



United States House of Representatives

## HOUSE ARMED SERVICES COMMITTEE

### Final Text Summary of the National Defense Authorization Act for Fiscal Year 2023

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The Fiscal Year 2023 (FY23) National Defense Authorization Act (NDAA) invests in the greatest sources of U.S. national strength: our service members, innovation and technology, allies and partners, and rich diversity. In light of the growing strategic challenge posed by the People's Republic of China – and in the aftermath of Vladimir Putin's unlawful invasion of Ukraine – the FY23 NDAA equips the Department of Defense (DoD) and U.S. military with the right resources and authorities to meet the greatest threats to the United States and our common defense.

For the sixty-second consecutive year, the NDAA will serve as the legislative foundation for elected representatives of the American people to steer U.S. national security priorities and deliver meaningful policy reforms that benefit service members, their families, and communities across the United States.

This year's NDAA reflects the enduring belief that people – the workers powering America's defense industrial base, the civil servants across the DoD working tirelessly to protect our country, the scientists and researchers building technologies of the future, and service members and their families making enormous sacrifices every day – are the heart of America's defense. To ensure we continue to have the ability to recruit and retain the diverse and talented military and civilian workforce we need, the FY23 NDAA supports a **4.6% pay raise for service members**, adds **funds to Basic Allowance for Housing**, **increases the maximum allowable income to receive the Basic Needs Allowance**, and adds **\$210 million for commissary funding**.

This legislation reflects the democratic values of the United States as a strategic and moral imperative by creating a **Civilian Protection Center of Excellence** to improve policies regarding civilian harm mitigation in DoD operations and activities. The FY23 NDAA also authorizes **\$25 million for the implementation of the Civilian Harm Mitigation and Response Action Plan** and extends a **global ex-gratia authority for 10 years**. This authority requires the United States to make payments for damage, personal injury, or death to a civilian that is inadvertently caused by the use of force by the U.S. These provisions demonstrate the United States' commitment to protecting civilians from harm due to military operations. This legislation is a result of years of efforts by Congress, human rights groups, and the DoD.

As the rules-based international order faces challenges from Beijing and Moscow that threaten security, freedom, and prosperity for people living around the world, this year's NDAA authorizes crucial investments in America's global network of alliances and partnerships, including more than **\$11 billion in funding for the Pacific Deterrence Initiative and over \$6 billion for the European Deterrence Initiative**. The NDAA provides \$800 million in funding for the Ukraine Security Assistance Initiative (USAI), which provides support and assistance to the





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Ukrainian Armed Forces and requires a comprehensive assessment of the oversight framework for U.S. assistance to Ukraine.

This legislation authorizes **\$138.9 billion in research and development** investments across the national security enterprise, including a **22.8% increase in funding for basic research** and historic funding for research activities at **Historically Black Colleges and Universities (HBCUs) – over \$131.7 million.**

With crucial investments in the people, tools, authorities, and partnerships necessary to strengthen U.S. national security, this legislation authorizes \$847 billion in discretionary spending for national defense across the DoD, parts of the Department of Energy, and other agencies. This year's NDAA will fulfill Congress's constitutional obligation to "provide for the common defense" by investing in the American people and our diversity, alliances and partnerships, and a global world order that reflects democratic values.

**TABLE 1: FY23 NDAA Funding Levels**

Budget Item	Amount (in billions of dollars)
DoD Discretionary Base	816.7
DoE Discretionary Base	30.3
Defense-Related Activities	0.4
<b>FY23 Discretionary Topline*</b>	<b>847.3*</b>

\*Does not include \$11 billion in national defense authorizations outside of HASC jurisdiction and other adjustments.

## Summary of Provisions in the FY23 NDAA

### MILITARY PERSONNEL

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#### *Address Impacts of Inflation on Service Members and their Families*

- Supports an increase in military basic pay by 4.6% for service members.
- Adds funds for the DoD to increase service member housing allowance by 2% and requires a report on a more transparent, fair, and flexible way to calculate the basic allowance for housing.





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- Increases the threshold to be eligible for the Basic Needs Allowance (BNA), which will now be up to 150% of the federal poverty line.
- Increases funds for the commissaries to help offset higher prices.
- Establishes a five-year pilot program to reimburse members of the Armed Forces for certain childcare costs incident to a permanent change of station or assignment.
- Authorizes childcare fee reductions for children of military child development center employees.
- Extends critical recruitment and retention incentive programs.
- Requires the DoD to study, with the intent to revise, the basic pay tables to modernize and more realistically and fairly compensate service members.

### **Focus on Childcare Challenges**

- *Reports on the Expansion of the Program to Provide Financial Assistance for In-Home Childcare*
  - Requires Secretaries of the military departments to explore all feasible options for improving availability and access to childcare in areas that are remote or lack adequate childcare availability.
- *Expands Promotion, Service Member Knowledge of Childcare Assistance Programs*
  - Requires Service Secretaries to actively promote and increase awareness of childcare options.
- *Pay Study/Evaluation of Childcare Providers as Compared to Local Wages*
  - Requires a study regarding compensation for childcare employees operated by the DoD.
- *Transparency/Public Reporting on the My Child Care in Your Neighborhood Program*
  - Requires posting certain quarterly information on the Military Child Care in Your Neighborhood and Military Child Care in Your Neighborhood programs.
- *Feasibility Study on the Inclusion of Au Pairs in the In-Home Childcare Program*
  - Requires a feasibility assessment of the addition of au pairs to the in-home childcare program
- *Briefing on Military Installations with Limited Childcare Availability*





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- Requires the Secretary of Defense to submit a briefing on childcare at military installations that are not served by a military childcare development center or where the military childcare development center has few available spots.

### ***Supports Spouse Employment***

- Authorizes financial reimbursement for moving expenses for spouses with home businesses.
- Provides noncompetitive appointment authority to certain spouses of military personnel and disabled veterans.

### ***Improves Quality of Life***

- Authorizes \$50.0 million for the purpose of providing assistance to local educational agencies with military dependent students and \$20.0 million for local educational agencies eligible to receive a payment for children with severe disabilities.
- Authorizes travel allowance for members of the Armed Forces assigned to Alaska and a briefing on special duty pays.
- Authorizes the Secretaries of the military departments to reimburse service members for up to \$4,000 for any expense related to pet relocation arising from a permanent change of station to or from a location outside the continental United States.

### ***Continues Uniform Code of Military Justice Reform Efforts***

- Places sexual harassment and other offenses under the jurisdiction of the Special Trial Counsel.
- Requires independent trained investigators outside of the immediate chain of command to investigate claims of sexual harassment.
- Requires the randomization of court-martial panels.
- Expands reporting requirements on the implementation of the New Special Trial Counsel program.
- Permits the Secretary of Defense to expand restricted reporting of sexual assault for civilian employees. Prior to this, civilian employees could only file unrestricted reports with the military.





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### ***Military Health System (MHS) Oversight***

#### **Quality of Care and Military Treatment Facility Oversight**

- Requires the Inspector General of the Department of Defense (DoD IG) to conduct a comprehensive review of the medical care for individuals undergoing Navy Sea, Air, and Land (SEAL) training.
- Requires the establishment of policies to ensure accountability as it relates to wounded, ill, and injured service members during the Integrated Disability Evaluation System (IDES) process.
- Prohibits the Secretary of Defense and the Secretaries of the military departments from reducing military medical end strength authorizations.
- Requires the DoD to develop options for mitigating production shortfalls for materials like insulin used to treat chronic health conditions.
- Requires Congressional notification to modify the scope of services provided at military medical treatment facilities.
- Requires an independent analysis of the quality and patient safety review process for health care provided under the direct care component of the TRICARE program.
- Requires the Secretary of Defense to designate and maintain certain medical treatment facilities as core casualty facilities to provide medical response in certain national emergencies and establishes Centers of Excellence across the MHS enterprise.

### ***Suicide Prevention Efforts and Access to Behavioral Health Improvements***

- Authorizes the Secretary of Defense to establish a voluntary pilot program to promote the safe storage of personally owned firearms.
- Explores various opportunities to grow the number of available military civilian behavioral health providers.
- Develops a curriculum and certification program to provide civilian mental health professionals and students in mental health-related disciplines with the specialized knowledge and skills necessary to address the unique mental health needs of members of the Armed Forces and military families.
- Increases confidentiality requirements for mental health services for members of the Armed Forces.





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- Requires the GAO to examine the types of mental health benefits provided under TRICARE and identify any limits that are not also imposed on non-mental health services.
- Conducts a comprehensive audit on the behavioral health providers in the TRICARE network.

### **CYBER, INNOVATIVE TECHNOLOGIES, AND INFORMATION SYSTEMS**

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#### **Reinforces and Expands the Innovation Ecosystem**

- Increases funding for basic research, applied research, and advanced technology development by \$2.85 billion, an increase of 17% over the President's budget request, including a 22.8% increase in basic research – enabling the DoD to invest in the breakthrough technologies of tomorrow.
- Authorizes \$300 million to create a new class of biomanufacturing capabilities and facilities, providing a crucial capability to transition products successfully proven in the lab to commercial scale.
- Strengthens the bioindustrial manufacturing base in the United States by enabling research into a new generation of chemicals and materials, including carbon-neutral cement and carbon-negative commodity chemicals.

#### **Supports and Empowers HBCUs and other Minority Serving Institutions**

- Authorizes \$131.7 million, an increase of over \$98.4 million from the President's budget request, for defense research activities at HBCUs and MSIs.
- Provides for the implementation of the recommendations of the National Academies study, "Defense Research Capacity at Historically Black Colleges and Universities and Other Minority Institutions: Transitioning from Good Intentions to Measurable Outcomes," which will improve the research capacity of HBCUs and MSIs, enhancing their ability to compete for future defense research funding opportunities, including through the creation of a pilot program specifically geared towards capacity improvements.

#### **Pushes Toward a More Diverse and Representative Defense Workforce**

- Creates the Ronald V. Dellums Memorial Fellowship, honoring former Armed Services Committee Chairman Dellums by creating a new scholarship and fellowship program





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specifically designed to provide additional opportunities to serve in STEM fields within the DoD for those from underrepresented communities

### Supports Adoption of New Technologies

- Provides significant additional investment for the defense test and evaluation enterprise, enhancing the Department's ability to transition increasingly complex capabilities such as electronic warfare, hypersonics, and artificial intelligence rapidly from the laboratory into the hands of the warfighter.
- Requires the DoD to report out actual delivery times for software programs to ensure frequent deliveries of working software.
- Accelerates the use of 5G technology to support the DoD's vision of connected, data-centric warfighting.
- Requires the DoD to set a target date for deploying 5G on military installations and extends the requirement for quarterly briefings on the DoD's 5G deployment.
- Requires a reoccurring roadmap of the DoD's R&D efforts in the field of quantum computing, which has the potential to radically advance encryption and artificial intelligence.

### Strengthens Cyber Capabilities and Oversight

- Requires that the Commander of U.S. Cyber Command report annually on the sufficiency of support from each of the military services. This would enable the Commander to report on personnel matters and policy as it affects cyberspace operations.
- Establishes a Program Executive Office to correct for current deficiencies in building a weapons system for the Cyber Mission Force.
- Improves the cybersecurity partnership with the Hashemite Kingdom of Jordan, a critical partner of the United States in cyberspace.

### Increases Support for our Cyber Operators

- Requires that the Navy establish a military occupational specialty for cyber operations by October 1, 2025. The Navy is the only service (to include the Coast Guard and Space Force) that has not established such specialties, which has affected retention, readiness,





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and promotion potential. This is of immense importance to nearly 2,500 officers and enlisted.

- Allows for commanders at the lowest level possible to authorize cash awards up to \$2,500 for individual acts of accomplishment. This would ensure that cyber Soldiers, sailors, airmen, Guardians, and Marines can be acknowledged in forms and fashions impossible today.

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### Efforts to Prevent and Mitigate Civilian Harm

- Requires the creation and operation of a Civilian Protection Center of Excellence to centralize, standardize, and improve policies regarding civilian harm mitigation in the DoD's operations and activities.
- Requires greater specificity regarding the geographic location of strikes resulting in civilian casualties and information regarding the specific authority used to undertake such strikes in annual reporting to Congress.
- Mandates that the newly formed Center for Excellence in Civilian Harm Mitigation contract with a federally funded research and development center (FFRDC) to independently report on how the DoD distinguishes between civilians and combatants in military operations.
- Authorizes \$25 million for the implementation of the Civilian Harm Mitigation and Response Action Plan (CHMRAP) and requires a briefing on future manpower and resourcing.
- Extends, for a decade, a global ex-gratia authority that requires the United States to make payments for damage, personal injury, or death to a civilian that is inadvertently caused by the use of force by the U.S. Armed Forces, a coalition that includes the United States, or a military organization supporting the United States.

### Increased Funding and Oversight of the Unlawful Invasion of Ukraine. Funding for European Partners and Oversight of Russia

- Expresses the Sense of Congress in strong support of the Ukrainian people and their resistance against Russia's illegal, unprovoked further invasion. Strongly supports U.S. commitments to the North Atlantic Treaty Organization (NATO) alliance and European allies and partners, supports the robust continuation of the European Deterrence Initiative (EDI) and further engagement in Europe, urges all countries that have not yet







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done so to quickly ratify Sweden's and Finland's accession to NATO, and supports strategies to adapt DoD posture to the new security environment following the further invasion of Ukraine.

- Provides more than \$6 billion for EDI purposes, an estimated \$2.1 billion increase for capabilities to support deterrence in the European Command area of operations above the EDI budget request of \$3.9 billion.
- Includes \$800 million for the Ukraine Security Assistance Initiative (USAI), which provides support and assistance to the Ukrainian Armed Forces, an increase of \$500 million above the budget request. Harmonizes USAI statutory authorities with changes made in the Ukraine Supplemental acts and allows for the replenishment of stocks of comparable ally and partner equipment provided to Ukraine.
- Lays out a roadmap to build on the comprehensive Ukraine accountability and end-use monitoring strategies recently unveiled by the Biden administration and requires a comprehensive assessment of the oversight framework for U.S. assistance to Ukraine.
- Expands the prohibition on the use of funds for the recognition of Russian sovereignty over Crimea to cover all territory internationally recognized to be the sovereign territory of Ukraine, including Crimea and the territory Russia falsely claims to have annexed.
- Supports continued robust assistance to the Baltic countries, including \$225 million intended for Baltic security cooperation, an increase of \$72 million above the budget request.
- Extends the prohibition on military-to-military cooperation with Russia for five years.
- Condemns violations of the cease-fire agreement between Armenia and Azerbaijan and states that continued detention of prisoners of war in violation of the laws of war and international commitments is unacceptable.
- Declares that a NATO ally should not conduct unauthorized territorial overflights of another NATO ally's airspace.
- Requires all main operating bases in the U.S. European Command area of responsibility to adopt installation energy plans to increase energy resiliency and sustainability in order to reduce reliance on Russian energy and improve climate resilience.
- Includes the Stop Russian GOLD Act, which would impose sanctions on persons who knowingly participate in a significant transaction of gold with Russia.





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- Includes the Isolate Russian Government Officials Act of 2022, which would state that it is the policy of the United States to exclude Russian officials from the Group of 20, Bank for International Settlements, Basel Committee for Banking Standards, Financial Stability Board, International Association of Insurance Supervisors, and International Organization of Securities Commissions, and require the necessary steps to advance this policy.
- Condemns the detention and indictment of Russian opposition leader Vladimir Vladimirovich Kara-Murza and expresses solidarity with all individuals imprisoned in Russia for exercising their fundamental freedoms of speech, assembly, and belief.
- Includes the Ukraine Invasion War Crimes Deterrence and Accountability Act, which establishes it as the policy of the United States to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during Russia's further invasion of Ukraine for use in appropriate domestic, foreign, and international courts and tribunals prosecuting those responsible, consistent with applicable United States law; to help deter commission of war crimes and other atrocities in Ukraine; and to pursue accountability for other war crimes and atrocities worldwide. It also requires a comprehensive report on the framework and steps taken to implement such an effort.

### Continued Support and Oversight in the Asia-Pacific

- Provides \$11.5 billion for the Pacific Deterrence Initiative (PDI) to carry out prioritized activities to enhance the United States' deterrence and defense posture in the Indo-Pacific region, assure allies and partners, and increase capability and readiness in the Indo-Pacific region.
- Increases oversight of funding for Indo-Pacific Command by requiring a report to Congress describing the support and sustainment for critical capabilities necessary to meet operational requirements in a conflict and a study on the desirability and feasibility of establishing a joint task force, a sub-unified command, or another organizational structure in the Indo-Pacific region.
- Expresses congressional support for the U.S. defense relationship with Taiwan, requires additional measures to improve readiness related to Taiwan, and supports the use of joint military exercises with Taiwan, including the 2024 Rim of the Pacific exercise.
- Includes multiple measures to enhance defense cooperation and improve congressional oversight of DoD support to allies and partners in the Indo-Pacific region.





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- Prohibits DoD procurement of any products mined, produced, or manufactured by forced labor from the Xinjiang Uyghur Autonomous Region of China and prohibits the sale of goods produced by forced labor in military commissaries and exchanges.

### **Authorities to Counter-ISIS & Counter-Terrorism**

- Extends the authority to provide assistance to partners to combat ISIS in Iraq and Syria.
- Extends the authority to provide assistance to vetted Syrian opposition groups to combat ISIS and other terrorists in Syria.

### **Funding and Oversight of Security Cooperation**

- Increases funding to train and equip foreign partners to improve their capacity to conduct certain operations in support of U.S. objectives.
- Requires a Department of Defense review of its policies, guidance, and procedures related to the prohibition on assistance to foreign security partners that commit human rights violations.
- Establishes a pilot program to improve the operational resilience of foreign military partners.
- Establishes the Irregular Warfare Center to serve as the central mechanism for developing irregular warfare knowledge and advance understanding of concepts and doctrine for U.S. and foreign partner armed forces.

### **Defense Support to Civil Authorities**

- Continues oversight of DoD support to the Department of Homeland Security at the southern land border of the United States.
- Modifies existing annual reporting with additional reporting requirements on costs and impacts on military readiness. This ensures Congress continues to have oversight on support provided at the southern land border.

### **Detention Facility at Guantanamo Bay, Cuba**

- Does not expand statutory restrictions on the transfer of detainees out of Guantanamo Bay, except for a limitation on transfers to Afghanistan.





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- Does not include a proposed requirement in the Intelligence Authorization Act (IAA) that would have encumbered the ability to transfer detainees out of Guantanamo pursuant to a court order, including orders related to habeas corpus and plea bargain proceedings.

### **Acquisition, Industrial Base, and Supply Chain Security**

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#### ***Supply Chain Security and Industrial Base Policy***

- Requires the DoD to analyze options for licensing DOD-owned vaccines and therapies for COVID-19.
- Extends a mandate for impartial GAO analysis of weapon systems to enhance transparency and inform congressional oversight.
- Improves oversight of the DoD's pharmaceutical supply chains.
- Strengthens the National Technology and Industrial Base by making it coextensive with the "Five Eyes" partnership.
- Enhances the DoD's ability to use the authorities of the Defense Production Act.
- Requires more disciplined and judicious use of "controlled unclassified information" markings and dissemination controls to ensure transparency while safeguarding genuinely sensitive national security information.
- Authorizes actions to combat capital investments by strategic competitors in critical industries.
- Expands the authority of the National Defense Stockpile Manager to address shortfalls and authorizes more than \$1 billion for National Defense Stockpile Transaction Fund acquisitions of strategic and critical materials.
- Expedites the delivery of critical munitions to Ukraine and the replenishment of associated United States stocks by streamlining acquisition requirements and authorizing economically efficient advance and multi-year procurements.

#### ***Acquisition Policy Reform and Oversight***

- Extends the "Section 890" pilot program to streamline contracting actions and ensure government access to crucial cost and pricing data.





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- Provides authority to assist the DoD in keeping commercial item contractors accountable for fair and reasonable pricing.
- Clarifies and creates consistency between defense and civilian contracting policy on whistleblower protection.
- Establishes a pilot program to expand other transaction authority for use on military installations to experiment with architecture and design methods for facilities to mitigate the effects of climate change and advance toward the DoD's net zero goal.
- Recognizes the invaluable role served by procurement technical assistance centers.
- Codifies and makes permanent the DoD Mentor Protégé Program, which provides developmental assistance to help small businesses build the technical capabilities needed to become part of the DoD supply chain while establishing successful relationships for large, prime contractors.
- Establishes a phased implementation period to allow the DoD to achieve new due diligence requirements without overburdening the SBIR/STTR program and participating small businesses.
- Requires consideration of the number of personnel needed to operate and maintain a major weapons system as part of the life cycle management plan.
- Encourages the DoD to assemble a conference for industry, academia, and intergovernmental agencies to collaborate on building solutions based on recommendations from a congressionally mandated study on contractor debarments for labor law violations.
- Provides one-time, tailored authority to provide extraordinary relief for inflation to enable the DoD and Defense Industrial Base to adapt and avoid economic hardship that especially affects small businesses.

### ***Acquisition Workforce Reform and Oversight***

- Establishes authority for enhanced pay for acquisition positions in the DoD fourth estate and encourages broader participation in talent exchanges between industry and government.
- Increases accountability of leadership at the Defense Acquisition University to ensure the implementation of experiential learning and the engagement of expert lecturers to advance acquisition workforce competence.





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- Establishes and makes permanent award programs to celebrate acquisition professionals who use independent judgment, critical thinking, and demonstrate innovation.
- Expands the authority to award prizes to recognize innovative program management processes that result in the more rapid and efficient delivery of technology to the warfighter.
- Ensures the Defense Civilian Training Corps leverages the unique, interdisciplinary community of universities and faculty within the Acquisition Innovation Research Center.

### READINESS

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#### ***Increase Oversight of Privatized Military Family Housing Projects and Additional Housing-related provisions***

- **Notice for Ground Lease Extensions:** Requires the military departments to notify and brief the House Armed Services Committee before executing any lease-term extension for a privatized military family housing project.
- **Annual Briefings:** Increases congressional oversight of the privatized military family housing program by requiring an annual briefing on the health and status of military housing privatization projects enterprise-wide.
- **Mold Inspections:** Requires that the services conduct mold inspections before new tenants move into vacant privatized housing units while also requiring that these new tenants be provided the inspection results.
- **Housing Reports**
  - Reports on the capacity of the DoD to provide emergency short-term housing to survivors of natural disasters.
  - Reports on the housing realities, difficulties, and needs facing junior members of the Armed Forces, including a review of available housing stock and plans to address any shortages productively and cost-effectively.

#### ***Provide Direction and Oversight to the DoD in Responding to the Releases from the Red Hill Bulk Fuel Storage Site in Hawaii***

- **Defueling Red Hill:** Requires the Secretary of Defense to defuel Red Hill Bulk Fuel Storage Facility by a deadline approved by the State of Hawaii Department of Health. This defueling shall be done in consultation with the State of Hawaii Department of Health and the Environmental Protection Agency.





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- **Sentinel/Monitoring Wells Around Red Hill:** Requires the Secretary of the Navy to report on the progress towards installing sentinel and monitoring wells to receive an early warning of fuel within the ground around the Red Hill Bulk Fuel Storage Facility.
- **Water Needs on Oahu:** Requires the DoD to conduct a study on the water needs of the Armed Forces on Oahu and a hydrological study of the area surrounding Red Hill Bulk Fuel Facility.
- **Red Hill Recovery Fund:** Allocates \$1 billion for the Red Hill Recovery Fund.
- **INDOPACOM Readiness:** Requires an independent study on fuel distribution logistics in the Indo-Pacific area of responsibility.
- **Closure of Red Hill:**
  - Authorizes the Secretary of Defense to close the Red Hill Bulk Fuel Facility and requires the Secretary of the Navy to report on the plan for closure and post-closure care.
  - Requires the DoD to track the health implications of fuel leaks from the Red Hill Bulk Fuel Facility for members of the Armed Forces and their dependents.

### **Continues Efforts to Address Contamination Associated Around Military Installations and Formerly Used Defense Sites**

- Requires the DoD to implement Comptroller General recommendations to set goals for the timely clean-up of formerly used defense sites that fall under the military munitions response program (MMRP).
- Implements a phase-out of per- and polyfluoroalkyl substances (PFAS) containing Fire Fighter Turn-out gear.
- Modifies a prize program created in the FY21 NDAA to incentivize private sector development of Aqueous Film Forming Foam (AFFF) alternatives to include research on PFAS-free personal protective firefighting equipment.
- Clarifies that Defense Environmental Restoration funds may be used to clean up state-owned National Guard facilities with proven exposures to hazardous substances and wastes.

### **Builds on Efforts to Promote Innovation and Improve Logistics Efficiency**

- Recognizing that the sustainment and modernization of our labs, research, test, and evaluation facilities have implications across the DoD, this Subcommittee mark creates a





novel authority that would use defense-wide military construction accounts to fund these military construction projects.

- Requires the DoD to provide quarterly briefings on the establishment and expenditures for fuel logistics in the Indo-Pacific Area of Responsibility.
- Makes permanent the authority to allow usage of unspecified minor military construction fund for lab revitalization.
- Makes the Defense Laboratory Modernization Program authority permanent and temporarily increases the unspecified minor military construction authority for laboratories.

### **Continues Efforts to Support and Strengthen the Organic Industrial Base and Ensure the Sustainment of Modern Weapons Systems**

- Raises the annual depot minimum capital investment requirement from 6% to 8% and requires that the services invest 25% of the 8% in depot facilities sustainment, restoration, and modernization.
- Requires the services to submit annual five-year depot infrastructure improvement plans for the next five fiscal years.
- Requires the DoD to submit an annual plan for the maintenance and modernization of naval vessels.
- Creates a permanent requirement that the DoD submit a report with each year's budget that describes the services' planned depot investments and the material condition of the depots.
- Requires the Department of the Navy to implement Comptroller General Recommendations regarding Shipyard Infrastructure Optimization to include obtaining independent cost estimates on projects over \$250 million.

### **Energy and Installation Resiliency**

- Establishes a prototype and demonstration program that designates installations as Energy Resilience Testbeds for the purpose of spurring innovation in energy resilience technologies.
- Establishes a pilot program for the use of sustainable aviation fuel within the DoD.







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- Establishes a pilot program for the development of innovative electric vehicle charging infrastructure.
- Requires transition of DoD non-tactical vehicle fleets to electric or zero-emission vehicles by 2035.
- Requires the DoD to develop a policy for the recycling of spent advanced batteries.
- Requires the DoD to develop a plan for minimizing the impacts of the heat island effect on military installations.
- Requires the DoD to amend its building codes to consider the use of solar roofing in a building's planning and design for the promotion of energy resiliency and grid support during energy disruptions.

### **Support for Addressing Issues Related to Wildfires**

- Extends the National Guard support for the FireGuard program until 2029.
- Allows the DoD to transfer aircraft to other departments for the purposes of aiding search and rescue operations or emergency operations related to wildfires.
- Adds the "National Interagency Fire Center" to the list of agencies that the National Guard may consult with during wildfire training.

### **Builds on Previous Legislative and Oversight Activities to Address Preventable Training Accidents and Build a Culture of Safety in the Military Departments**

- Requires the Deputy Secretary of Defense to provide annual reports on the activities of the Joint Safety Council.
- Requires the DoD to comply with national consensus standards for federal fire protection within one year of enactment.
- Creates a pilot program for the installation of tactical vehicle safety data recorders to monitor, assess, and improve readiness and safe operation of military tactical vehicles.

### **Supporting the Department of Defense Civilian Workforce**

- Requires the DoD to develop standardized credentials for law enforcement officers across the Department.





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- Extends the Department's authority to grant allowances, benefits, and gratuities to DoD civilian personnel on official duty in a combat zone.
- Requires a Comptroller General review of the administration's implementation of the paid parental leave benefit for federal civilians.

### Addressing Inflation Impacts

- Adds \$3.8 billion to address inflation impacts to military construction.

## **INTELLIGENCE AND SPECIAL OPERATIONS**

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### Strengthens Oversight of Defense Intelligence Activities

- Requires a report outlining the mechanisms to protect privacy and civil liberties for individuals with regard to the purchase and use of commercial data for intelligence activities, information operations, and cybersecurity.
- Authorizes the Director of the Defense Intelligence Agency to establish a program to increase the warning time of potential aggression by adversary nation states.
- Requires quarterly briefings for clandestine activities that support operational preparation of the environment to ensure such activities conform to legal and policy requirements and support the respective theater campaign plans.
- Requires the Secretary of Defense to establish a secure mechanism for authorized reporting of any event relating to unidentified anomalous phenomena.

### Provides Additional Funding for Priority Intelligence and Special Operations Modernization Initiatives

- Increases funding by \$3.6 million for identity and signature management.
- Increases funding by \$10.7 million for Intelligence, Surveillance, and Reconnaissance Transceivers Acceleration.
- Increases funding by \$10 million to the Defense Intelligence Agency's effort to counter advanced conventional weapons.
- Authorizes funding to support cover modernization.





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- Accelerates the procurement of counter unmanned systems with an additional \$54 million
- Increases funding by \$4 million for non-traditional ISR.

### **Increases Oversight of Information Operations**

- Prohibits the obligation of more than 75% of the funds available for military information support operations until the Secretary of Defense provides notification of a plan for appropriately managing and overseeing military information support operations.

### **Supports Special Operations Forces and Capabilities**

- Directs the Secretary of Defense to conduct a review of the roles of the military departments and Special Operations Command to ensure coordination on recruiting, retention, opportunities for professional military education, and promotion opportunities.
- Directs the GAO to review the use of DoD transition programs by members assigned to special operations forces.
- Directs the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SO/LIC) and the Commander of United States Special Operations Command (USSOCOM) to review and update, as appropriate, written guidance for the use of the 127e authority, to include procedures for Chief of Mission concurrence and vetting of supported groups and individuals for human rights, force protection, and counterintelligence issues.
- Authorizes the Secretary of Defense to use up to \$50,000,000 to support NATO Special Operations Headquarters to improve interoperability between special operations forces of NATO countries.

### **Increases Oversight of Information Operations**

- Prohibits the obligation of more than 75% of the funds available for military information support operations until the Secretary of Defense provides notification of a plan for appropriately managing and overseeing military information support operations.
- Directs a briefing on the DoD's efforts to work with the NATO Strategic Communications Center of Excellence to improve NATO's ability to expose and disprove malign influence and disinformation, active measures, propaganda, and coercion and subversion activities of Russia and China.





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- Requires a notification to Congress not later than 48 hours after approving or changing the scope of a military information support operational plan.
- Requires an update on the status of the Information Operations Posture Review and a briefing on the Department's efforts to deter and counter foreign adversaries in the information environment.

### **Increases Support to Chemical and Biological Defense Programs**

- Authorizes \$341.6 million for the Cooperative Threat Reduction Program.
- Increases funding for operational rapid multi-pathogen diagnostic tools.
- Restores funding for the chemical and biological defense program.

## **STRATEGIC FORCES**

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### **Increases Oversight into Nuclear Modernization Efforts**

- Directs improved risk management and prioritization activities across the nuclear weapons portfolio by requiring a portfolio management framework for nuclear forces and establishing a role for the Nuclear Weapons Council in coordinating risk management efforts between the DoD and the National Nuclear Security Administration (NNSA).
- Requires a number of studies and certifications before system development and demonstration or development engineering efforts can proceed on a sea-launched nuclear cruise missile.
- Increases programmatic management efforts to ensure current nuclear modernization programs remain on track by:
  - Establishing an intercontinental ballistic missile site activation task force
  - Improving industrial base monitoring
  - Requiring a comprehensive plan for the development of reentry vehicles
  - Extending several required congressional reporting requirements
- Strengthens oversight of nuclear command, control, and communications programs by ensuring coordination with the White House Military Office and improving the annual assessment of cyber resilience.

### **Allows Retirement of the Largest Nuclear Weapon in the U.S. Arsenal**





- Allows for partial retirement of the B83-1 fleet and requires a study of how the DoD will address hard and deeply buried targets in order to fully retire the B83-1.

**Addresses Systematic Issues Across the National Nuclear Security Administration**

- Requires the NNSA to justify plutonium pit requirements by rigorously studying plutonium pit aging and commissioning an independent review by the scientific advisory group known as JASON.
- Helps NNSA address government workforce needs for a critical, growing mission by removing the cap on National Nuclear Security Administration personnel and authorizing workforce development and training partnership programs.
- Authorizes increases beyond the budget request for improvements to NNSA infrastructure and cutting-edge stockpile research, technology, and engineering, including Inertial Confinement Fusion, Advanced Simulation and Computing, and Assessment Science.
- Encourages NNSA to use advanced technologies to meet mission requirements, including by:
  - Requiring the acceleration of depleted uranium manufacturing processes
  - Allowing the use of alternative technologies to eliminate proliferation threats at vulnerable sites
  - Supporting advanced manufacturing development at production facilities
- Balances the need to provide NNSA with greater flexibility while maintaining effective oversight by:
  - Raising the minor construction threshold for NNSA pilot projects while adding reporting requirements for minor construction projects
  - Providing greater discretion for nuclear warhead-related research and development while requiring notification of planned and ongoing activities

**Acknowledges the Importance of the Safety and Security of Nuclear Weapons Facilities and Clean-Up Efforts**

- Authorizes temporary delegation of the mission functions of the Defense Nuclear Facilities Safety Board to the Chairperson for up to one year in the event of a loss of quorum.
- Authorizes a substantial increase above the budget request for defense environmental clean-up efforts.





**Continues to Provide Oversight on the Stand-Up of the U.S. Space Force and Recognizes the Need to Shift to a More Resilient and Defendable National Security Space Architecture**

- Requires the Chief of Space Operations to release a strategy on the protection of national security space assets in coordination with the Director for National Intelligence.
- Requires that the Chief of Space Operations include defense and resiliency requirements prior to the start of any new major satellite acquisition program.
- Expands the Tactically Responsive Space program beyond launch, including adding funding to continue efforts.
- Increases and extends reporting requirements across the National Security Space enterprise to ensure continued access to information necessary for congressional oversight.
- Expresses support for the shift to a distributed and resilient missile track and warning proliferated low-earth orbit architecture and fully funds the Next Generation OPIR Polar Program. It further requires:
  - The Space Warfighting Analysis Center to maintain adequate requirements during its review of the future missile defense fire control architecture to support current and planned interceptor systems
  - A report from the Chief of Space Operations regarding the Medium Earth Orbit component of the architecture and how to ensure competition in the program
- The Joint Explanatory Statement:
  - Supports Phase 3 of the National Security Space Launch Program and requires quarterly briefings on the development of the acquisition strategy
  - Expresses the need to improve common infrastructure of the Space Force ranges and requires a report on the resiliency of current launch sites and spaceports

**Highlights the Importance of Regional Missile Defense Capabilities and Encourages Continued Multi-National Cooperation to Address Air and Ballistic Missile Threats to U.S. Deployed Forces, Allies, and Partners Globally**

- Directs the Secretary of Defense, in consultation with the Secretary of State and Director for National Intelligence, to seek to cooperate with allies and partners in the U.S. Central Command area of responsibility to improve joint-integrated air and missile defense capabilities to counter missile threats from Iran.
- Requires the Secretary of Defense to provide an update on analysis conducted regarding the integrated air and missile defense architecture of the U.S. Indo-Pacific Command area of responsibility.





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- Requires the Secretary of the Army to reassess the current Patriot battalion requirement in light of the ongoing war in Ukraine and authorizes the procurement of up to four additional battalions.
- Requires the Secretary of Defense, in coordination with the Secretary of State and Director of National Intelligence, to submit a plan on the expansion of the Shared Early Warning System program to additional countries.

### **Requires Increased Focus on Defending the U.S. Homeland and Territory from Cruise and Ballistic Missile Threats, While Providing Further Insight to Congress on How Decisions Regarding U.S. Missile Defense Programs Are Being Made**

- Requires the Secretary of the Air Force to provide detail regarding an architecture for the protection of the U.S. homeland from cruise missile threats.
- Directs the Secretary of Defense to contract with a federally funded research center to provide an independent analysis regarding the proposed integrated air and missile defense architecture for the territory of Guam, and to reduce the risk of the current planned architecture, authorizes the Missile Defense Agency to procure three vertical launching systems that are capable of launching Standard Missile variants.
- Requires reporting regarding Missile Defense Executive Board engagements, in addition to modifying and extending existing reporting requirements for continued congressional oversight of DoD missile defense programs.
- Requires a strategy from the DoD on how to implement asymmetric capabilities to defeat hypersonic missile threats.
- Provides additional funding for:
  - The procurement of Terminal High Altitude Area Defense and SM-3 Block IIA interceptors
  - The procurement of two Patriot firing batteries
  - Directed energy capability development

### **Initiates Broad Reviews into Current Offensive Hypersonic Weapons Programs, and the Supporting Test Infrastructure to Support those Efforts**

- Requires an assessment on the hypersonic testing infrastructure of the DoD and a strategy to leverage the use of government, industry, and academic facilities to achieve testing requirements of current and planned hypersonic weapon programs.
- Directs a GAO review of offensive hypersonic weapons programs.

## **SEAPOWER AND PROJECTION FORCES**

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**Weapons Systems Procurement – Authorizes Procurement of Modern Weapons Systems with the Advanced Capabilities Necessary to Counter Emerging Threats**

- Funds the procurement of 11 battle force ships: two Virginia-class Submarines, three Guided-missile Destroyers (DDG), one Guided-missile Frigate (FFG), one Landing Platform Dock (LPD) Flight II, one Fleet Oiler (T-AO), two Expeditionary Medical Ships (EMS), and one Towing, Salvage, and Rescue Ship (T-ATS).
- Fully funds the Columbia-class ballistic-missile submarine program.
- Fully funds the Columbia-class ballistic-missile submarine program.
- Authorizes \$250 million in Advanced Procurement for an LPD to be procured in Fiscal Year 2024.
- Authorizes \$77.3 million in Advanced Procurement for a third DDG in Fiscal Year 2024.
- Authorizes \$289 million in Advanced Procurement for LHA-10.
- Fully funds the B-21A bomber program.
- Authorizes \$212 million for two V-22 aircraft.
- Authorizes \$699.1 million for five KC-130J aircraft, two for the Marine Corps and three for the Navy.
- Authorizes \$1.235 billion for seven E-2D aircraft.

**Naval Acquisition Policy – Provides the Department with Acquisition Authorities that Can Be Used to Most Efficiently Procure and Sustain Needed Capabilities**

- Authorizes the Secretary of the Navy to enter into a multi-year procurement contract for up to 15 Guided-missile Destroyers (DDG).
- Prescribes certain aspects of the acquisition strategy for the next large surface combatant, the DDG(X).
- Authorizes the Secretary of the Navy to enter into a block-buy contract for up to eight John Lewis-class fleet replenishment oiler ships.
- Authorizes the Secretary of the Navy to enter into a block-buy contract for up to 25 Ship-to-Shore connector crafts.







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- Requires the Navy to integrate SM-6 and Tomahawk weapons systems onto the second vessel of the FFG-62-class Frigate and no later than its first deployment.
- Establishes a Navy shipbuilding workforce development initiative.
- Directs the Maritime Administrator to carry out a program to complete the design and construction in United States shipyards of up to 10 sealift vessels for use in the National Defense Reserve Fleet.

### **Force Structure – Ensures that the Department Maintains Sufficient Quantities of Legacy Weapons Systems Necessary to Meet Combatant Commander Requirements**

- Sets a statutory floor of 31 L-class amphibious ships.
- Prohibits retirement of the USS Vicksburg (CG-69).
- Prohibits early retirement of all four amphibious vessels proposed for Fiscal Year 2023 divestiture, including: USS Germantown (LSD-42), USS Gunston Hall (LSD-44), USS Tortuga (LSD-46), and USS Ashland (LSD-48).
- Prohibits retirement of ESD-1 and ESD-2 ships.
- Prohibits retirement of more than four Littoral Combat Ships.
- Authorizes the Commandant of the Marine Corps to develop amphibious ship requirements for the Navy battle force ship assessment and requirement report.
- Maintains a 271 aircraft statutory floor for Air Force's C-130 aircraft.
- Maintains a 466 aircraft statutory floor for Air Force's air refueling tanker aircraft.

### **Continued Oversight of Naval, Maritime Administration, and Other National Defense Programs Necessary to Sustain the Force**

- Establishes a legislative branch commission on the future of the Navy.
- Fully funds the Maritime Security and Tanker Security Programs and authorizes an increase of the Tanker Security Program to 20 vessels and \$120 million beginning in fiscal year 2024.
- Requires commercial participants in the Maritime Security Program, the Tanker Security Program, or the Cable Security Program to comply with requirements established





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pursuant to section 51322 of Title 46, United States Code, and authorizes the Maritime Administrator to withhold payments for commercial participants who are not in compliance by one year after enactment of this act.

- Directs the Secretary of the Air Force and the Secretary of the Navy to include FAA-certified parts in supply chain solutions.
- Requires the Secretary of the Navy to conduct a Business Case Analysis on utilization strategies for certain government-owned dry docks.
- Exempts Merchant Marine Academy cadets who have a documented physical or psychological condition from the graduation requirement to take and pass the examination for a merchant mariner's license.
- Authorizes the Secretary of Defense to carry out an exchange program for Australian submarine officers to attend the Navy Nuclear Propulsion school and follow-on submarine officer training.

## TACTICAL AIR AND LAND FORCES

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### **Continues Oversight of the Department's Assessment and Management of Risk with Aviation Force Structure and the Industrial Base**

- Requires the Department of Defense to maintain a combat-effective level of forces for tactical fighter aircraft.
- Requires the Secretary of the Air Force to conduct a study of the combat search and rescue (CSAR) mission and develop a strategy to meet the resultant requirements. Both the study and the strategy shall be submitted to Congress.
- Prohibits use of fiscal year 2023 funding to conduct any production line shutdown activities associated with the Air Force's HH-60W combat search and rescue aircraft.
- Directs the Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Secretaries of the Army, Navy, and Air Force, to assess the military rotary and tiltwing aircraft industrial base and report the results to Congress.
- Requires the Secretary of the Air Force to submit annual reports on the T-7 training aircraft replacement acquisition program.
- Provides two-year contracting authority to the Department of the Navy for CH-53K helicopters and associated engines.
- Directs the Secretary of the Navy to brief Congress quarterly on the status of the CH-53K heavy-lift helicopter acquisition.





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### **Continues Oversight of High Priority Department and Service Technology Development**

- Requires an assessment and strategy for fielding capabilities to counter threats posed by unmanned aerial system swarms.

### **Enhances Tactical Vehicle and Aviation Safety**

- Requires the Secretaries of the Army, Navy, and Air Force to each submit reports annually on the plans and progress made with respect to the installation of safety upgrades to their respective High Mobility Multipurpose Wheeled Vehicle fleets.
- Provides additional funding for Army High Mobility Multipurpose Wheeled Vehicle (HMMWV) safety upgrades.
- Authorizes the Secretary of the Air Force to upgrade ejection seats for T-38 training aircraft.
- Reduces Operational Risk with Airborne Intelligence, Surveillance, and Reconnaissance Systems
- Directs the Secretary of the Air Force to submit an acquisition strategy to Congress and award a contract for the E-7 Wedgetail Airborne Early Warning and Control aircraft prior to divesting certain numbers of the E-3 Airborne Warning and Control System (AWACS) aircraft. The bill requires the Air Force to maintain no fewer than 18 E-3 aircraft and designate two as Primary Training Aircraft Inventory.
- Requires the Vice Chairman of the Joint Chiefs of Staff and the geographic combatant commanders to assess any plans by the military services to reduce airborne intelligence, surveillance, and reconnaissance capability or capacity and provide a report to Congress on the operational risk such divestment presents to each combatant command.

### **Supports or Accelerates Investment in Critical Weapons Technologies and Capabilities to Modernize and Ensure the Current Readiness of Forces**

#### ***Aviation Systems***

- Provides additional funding for the procurement of F/A-18 and F-35 tactical fighter aircraft.
- Supports funding for the Next Generation Air Dominance aircraft programs of the Air Force and the Navy.
- Provides additional funding for acceleration of Technical Refresh – Three organic depot repair capabilities supporting the F-35 enterprise.





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- Supports funding for the F-15EX aircraft program.
- Provides additional funding for Civil Air Patrol aircraft.
- Funds two UH-60M combat loss replacement helicopters.
- Provides additional funding for three additional CH-47F Block II helicopters.
- Provides additional funding for two additional CH-53K heavy-lift helicopters.
- Provides additional funding to two additional shipsets of the Navy's Next Generation Jammer for F/A-18G.
- Provides additional funding for 10 additional HH-60W combat search and rescue helicopters.

### **Ground Systems**

- Provides additional funding for Stryker Upgrades, a service unfunded priority.
- Provides additional funding for ABRAMS upgrades and modifications, a service unfunded priority.
- Provides additional funding for Armored Multipurpose Vehicles (AMPV).
- Provides additional funding for Paladin Integrated Management (PIM).
- Provides additional funding for Family of Medium Tactical Vehicles (FMTV).
- Provides additional funding for Family of Heavy Tactical Vehicles (FHTV).
- Supports funding for Mobile Protected Firepower (MPF) armored vehicles.
- Supports funding for Marine Corps Amphibious Combat Vehicles.
- Supports funding for Army Indirect Fire Protection Capability (IFPC).
- Supports funding for Marine Corps Ground Based Anti-Ship Missile (GBASM) program.
- Supports funding for Marine Corps Ground Based Air Defense (GBAD).
- Provides additional funding for Army M917A3 Heavy Dump Truck.
- Provides additional funding for the Army Infantry Squad Vehicle (ISV).
- Supports funding for the Army's Network Handheld Manpack Small Form Fit (HMS) radios program.
- Supports funding for Marine Corps Radio Systems.





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- Provides additional funding for Army Enhanced Night Vision Goggle Binocular (ENVG-B)
- Provides additional funding for the Army's Force Provider program.
- Provides additional funding for M-SHORAD, a service unfunded priority.
- Provides additional funding for G/ATOR radar, a service unfunded priority.

*Continues Oversight of the Department's Assessment and Management of Risk in the Munitions and Conventional Ammunition Industrial Base; and Supports Additional Investment to Accelerate Procurement of Critical Munitions and Modernization and Safety Improvements in the Ammunition and Munition Industrial Base.*

- Requires an annual report on industrial base constraints for munitions.
- Provides additional funding for ammunition production facilities to accelerate and enhance modernization and improvements to government-owned, contractor-operated ammunition production sites.
- Provides additional funding for critical munition procurement.
- Provides additional funding for procurement and industrial base capacity expansion for the Joint Air-to-Surface Standoff Missile and Long-Range Anti-Ship Missile programs.

### ***Supports Additional Investment in Intelligence, Surveillance, and Reconnaissance Systems***

- Provides additional funding for four additional EC-37B Compass Call aircraft and associated spares.
- Provides additional funding for additional MQ-9 Reaper unmanned aircraft system multi-domain operations upgrades.

### ***Supports Oversight and Acceleration of National Guard and Reserve Modernization***

- Reestablishes the requirement in section 10541 of title 10, United States Code for the annual submission of the National Guard and Reserve Equipment Report.
- Provides additional funding for MQ-1 Gray Eagle unmanned aircraft systems for the Army National Guard, as well as \$120.0 million for MQ-1 extended range modifications.





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- Provides additional funding for the National Guard and Reserve Component Equipment Account.

### **OUTSIDE COMMITTEE PROVISIONS**

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*Several outside committees negotiated vital legislation included in the final FY23 NDAA.*

- [House Committee on Education and Labor](#)
- [House Committee on Financial Services](#)
- [House Foreign Affairs Committee](#)
- [House Permanent Select Committee on Intelligence](#)
- [House Committee on Homeland Security](#)
- [House Committee on Transportation & Infrastructure](#)
- [House Natural Resources Committee](#)
- [House Committee on Veterans Affairs](#)

