to Existing Law: This proposal would amend section 377 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263; 10 U.S.C. 2476 note) as follows:

SEC. 377. CLARIFICATION OF CALCULATION FOR CERTAIN WORKLOAD CARRYOVER OF DEPARTMENT OF THE ARMY.

For purposes of calculating the amount of workload carryover with respect to the depots and arsenals of the Department of the Army, the Secretary of Defense shall authorize the Secretary of the Army to use a calculation for such carryover that—

- (1) applies a material end of period exclusion; and
- (2) excludes from the calculated carryover amount any manufacturing arsenal workload and the proceeds of any foreign military sale.

1 **SEC. ____ . EXEMPTION FROM RAILROAD HOURS OF SERVICE LAWS IN TIME OF**
2 **WAR OR NATIONAL EMERGENCY.**

3 Section 21102(a) of title 49, United States Code, is amended by adding at the end the
4 following new paragraph:

5 “(5) a time of war or a national emergency declared by the President or
6 Congress.”.

[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 sections 21102 of title 49, United States Code (U.S.C.), to allow exceptions from the Railroad Hours of Service (HOS) Law during a war or during a national emergency declared by the President or Congress. The Railroad HOS Law establishes detailed limitations on working hours for rail crew members. Currently, there is no provision (and therefore no process) for rail carriers to receive relief from these limits to support U.S. Transportation Command’s (USTRANSCOM’s) requirements in a large-scale contingency. The law does include a narrow allowance for maintaining a rail crew on duty past mandated time limits in unexpected situations, such as responding to a train wreck. A similar allowance should be extended to rail crews servicing trains carrying defense materiel during a time of war or national emergency, as directed by the President in accordance with the National Emergencies Act (NEA), Pub. L. No. 94-412, codified at chapter 34 of title 50, U.S.C.

Our domestic railroads carry Department of Defense (DoD) freight daily and will remain a key component of the Joint Deployment and Distribution Enterprise. Domestic rail is likely to be heavily leveraged to support military deployments during large-scale contingency operations. In fact, approximately 85 percent of the Joint Force resides within the continental U.S., and planning indicates that 80-90 percent of all unit equipment will move from home installations to seaports of embarkation via rail.

In the event of a large-scale contingency operation or other wartime scenario, the rapid and efficient transportation of defense materiel from inland military installations to seaports of embarkation is required to meet stringent deployment timelines. Unforeseen events or emergent requirements may necessitate railroad employees working longer hours for safety inspections, terminal switching, and long-haul transport to meet these timelines.

USTRANSCOM recommends adding an exemption to the hours-of-service law during wartime emergencies to prevent delays and disruptions in the transportation of essential goods and services, which could have serious consequences for national security and public safety.

Currently, the law provides no allowance to waive hours-of-service limitations, even during war or a national emergency declared by the President or Congress. In accordance with section 301 of the NEA, 50 U.S.C. 1631, “[w]hen the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised *unless and until* the President specifies the provisions of law under which he proposes that he, or other officers will act. Such specification may be made either in the declaration of a national emergency, or by one or more contemporaneous or subsequent Executive orders published in the Federal Register and transmitted to the Congress.” (emphasis added). Accordingly, the authorities in this proposal can only be executed if and when they are made available by the President in a declaration of a national emergency, or in a subsequent executive order.

Similarly, the President has the authority to order the prioritization of defense-related rail traffic under section 11124 of title 49. Furthermore, there is precedent for the Department of Transportation (DOT) granting relief from certain regulations, including hours-of-service, in other transportation modes.

No direct costs are anticipated. Even during a contingency, DoD rail traffic would account for such a small percentage of overall railroad business that this change, while valuable to USTRANSCOM and DoD, would likely not have an appreciable effect on the cost structure for DoD shipments by rail.

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

Changes to Existing Law: This proposal would amend section 21102 of title 49, United States Code, as follows:

§21102. Nonapplication, exemption, and alternate hours of service regime

- (a) GENERAL.—This chapter does not apply to a situation involving any of the following:
- (1) a casualty.
 - (2) an unavoidable accident.
 - (3) an act of God.
 - (4) a delay resulting from a cause unknown and unforeseeable to a railroad carrier or its officer or agent in charge of the employee when the employee left a terminal.
 - (5) a time of war or a national emergency declared by the President or Congress.

(b) EXEMPTION.—The Secretary of Transportation may exempt a railroad carrier having not more than 15 employees covered by this chapter from the limitations imposed by this chapter. The Secretary may allow the exemption after a full hearing, for good cause shown, and on deciding that the exemption is in the public interest and will not affect safety adversely. The exemption shall be for a specific period of time and is subject to review at least annually. The exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period.

(c) APPLICATION OF HOURS OF SERVICE REGIME TO COMMUTER AND INTERCITY PASSENGER RAILROAD TRAIN EMPLOYEES.—

(1) When providing commuter rail passenger transportation or intercity rail passenger transportation, the limitations on duty hours for train employees of railroad carriers, including public authorities operating passenger service, shall be solely governed by old section 21103 until the earlier of—

(A) the effective date of regulations prescribed by the Secretary under section 21109(b) of this chapter; or

(B) the date that is 3 years following the date of enactment of the Rail Safety Improvement Act of 2008.

(2) After the date on which old section 21103 ceases to apply, pursuant to paragraph (1), to the limitations on duty hours for train employees of railroad carriers with respect to the provision of commuter rail passenger transportation or intercity rail passenger transportation, the limitations on duty hours for train employees of such railroad carriers shall be governed by new section 21103, except as provided in paragraph (3).

(3) After the effective date of the regulations prescribed by the Secretary under section 21109(b) of this title, such carriers shall—

(A) comply with the limitations on duty hours for train employees with respect to the provision of commuter rail passenger transportation or intercity rail passenger transportation as prescribed by such regulations; and

(B) be exempt from complying with the provisions of old section 21103 and new section 21103 for such employees.

(4) In this subsection:

(A) The terms "commuter rail passenger transportation" and "intercity rail passenger transportation" have the meaning given those terms in section 24102 of this title.

(C) The term "new section 21103" means section 21103 of this chapter as amended by the Rail Safety Improvement Act of 2008.

(D) The term "old section 21103" means section 21103 of this chapter as it was in effect on the day before the enactment of that Act.

1 **SEC. ____ . EXPANSION OF PROTECTION FROM REPRISAL OR RETALIATION**
2 **AGAINST TENANTS OF PRIVATIZED MILITARY HOUSING UNITS**
3 **WHO REPORT HOUSING-RELATED ISSUES.**

4 Section 2890(e) of title 10, United States Code, is amended—

5 (1) in paragraph (1), by striking “relating to a housing unit.” and inserting
6 “relating to a housing unit to any of the following:

7 “(A) The landlord.

8 “(B) The chain of command.

9 “(C) The applicable housing management office.

10 “(D) The Chief Housing Officer of the Department of Defense.

11 “(E) An inspector general.

12 “(F) A Member of Congress.”; and

13 (2) in paragraph (2)—

14 (A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and
15 (C), respectively;

16 (B) by inserting before subparagraph (B), as so redesignated, the following
17 new subparagraph (A):

18 “(A) provide notification of that determination to the Secretary of the military
19 department concerned;”; and

20 (C) in subparagraph (C), as so redesignated, by striking “the Inspector
21 General has taken final action” and inserting “the Secretary of the military
22 department concerned has notified the Inspector General that the Secretary has
23 taken final action”.

[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 2890 of title 10, United States Code, relating to rights and responsibilities of tenants of housing units, to clarify and enhance protections for whistleblowers by expanding the authorized recipients of reports of issues relating to a housing unit to include the Chief Housing Officer of the Department of Defense (DoD), an Inspector General (IG), or Member of Congress. Additionally, the proposal would amend the statute to more accurately reflect that the IG DoD, consistent with its independent oversight role, provides the results of its investigation to the Secretary of the military department concerned, who determines and implements any corrective actions.

Currently, section 2890 states that tenants have the right to report inadequate housing standards or deficits in habitability without fear of reprisal or retaliation. Subsection (b)(7) of section 2890 limits authorized recipients of such reports to the landlord, the chain of command, and housing management office. Subsection (e)(1) of section 2890 specifies, “The Inspector General of the Department of Defense shall investigate all reports of reprisal against a tenant for reporting an issue relating to a housing unit.” Thus, while the IG, DoD, can receive an allegation of *reprisal* from a tenant, if a tenant reports an underlying issue relating to a housing unit to an Inspector General or Member of Congress, the tenant is not protected against reprisal by the landlord for making such report. The proposed amendment, consistent with other whistleblower reprisal statutes enforced by the IG DoD, expressly broadens enumerated recipients to whom protected reports of issues relating to a housing unit may be made, thereby expanding the available venues through which tenants can report such issues.

Currently, section 2890 contemplates in subsection (e)(2)(B) that the IG DoD takes final action in cases in which reprisal is substantiated. The IG DoD has no authority to effect corrective action for a tenant or take any action against a landlord. That authority resides with the Secretaries of the military departments, who maintain authority over the military tenants and are the parties authorized to enter agreements with eligible entities (landlords) for the provision of privatized military housing pursuant to 10 U.S.C. 2871, *et. seq.* The proposed amendment establishes a more accurate process for corrective action upon substantiation that a landlord reprised against a tenant, by requiring the IG DoD to provide the results of its investigation to the Secretary of military department concerned for their consideration of corrective action.

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

Changes to Existing Law: This proposal would amend section 2890 of title 10, United States Code, as follows:

§ 2890. Rights and responsibilities of tenants of housing units

(a) DEVELOPMENT OF TENANT BILL OF RIGHTS AND TENANT RESPONSIBILITIES

DOCUMENTS.—(1) The Secretary of Defense shall develop two separate documents, to be known as the Military Housing Privatization Initiative Tenant Bill of Rights and the Military Housing Privatization Initiative Tenant Responsibilities, for tenants of housing units.

(2) The Secretary of each military department shall ensure that the housing documents are attached to each lease agreement for a housing unit.

(3) The rights and responsibilities contained in the housing documents are not intended to be exclusive. The omission of a tenant right or responsibility shall not be construed to deny the existence of such a right or responsibility for tenants.

(4) Each contract between the Secretary concerned and a landlord shall incorporate the housing documents and guarantee the rights and responsibilities of tenants who reside in housing units covered by the contract.

(5) The Secretary of Defense shall develop the housing documents in coordination with the Secretaries of the military departments.

(b) ELEMENTS OF TENANT BILL OF RIGHTS.—At a minimum, the Military Housing Privatization Initiative Tenant Bill of Rights shall address the following rights of tenants of housing units:

(1) The right to reside in a housing unit and community that meets applicable health and environmental standards.

(2) The right to reside in a housing unit that has working fixtures, appliances, and utilities and to reside in a community with well-maintained common areas and amenity spaces.

(3) The right to be provided with a maintenance history of the prospective housing unit before signing a lease, as provided in section 2892a of this title.

(4) The right to a written lease with clearly defined rental terms to establish tenancy in a housing unit, including any addendums and other regulations imposed by the landlord regarding occupancy of the housing unit and use of common areas.

(5) The right to a plain-language briefing, before signing a lease and 30 days after move-in, by the installation housing office on all rights and responsibilities associated with tenancy of the housing unit, including information regarding the existence of any additional fees authorized by the lease, any utilities payments, the procedures for submitting and tracking work orders, the identity of the military tenant advocate, and the dispute resolution process.

(6) The right to have sufficient time and opportunity to prepare and be present for move-in and move-out inspections, including an opportunity to obtain and complete necessary paperwork.

(7) The right to report inadequate housing standards or deficits in habitability of the housing unit to the landlord, the chain of command, and housing management office without fear of reprisal or retaliation, as provided in subsection (e), including reprisal or retaliation in the following forms:

(A) Unlawful recovery of, or attempt to recover, possession of the housing unit.

(B) Unlawfully increasing the rent, decreasing services, or increasing the obligations of a tenant.

(C) Interference with a tenant's right to privacy.

- (D) Harassment of a tenant.
- (E) Refusal to honor the terms of the lease.
- (F) Interference with the career of a tenant.

(8) The right of access to a military tenant advocate, as provided in section 2894(b)(4) of this title, through the housing management office of the installation of the Department at which the housing unit is located.

(9) The right to receive property management services provided by a landlord that meet or exceed industry standards and that are performed by professionally and appropriately trained, responsive, and courteous customer service and maintenance staff.

(10) The right to have multiple, convenient methods to communicate directly with the landlord maintenance staff, and to receive consistently honest, accurate, straightforward, and responsive communications.

(11) The right to have access to an electronic work order system through which a tenant may request maintenance or repairs of a housing unit and track the progress of the work.

(12) With respect to maintenance and repairs to a housing unit, the right to the following:

(A) Prompt and professional maintenance and repair.

(B) To be informed of the required time frame for maintenance or repairs when a maintenance request is submitted.

(C) In the case of maintenance or repairs necessary to ensure habitability of a housing unit, to prompt relocation into suitable lodging or other housing at no cost to the tenant until the maintenance or repairs are completed.

(13) The right to receive advice from military legal assistance on procedures involving mechanisms for resolving disputes with the property management company or property manager to include mediation, arbitration, and filing claims against a landlord.

(14) The right to enter into a dispute resolution process, as provided in section 2894 of this title, should all other methods be exhausted and, in which case, a decision in favor of the tenant may include a reduction in rent or an amount to be reimbursed or credited to the tenant.

(15) The right to have the tenant's basic allowance housing payments segregated, with approval of a designated commander, and not used by the property owner, property manager, or landlord pending completion of the dispute resolution process.

(16) The right to have reasonable, advance notice of any entrance by a landlord, installation housing staff, or chain of command into the housing unit, except in the case of an emergency or abandonment of the housing unit.

(17) The right to not pay non-refundable fees or have application of rent credits arbitrarily held.

(18) The right to expect common documents, forms, and processes for housing units will be the same for all installations of the Department, to the maximum extent applicable without violating local, State, and Federal regulations.

* * * * *

(e) INVESTIGATION OF REPORTS OF REPRISALS.—(1) The Inspector General of the Department of Defense shall investigate all reports of reprisal against a tenant for reporting an issue relating to a housing unit to any of the following:

(A) The landlord.

(B) The chain of command.

(C) The applicable housing management office.

(D) The Chief Housing Officer of the Department of Defense.

(E) An inspector general.

(F) A Member of Congress.

(2) If the Inspector General of the Department of Defense determines under paragraph (1) that a landlord has retaliated against a tenant for reporting an issue relating to a housing unit, the Inspector General shall—

(A) provide notification of that determination to the Secretary of the military department concerned;

~~(A)~~(B) provide initial notice to the Committees on Armed Services of the Senate and the House of Representatives as soon as practicable after making that determination; and

~~(B)~~(C) following that initial notice, provide an update to such committees every 30 days thereafter until such time as ~~the Inspector General has taken final action~~ the Secretary of the military department concerned has notified the Inspector General that the Secretary has taken final action with respect to the retaliation.

(3) The Inspector General of the Department of Defense shall carry out this subsection in coordination with the Inspector General of the military department concerned.

* * * * *

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, ~~2024~~ 2025, and ending on December 31, ~~2025~~ 2027, may not exceed \$75,000,000.

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

5 Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act
6 for Fiscal Year 2009 (Public Law 110-417), as most recently amended by section 1105 of the
7 National Defense Authorization Act for Fiscal Year 2026 (Public Law 119-60; 139 Stat. 1074),
8 is further amended by striking “through 2026” and inserting “through 2027”.

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

Section-by-Section Analysis

This proposal would extend for one additional year the authority under section 1101 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009, as amended by subsequent NDAAAs, most recently section 1105 of the NDAA for FY 2026. The provision is currently in effect through calendar year 2026. The authority under that section is similar to that previously provided in the NDAAAs since FY 2006.

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

Under the law generally applicable to premium pay for Federal civilian employees (section 5547 of title 5, United States Code), premium pay for a biweekly pay period may be paid to an employee only to the extent that the payment does not cause the aggregate of basic pay and premium pay for that pay period to exceed the greater of the biweekly maximum rate of basic pay payable for General Schedule-15 (GS-15), as adjusted for any applicable locality payment or special rate supplement, or the rate payable for level V of the Executive Schedule. In addition, under certain emergency or mission-critical situations, an agency may apply the Section 5547 premium pay cap on an annual basis instead of a biweekly basis.

Extending the authority provided by section 1101(a) of the NDAA for FY 2009 would allow a Federal agency head, during calendar year 2027, to waive the limitations in Section 5547 and pay premium pay to a Federal civilian employee performing work in an overseas location, as described above, to the extent that the payment does not cause the aggregate of basic pay and

premium pay to exceed the annual rate of salary payable to the Vice President under section 104 of title 3, United States Code, in a calendar year.

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

Resource Information: This proposal has no significant impact on resources requested within the Fiscal Year (FY) 2027 President's Budget.

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

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

(a) **WAIVER AUTHORITY.**—During calendar years 2009 through ~~2026~~ 2027, and notwithstanding section 5547 of title 5, United States Code, the head of an executive agency may waive the premium pay limitations established in that section up to the annual rate of salary payable to the Vice President under section 104 of title 3, United States Code, for an employee who performs work while in an overseas location, in direct support of, or directly related to—

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

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

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

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

1 **SEC. ____ . EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR**
2 **DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES**
3 **WITH PARTNERSHIP INTERMEDIARIES.**

4 Section 851(e) of the National Defense Authorization Act for Fiscal Year 2020 (Public
5 Law 116-92; 10 U.S.C. 4901 note) is amended by striking “September 30, 2025” and inserting
6 “September 30, 2031”.

**[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 reauthorize section 851 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Public Law 116-92) for five additional years to allow for continued evaluation of this capability. Extension of the authority in the FY 2027 NDAA will allow United States Special Operations Command (USSOCOM) to further evaluate the benefits, to include accelerated technology development realized through the authorities granted in this proposal. This extension would provide relative data to determine if greater benefit to the Department of Defense (DoD) could be realized from wider application through the authorities granted in this proposal and reflecting the current implementation of previous proposals in which USSOCOM directly executes the authority, reporting outcomes in coordination with Secretary of Defense.

The authority for this pilot program terminates on September 30, 2025. Allowing this authority to sunset would result in the following: 1) a reduction of nearly half of USSOCOM SBIR awards for each year; 2) increased time to contract award (less than 5 days under pilot, average of 45 days using standard processes); 3) longer timelines to award contracts to procure Special Operations Forces capability upgrades (under pilot authority this averages 17 months, standard processes average over 5 years).

Established in the FY 2020 NDAA as section 851 and amended in the FY 2022 NDAA, the Pilot Program has demonstrated continued improvements using the Partnership Intermediary Agreement (PIA) when compared to FY 2019 non-Pilot Program metrics. FY 2024 participation from discrete Small Business Concerns (SBC) under the PIA LP improved and SBC responses for the Small Business Innovation and Research (SBIR) Program increased by almost 180 percent from FY 2019 to FY 2024. Additionally, projects initiated under this authority demonstrated a 46 percent transition rate (Phase III award to Program of Records derived from a Phase I or Phase II SBIR) compared to USSOCOM’s 25 percent transition rate under non-Pilot projects. Award timelines were consistently faster than non-Pilot timelines, with improvements ranging from two to four times faster.

In FY 2024, USSOCOM awarded SBIR projects funded by the following Department of Defense partners: Office of the Undersecretary of Defense for Research and Engineering, Air Force Research Laboratory, Army Technology Applications Program Office, and Space Development Agency. Technology focus areas included Artificial Intelligence enabled mission command; small, unmanned ground robotics systems; handheld defeat capabilities; compact, user-configurable sight capabilities; unmanned antenna interconnection capability; and a satellite-based tracking system.

Resource Information: The table below reflects the best estimate of resources requested within the Fiscal Year (FY) 2027 President’s Budget that are impacted by this proposal.

RESOURCE IMPACT (\$MILLIONS)									
Program	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	Appropriation	Budget Activity	BLI/SAG	Program Element (for all RDT&E programs)
SOCOM	3.0	3.0	3.0	3.0	3.0	Research, Development Test and Evaluation (RDT&E), Defense-Wide	07	1160279B B/ SBIRXXX XXXX.SE G and SBIRXST TRXX.SE G	1160279B B
Total									

Changes to Existing Law: This proposal would amend section 851(e) of the National Defense Authorization Act for FY 2020 (Public Law 116-92; 10 U.S.C. 4901 note) as follows:

SEC. 851. PILOT PROGRAM FOR DEVELOPMENT OF TECHNOLOGY-ENHANCED CAPABILITIES WITH PARTNERSHIP INTERMEDIARIES.

(a) ESTABLISHMENT.—The Secretary of Defense may authorize the Commander of the United States Special Operations Command to use funds described in subsection (b) for a pilot program under which the Commander shall make, through the use of a partnership intermediary, covered awards to small business concerns to develop technology-enhanced capabilities for special operations forces.

(b) FUNDS.—

(1) IN GENERAL.—The funds described in this subsection are funds transferred to the Commander of the United States Special Operations Command to carry out the pilot program established under this section from funds available to be expended by each covered entity pursuant to section 9(f) of the Small Business Act (15 U.S.C. 638(f)).

(2) LIMITATIONS.—

(A) FISCAL YEAR.—A covered entity may not transfer to the Commander an amount greater than 10 percent of the funds available to be expended by such covered entity pursuant to such section 9(f) for a fiscal year.

(B) AGGREGATE AMOUNT.—The aggregate amount of funds to be transferred to the Commander may not exceed \$20,000,000.

(c) PARTNERSHIP INTERMEDIARIES.—

(1) AUTHORIZATION.—The Commander may modify an existing agreement with a partnership intermediary to assist the Commander in carrying out the pilot program under this section, including with respect to the award of contracts and agreements to small business concerns.

(2) LIMITATION.—None of the funds described in subsection (b) may be used to pay a partnership intermediary for any costs associated with the pilot program.

(3) DATA.—With respect to a covered award made under this section, the Commander shall gather data on the role of the partnership intermediary to include the—

(A) staffing structure;

(B) funding sources; and

(C) methods for identifying and evaluating small business concerns eligible for a covered award.

(d) REPORT.—***

(e) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, ~~2025~~ 2031.

(f) DEFINITIONS.—***

1 **SEC. ____ . MODIFICATION OF AUTHORITY TO PURCHASE USED VESSELS**
2 **UNDER THE NATIONAL DEFENSE SEALIFT FUND TO**
3 **RECAPITALIZE THE READY RESERVE FORCE.**

4 (a) EXCLUSION OF VESSELS BUILT IN CHINA.—

5 (1) EXCLUSION.—Subsection (f)(3) of section 2218 of title 10, United States
6 Code, is amended—

7 (A) in subparagraph (A), by striking “any used vessel, regardless of where
8 such vessel was constructed” and inserting “any used vessel (other than an
9 excluded vessel), regardless of where such vessel was constructed,”; and

10 (B) in subparagraph (B), by inserting “(other than an excluded vessel)”
11 after “a used vessel”.

12 (2) DEFINITION OF EXCLUDED VESSEL.—Subsection (k) of such section is amended
13 by adding at the end the following new paragraph:

14 “(6) The term ‘excluded vessel’ means a vessel that was—

15 “(A) constructed or substantially modified in the People’s Republic of
16 China; or

17 “(B) built by a Chinese military company or a Chinese-owned or -
18 controlled entity.”.

19 (b) REQUIREMENT FOR PURCHASE OF TWO NEW UNITED STATES-CONSTRUCTED VESSELS
20 FOR EACH FOREIGN-CONSTRUCTED USED VESSEL PURCHASED IN EXCESS OF 12.—Subparagraph
21 (C) of subsection (f)(3) of such section is amended to read as follows:

22 “(C) For each foreign-constructed vessel purchased by the Secretary under the authority
23 of this paragraph in excess of 12, the Secretary shall contract for the purchase of two new vessels
24 each of which is to be constructed in a shipyard located in the United States.”.

25 (c) REPEAL OF OBSOLETE PROVISION.—Such subparagraph is further amended -

26 (1) by striking subparagraph (E); and

27 (2) by redesignating subparagraph (F) as subparagraph (E).

28 (d) REPEAL OF 30-DAY NOTICE-AND-WAIT PERIOD BEFORE CERTAIN PURCHASES MAY BE
29 FINALIZED.—Such subparagraph is further amended by striking subparagraph (G).

30 (e) CLARIFYING AMENDMENT.—Such subsection is further amended in subparagraph (D)
31 by striking “subparagraph (A)” and inserting “this paragraph”.

32 (f) TECHNICAL AMENDMENTS TO UPDATE CITATIONS.—Such section is further
33 amended—

34 (1) in subsection (d)(3), by striking “(10 U.S.C. 8661 note)” and inserting
35 “(Public Law 101-510; 10 U.S.C. 8661 note)”;

36 (2) in subsections (f)(2) and (k)(2)(A), by striking “Public Law 101–510 (104
37 Stat. 1683)” and inserting “the National Defense Authorization Act for Fiscal Year
38 1991 (Public Law 101-510; 10 U.S.C. 8661 note)”;

39 (3) in subsections (c)(1)(D) and (k)(3)(B), by striking “section 11 of the Merchant
40 Ship Sales Act of 1946 (50 U.S.C. 4405)” and inserting “section 57100 of title 46”.

[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(f)(3) of title 10, United States Code, to make four changes in the Navy’s Buy-Used Recapitalization Program.

First, the proposal would amend subparagraph (A) of that section to specify that used vessels may not be purchased under the Buy-Used Recapitalization Program from the People's Republic of China or a Chinese entity.

Second, the proposal would amend subparagraph (C) of that section to remove the current limitation of 12 on the number of used foreign-constructed vessels that can be purchased under section 2218(f)(3) and replace that limitation with a requirement that for each such purchase of a foreign-constructed vessel in excess of 12, the Secretary shall contract for the construction of two new vessels as part of the Vessel Construction Manager (VCM) program with the Maritime Administration, with each such vessel to be constructed in a shipyard located in the United States. The current limitation of 12 foreign-constructed vessels is insufficient to enable the recapitalization of the Ready Reserve Force (RFF) since 32 sealift vessels will be retired over the 10-year period from 2026-2035. A combination of new construction sealift vessels, as described in section 57100 of title 46, United States Code, and foreign built vessels are required to replace retiring vessels and maintain sealift capacity. Every ship purchased will require work by U.S. shipyards to prepare it for Government service and potentially reclassify or modify for military utility.

Third, the proposal would repeal subparagraph (E) of that section, the Secretary having submitted to Congress the certification required by that subparagraph of a new construction acquisition plan of more than 10 sealift or auxiliary ships with the first ship delivery by 2028 in November 2022. That certification completes the requirement for the Secretary to initiate an acquisition strategy for the construction in United States shipyards of not less than 10 new vessels that are sealift vessels, auxiliary vessels, or a combination of such vessels, and accordingly the subparagraph (E) can be repealed as having been carried out and having no further effect.

Fourth, the proposal would repeal subparagraph (G) of that section, thereby allowing the Secretary to finalize and execute the final purchase of any vessel without a 30-day wait period. The Secretary has purchased seven used vessels to date and per subsection (f)(3)(F) has submitted two reports with details on the proposed purchases to the congressional defense committees. Lessons learned from the purchases of the first seven vessels indicate that commercial sellers are more likely to engage with the Secretary of Defense and the Department of Transportation's (DOT) Maritime Administration (MARAD) on the purchase of used vessels without a 30-day wait period to finalize the purchase of a used vessel.

Over 70 percent of the surge sealift vessels are approaching the end of their service life in the next 10 years. By increasing or removing the limit on the number of used vessels authorized for purchase under the buy-used authority gives Navy predictable authorities to provide a balanced sealift recapitalization effort between buy-used and new construction vessels 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 DOT 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 seven of the more than 50 used or new vessels necessary, as outlined in the 30-Year Shipbuilding Plan submitted as part of the President's

Budget for fiscal year (FY) 2026 (PB26). PB 2025 requested funding used for the purchase of two used vessels and the PB 2026 budget requested an additional used vessel, bringing the total of used vessels to ten. Authority to purchase used vessels, beyond the twelve currently authorized, is required by FY 2027 to continue the Buy-Used Recapitalization Program and to take full advantage of opportunities in the commercial market. Without additional authority, the Department of the Navy will be unable to execute appropriated funds.

The proposal would also make technical amendments to 10 U.S.C. 2218 to clarify cross references and update references in that section to other statutes.

Resource Information: The resources affected by this proposal are reflected in the table below and are included within the FY 2027 President’s Budget request. 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.

Program	RESOURCE IMPACT (\$MILLIONS)					Appropriation	Budget Activity	BLI/SAG	Program Element
	FY2027	FY 2028	FY 2029	FY 2030	FY 2031				
# of Ships	1	1	0	0	0	Shipbuilding & Conversion, Navy	05	5201	0208036 N
Used Ships Funding	\$130	\$130	0	0	0	Shipbuilding & Conversion, Navy	05	5201	0208036 N
# of Ships	1	1	0	1	2	Shipbuilding & Conversion, Navy	05	5104	0208036 N
New Ships Funding	\$450	\$350	0	\$350	\$700	Shipbuilding & Conversion, Navy	05	5104	0208036 N
Total	\$580	\$480	0	\$350	\$700				

Changes to Existing Law: This proposal would make the following changes to section 2218 of title 10, United States Code, as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2026:

§ 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”.

(b) ADMINISTRATION OF FUND.—The Secretary of Defense shall administer the Fund consistent with the provisions of this section.

(c) FUND PURPOSES.—(1) Funds in the National Defense Sealift Fund shall be available for obligation and expenditure only for the following purposes:

(A) Construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels.

(B) Operation, maintenance, and lease or charter of Department of Defense vessels for national defense purposes.

(C) Installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States.

(D) Expenses for maintaining the National Defense Reserve Fleet under ~~section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405)~~ section 57100 of title 46, and for the costs of acquisition of vessels for, and alteration and conversion of vessels in (or to be placed in), the fleet, but only for vessels built in United States shipyards.

(2) Funds in the National Defense Sealift Fund may be obligated or expended only in amounts authorized by law.

(3) Funds obligated and expended for a purpose set forth in subparagraph (B) of paragraph (1) may be derived only from funds deposited in the National Defense Sealift Fund pursuant to subsection (d)(1).

(d) DEPOSITS.—There shall be deposited in the Fund the following:

(1) All funds appropriated to the Department of Defense for—

(A) construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

(B) operations, maintenance, and lease or charter of national defense sealift vessels; and

(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels.

(2) All receipts from the disposition of national defense sealift vessels, excluding receipts from the sale, exchange, or scrapping of National Defense Reserve Fleet vessels under sections 57101–57104 and chapter 573 of title 46.

(3) All receipts from the charter of vessels under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 8661 note).

(4) Any other funds made available to the Department of Defense to carry out any of the purposes described in subsection (c).

(e) ACCEPTANCE OF SUPPORT.—***

* * * * *

(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~~) 10 U.S.C. 8661 note).

(3)(A) Notwithstanding the limitations under subsection (c)(1)(D) and paragraph (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 vessel (other than an excluded vessel), 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 clauses (i) and (ii) of subparagraph (A) is available, the Secretary may purchase a used vessel (other than an excluded vessels) 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 12 foreign constructed vessels.~~

(C) For each foreign-constructed vessel purchased by the Secretary under the authority of this paragraph in excess of 12, the Secretary shall contract for the purchase of two new vessels each of which is to be constructed in a shipyard located in the United States

(D) The Secretary shall ensure that the initial conversion, or modernization of any vessel purchased under the authority of ~~subparagraph (A)~~ this paragraph 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)~~ (E) 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.~~

* * * * *

(i) TITLE OR MANAGEMENT OF VESSELS.—Nothing in this section (other than subsection (c)(1)(D)) shall be construed to affect or modify title to, management of, or funding responsibilities for, any vessel of the National Defense Reserve Fleet, or assigned to the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 57100 of title 46.

* * * * *

(k) DEFINITIONS.—In this section:

(1) The term “Fund” means the National Defense Sealift Fund established by subsection (a).

(2) The term “Department of Defense sealift vessel” means any ship owned, operated, controlled, or chartered by the Department of Defense that is any of the following:

(A) A fast sealift ship, including any vessel in the Fast Sealift Program established under section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510 (104 Stat. 1683; 10 U.S.C. 8661 note).

(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.

(3) The term “national defense sealift vessel” means—

(A) a Department of Defense sealift vessel; and

(B) a national defense reserve fleet vessel, including a vessel in the Ready Reserve Force maintained under ~~section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405)~~ section 57100 of title 46.

(4) The term “head of an agency” has the meaning given that term in section 3004 of this title.

(5) The term “Maritime Security Fleet” means the fleet established under section 53102(a) of title 46.

(6) The term “excluded vessel” means a vessel that was—

(A) constructed or substantially modified in the People’s Republic of China; or

(B) built by a Chinese military company or a Chinese-owned or -controlled entity.

1 **SEC. ___. MODIFICATION OF PROGRAM ON ENCOURAGEMENT OF**
2 **POSTSEPARATION PUBLIC AND COMMUNITY SERVICE WITH**
3 **RESPECT TO PERSONS ELIGIBLE FOR PROGRAM.**

4 (a) MODIFICATION OF APPLICABILITY OF REPEALED SECTION.—Section 553(c)(2) of the
5 John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232;
6 132 Stat. 1773) is amended by striking “The repeal made under paragraph (1)” and inserting
7 “The amendments made by this section”.

8 (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if
9 included in the enactment of the John S. McCain National Defense Authorization Act for Fiscal
10 Year 2019 (Public Law 115-232).

[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 553 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 to ensure that persons still eligible to participate in the postseparation public and community service program (“program”) can appropriately register their public service employment with the Department of Defense and receive the benefits for which they are eligible.

The repeal of the program had the unintended impact of removing the Department’s authority to maintain and update the list of eligible public service employers. The program is still in effect for those persons who retired before the date of the enactment of the repeal. However, some retirees who are still eligible for the program and who are employed by an organization that the Department of Defense would have agreed met the qualifications to be eligible employers for which the retiree could receive credit for service, now cannot be added to the eligibility list. Thus, the retiree cannot receive credit under the program for that service.

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

Changes to Existing Law: This proposal would amend section 553 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 as follows:

SEC. 553. REPEAL OF PROGRAM ON ENCOURAGEMENT OF POSTSEPARATION PUBLIC AND COMMUNITY SERVICE.

(a) REPEAL.—

(1) IN GENERAL.—Section 1143a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1143a.

(b) CONFORMING AMENDMENTS.—

(1) Section 1144(b) of title 10, United States Code, is amended—

(A) by striking paragraph (8); and

(B) by redesignating paragraphs (9), (10), and (11) as paragraphs (8), (9), and (10), respectively.

(2) Section 1142(b)(4)(C) of such title is amended by striking “the public and community service jobs program carried out under section 1143a of this title, and”.

(3) Section 159(c)(2)(D) of the National and Community Service Act of 1990 (42 U.S.C. 12619(c)(2)(D)) is amended by striking “and as employment with a public service or community service organization for purposes of section 4464 of that Act”.

(4) Section 162(a)(2) of such Act (42 U.S.C. 12622(a)(2)) is amended by striking “shall” and all that follows through “provide other” and inserting “shall provide”.

(5) Subsection (c) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) is amended to read as follows:

“(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—During the period specified in subsection (i)(2), this section does not apply as follows:

“(1) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1293 note).

“(2) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 10 U.S.C. 1293 note).”.

(c) CONFORMING REPEAL.—

(1) REPEAL.—Section 4464 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1143a note) is repealed.

(2) APPLICABILITY.—~~The repeal made under paragraph (1)~~ amendments made by this section shall apply with respect to an individual who retires from the Armed Forces on or after the date of the enactment of this Act.

1 **SEC. ____ . REALIGNMENT OF DEPARTMENT OF DEFENSE PERFORMANCE**
2 **IMPROVEMENT POLICIES WITH POLICIES UNDER GENERAL**
3 **GOVERNMENT STATUTES.**

4 (a) REPEAL OF REQUIREMENT FOR DoD PERFORMANCE IMPROVEMENT OFFICER.—

5 (1) REPEAL.—Section 132a of title 10, United States Code, is repealed.

6 (2) CONFORMING AMENDMENTS.— Section 2222(f)(1) of such title is amended in
7 the second sentence—

8 (A) by striking “co-chaired” and inserting “chaired”; and

9 (B) by striking “and the Performance Improvement Officer”.

10 (b) REPEAL OF EFFICACY AND EFFICIENCY REQUIREMENTS SPECIFIC TO DoD.—Section
11 125a of title 10, United States Code, is repealed.

12 (c) REPEAL OF REQUIREMENT FOR DoD STRATEGIC MANAGEMENT PLAN.—Section
13 904(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10
14 U.S.C. note prec. 2201) is repealed.

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

Section-by-section Analysis

This proposal would repeal three provisions of law that cause the Department of Defense (DoD) performance improvement process to be misaligned and incompatible with the larger Federal Government performance improvement process.

Subsection (a) of this proposal would repeal section 132a of title 10, United States Code, as added by section 902 of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (Public Law 118-159) (“Section 132a”). Section 132a provides that “[t]here is a Performance Improvement Officer of the Department of Defense, to be appointed by the Secretary of Defense from among the ranks of qualified individuals from the senior career civil service.” However, Section 132a was unnecessary as the Deputy Secretary of Defense, pursuant to November 13, 2007, Executive Order 13450, “Improving Government Program Performance,” appointed a DoD Performance Improvement Officer on January 31, 2008 (Deputy Secretary of Defense memorandum, “Department of

Defense Performance Improvement Officer”) — 16 years before the enactment of Section 132a. Further underscoring the unnecessary nature of Section 132a, the GPRA Modernization Act of 2010 (Public Law 111-352) (the “GPRA Modernization Act”), which became law on January 4, 2011, provided that the head of each agency, in consultation with the agency Chief Operating Officer, “shall designate a senior executive of the agency as the agency Performance Improvement Officer” (31 U.S.C. 1124) – 13 years before the enactment of Section 132a.

The GPRA Modernization Act also established for all agency Performance Improvement Officers requirements and standard functions. For example, unlike Section 132a, the GPRA Modernization Act did not require the heads of other agencies to appoint a Deputy Performance Improvement Officer, who is also the “first assistant to the Performance Improvement Officer.” Also, Section 132a established DoD Improvement Officer functions different from the functions assigned to other Federal departments and agencies by the GPRA Modernization Act. On one hand, the GPRA Modernization Act assigned the following functions to the Performance Improvement Officers of other Federal departments and agencies: (1) assist the head of the agency and the Chief Operating Officer (COO), ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved; (2) assist the head of the agency and the COO in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of title 31, U.S. Code (i.e., Agency performance plan, agency performance reporting, identify agency priority goals, and progress reviews of agency priority goals), and section 306 of title 5, U.S. Code (strategic plan), including the contributions of the agency to the Federal Government priority goals; (3) support the head of agency and the COO in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable; (4) assist the head of the agency and the COO in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and (5) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

On the other hand, Section 132a assigned the following functions to the DoD Performance Improvement Officer: (i) oversight of DoD transformational business modernization and business process re-engineering; (ii) oversight of Government Accountability Office (GAO) recommendations and solutions to solve issues identified by the High Risk List maintained by the GAO; (iii) serve as the lead official devoted to modernizing the DoD business processes that serve as the baseline for all external acquisition and internal operations; (iv) chair the Defense Performance Improvement Council (or any successor organization); (v) serve as co-chair of the Defense Business Council; (vi) oversight and management of the Defense Management Institute; (vii) execute not fewer than two annual meetings of the Defense Management Action Group (or any successor organization) with agendas relating to the DoD Strategic Management Plan; and (viii) maintain authority for convening meetings of DoD personnel and organizations on matters relating to these functions.

Subsection (b) of this proposal would repeal section 125a of title 10, United States Code, as added by section 911 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) (“Section 125a”). Section 125a provides that the “Secretary of Defense shall take such action as is necessary to reform the Department of Defense to improve the efficacy and efficiency of the Department, and to improve the ability of the Department to prioritize among and assess the costs and benefits of covered elements of reform.” Moreover, section 911 directed the Secretary of Defense to “develop a policy and issue guidance to implement reform within the Department and to improve the ability of the Department to prioritize among and assess the costs and benefits of covered elements of reform.” However, Section 125a was unnecessary as section 125(a) of title 10, United States Code, already provides that the “Secretary of Defense shall take appropriate action (including the transfer, reassignment, consolidation, or abolition of any function, power, or duty) to provide *more effective, efficient, and economical administration and operation, and to eliminate duplication*, in the Department of Defense” [emphasis added]. Also, no other Federal department or agency is subject to a similar reform provision.

Finally, subsection (c) of this proposal would repeal section 904(d) the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) (“Section 904(d)”). Section 904 established within DoD the position of the Chief Management Officer and, in subsection (d), requires a DoD Strategic Management Plan and updated versions to be provided to the Committees on Armed Services of the Senate and the House of Representatives every two years. However, section 901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) repealed the position of DoD Chief Management Officer, and section 306 of title 5, United States Code, as enacted by section 11 of the GPRA Modernization Act, already required each agency to make available to the public – and notify the President and the Congress – a strategic plan not later than the first Monday in February of any year following the year in which the term of the President commences under 3 U.S.C. 101. In other words, Section 904(d) requires DoD to submit a strategic plan every two years, while other Federal departments and agencies are required to make available to the public, the President, and the Congress a strategic plan every four years.

The cumulative result of the three provisions of law described above is the misalignment and incompatibility of DoD’s performance improvement processes, plans, and reports with the greater Federal Government’s performance improvement processes, plans, and reports. Such misalignment and incompatibility impose unique burdens on DoD and complicate DoD compliance (e.g., compliance with Office of Management and Budget guidance for implementation of the GPRA Modernization Act).

The repeals included in this proposal would return DoD to coverage under the body of laws that apply to other Federal departments and agencies, aligning and making compatible DoD performance improvement processes, plans, and reports with those of the overall Federal Government.

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

Changes to Existing Law: This proposal would amend existing provisions of law as follows:

TITLE 10, UNITED STATES CODE

* * * * *

§ 125a. Reform: improvement of efficacy and efficiency

~~(a) IN GENERAL.—The Secretary of Defense shall take such action as is necessary to reform the Department of Defense to improve the efficacy and efficiency of the Department, and to improve the ability of the Department to prioritize among and assess the costs and benefits of covered elements of reform.~~

~~(b) POLICY.—The Secretary shall develop a policy and issue guidance to implement reform within the Department and to improve the ability of the Department to prioritize among and assess the costs and benefits of covered elements of reform.~~

~~(c) FRAMEWORK FOR REFORM.—~~

~~(1) IN GENERAL.— Not later than February 1, 2022, the Secretary shall establish policies, guidance, and a consistent reporting framework to measure the progress of the Department toward covered elements of reform, including by establishing categories of reform, consistent metrics, and a process for prioritization of reform activities.~~

~~(2) SCOPE.— The framework required by paragraph (1) may address duties under the following:~~

- ~~(A) Section 125 of this title.~~
- ~~(B) Section 192 of this title.~~
- ~~(C) Section 2222 of this title.~~
- ~~(D) Section 1124 of title 31.~~
- ~~(E) Section 11319 of title 40.~~

~~(3) CONSULTATION.— The Secretary shall consult with the Deputy Secretary of Defense, the Performance Improvement Officer of the Department of Defense, the Chief Data Officer of the Department of Defense, the Chief Information Officer of the Department of Defense, and the financial managers of the military departments in carrying out activities under this subsection.~~

~~(d) COVERED ELEMENTS OF REFORM.— For purposes of this section and the policies, guidance, and reporting framework required by subsection (c), covered elements of reform may include the following:~~

- ~~(1) Business systems modernization.~~
- ~~(2) Enterprise business operations process re-engineering.~~
- ~~(3) Expanded and modernized collection, management, dissemination, and visualization of data to support decision making at all levels of the enterprise.~~
- ~~(4) Improvements in workforce training and education and increasing capabilities of the Department workforce to support and execute reform activities and business processes.~~
- ~~(5) Improvements to decision making processes to enable cost savings, cost avoidance, or investments to develop process improvements.~~
- ~~(6) Such other elements as the Secretary considers appropriate.~~

~~(e) ANNUAL REPORT.—At the same time the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary shall, using the policies, guidance, and reporting framework required by subsection (c), submit to the congressional defense committees a report, including detailed narrative justifications and tradeoff analyses between options, on the actions of the Department as follows:~~

~~(1) The activities, expenditures, and accomplishments carried out or made to effect reform under this section during the fiscal year in which such budget is submitted.~~

~~(2) The proposed activities, expenditures, and accomplishments to effect reform under this section, and consistent with priorities established by the Secretary, during the fiscal year covered by such budget and each of the four succeeding fiscal years.~~

~~* * * * *~~

§ 132a. Performance improvement officer

~~(a) ESTABLISHMENT.—~~

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

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

~~(b) DEPUTY.—The Performance Improvement Officer shall be supported by a Deputy who shall be appointed by the Secretary of Defense from among the ranks of qualified individuals from the senior career civil service. The Deputy shall be the first assistant to the Performance Improvement Officer and shall assist that Officer in the performance of the duties of that position and shall act for, and exercise the powers of, the Officer when that Officer dies, resigns, or is otherwise unable to perform the functions and duties of the office.~~

~~(c) DUTIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the Secretary of Defense and the Deputy Secretary of Defense, the Performance Improvement Officer shall perform such duties, exercise such powers, and have such responsibilities as the Secretary or the Deputy Secretary may prescribe, including the following:~~

~~(1) Responsibility for updating and implementing the Strategic Management Plan of the Department of Defense required by section 904(d) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110 181; 10 U.S.C. note prec. 2201).~~

~~(2) Responsibility for chairing the Defense Performance Improvement Council (or any successor organization).~~

~~(3) Responsibility for the Defense Performance Improvement Framework, as established under section 125a of this title.~~

~~(4) Responsibility for the execution of not fewer than two annual meetings of the Defense Management Action Group (or any successor organization) with agendas relating to the Strategic Management Plan described in paragraph (1).~~

~~(5) Oversight of transformational business modernization and business process re-engineering of the Department of Defense.~~

~~(6) Oversight and tracking the implementation of—~~

~~(A) solutions to solve issues identified by the High Risk List maintained by the Government Accountability Office; and~~

~~(B) other recommendations of such Office.~~

~~(7) Serving as the lead official devoted to modernizing the business processes of the Department that serve as the baseline for all external acquisition and internal operations.~~

~~(8) Oversight and management of the Defense Management Institute (as established pursuant to the memorandum of the Director of Administration and Management of the Department dated January 13, 2023), or any successor organization.~~

~~(9) Serving as co-chair of the Defense Business Council in accordance with section 2222(f)(1) of this title.~~

~~(10) Maintaining authority for convening meetings of personnel and organizations of the Department on matters relating to the duties and responsibilities described in this subsection.~~

* * * * *

§2222. Defense business systems: business process reengineering; enterprise architecture; management

(a) DEFENSE BUSINESS PROCESSES GENERALLY.—The Secretary of Defense shall ensure that defense business processes are reviewed, and as appropriate revised, through business process reengineering to match best commercial practices, to the maximum extent practicable, so as to minimize customization of commercial business systems.

(b) DEFENSE BUSINESS SYSTEMS GENERALLY.—***

(f) DEFENSE BUSINESS COUNCIL.—

(1) REQUIREMENT FOR COUNCIL.—The Secretary shall establish a Defense Business Council to provide advice to the Secretary on developing the defense business enterprise architecture, reengineering the Department's business processes, developing and deploying defense business systems, and developing requirements for defense business systems. The Council shall be ~~co-chaired~~ chaired by the Chief Information Officer ~~and the Performance Improvement Officer~~ of the Department of Defense.

(2) ***

**Section 904(d) the National Defense Authorization Act for Fiscal Year 2008
(Public Law 110-181; 10 U.S.C. note prec. 2201)**

SEC. 904. MANAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) ASSIGNMENT OF MANAGEMENT DUTIES AND DESIGNATION OF A CHIEF MANAGEMENT OFFICER AND DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.—***

~~(d) STRATEGIC MANAGEMENT PLAN REQUIRED.—~~

~~(1) REQUIREMENT.—The Secretary of Defense, acting through the Chief Management Officer of the Department of Defense, shall develop a strategic management plan for the Department of Defense.~~

~~(2) MATTERS COVERED.—Such plan shall include, at a minimum, detailed descriptions of—~~

~~(A) performance goals and measures for improving and evaluating the overall efficiency and effectiveness of the business operations of the Department of Defense and achieving an integrated management system for business support areas within the Department of Defense;~~

~~(B) key initiatives to be undertaken by the Department of Defense to achieve the performance goals under subparagraph (A), together with related resource needs;~~

~~(C) procedures to monitor the progress of the Department of Defense in meeting performance goals and measures under subparagraph (A);~~

~~(D) procedures to review and approve plans and budgets for changes in business operations, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic management plan of the Department of Defense; and~~

~~(E) procedures to oversee the development of, and review and approve, all budget requests for defense business systems.~~

~~(3) UPDATES.—The Secretary of Defense, acting through the Chief Management Officer, shall update the strategic management plan no later than July 1, 2009, and every two years thereafter and provide a copy to the Committees on Armed Services of the Senate and the House of Representatives.~~

~~(e) REPORT.—***~~

1 **SEC. ____ . REDESIGNATION OF THE DEPARTMENT OF DEFENSE AS THE**
2 **DEPARTMENT OF WAR.**

3 (a) CHANGES TO DEPARTMENTAL AND POSITIONAL TITLES IN POSITIVE LAW TITLES OF
4 UNITED STATES CODE.—Titles 10, 32, and 37, United States Code, are amended, in each case
5 with the matter inserted to be in the same typeface and typestyle as the matter stricken, by—

6 (1) striking “Department of Defense” each place it appears and inserting
7 “Department of War”; and

8 (2) striking “Secretary of Defense” each place it appears and inserting “Secretary
9 of War”.

10 (b) CONFORMING CHANGES TO TITLE 10.—Title 10, United States Code, is amended, in
11 each case with the matter inserted to be in the same typeface and typestyle as the matter

12 stricken—

13 (1) in sections 143, 2701(a)(4), 7381(c), 8226(c), and 9381(c), by striking “OSD”
14 each place it appears and inserting “Office of the Secretary of War”;

15 (2) in sections 148(c)(6), 165(c), 194(f), 392(e), 430b(d)(2), 1501(b), 1784(g),
16 2111b(e), 2461(b), 2563(a), 2701(f), 2704(c), 2704(d)(3), 7543(a), and 7687(a), by
17 striking “DoD” and “DOD” each place it appears and inserting “Department of War”;

18 (3) in section 127e(h), by striking “ASD” and inserting “Assistant Secretary of
19 War”;

20 (4) in sections 1175a(j)(5), 4022(e)(1), 4863(b)(3)(C), and 4872(d)(3), by striking
21 “Undersecretary of Defense” each of the places it appears and inserting “Under Secretary
22 of War”;

23 (5) in section 2926(f)(5)(D), by striking “Secretary for Defense” and insert

1 “Secretary of War”;

2 (6) in sections 131(b), 137a, 138, 139b(b)(3)(B)(vii), 398a(c), 1142(b)(19), by
3 striking “Secretaries of Defense” each place it appears and inserting “Secretaries of
4 War”;

5 (7) in section 2164b, by striking “DODEA” each place it appears and inserting
6 “Department of War Education Activity”; and

7 (8) in section 4091, by striking “Defense Test Resource Management Center”
8 each place it appears and inserting “Department of War Test Resource Management
9 Center”.

10 (c) EXCEPTIONS FOR DATE SPECIFIC ISSUANCES IN TITLE 10.—

11 (1) The amendments in subsections (a)(1) and (b)(2) shall not apply to sections
12 120(d), 1721(c), 2216a(c)(1), 2263(b)(2), 2856a(c), 2856b(c), 3138(f)(4), 4505(h)(5),
13 4506(d)(2)(A), 4506(f)(3), 4832(c)(4), and 5502(c)(3)(B) of title 10, United States Code.

14 (2) The amendments in subsection (a)(1) shall not apply to the term “Department
15 of Defense Interim Guidance dated February 29, 2000” in section 2475(a) of title 10,
16 United States Code.

17 (3) The amendments in subsection (a)(2) shall not apply to sections
18 499c(a)(1)(D), 500d(c), 2281(d)(2), 3138(f)(4), 5502(c)(3)(A), and 5502(c)(3)(B) of title
19 10, United States Code.

20 (d) OTHER REFERENCES.— Chapter 1 of title 10, United States Code, is amended by
21 inserting after section 102 the following new section:

22 **“§103. References to the Secretary of Defense and Department of Defense**

23 “Any reference to the Secretary of Defense and Department of Defense in any law,

- 1 regulation, map, document, record, or other paper of the United States shall be deemed to be a
- 2 reference to the Secretary of War and Department of War, respectively.”.

Section-by-Section Analysis

This proposal would amend all references to “Secretary of Defense” and “Department of Defense” (DoD) to “Secretary of War” and “Department of War” (DoW), respectively, in titles 10, 32, and 37 of United States Code (U.S.C.). By amending “Secretary of Defense”, the proposal would amend derivative titles (e.g., Under Secretary of Defense, Deputy Assistant Secretary of Defense, Office of the Secretary of Defense). The proposal would also update derivative acronyms (e.g., OSD, DoD), amend improper forms (e.g., “Secretary for Defense” and “Undersecretary of Defense”), address “point in time” issuances, and add a new section that clarifies that references to the Secretary and Department of Defense shall be deemed to refer to the Secretary and Department of War.

If enacted, this action would make approximately 7,600 changes to law (see table).

Terms to be Changed	Title 10 Armed Forces	Title 32 National Guard	Title 37 Pay and Allowance of the Uniformed Services	Total
Department of Defense	2,901	9	15	2,925
Secretary of Defense*	4,412	34	151	4,597
OSD (acronyms)	8	0	0	8
ASD (acronym)	1	0	0	1
DODEA (acronyms)	15	0	0	15
DOD/DoD (acronyms)	23	0	0	23
Secretary for Defense	1	0	0	1
Undersecretary of Defense	6	0	0	6
Secretaries of Defense	18	0	0	18
Total	7,385	43	166	7,594

**And derivations (e.g., Assistant Secretary of Defense)*

Pursuant to Executive Order 14347, “Restoring the United States Department of War,” September 5, 2025, and Secretary Hegseth’s October 10, 2025 guidance, the Department has already taken steps to change references from Secretary of Defense and Department of Defense to Secretary of War and Department of War, respectively. Changes were implemented in Fiscal

Year (FY) 2026 from existing resources in the most cost effective and non-invasive ways (e.g., using stock until depleted before making changes to letterhead, updating signage by collective purchases). Actual costs are being collected during implementation and will be available after FY 2026 execution is completed. Current FY 2026 estimates are approximately \$3.5 million for the Military Departments; \$3.0 million for the Office of the Secretary of War and Washington Headquarters Services; \$0.4 million for the Joint Staff, Combatant Commands, and National Guard Bureau; and \$44.6 million for the Defense Agencies and DoW Field Activities (as Defense-wide activities, these organizations had more incidental changes needed).

The revision to the designation of the Department serves as a fundamental reminder of the importance and reverence of our core mission, to fight and win wars. It serves as a strategic objective in which to measure and prioritize all activities.

Resource Information: This proposal has no significant impact on the use of resources requested within the FY 2027 President’s Budget. Changes have already been implemented in FY 2026 (see description above).

Changes to Existing Law: This proposal would amend three titles of the United States Code, and approximately 7,600 references and would add a new section 10 U.S.C. 103, as set forth in the legislative text above.

1 **SEC. ___. REMOVAL OF WASHINGTON HEADQUARTERS SERVICES DIRECT**
2 **SUPPORT FROM PERSONNEL LIMITATION ON THE OFFICE OF**
3 **THE SECRETARY OF DEFENSE.**

4 Section 143(b) of title 10, United States Code, is amended by striking “(including Direct
5 Support Activities of that Office and the Washington Headquarters Services of the Department
6 of Defense)”.

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

Section-by-Section Analysis

This proposal would remove direct support positions of the Washington Headquarters Services (WHS), supporting the staff of the Office of the Secretary of Defense (OSD), from a personnel limitation that applies to OSD. Section 143 of title 10, United States Code, establishes a limitation on the number of military and civilian personnel in OSD, but counts the direct support from WHS against the OSD workforce levels. The arbitrary inclusion of WHS support against the OSD limit prevents the Secretary of Defense from utilizing the full workforce levels allowed for OSD to meet the Administration’s priorities (e.g. Golden Dome for America Direct Reporting Program Manager).

Moreover, WHS, as a Department of Defense (DoD) Field Activity, is a separate entity whose mission and functions are distinct from OSD. The inclusion of WHS personnel in limitations on OSD staffing arbitrarily distorts OSD personnel levels (as measured against the statutory limit) and adversely impacts assignment and employment of capacity within OSD. Additionally, the WHS direct support to OSD is comprised of core WHS functions that support elements other than OSD (e.g., financial management for the Pentagon Force Protection Agency, Defense Legal Services Agency, and Office of Local Defense Community Cooperation). Of note, other Defense Agencies and DoD Field Activities that provide support to OSD are not counted in the OSD limit.

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

Changes to Existing Law: This proposal would amend section 143 of title 10, United States Code, as follows:

§ 143. Office of the Secretary of Defense personnel: limitation

(a) PERMANENT LIMITATION ON OSD PERSONNEL.—The number of OSD personnel may not exceed 4,300.

(b) OSD PERSONNEL DEFINED.—For purposes of this section, the term “OSD personnel” means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense ~~(including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).~~

(c) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Secretary of Defense in order to comply with this section, the Secretary of Defense may not reassign functions solely in order to evade the requirements contained in this section.

1 **SEC. ____ . REPEAL OF REQUIREMENT FOR ANNUAL BRIEFING ON ACTIVITIES**
2 **AND PROGRESS OF THE NATIONAL SPACE DEFENSE CENTER.**

3 Section 605(e) of the Intelligence Authorization Act for Fiscal Year 2017 (division N of
4 Public Law 115-31;10 U.S.C. 2271 note) is repealed.

Section-by-Section Analysis

This proposal would repeal the congressional reporting requirements in section 605(e) of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115-31;10 U.S.C. 2271 note), as amended by section 1604(c) of Public Law 116–283. Section 605(e)(2) requires an annual briefing providing updates on the activities and progress of the National Space Defense Center (NSDC).

The briefing requirement in section 605(e)(2) is no longer necessary to ensure cooperation and further integration across Tri-Seal Interagency mission partners and stakeholders in the organization’s mission. The Tri-Seal Interagency framework brings together three organizations - U.S. Space Command (USSPACECOM), the National Reconnaissance Office (NRO), and the National Geospatial-Intelligence Agency - to jointly share threat information and conduct other measures to avoid or reduce harm from potential threats. At this stage in the existence of the NSDC, the mission requirements have outgrown the original intent of the legislation - to establish and provide updates on a concept of operations for the Center, driving integration efforts. Since the enactment of this legislation, the NSDC, formerly known as the Joint Interagency Combined Space Operations Center, has normalized day-to-day integration with its partners. The NSDC has codified built-in processes and communication pathways to systemically maximize and institutionalize stakeholder inputs. Existing support mechanisms, and frequent, recurring engagements with the Intelligence Community (IC), including the NRO, and Space Systems Command have maximized support across the Executive Branch over the past eight years.

As the NSDC evolves, its focus has shifted from organizational stand up to the advancement and employment of tactics, techniques, and procedures to protect the Joint Force from space-enabled attack and to defend all stakeholders in space. The NSDC is currently working to pursue a more closely integrated battle rhythm across other operation centers to maximize the delivery of critical capabilities. This refinement of internal processes is now overseen by the commander of U.S. Space Forces – Space (S4S) in his role as USSPACECOM Combined / Joint Force Space Component Commander (C/JFSCC) where he exercises operational control over the USSPACECOM portion of the NSDC.

It is no longer necessary to call on the Office of the Director of National Intelligence, the Commander of USSPACECOM, and the Director of the NRO to provide a directed annual briefing on their integration through the NSDC. Congress has an open invitation to visit the NSDC at any time to witness the integration of the disparate organizations towards one common goal.

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

Changes to Existing Law: This proposal would amend section 605 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115-31;10 U.S.C. 2271 note) as follows:

SEC. 605. LEADERSHIP AND MANAGEMENT OF SPACE ACTIVITIES.

(a) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives.

(b) **UPDATE TO STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall issue a written update to the strategy required by section 312 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114–113; 129 Stat. 2919).

(c) **UNITY OF EFFORT IN SPACE OPERATIONS BETWEEN THE INTELLIGENCE COMMUNITY AND DEPARTMENT OF DEFENSE.**—

(1) **REQUIREMENT FOR PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a plan to functionally integrate the governance, operations, analysis, collection, policy, and acquisition activities related to space and counterspace carried out by the intelligence community. The plan shall include analysis of no fewer than 2 alternative constructs to implement this plan, and an assessment of statutory, policy, organizational, programmatic, and resources changes that may be required to implement each alternative construct.

(2) **APPOINTMENT BY THE DIRECTOR OF NATIONAL INTELLIGENCE.**—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall appoint a single official to oversee development of the plan required by paragraph (1).

(3) **SCOPE OF PLAN.**—The plan required by paragraph (1) shall include methods to functionally integrate activities carried out by—

- (A) The National Reconnaissance Office;
- (B) the functional managers for signals intelligence and geospatial intelligence;
- (C) the Office of the Director of National Intelligence;
- (D) other Intelligence Community elements with space-related programs
- (E) joint interagency efforts; and
- (F) other entities as identified by the Director of National Intelligence in coordination with the Secretary of Defense.

(d) INTELLIGENCE COMMUNITY SPACE WORKFORCE.— Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a workforce plan to recruit, develop, and retain personnel in the intelligence community with skills and experience in space and counterspace operations, analysis, collection, policy, and acquisition.

~~(e) NATIONAL SPACE DEFENSE CENTER.—~~

~~(1) SUBMISSION TO CONGRESS.— The Director of the National Reconnaissance Office and the Commander of the United States Space Command, in consultation with the Director of National Intelligence, the Under Secretary of Defense for Intelligence, and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress concept of operations and requirements documents for the National Space Defense Center by the date that is the earlier of—~~

~~—— (A) the completion of the experimental phase of such Center; or~~

~~—— (B) 30 days after the date of the enactment of this Act.~~

~~(2) QUARTERLY BRIEFINGS.— The Director of the National Reconnaissance Office and the Commander of the United States Space Command, in coordination with the Director of National Intelligence and Under Secretary of Defense for Intelligence, shall provide to the appropriate committees of Congress briefings providing updates on activities and progress of the National Space Defense Center to begin 30 days after the date of the enactment of this Act. Such briefings shall be quarterly for the first year following enactment, and annually thereafter.~~

Subtitle E—Space Force Administrative Matters

Sec. 941. Procedures for selection of Space Force officers for promotion to major general.

Sec. 942. Protection of Government's right to free use of certain works produced by civilian faculty of Space Force professional military education programs.

Sec. 943. Redesignation of the Office of the Chief of Space Operations as the Space Staff.

1 **SEC. 941. PROCEDURES FOR SELECTION OF SPACE FORCE OFFICERS FOR** 2 **PROMOTION TO MAJOR GENERAL.**

3 (a) SELECTION BOARDS.—

4 (1) MAJOR GENERAL BOARDS TO RECOMMEND OFFICERS WHO ARE EXCEPTIONALLY
5 WELL QUALIFIED.—Subsection (a) of section 20215 of title 10, United States Code, is
6 amended—

7 (A) by striking “BOARD TO RECOMMEND” and all that follows through
8 “shall recommend” and inserting “CRITERIA FOR RECOMMENDATION OF OFFICERS
9 FOR PROMOTION .—

10 “(1) ‘BEST QUALIFIED’ CRITERION FOR RECOMMENDATION FOR PROMOTION TO
11 GRADES BELOW MAJOR GENERAL.—A selection board convened under section 20211 of
12 this title to consider officers for promotion to a grade below major general shall
13 recommend”; and

14 (B) by adding at the end the following new paragraph:

15 “(2) ‘EXCEPTIONALLY WELL QUALIFIED’ CRITERION FOR RECOMMENDATION FOR
16 PROMOTION TO GRADE OF MAJOR GENERAL.—A selection board convened under section
17 20211 of this title to consider officers for promotion to the grade of major general shall
18 recommend for promotion to that grade those officers considered by the board whom the
19 board considers exceptionally well qualified for promotion.”.

1 (2) REQUIREMENT FOR MAJORITY ACTION BY BOARD MEMBERS.—Subsection (c)(3)
2 of such section is amended by inserting after “best qualified for promotion” the
3 following: “(or, in the case of an officer recommended for promotion to the grade of
4 major general, that the officer is exceptionally well qualified for promotion)”.

5 (3) INAPPLICABILITY OF PROVISION RELATING TO PROMOTION LIST ORDER.—
6 Subsection (g)(1) of such section is amended by adding at the end the following new
7 sentence: “This subsection does not apply to a selection board convened to consider
8 officer for recommendation to the grade of major general.”.

9 (4) REPORTS OF SELECTION BOARDS.—Section 20216(a)(2) of such title is
10 amended by inserting after “best qualified for promotion” the following: “(or, in the case
11 of officers recommended for promotion to the grade of major general, that the officers are
12 exceptionally well qualified for promotion)”.

13 (5) INAPPLICABILITY OF AUTHORITY TO ADJUST PLACEMENT OF OFFICERS IN BOARD
14 REPORT.—Section 20217 of such title is amended—

15 (A) in subsection (a), by striking “or major general”; and

16 (B) in the section heading, by striking the last three words.

17 (b) PROMOTIONS TO MAJOR GENERAL.—

18 (1) PROMOTIONS TO FILL VACANCIES.—Section 20239 of such title is amended—

19 (A) in subsection (b)(3), by striking “subsections (e) and (f)” and inserting
20 “subsections (d), (f), and (g)”;

21 (B) by redesignating subsections (d), (e), and (f) as subsections (e), (f),
22 and (g), respectively; and

23 (C) by inserting after subsection (c) the following new subsection (d):

1 “(d) PROMOTION TO MAJOR GENERAL.—

2 “(1) CERTIFICATE OF ELIGIBILITY FOR PROMOTION.—When the Senate gives its
3 advice and consent to the promotion of an officer to the grade of major general, the
4 Secretary of the Air Force shall issue to the officer a certificate of eligibility for
5 promotion, dated as of the date on which the Senate gave its advice and consent.

6 “(2) PROMOTION TO FILL VACANCY.—Officers who have a certificate of eligibility
7 under paragraph (1) shall be promoted to fill vacancies as they occur in positions
8 designated to carry the grade of major general. Such promotions shall be made in
9 accordance with regulations prescribed by the Secretary of the Air Force, based upon the
10 needs of the service.

11 “(3) DURATION OF CERTIFICATE OF ELIGIBILITY.—A certificate of eligibility issued
12 under paragraph (1) expires at the end of the period beginning on the date as of when the
13 certificate of eligibility was issued and ending on the first day of the eighteenth month
14 following the month during which the certificate was so issued.”.

15 (2) REMOVAL FROM PROMOTION LIST.—Section 20241 of such title is amended—

16 (A) by redesignating subsections (d), (e), and (f) as subsections (e), (f),
17 and (g), respectively;

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

19 “(d) REMOVAL UPON EXPIRATION OF CERTIFICATE OF ELIGIBILITY.—If an officer who
20 has been issued a certificate of eligibility for promotion to the grade of major general under
21 20239(d) of this title is not appointed to that grade before the expiration of the certificate of
22 eligibility pursuant to that section, the officer's name shall be removed from the promotion list.”;
23 and

1 (C) in paragraph (1) of subsection (f), as so redesignated—

2 (i) by striking “subsection (a), (b), or (c)” and inserting “subsection
3 (a), (b), (c), or (d)”; and

4 (ii) by adding at the end the following new sentence: “The
5 authority of the Secretary of the Air Force under the preceding sentence
6 does not apply in the case of such an officer who is promoted to the grade
7 of major general following removal from a list under subsection (d).”.

8 (c) TECHNICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

9 (1) Section 20203 is amended by redesignating the second subsection (b) and
10 subsections (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively.

11 (2)(A) Section 20214 is amended by inserting before the period at the end the
12 following: “convened under section 20211 of this title in the same manner as to selection
13 boards convened under section 611 of this title”.

14 (B) Section 615(a)(1) is amended by striking “or 20211”.

15 (3) Section 20215(g)(1) is amended by striking “section 624(a)(1)” and inserting
16 “section 20239(a)(1)”.

17 (4) Section 20217(a) is amended by striking “section 20215” and inserting
18 “section 20216”.

19 (5) Section 20231 is amended—

20 (A) in subsection (a)(1), by striking “section 14101(a)” and inserting
21 “section 20211”; and

22 (B) in subsection (b)(1), by striking “section 20151” and inserting “section
23 20252”.

1 (6) Section 20239 is amended—

2 (A) in subsection (a)(1), by striking “modified” and inserting “adjusted”;

3 (B) in subsection (c)(1), by striking “subsection (f)” and inserting
4 “subsection (g)”.

5 (7) Section 20241(c) is amended by striking “section 20238(a)” in paragraphs (1)
6 and (3) and inserting “section 20239(a)(1)”.

7 (8) Section 20251(a)(2) is amended by striking “section 14201” and inserting
8 “section 14101”.

9 **SEC. 942. PROTECTION OF GOVERNMENT'S RIGHT TO FREE USE OF CERTAIN**
10 **WORKS PRODUCED BY CIVILIAN FACULTY OF SPACE FORCE**
11 **PROFESSIONAL MILITARY EDUCATION PROGRAMS.**

12 (a) INCLUSION OF SPACE FORCE EDUCATION PROGRAMS IN COVERAGE OF CIVILIAN
13 FACULTY OF DOD EDUCATIONAL INSTITUTIONS.—Paragraph (2) of subsection (d) of section 105
14 of title 17, United States Code, is amended—

15 (1) by striking subparagraphs (M), (N), and (O);

16 (2) by redesignating subparagraphs (K) and (L) as subparagraphs (M) and (N),
17 respectively; and

18 (3) by inserting after subparagraph (J) the following new subparagraphs (K) and
19 (L):

20 “(K) Space Force Senior Level Education Program.

21 “(L) Space Force Intermediate Level Education Program.”.

22 (b) CONFORMING AND CLARIFYING AMENDMENTS.—Subsection (c) of such section is
23 amended—

1 (1) in paragraph (1)—

2 (A) by striking “covered institution described in subparagraphs (A)
3 through (L) of subsection (d)(2)” and inserting “covered Department of Defense
4 institution or program”; and

5 (B) by striking “and subparagraph (M) of such subsection” and
6 inserting “or the United States Coast Guard Academy”;

7 (2) in paragraph (2), by striking “covered institution described in subsection
8 (d)(2)(M)” and inserting “United States Coast Guard Academy”;

9 (3) in paragraph (3), by striking “covered institution described in subsection
10 (d)(2)(N)” and inserting “National Intelligence University”; and

11 (4) in paragraph (4), by striking “covered institution described in subsection
12 (d)(2)(O)” and inserting “United States Merchant Marine Academy”.

13 (c) DEFINITIONS.—Subsection (d) of such section is amended—

14 (1) in paragraph (2), as amended by paragraph (1) of this subsection, by striking
15 “institution” in the matter preceding subparagraph (A) and inserting “Department of
16 Defense institution or program”; and

17 (2) in paragraph (3), by striking “at a covered institution” and inserting “at a
18 covered Department of Defense institution or program or at an institution named in
19 paragraph (2), (3), or (4) of subsection (c)”.

20 **SEC. 943. REDESIGNATION OF THE OFFICE OF THE CHIEF OF SPACE**

21 **OPERATIONS AS THE SPACE STAFF.**

22 (a) REDESIGNATION.—The Office of the Chief of Space Operations in the executive part
23 of the Department of the Air Force is redesignated as the Space Staff.

1 (b) SPACE STAFF CHARTER.—

2 (1) FUNCTION AND COMPOSITION.—Section 9084 of title 10, United States Code,
3 as redesignated by section 509C(a)(1) of the National Defense Authorization Act for
4 Fiscal Year 2025 (Public Law 118-159), is amended—

5 (A) in subsection (a), by striking “an Office of the Chief of Space
6 Operations” and inserting “a Space Staff”; and

7 (B) in subsections (b) and (c), by striking “Office of the Chief of Space
8 Operations” each place it appears and inserting “Space Staff”.

9 (2) DUTIES.—Section 9085 of such title, as redesignated by such section
10 509C(a)(1), is amended by striking “Office of the Chief of Space Operations” both places
11 it appears and inserting “Space Staff”.

12 (3) SECTION HEADINGS.— The headings of those sections are amended by striking
13 “**Office of the Chief of Space Operations**” and inserting “**Space Staff**”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 9014 of such title is
16 amended by striking “Office of the Chief of Space Operations” each place it appears and
17 inserting “Space Staff”.

18 (2) CHIEF OF SPACE OPERATIONS.—Section 9082(d) of such title is amended by
19 striking “Office of the Chief of Space Operations” each place it appears and inserting
20 “Space Staff”.

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

Section-by-Section Analysis

This proposal would make the following three changes with respect to administration of the Space Force: (1) modification of procedures for selection of Space Force officers for promotion to major general; (2) authority for protection of the Government's right to free use of certain works produced by civilian faculty of Space Force professional military education programs; and (3) redesignation of the Office of the Chief of Space Operations as the Space Staff.

SEC. 941. PROCEDURES FOR SELECTION OF SPACE FORCE OFFICERS FOR PROMOTION TO MAJOR GENERAL.

This section of the proposal would amend chapter 2002 of title 10, United States Code, to provide that, whenever there is a vacancy in the grade of major general in the Space Force or the Joint Pool under section 526(b) of title 10, United States Code, the Secretary of the Air Force has the ability to identify a Space Force brigadier general for appointment to the grade of major general. The proposed language provides that to be promoted to major general in the Space Force, an officer must be appointed with the advice and consent of the Senate after selection by a selection board. The officer would then be promoted when entering the assigned vacant major general position.

Due to the small number of major general positions in the Space Force, it is critical for Space Force leadership to fill each position with an officer who has the right mix of skills and attributes for that particular position. This is difficult to do through the current selection board process in which selection for promotion to major general is separate from the assignment process. This proposal focuses on the officer's record as the officer will have to meet a board and further consideration from the Secretary of the Air Force for potential promotion and assignment consideration. The officer seeking promotion will have to exceed performance qualifications to warrant promotion to the grade of major general.

The proposed language would establish a process in which a selection board is convened under section 20211 of title 10 to identify brigadier generals who are exceptionally well qualified to be promoted to the grade of major general. The selected officers would receive a certificate of eligibility upon Senate confirmation, similar in effect to general officers in the National Guard under section 307 of title 32. The section would permit a Secretary of the Air Force to recommend Space Force brigadier generals to the President for promotion to major general to efficiently fill projected vacant positions. This proposal will ensure that general officers with the appropriate skillset are matched to the right position to meet operational mission set requirements in synch with the strategic vision of the Department of Defense.

The section would also make conforming amendments.

SEC. 942. PROTECTION OF GOVERNMENT'S RIGHT TO FREE USE OF CERTAIN WORKS PRODUCED BY CIVILIAN FACULTY OF SPACE FORCE PROFESSIONAL MILITARY EDUCATION PROGRAMS.

This section would amend section 105 of title 17, United States Code, to treat Space Force employees in the same manner as employees of the other Service schools and the Service academies. This amendment would allow the Secretary of Defense to direct the author of a covered work who is an employee of the Space Force's Intermediate and Senior Level Education Programs to provide the Federal Government with a license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

SEC. 943. REDESIGNATION OF THE OFFICE OF THE CHIEF OF SPACE OPERATIONS AS THE SPACE STAFF

This section would redesignate the Office of the Chief of Space Operations as the Space Staff. The redesignation would align the title of the headquarters of the Space Force with that of the headquarters of the Air Force and would conform to everyday usage within the Department of the Air Force (DAF) and the Space Force.

The Office of the Chief of Space Operations (OCSO) was established following enactment of the United States Space Force Act (subtitle D of title IX of the FY2020 NDAA (P.L. 116-92)). Section 953 of that Act established the position of Chief of Space Operations and listed among the duties of the new position the responsibility to “preside over the Office of the Chief of Space Operations.” The next year, section 921 of the FY2021 NDAA (P.L. 116-283) added sections 9083 and 9084 to title 10, United States Code. Section 9083 established the function, composition, and organization of the OCSO, while section 9084 established the general duties of the OCSO. The language of both sections closely follows the language in similar sections of title 10 establishing headquarters offices for the other Armed Forces in the Department of Defense (the Army Staff at 10 U.S.C. 7031 & 7032; the Office of the Chief of Naval Operations at 10 U.S.C. 8031 & 8032; Headquarters, Marine Corps, at 10 U.S.C. 8041 & 8042; and the Air Staff at 10 U.S.C. 9031 & 9032).

Almost immediately after enactment, the practice within the OCSO and the Headquarters, Air Force, more broadly, became to refer internally to the OCSO as the “Space Staff.” The term “Office of the Chief of Space Operations” has proven cumbersome to use, and it has little significance for Airmen, Guardians, and DAF civilian employees. The term “Space Staff” clearly connotes an organization that is equivalent to the Air Staff.

By redesignating the Office of the Chief of Space Operations as the Space Staff, this section would bring the title prescribed in law in line with the preferred every-day terminology and would eliminate the awkward requirement in official documents to acknowledge the official title before transitioning to the more widely used and accepted title.

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

Changes to Existing Law: This proposal would amend titles 10 and 17, United States Code, as follows:

TITLE 10, UNITED STATES CODE

Subtitle A—General Military Law

* * * * *

CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

* * * * *

§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) ~~or 20211~~ 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) ***

(b) ***

* * * * *

Subtitle D—Air Force and Space Force

CHAPTER 903—DEPARTMENT OF THE AIR FORCE

§9014. Office of the Secretary of the Air Force

(a) There is in the Department of the Air Force an Office of the Secretary of the Air Force. The function of the Office is to assist the Secretary of the Air Force in carrying out his responsibilities.

(b) The Office of the Secretary of the Air Force is composed of the following:

(1) ***

(c)(1) The Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary, the Air Staff, and the ~~Office of the Chief of Space Operations~~ Space Staff for the following functions:

- (A) Acquisition.
- (B) Auditing.
- (C) Comptroller (including financial management).
- (D) Information management.
- (E) Inspector General.
- (F) Legislative affairs.
- (G) Public affairs.

(2) Subject to paragraph (6), the Secretary of the Air Force shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Air Staff or the ~~Office of the Chief of Space Operations~~ Space Staff for to conduct any of the functions specified in paragraph (1).

(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the ~~Office of the Chief of Space Operations~~ Space Staff, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space

Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.

(4) The vesting in the Office of the Secretary of the Air Force of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Air Force (including the Air Staff and the ~~Office of the Chief of Space Operations~~ Space Staff) from providing advice or assistance to the Chief of Staff and the Chief of Space Operations or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Air Force.

(5) ***

(6) ***

(d)(1) Subject to paragraph (2), the Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary, the Air Staff, and the ~~Office of the Chief of Space Operations~~ Space Staff for the function of research and development.

(2) The Secretary of the Air Force may assign to the Air Staff and the ~~Office of the Chief of Space Operations~~ Space Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct the function specified in paragraph (1).

(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Air Force and the Air Staff, and to the Chief of Space Operations and the ~~Office of the Chief of Space Operations~~ Space Staff, and shall ensure that each such office or entity provides the Chief of Staff and Chief of Space Operations such staff support as the Chief concerned considers necessary to perform the Chief's duties and responsibilities.

(e) The Secretary of the Air Force shall ensure that the Office of the Secretary of the Air Force, the Air Staff, and the ~~Office of the Chief of Space Operations~~ Space Staff do not duplicate specific functions for which the Secretary has assigned responsibility to any of the others.

(f) ***

CHAPTER 908—THE SPACE FORCE

* * * * *

§ 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 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 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 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~~ Space Staff;

(2) transmit the plans and recommendations of the ~~Office of the Chief of Space Operations~~ Space Staff 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~~ Space Staff 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 3104 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.

(e) JOINT CHIEFS OF STAFF.—(1) The Chief of Space Operations shall be a member of the Joint Chiefs of Staff.

(2) To the extent that such action does not impair the independence of the Chief in the performance of the duties of the Chief as a member of the Joint Chiefs of Staff pursuant to paragraph (1), the Chief shall inform the Secretary of the Air Force regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Air Force.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

(f) VACANCY IN POSITION OF CHIEF OF SPACE OPERATIONS.—When there is a vacancy in the position of Chief of Space Operations or during the absence or disability of the Chief of Space Operations—

- (1) the Vice Chief of Space Operations shall perform the duties of the Chief of Space Operations until a successor is appointed or the absence or disability ceases; or
- (2) if there is a vacancy in the position of Vice Chief of Space Operations or the Vice Chief of Space Operations is absent or disabled, unless the President directs otherwise, the most senior officer of the Space Force in the Space Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Space Operations until the earlier of—
 - (A) the appointment of a successor to the Chief of Space Operations or the Vice Chief of Space Operations; or
 - (B) the cessation of the absence or disability of the Chief of Space Operations or Vice Chief of Space Operations.

§ 9083. Vice Chief of Space Operations

- (a) APPOINTMENT.—There is a Vice Chief of Space Operations, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Space Force.
- (b) GRADE.—The Vice Chief of Space Operations, while so serving, has the grade of general without vacating the permanent grade of the officer.
- (c) DUTIES.—The Vice Chief of Space Operations has such authorities and duties with respect to the Space Force as the Chief of Space Operations, with the approval of the Secretary of the Air Force, may delegate to or prescribe for the Vice Chief of Space Operations. Orders issued by the Vice Chief of Space Operations in performing such duties have the same effect as those issued by the Chief of Space Operations.

§9084. ~~Office of the Chief of Space Operations~~ Space Staff: 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~~ a Space Staff 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~~ Space Staff 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~~ Space Staff.
 - (3) Civilian employees in the Department of the Air Force assigned or detailed to the ~~Office of the Chief of Space Operations~~ Space Staff.
- (c) ORGANIZATION.—Except as otherwise specifically prescribed by law, the ~~Office of the Chief of Space Operations~~ Space Staff 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. ~~Office of the Chief of Space Operations~~ Space Staff: general duties

- (a) PROFESSIONAL ASSISTANCE.—The ~~Office of the Chief of Space Operations~~ Space Staff 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~~ Space Staff 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.

(c) ***

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Subtitle F—Alternative Military Personnel Systems

Part I—Space Force

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CHAPTER 2005—OFFICERS

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SUBCHAPTER I—ORIGINAL APPOINTMENTS

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§20203. Original appointments: service credit

(a) **IN GENERAL.**—The provisions of section 533 of this title shall apply to the crediting of prior active commissioned service for original appointments of commissioned officers.

(b) **CREDIT FOR PRIOR SERVICE.**—(1) For the purpose of determining the grade and rank within grade of a person receiving an original appointment in a commissioned grade in the Space Force, such person shall be credited at the time of such appointment with any commissioned service (other than service as a commissioned warrant officer) that the person performed before such appointment—

(A) as a Space Force officer on active duty or in a space force active status; or

(B) as a regular officer, or as a reserve officer in an active status, in any uniformed service.

(2) The regulations prescribed by the Secretary of Defense under section 533 of this title shall apply to the Space Force to authorize the Secretary of the Air Force to limit the amount of prior active commissioned service with which a person receiving an original appointment may be credited under paragraph (1).

~~(b)~~ (c) CREDIT FOR EDUCATION, TRAINING, AND EXPERIENCE.—(1) Under regulations prescribed by the Secretary of the Air Force, the Secretary shall credit a person who is receiving an original appointment in a commissioned grade in the Space Force and who has advanced education, training, or special experience with constructive service for such education, training, or experience in a particular officer career field as designated by the Secretary of the Air Force, if such education, training, or experience is directly related to the operational needs of the Space Force.

(2)(A) The Secretary may credit a person with constructive service under this subsection for each instance of relevant advanced education or training or special experience regardless of whether two or more such instances are concurrent.

(B) The Secretary may not credit more than 20 persons with an amount of constructive credit under this paragraph in any year.

(3) 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.

(4) 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.

(5) Not later than December 1 of each year, the Secretary of the Air Force shall submit a report to the Committees on Armed Services of the Senate and House of Representatives regarding the amount of constructive service credited under this subsection during the preceding calendar year.

~~(e)~~ (d) AUTHORIZED USE OF CONSTRUCTIVE CREDIT.—Constructive service credited an officer under subsection (b) shall be used only for determining the officer's—

(1) initial grade;

(2) rank in grade; and

(3) service in grade for promotion eligibility.

~~(d)~~ (e) EXCLUSION FOR GRADUATES OF THE SERVICE ACADEMIES.—A graduate of a Service Academy (as such term is defined in section 347 of this title) is not entitled to service credit under this section for service performed, or education, training, or experience obtained, before graduation from such Service Academy.

~~(e)~~ (f) RESERVE OFFICERS.—A reserve officer (other than a warrant officer) who receives an original appointment as an officer in the Space Force shall—

(1) in the case of an officer on the active-duty list of an armed force immediately before that appointment, be appointed in the same grade and with the same date of rank as the grade and date of rank held by the officer on the active-duty list immediately before the appointment; and

(2) in the case of an officer not on the active-duty list immediately before that appointment, be appointed in the same grade and with the same date of rank as the grade and date of rank which the officer would have held had the officer been serving on the active-duty list on the date of the appointment.

~~(f)~~ (g) CONTINUITY OF EXISTING DELEGATION OF PRESIDENTIAL APPOINTMENT FUNCTIONS.—Except as otherwise provided by the President by Executive order, the provisions of Executive Order 13384 (10 U.S.C. 531 note) relating to the functions of the President under section 531(a) of this title shall apply in the same manner to functions of the President under section 20201 of this title.

SUBCHAPTER II—SELECTION BOARDS

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§20214. Information furnished to selection boards

The provisions of section 615 of this title shall apply to information furnished to selection boards convened under section 20211 of this title in the same manner as to selection boards convened under section 611 of this title.

§ 20215. Recommendations for promotion by selection boards

(a) ~~BOARD TO RECOMMEND OFFICERS BEST QUALIFIED FOR PROMOTION~~ CRITERIA FOR RECOMMENDATION OF OFFICERS FOR PROMOTION .—

(1) “BEST QUALIFIED” CRITERION FOR RECOMMENDATION FOR PROMOTION TO GRADES BELOW MAJOR GENERAL.—A selection board convened under section 20211 of this title to consider officers for promotion to a grade below major general 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 Space Force 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.

(2) “EXCEPTIONALLY WELL QUALIFIED” CRITERION FOR RECOMMENDATION FOR PROMOTION TO GRADE OF MAJOR GENERAL.—A selection board convened under section 20211 of this title to consider officers for promotion to the grade of major general shall recommend for promotion to that grade those officers considered by the board whom the board considers exceptionally well qualified for promotion.

(b) NUMBER TO BE RECOMMENDED.—The Secretary of the Air Force shall establish the number of officers such a selection board may recommend for promotion from among officers being considered.

(c) BOARD PROCEDURES FOR RECOMMENDATIONS; LIMITATIONS.—A selection board convened under section 20211 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 (or, in the case of an officer recommended for promotion to the grade of major general, that the officer is exceptionally well qualified for promotion) to meet the needs of the Space Force consistent with the requirement of exemplary conduct set forth in section 9233 of this title.

(d) LIMITATION ON PROMOTIONS UNDER OTHER AUTHORITY.—Except as otherwise provided by law, a Space Force officer may not be promoted to a higher grade under this chapter unless the officer is considered and recommended for promotion to that grade by a selection board convened under this chapter or, in the case of an officer transferring into the Space Force from another armed force, chapter 36 or chapter 1403 of this title.

(e) DISCLOSURE OF BOARD RECOMMENDATIONS.—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 of the Air Force 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.

(f) PROHIBITION ON ATTEMPTING TO INFLUENCE MEMBERS OF A BOARD.—The Secretary of the Air Force, 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.

(g) HIGHER PLACEMENT ON PROMOTION LIST OF OFFICER OF PARTICULAR MERIT.—(1) In selecting the officers to be recommended for promotion, a selection board shall, when authorized by the Secretary of the Air Force, 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)~~ 20239(a)(1) of this title. This subsection does not apply to a selection board convened to consider officer for recommendation to the grade of major general.

(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 of the Air Force 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, the order in which those officers should be placed on the list.

§20216. Reports of selection boards

(a) IN GENERAL.—Each selection board convened under section 20211 of this title shall submit to the Secretary of the Air Force a written report, signed by each member of the board, containing a list of the names of the officers it recommends for promotion and certifying—

(1) that the board has carefully considered the record of each officer whose name was furnished to it under section 615 of this title; and

(2) that, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion (or, in the case of officers recommended for promotion to the grade of major general, that the officers are exceptionally well qualified for promotion) to meet the needs of the Space Force (as noted in the guidelines or information furnished the board under section 615(b) of this title) among those officers whose names were furnished to the selection board.

(b) OFFICERS WHO SHOULD BE REQUIRED TO SHOW CAUSE FOR RETENTION.—A selection board convened under section 20211 of this title shall include in its report the name of any officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required under section 20503 of this title to show cause for the officer's retention in space force active status.

(c) OFFICERS RECOMMENDED TO BE PLACED HIGHER ON THE PROMOTION LIST.—A selection board convened under section 20211 of this title shall, when authorized under section 20215(g) of this title, include in its report the names of those officers recommended by the board to be placed higher on the promotion list and the order in which the board recommends that those officers should be placed on the list.

(d) RECOMMENDATION FOR OFFICERS TO BE EXCLUDED FROM FUTURE CONSIDERATION FOR PROMOTION.—A selection board convened under section 20211 of this title may include in its report a recommendation that an officer considered by the board be excluded from future consideration for promotion under this chapter.

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§20217. Action on reports of selection boards for promotion to brigadier general ~~or major general~~

(a) IN GENERAL.—After reviewing a report received under section ~~20215~~ 20216 of this title recommending officers on the Space Force officer list for promotion to the grade of brigadier general ~~or major general~~, but before submitting the report to the Secretary of Defense, the Secretary of the Air Force may, under regulations prescribed by the Secretary of the Air Force, adjust the placement of officers as recommended in the report in order to ensure that sufficient number of officers on both sustained and non-sustained duty are promoted to meet the requirements of the Space Force to fill general officer vacancies.

(b) REPORT.—***

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SUBCHAPTER III—PROMOTIONS

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§20231. Eligibility for consideration for promotion: general rules

(a) IN GENERAL.—***

(1) REQUIREMENT TO BE ON SPACE FORCE OFFICER LIST.—An officer is eligible under this chapter for consideration for promotion by a selection board convened under section ~~14101(a)~~ 20211 of this title only if the officer is on the Space Force officer list.

(2) AUTHORITY TO PRECLUDE FROM CONSIDERATION CERTAIN OFFICERS BASED ON TIME OF ENTRY ON OR DEPARTURE FROM SUSTAINED DUTY.—The Secretary of the Air Force—

(A) may, by regulation, prescribe a period of time, not to exceed one year, from the time an officer on the Space Force officer list transfers on or off of sustained duty during which the officer shall be ineligible for consideration for promotion; and

(B) may, by regulation, provide for the exclusion from consideration for promotion by a selection board of an officer otherwise eligible to be considered by the board who has an established date for removal from the Space Force officer list that is not more than 90 days after the date on which the board is to be convened.

(b) CERTAIN OFFICERS NOT TO BE CONSIDERED.—A selection board convened under section 20211 of this title may not consider for promotion to the next higher grade any of the following officers:

(1) An officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section ~~20151~~ 20252 of this title, under section 14101 or 14502 of this title, or under chapter 36 of this title.

(2) An officer who is recommended for promotion to that grade in the report of an earlier selection board convened under a provision referred to in paragraph (1), in the case of such a report that has not yet been approved by the President.

(3) An officer who has been nominated by the President for promotion to that grade under any other provision of law, if that nomination is pending before the Senate.

(4) An officer in the grade of first lieutenant who is on an approved all-fully-qualified-officers list under section 20239(c)(4) of this title.

(5) An officer excluded under section 20232 of this title.

(6) An officer who has failed of promotion to a higher grade the maximum number of times specified for opportunities for promotion for such grade within the competitive category concerned pursuant to section 20234 of this title.

(c) CERTAIN COLONELS.— ***

* * * * *

(d) BRIGADIER GENERALS.—

(1) OFFICERS NOT ON SPACE FORCE OFFICER LIST.—A brigadier general who is not eligible for consideration for promotion because the officer is not on the Space Force officer list (as required by paragraph (1) of subsection (a) for such eligibility) is nevertheless eligible for consideration for promotion to the grade of major general by a selection board convened under section 20211(a) of this title if—

(A) as of the date of the convening of the promotion board, the officer has been in an inactive status for less than the minimum threshold established in paragraph (2) of subsection (a); and

(B) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served on the Space Force officer list for at least one year.

(2) OFFICERS NOT MEETING MINIMUM PARTICIPATION THRESHOLD.—A brigadier general who is on the Space Force officer list but who is not eligible for consideration for promotion because the officer's service does not meet the minimum participation threshold established under subsection (a)(2) is nevertheless eligible for consideration for promotion to the grade of major general by a promotion board convened under section 20211(a) of this title if—

(A) the officer was transferred from an inactive status to the reserve active-status list during the one-year period preceding the date of the convening of the promotion board;

(B) immediately before the date of the officer's most recent transfer to an active status, the officer had been in an inactive status for less than one year; and

(C) immediately before the date of the officer's most recent transfer to an inactive status, the officer had continuously served for at least one year on the reserve active-status list or the active-duty list (or a combination of the reserve active-status list and the active-duty list).

~~(e)~~(d) OFFICERS ON EDUCATIONAL DELAY.—An officer on the Space Force officer list is ineligible for consideration for promotion, but shall remain on the Space Force officer list, while the officer—

(1) is pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

(2) is receiving from the Secretary financial assistance in connection with the pursuit of that program of education while in that status.

~~(f)~~(e) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the Air Force may provide that an officer who is in space force active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section, shall not be considered for selection for promotion until completion of two years of service in such duty status. Any such officer may remain on the Space Force officer list.

§20239. Promotions: how made

(a) PROMOTION LISTS.—

(1) PLACEMENT OF NAMES ON PROMOTION LIST.—When the report of a selection board convened under section 20211 of this title is approved by the President, the Secretary of the Air Force shall place the names of all officers approved for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of the seniority of such officers on the Space Force

officer list or based on particular merit, as determined by the promotion board, or as ~~modified~~ adjusted by the Secretary of the Air Force under section 20217 of this title.

(2) TIME OF ESTABLISHMENT OF PROMOTION LIST.—A promotion list is considered to be established under this section as of the date of the approval of the report of the selection board under paragraph (1).

(b) PROMOTIONS; HOW MADE; ORDER.—

(1) APPOINTMENT AUTHORITY.—Officers on a promotion list shall be promoted by appointment in the manner specified in section 20201 of this title.

(2) TIMING.—Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the Air Force.

(3) ORDER.—Except as provided in subsections ~~(e) and (f)~~ (d), (f), and (g), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

(4) PROMOTIONS TO GRADE OF FIRST LIEUTENANT.—Officers to be promoted to the grade of first lieutenant shall be promoted in accordance with regulations prescribed by the Secretary of the Air Force.

(c) PROMOTION OF FIRST LIEUTENANTS ON AN ALL-FULLY-QUALIFIED OFFICERS LIST.—

(1) Except as provided in subsection ~~(f)~~ (g), officers on the Space Force officer list in the grade of first lieutenant who are on an approved all-fully-qualified-officers list shall be promoted to the grade of captain in accordance with regulations prescribed by the Secretary of the Air Force.

(2) An all-fully-qualified-officers list shall be considered to be approved for purposes of paragraph (1) when the list is approved by the President. When so approved, such a list shall be treated in the same manner as a promotion list under this chapter.

(3) The Secretary of the Air Force may make a recommendation to the President for approval of an all-fully-qualified-officers list only when the Secretary determines that all officers on the list are needed in the next higher grade to accomplish mission objectives.

(4) For purposes of this paragraph, an all-fully-qualified-officers list is a list of all officers on the Space Force officer list in a grade who the Secretary of the Air Force determines—

(A) are fully qualified for promotion to the next higher grade; and

(B) would be eligible for consideration for promotion to the next higher grade by a selection board convened under section 20211 of this title upon the convening of such a board.

(5) If the Secretary of the Air Force determines that one or more officers or former officers were not placed on an all-fully-qualified-list under this subsection because of administrative error, the Secretary may prepare a supplemental all-fully-qualified-officers list containing the names of any such officers for approval in accordance with this subsection.

(d) PROMOTION TO MAJOR GENERAL.—

(1) CERTIFICATE OF ELIGIBILITY FOR PROMOTION.—When the Senate gives its advice and consent to the promotion of an officer to the grade of major general, the

Secretary of the Air Force shall issue to the officer a certificate of eligibility for promotion, dated as of the date on which the Senate gave its advice and consent.

(2) PROMOTION TO FILL VACANCY.—Officers who have a certificate of eligibility under paragraph (1) shall be promoted to fill vacancies as they occur in positions designated to carry the grade of major general. Such promotions shall be made in accordance with regulations prescribed by the Secretary of the Air Force, based upon the needs of the service.

(3) DURATION OF CERTIFICATE OF ELIGIBILITY.—A certificate of eligibility issued under paragraph (1) expires at the end of the period beginning on the date as of when the certificate of eligibility was issued and ending on the first day of the eighteenth month following the month during which the certificate was so issued.

~~(d)~~(e) DATE OF RANK.—

(1) GENERAL RULE.—The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d) of this title.

(2) ADJUSTMENTS.—The date of rank of an officer appointed to a higher grade under this section may be adjusted in the same manner as an adjustment may be made under section 741(d)(4) of this title in the date of rank of an officer appointed to a higher grade under section 624(a) of this title. In any use of the authority under the preceding sentence, section 741(d)(4)(C)(ii) of this title shall be applied by substituting "Space Force officer list" for "active-duty list".

(3) ADDITIONAL PAY AND ALLOWANCES PRECLUDED.—Except as provided in paragraph (2) or as otherwise specifically authorized by law, an officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

~~(e)~~(f) DELAY OF PROMOTIONS TO GENERAL OFFICER GRADES TO COMPLY WITH STRENGTH LIMITATIONS.—***

~~(f)~~(g) AUTHORITY TO DELAY APPOINTMENTS FOR SPECIFIED REASONS.—***

§20241. Removal of officers from a list of officers recommended for promotion

(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

(c) REMOVAL AFTER 18 MONTHS.—(1) If an officer whose name is on a list of officers approved for promotion under section ~~20238(a)~~ 20239(a)(1) of this title to a grade for which appointment is required by section 20201(a) of this title to be made by and with the advice and

consent of the Senate is not appointed to that grade under such section during the officer's promotion eligibility period, the officer's name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

(3) In this subsection, the term “promotion eligibility period” means; with respect to an officer whose name is on a list of officers approved for promotion under section ~~20238(a)~~ 20239(a)(1) of this title to a grade for which appointment is required by section 20201(a) of this title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.

(d) REMOVAL UPON EXPIRATION OF CERTIFICATE OF ELIGIBILITY.—If an officer who has been issued a certificate of eligibility for promotion to the grade of major general under 20239(d) of this title is not appointed to that grade before the expiration of the certificate of eligibility pursuant to that section, the officer's name shall be removed from the promotion list.

~~(d)~~ (e) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary of the Air Force, if an officer on the Space Force officer list is discharged or dropped from the rolls or transferred to a retired status after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.

~~(e)~~ (f) CONTINUED ELIGIBILITY FOR PROMOTION.—(1) An officer whose name is removed from a list under subsection (a), (b), ~~(c)~~, or (d) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the Air Force may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the Space Force officer list, as the officer would have had if the officer's name had not been removed from the list. The authority of the Secretary of the Air Force under the preceding sentence does not apply in the case of such an officer who is promoted to the grade of major general following removal from a list under subsection (d).

(2) If such an officer who is in a grade below the grade of colonel is not recommended for promotion by the next selection board convened for the officer's grade and competitive category, or if the officer's name is again removed from the list of officers recommended for promotion, or if the Senate again does not give its advice and consent to his promotion, the officer shall be considered for all purposes to have failed of selection for promotion to the next higher grade.

~~(f)~~ (g) APPLICABILITY OF PREVIOUS EXECUTIVE ORDER.—Except as otherwise provided by the President by Executive order, any Executive order issued before the date of the enactment of this section [Dec. 22, 2023,] relating to functions of the President under section 14310 of this title shall apply in the same manner to functions of the President under this section.

SUBCHAPTER IV—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

§20251. Failure of selection for promotion

(a) IN GENERAL.—Except as provided in this section, sections 14501, 14503, and 14504, 631, and 632 of this title shall apply to promotions of officers on the Space Force officer list. For the purpose of such applicability—

(1) any reference in those sections to the reserve active-status list or the active-duty list shall apply to the Space Force officer list; and

(2) any reference in those sections to a board convened under section ~~14201~~ 14101 or section 611 of this title shall apply to a board convened under section 20211 of this title.

(b) INAPPLICABILITY OF FAILURE OF SELECTION FOR PROMOTION TO OFFICERS ABOVE PROMOTION ZONE.—***

(c) RETIREMENT AUTHORITIES.—***

(d) EFFECT OF FAILURE OF SELECTION.—***

TITLE 17, UNITED STATES CODE

CHAPTER 1—SUBJECT MATTER AND SCOPE OF COPYRIGHT

§105. Subject matter of copyright: United States Government works

(a) IN GENERAL.—Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

(b) COPYRIGHT PROTECTION OF CERTAIN WORKS.—Subject to subsection (c), the covered author of a covered work owns the copyright to that covered work.

(c) USE BY FEDERAL GOVERNMENT.—

(1) SECRETARY OF DEFENSE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at a ~~covered institution described in subparagraphs (A) through (L) of subsection (d)(2) covered Department of Defense institution or program and subparagraph (M) of such subsection or the United States Coast Guard Academy~~ when the Coast Guard is operating as a service in the Navy, the Secretary of Defense may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, worldwide, nonexclusive license to reproduce,

distribute, perform, or display such covered work for purposes of the United States Government.

(2) SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING WHEN IT IS NOT OPERATING AS A SERVICE IN THE NAVY AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the ~~covered institution described in subsection (d)(2)(M)~~ United States Coast Guard Academy, the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Navy may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(3) DIRECTOR OF NATIONAL INTELLIGENCE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the ~~covered institution described in subsection (d)(2)(N)~~ National Intelligence University, the Director of National Intelligence may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(4) SECRETARY OF TRANSPORTATION AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the ~~covered institution described in subsection (d)(2)(O)~~ United States Merchant Marine Academy, the Secretary of Transportation may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

(d) DEFINITIONS.—In this section:

(1) The term "covered author" means a civilian member of the faculty of a covered institution.

(2) The term "~~covered institution~~ Department of Defense institution or program" means the following:

- (A) National Defense University.
- (B) United States Military Academy.
- (C) Army War College.
- (D) United States Army Command and General Staff College.
- (E) United States Naval Academy.
- (F) Naval War College.
- (G) Naval Postgraduate School.
- (H) Marine Corps University.
- (I) United States Air Force Academy.
- (J) Air University.
- ~~(K)~~ (K) Space Force Senior Level Education Program.
- (L) Space Force Intermediate Level Education Program.
- ~~(M)~~ (M) Defense Language Institute.
- ~~(N)~~ (N) Uniformed Services University of the Health Sciences.
- ~~(M) United States Coast Guard Academy.~~
- ~~(N) National Intelligence University.~~
- ~~(O) United States Merchant Marine Academy.~~

(3) The term "covered work" means a literary work produced by a covered author in the course of employment at a covered Department of Defense institution or program or at an institution named in paragraph (2), (3), or (4) of subsection (c) for publication by a scholarly press or journal.
