

**H.R. 2670—NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL YEAR  
2024**

**SUBCOMMITTEE ON MILITARY  
PERSONNEL**

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**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**LEGISLATIVE PROVISIONS**

**SUBTITLE A—ACTIVE FORCES**

**Section 401—End Strengths for Active Forces**

This section would authorize the following end strengths for Active Duty personnel of the Armed Forces as of September 30, 2024:

Service	FY 2023	FY 2024		Change from	
	Authorized	Request	Committee Recommendation	FY 2024 Request	FY 2023 Authorized
Army	452,000	452,000	452,000	0	0
Navy	354,000	347,000	347,000	0	-7,000
USMC	177,000	172,300	172,300	0	-4,700
Air Force	325,344	324,700	324,700	0	-644
Space Force	8,600	9,400	9,400	0	800
DOD Total	1,316,944	1,305,400	1,305,400	0	-11,544

**SUBTITLE B—RESERVE FORCES**

Section 411—End Strengths for Selected Reserve

This section would authorize the following end strengths for Selected Reserve personnel, including the end strength for Reserves on Active Duty in support of the Reserves, as of September 30, 2024:

Service	FY 2023	FY 2024		Change from	
	Authorized	Request	Committee Recommendation	FY 2024 Request	FY 2023 Authorized
Army National Guard	325,000	325,000	325,000	0	0
Army Reserve	177,000	174,800	174,800	0	-2,200
Navy Reserve	57,000	57,200	57,200	0	200
Marine Corps Reserve	33,000	33,600	33,600	0	600
Air National Guard	108,400	108,400	108,400	0	0
Air Force Reserve	70,000	69,600	69,600	0	-400
DOD Total	770,400	768,600	768,600	0	-1,800
Coast Guard Reserve	7,000	7,000	7,000	0	0

Section 412—End Strengths for Reserves on Active Duty in Support of the Reserves

This section would authorize the following end strengths for Reserves on Active Duty in support of the Reserves as of September 30, 2024:

Service	FY 2023	FY 2024		Change from	
	Authorized	Request	Committee Recommendation	FY 2024 Request	FY 2023 Authorized
Army National Guard	30,845	30,845	30,845	0	0
Army Reserve	16,511	16,511	16,511	0	0
Navy Reserve	10,077	10,327	10,327	0	250
Marine Corps Reserve	2,388	2,355	2,355	0	-33
Air National Guard	25,333	25,713	25,713	0	380
Air Force Reserve	6,003	6,070	6,070	0	67
DOD Total	91,157	91,821	91,821	0	664

Section 413—End Strengths for Military Technicians (Dual Status)

This section would authorize the following end strengths for military technicians (dual status) as of September 30, 2024:

Service	FY 2023	FY 2024		Change from	
	Authorized	Request	Committee Recommendation	FY 2024 Request	FY 2023 Authorized
Army National Guard	22,294	22,294	22,294	0	0
Army Reserve	6,492	7,990	7,990	0	1,498
Air National Guard	10,994	9,830	9,830	0	-1,164
Air Force Reserve	7,111	6,882	6,882	0	-229
DOD Total	46,891	46,996	46,996	0	105

Section 414—Maximum Number of Reserve Personnel Authorized To Be on Active Duty for Operational Support

This section would authorize, as required by section 115(b) of title 10, United States Code, the maximum number of Reserve Component personnel who may be on Active Duty or full-time National Guard duty during fiscal year 2024 to provide operational support. The personnel authorized here do not count against the end strengths authorized by section 401 or section 412 of this Act unless the duration on Active Duty exceeds the limitations in section 115(b)(2) of title 10, United States Code.

Service	FY 2023	FY 2024		Change from	
	Authorized	Request	Committee Recommendation	FY 2024 Request	FY 2023 Authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS

SUBTITLE A—OFFICER PERSONNEL POLICY

Section 501—Number of General Officers and Flag Officers on Active Duty



This section would authorize a redistribution of general officer billets within the Department of Defense to increase the general officer billet allocation in the Space Force.

#### Section 502—Establishment of Legislative Liaison of the Space Force

This section would authorize a legislative liaison to the Chief of Space Operations.

### SUBTITLE B—RESERVE COMPONENT MANAGEMENT

#### Section 511—Grades of Certain Chiefs of Reserve Components

This section would authorize the Chief of each military service Reserve Component to be in the grade of three-star officer.

#### Section 512—Designation of at Least One General Officer of the Marine Corps Reserve as a Joint Qualified Officer

This section would require the Secretary of Defense to ensure that at least one Marine Corps Reserve general officer is designated as a joint qualified officer.

### SUBTITLE C—GENERAL SERVICE AUTHORITIES AND MILITARY RECORDS

#### Section 521—Pilot Program on Cardiac Screenings for Military Accessions

This section would require the Secretary of Defense to establish a pilot program to provide mandatory electrocardiograms to individuals entering military service in connection with the military accession screening process.

### SUBTITLE D—MILITARY JUSTICE

#### Section 531—Technical and Conforming Amendments to the Uniform Code of Military Justice

This section would provide technical and conforming amendments to the Uniform Code of Military Justice necessary for the implementation of reforms included in the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81).

### SUBTITLE F—MEMBER EDUCATION

Section 551—Prohibition of Establishment or Maintenance of a Unit of the Junior Reserve Officers' Training Corps at an Educational Institution Owned, Operated, or Controlled by the Chinese Communist Party

This section would prohibit the establishment or maintenance of a unit of the Junior Reserve Officers' Training Corps at an educational institution owned, operated, or controlled by the Chinese Communist Party.

#### SUBTITLE G—MEMBER TRAINING

##### Section 561—Increase in the Number of Nominees from Guam to the Service Academies

This section would authorize one additional service academy nomination to the Delegate from the Territory of Guam.

#### SUBTITLE H—MEMBER TRANSITION

##### Section 571—Amendments to Pathways for Counseling in the Transition Assistance Program

This section would clarify and add factors for individualized Transition Assistance Program.

##### Section 572—Report on the Transition Assistance Program

This section would require the Secretary of Defense to submit a report on the Transition Assistance Program.

#### SUBTITLE I—DECORATIONS AND AWARDS

##### Section 581—Extension of Time to Review World War I Valor Medals

This section would authorize a 3-year time extension for the Department of Defense to review the service records of World War I veterans to determine if any valor awards should be upgraded to the Medal of Honor.

### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

#### LEGISLATIVE PROVISIONS

##### SUBTITLE A—BASIC PAY AND ALLOWANCES

##### Section 601—Basic Needs Allowance: Exclusion of Basic Allowance for Housing from the Calculation of Gross Household Income of an Eligible Member of the Armed Forces

This section would remove the Basic Allowance for Housing from the calculation of service member eligibility for the Basic Needs Allowance.

## Section 602—Improved Calculation of Basic Allowance for Housing for Junior Enlisted Members

This section would provide for methodological parity among military pay grades and greater flexibility to adequately respond to the housing estimation challenges posed by rapidly changing housing market conditions across the United States.

## Section 603—Expansion of Authority of a Commanding Officer to Authorize a Basic Allowance for Housing for a Member Performing Initial Field or Sea Duty

This section would give commanding officers the authority to grant Basic Allowance for Housing to junior service members when they determine it is in the best interest of the member and the command.

### SUBTITLE B—BONUS AND INCENTIVE PAYS

## Section 611—One-Year Extension of Certain Expiring Bonus and Special Pay Authorities

This section would extend, through December 31, 2024, income replacement payments for Reserve Component members experiencing extended and frequent mobilization for Active Duty service; two critical recruitment and retention incentive programs for Reserve Component healthcare professionals; accession and retention incentives for nuclear-qualified officers; and the consolidated special and incentive pay authorities.

## Section 612—Authorization of Monthly Bonus Pay for a Junior Member of the Uniformed Services during Calendar Year 2024

This section would authorize the Secretary of Defense to pay a bonus to service members as economic conditions dictate.

## Section 613—Determination of Cold Weather Location for Purposes of Assignment or Special Duty Pay

This section would require the Secretary concerned to determine the locations that qualify for cold weather assignment or special duty pay.

### SUBTITLE C—FAMILY READINESS AND SURVIVOR BENEFITS

## Section 621—Modifications to Transitional Compensation for Dependents of Members Separated for Dependent Abuse

This section would modify transitional compensation requirements for dependents.

#### Section 622—Authority for Peer Mentoring Program for Military Dependents

This section would permit the establishment of a peer mentoring program for dependents of military service members.

#### Section 623—Increase in the Target Funding Level for Military Child Care

This section would increase the target funding level for military child care.

#### Section 625—Expansion of Pilot Program to Provide Financial Assistance to Members of the Armed Forces for In-Home Child Care

This section would expand the in-home child care pilot program to military families stationed in remote areas where service members are challenged to find suitable child care providers and services due to shortages, including Fort Drum, New York; Holloman Air Force Base, New Mexico; Naval Air Station Lemoore, California; and Marine Corps Base Twentynine Palms, California.

#### Section 626—Wait Times for Child Care Services Provided through Military Child Development Centers: Publication; Feasibility of Certain Improvement

This section would require the Department of Defense to publish and maintain a website for waiting lists for child care services at military child development centers and report on the feasibility of the use of the Department of the Air Force Child and Youth Programs Business Management System across all the services.

#### Section 627—Briefings on Pilot Program on Hiring of Special Needs Inclusion Coordinators for Department of Defense Child Development Centers

This section would amend section 576(d) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263) to include a more robust quarterly briefing requirement to ensure implementation is on track and being closely monitored.

### SUBTITLE D—DEPENDENT EDUCATION

#### Section 631—Certain Assistance to Local Educational Agencies That Benefit Dependents of Military and Civilian Personnel

This section would authorize \$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.

Section 632—Verification of Reporting of Eligible Federally Connected Children for Purposes of Federal Impact Aid Programs

This section would require verification of reporting of eligible federally connected children for purposes of Federal impact aid programs.

Section 634—Briefings on Implementation of Universal Pre-Kindergarten Programs

This section would require the Secretary of Defense to provide quarterly briefings to the committee on various aspects of the development of universal pre-kindergarten and its impact on co-located child development centers.

SUBTITLE E—DEFENSE RESALE MATTERS

Section 641—Access to Commissary and Exchange Privileges for Remarried Surviving Spouses

This section would restore access to commissary stores and Morale, Welfare, and Recreation retail facilities to certain surviving spouses who remarried.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE A—TRICARE AND OTHER HEALTH BENEFITS

Section 701—TRICARE Dental Plan for the Selected Reserve

This section would waive fees and copays on the TRICARE Dental Program for all members of the Selected Reserve.

Section 702—Non-Medical Counseling Services for Military Families

This section would authorize license portability for mental health professionals who provide non-medical counseling services.

Section 703—Naloxone and Fentanyl: Regulations; Report

This section would require the Secretary of Defense to establish policy and guidelines for the distribution of naloxone and for the reporting of fentanyl abuse across the military departments.

Section 704—Rates of Reimbursement for Providers of Applied Behavior Analysis

This section would reverse payment rate cuts to applied behavior analysis payment rates under the Autism Care Demonstration.

SUBTITLE B—HEALTH CARE ADMINISTRATION

Section 711—Clarification of Responsibilities regarding the Integrated Disability Evaluation System

This section would require enhanced operational and administrative control of service members going through the Medical Evaluation Board process.

Section 712—Sharing of Medical Data regarding Members of the Coast Guard

This section would require the Secretary of Defense and the Commandant of the Coast Guard to develop a process to coordinate sharing of information regarding access to military treatment facilities for members of the Coast Guard and their beneficiaries.

Section 713—Mandatory Training on Health Effects of Perfluoroalkyl or Polyfluoroalkyl Substances

This section would require the Department of Defense to provide training to medical providers on the health effects of perfluoroalkyl or polyfluoroalkyl substances.

Section 715—Establishment of Medical and Surgical Consumables Standardization Working Group

This section would require the Secretary of Defense to establish a medical logistics standardization working group.

SUBTITLE C—STUDIES AND REPORTS

Section 721—Study on Non-Clinical Mental Health Services of the Department of Defense

This section would require a study on non-clinical mental health providers and services.

Section 722—Feasibility Report regarding DHA Employment of Certain Mental Health Providers Awaiting Licensure

This section would require the Secretary of Defense to report to the committee on the feasibility of utilization within the Defense Health Agency of certain mental health providers awaiting licensure.

Section 723—Study on Health Care Available to Individuals Supporting the Missions of United States Forces, Japan, and Joint Region Marianas

This section would require the Commander, U.S. Indo-Pacific Command, to conduct a study on medical manning requirements and access to health care requirements in the U.S. Forces Japan and Joint Region Marianas areas of responsibilities.

Section 724—GAO Report on TRICARE Payments to Behavioral Health Professionals

This section would require the Comptroller General of the United States to submit a report on TRICARE payments to behavioral health professionals.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

SUBTITLE C—SPACE NATIONAL GUARD

Section 921—Establishment of Space National Guard

This section would establish a Space National Guard comprised of National Guard forces in the States and U.S. territories in which the Space Force operates.

Section 922—No Effect on Military Installations

This section would clarify that nothing in this subtitle would require or authorize the relocation of any facility, infrastructure, or military installation of the Space National Guard or Air National Guard.

Section 923—Implementation of Space National Guard

This section would require the Secretary of the Air Force and the Chief of the National Guard Bureau to implement the provisions of this subtitle not later than 18 months after the date of the enactment of this Act.

## Section 924—Conforming Amendments and Clarification of Authorities

This section would provide clarifications of authorities pertaining to the Space National Guard, as established by this subtitle, and conforming amendments to title 10, United States Code.

# TITLE XI—CIVILIAN PERSONNEL MATTERS

## LEGISLATIVE PROVISIONS

### Section 1103—Consolidation of Direct Hire Authorities for Candidates with Specified Degrees at Science and Technology Reinvention Laboratories

This section would consolidate direct hire authorities for candidates with specified degrees at science and technology reinvention laboratories.

### Section 1104—Direct Hire Authority for Certain Personnel of the Department of Defense

This section would allow the Secretary of Defense to use direct hire authority for any position in support of aircraft operations and any position for the safety of the public, law enforcement, or first response, for which the Secretary determines there is a critical hiring need or shortage of candidates.

### Section 1105—One-Year Extension of Authority to Waive Annual Limitation on Premium Pay and Aggregate Limitation on Pay for Federal Civilian Employees Working Overseas

This section would grant a 1-year extension of the authority to waive annual limitations of premium pay and the aggregate limitation on pay for Federal civilian employees working overseas until 2024.

### Section 1106—Extension of Authority to Grant Competitive Status to Employees of Inspectors General for Overseas Contingency Operations

This section would extend the authority to grant competitive service status to employees of special inspectors general for overseas contingency operations from 2 years to 5 years.

### Section 1110—One-Year Extension of Temporary Authority to Grant Allowances, Benefits, and Gratuities to Civilian Personnel on Official Duty in a Combat Zone

This section would grant a 1-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone until 2025.



## TITLE XIV—OTHER AUTHORIZATIONS

### LEGISLATIVE PROVISIONS

#### SUBTITLE B—OTHER MATTERS

##### Section 1412—Authorization of Appropriations for Armed Forces Retirement Home

This section would authorize appropriations for the operation of the Armed Forces Retirement Home.

## TITLE XVII—SPACE FORCE PERSONNEL MANAGEMENT

### LEGISLATIVE PROVISIONS

#### Section 1701—Short Title

This section would cite the short title of this title as the "Space Force Personnel Management Act".

#### SUBTITLE A—SPACE FORCE MILITARY PERSONNEL SYSTEM WITHOUT COMPONENT

##### Sections 1711-1720—Space Force Military Personnel System Without Component

This subtitle would establish a single military personnel management system for the United States Space Force, without component.

#### SUBTITLE B—CONFORMING AMENDMENTS RELATED TO SPACE FORCE MILITARY PERSONNEL SYSTEM

##### Sections 1731-1733—Conforming Amendments Related to Space Force Military Personnel System

This subtitle would establish the conforming amendments related to the United States Space Force Military Personnel System.

#### SUBTITLE C—TRANSITION PROVISIONS

##### Sections 1741-1747—Transition Provisions

This subtitle would establish a transition period for establishment of the Space Force Personnel system.

#### SUBTITLE D—OTHER AMENDMENTS RELATED TO THE SPACE FORCE

Sections 1751-1752—Other Amendments Related to the Space Force

This subtitle would authorize other amendments as necessary for the establishment of the Space Force Personnel System.

# **BILL LANGUAGE**

1                   **Subtitle A—Active Forces**

2   **SEC. 401 [log77341]. END STRENGTHS FOR ACTIVE FORCES.**

3           The Armed Forces are authorized strengths for active  
4 duty personnel as of September 30, 2024, as follows:

- 5           (1) The Army, 452,000.
- 6           (2) The Navy, 347,000.
- 7           (3) The Marine Corps, 172,300.
- 8           (4) The Air Force, 324,700.
- 9           (5) The Space Force, 9,400.

1           **Subtitle B—Reserve Forces**

2   **SEC. 411 [log77342]. END STRENGTHS FOR SELECTED RE-**  
3           **SERVE.**

4           (a) IN GENERAL.—The Armed Forces are authorized  
5 strengths for Selected Reserve personnel of the reserve  
6 components as of September 30, 2024, as follows:

7           (1) The Army National Guard of the United  
8 States, 325,000.

9           (2) The Army Reserve, 174,800.

10          (3) The Navy Reserve, 57,200.

11          (4) The Marine Corps Reserve, 33,600.

12          (5) The Air National Guard of the United  
13 States, 108,400.

14          (6) The Air Force Reserve, 69,600.

15          (7) The Coast Guard Reserve, 7,000.

16          (b) END STRENGTH REDUCTIONS.—The end  
17 strengths prescribed by subsection (a) for the Selected Re-  
18 serve of any reserve component shall be proportionately  
19 reduced by—

20           (1) the total authorized strength of units orga-  
21 nized to serve as units of the Selected Reserve of  
22 such component which are on active duty (other  
23 than for training) at the end of the fiscal year; and

24           (2) the total number of individual members not  
25 in units organized to serve as units of the Selected

1 Reserve of such component who are on active duty  
2 (other than for training or for unsatisfactory partici-  
3 pation in training) without their consent at the end  
4 of the fiscal year.

5 (c) END STRENGTH INCREASES.—Whenever units or  
6 individual members of the Selected Reserve of any reserve  
7 component are released from active duty during any fiscal  
8 year, the end strength prescribed for such fiscal year for  
9 the Selected Reserve of such reserve component shall be  
10 increased proportionately by the total authorized strengths  
11 of such units and by the total number of such individual  
12 members.

1 **SEC. 412 [log77343]. END STRENGTHS FOR RESERVES ON AC-**  
2 **TIVE DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section  
4 411(a), the reserve components of the Armed Forces are  
5 authorized, as of September 30, 2024, the following num-  
6 ber of Reserves to be serving on full-time active duty or  
7 full-time duty, in the case of members of the National  
8 Guard, for the purpose of organizing, administering, re-  
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United  
11 States, 30,845.

12 (2) The Army Reserve, 16,511.

13 (3) The Navy Reserve, 10,327.

14 (4) The Marine Corps Reserve, 2,355.

15 (5) The Air National Guard of the United  
16 States, 25,713.

17 (6) The Air Force Reserve, 6,070.

1 **SEC. 413 [log77344]. END STRENGTHS FOR MILITARY TECH-**  
2 **NICIANS (DUAL STATUS).**

3 The minimum number of military technicians (dual  
4 status) as of the last day of fiscal year 2024 for the re-  
5 serve components of the Army and the Air Force (notwith-  
6 standing section 129 of title 10, United States Code) shall  
7 be the following:

8 (1) For the Army National Guard of the United  
9 States, 22,294.

10 (2) For the Army Reserve, 7,990.

11 (3) For the Air National Guard of the United  
12 States, 9,830.

13 (4) For the Air Force Reserve, 6,882.



1 **SEC. 414 [log77345]. MAXIMUM NUMBER OF RESERVE PER-**  
2 **SONNEL AUTHORIZED TO BE ON ACTIVE**  
3 **DUTY FOR OPERATIONAL SUPPORT.**

4 During fiscal year 2024, the maximum number of  
5 members of the reserve components of the Armed Forces  
6 who may be serving at any time on full-time operational  
7 support duty under section 115(b) of title 10, United  
8 States Code, is the following:

9 (1) The Army National Guard of the United  
10 States, 17,000.

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

13 (4) The Marine Corps Reserve, 3,000.

14 (5) The Air National Guard of the United  
15 States, 16,000.

16 (6) The Air Force Reserve, 14,000.

1           **Subtitle A—Officer Personnel**  
2                                   **Policy**

3   **SEC. 501 [log77721]. NUMBER OF GENERAL OFFICERS AND**  
4                                   **FLAG OFFICERS ON ACTIVE DUTY.**

5           (a) INCREASE IN AUTHORIZED STRENGTH FOR THE  
6   SPACE FORCE.—Subsection (a)(5) of section 526a of title  
7   10, United States Code, is amended in by striking “21”  
8   and inserting “25”.

9           (b) EXPANSION OF EXCLUSION FOR THE SPACE  
10   FORCE FOR JOINT DUTY REQUIREMENTS.—Subsection  
11   (b)(2)(E) of such section is amended by striking “6” and  
12   inserting “10”.

13          (c) TEMPORARY ADDITIONAL JOINT POOL ALLOCA-  
14   TION.—Section 501(a)(3) of the National Defense Author-  
15   ization Act for Fiscal Year 2017 (Public Law 114–328;  
16   10 U.S.C. 525 note) is amended—

17           (1) by striking “positions authorized by para-  
18   graph (2)” and inserting “positions designated  
19   under subsection (b)(1) of section 526a of title 10,  
20   United States Code”; and

21           (2) by striking “30” and inserting “22”.

1 **SEC. 502 [log77608]. ESTABLISHMENT OF LEGISLATIVE LIAI-**  
2 **SON OF THE SPACE FORCE.**

3 Chapter 903 of title 10, United States Code, is  
4 amended by inserting, after section 9023, the following  
5 new section:—

6 **“§ 9023a. Legislative Liaison of the Space Force**

7 “(a) **ESTABLISHMENT.**—There is a Legislative Liai-  
8 son of the Space Force.

9 “(b) **FUNCTIONS.**—The Legislative Liaison shall per-  
10 form legislative affairs functions under the direction of the  
11 Chief of Space Operations.”.

1       **Subtitle B—Reserve Component**  
2                               **Management**

3       **SEC. 511 [log77523]. GRADES OF CERTAIN CHIEFS OF RE-**  
4                               **SERVE COMPONENTS.**

5               (a) IN GENERAL.—

6                       (1) CHIEF OF ARMY RESERVE.—Section  
7                       7038(b) of title 10, United States Code, is amended  
8                       by striking paragraph (4) and inserting the fol-  
9                       lowing:

10                      “(4) The Chief of Army Reserve, while so serving,  
11 holds the grade of lieutenant general.”.

12                      (2) CHIEF OF NAVY RESERVE.—Section  
13                      8083(b) of such title is amended by striking para-  
14                      graph (4) and inserting the following:

15                      “(4) The Chief of Navy Reserve, while so serving,  
16 holds the grade of vice admiral. ”.

17                      (3) COMMANDER, MARINE FORCES RESERVE.—  
18                      Section 8084(b) of such title is amended by striking  
19                      paragraph (4) and inserting the following:

20                      “(4) The Commander, Marine Forces Reserve, while  
21 so serving, holds the grade of lieutenant general. ”.

22                      (4) CHIEF OF AIR FORCE RESERVE.—Section  
23                      9038(b) of such title is amended by striking para-  
24                      graph (4) and inserting the following:

1           “(4) The Chief of Air Force Reserve, while so serving,  
2 holds the grade of lieutenant general.”.

3           (b) **EFFECTIVE DATE.**—The amendments made by  
4 subsection (a) shall take effect on the day that is one year  
5 after the date of the enactment of this Act and shall apply  
6 to appointments made after such date.

1 **SEC. 512 [log77746]. DESIGNATION OF AT LEAST ONE GEN-**  
2 **ERAL OFFICER OF THE MARINE CORPS RE-**  
3 **SERVE AS A JOINT QUALIFIED OFFICER.**

4 The Secretary of Defense shall ensure that at least  
5 one general officer of the Marine Corps Reserve is des-  
6 ignated as a joint qualified officer.

1           **Subtitle C—General Service**  
2           **Authorities and Military Records**

3   **SEC. 521** [log77763]. **PILOT PROGRAM ON CARDIAC**  
4                           **SCREENINGS FOR MILITARY ACCESSIONS.**

5           (a) **ESTABLISHMENT.**—Not later than September 30,  
6 2024, the Secretary of Defense shall carry out a pilot pro-  
7 gram to provide an electrocardiogram to individuals who  
8 undergo military accession screenings. Each such electro-  
9 cardiogram shall be provided—

10                   (1) on a mandatory basis;

11                   (2) at no cost to the recipient; and

12                   (3) in a facility of the Department of Defense  
13 or by a member or employee of the military health  
14 system.

15           (b) **PURPOSES.**—In carrying out the pilot program,  
16 the Secretary shall—

17                   (1) determine the costs (including protocols and  
18 personnel and equipment for each military entrance  
19 processing station) and benefits to the Department  
20 of providing an electrocardiogram to every individual  
21 who undergoes a military accession screening;

22                   (2) develop and implement appropriate proc-  
23 esses to assess the long-term impacts of electro-  
24 cardiogram results on military service; and

1           (3) consult with experts in cardiology to develop  
2           appropriate clinical practice guidelines for cardiac  
3           screenings, diagnosis, and treatment.

4           (c) BRIEFING.—Not later than 180 days after the  
5           date on which the pilot program terminates, the Secretary  
6           shall provide to the Committees on Armed Services of the  
7           Senate and the House of Representatives a briefing on the  
8           pilot program. Such briefing shall include the following:

9           (1) The results of all electrocardiograms pro-  
10          vided to individuals under the pilot program—

11           (A) disaggregated by Armed Force, race,  
12           and gender; and

13           (B) without any personally identifiable in-  
14           formation.

15          (2) The rate of significant cardiac issues de-  
16          tected pursuant to electrocardiograms provided  
17          under the pilot program, disaggregated by Armed  
18          Force, race, and gender.

19          (3) The number of individuals, if any, who were  
20          disqualified from accession based solely on the result  
21          of an electrocardiogram provided under the pilot  
22          program.

23          (4) The cost of carrying out the pilot program.

24          (d) TERMINATION.—The pilot program shall termi-  
25          nate after three years after its implementation.



1           **Subtitle D—Military Justice**

2   **SEC. 531 [Log 77560]. TECHNICAL AND CONFORMING**  
3                   **AMENDMENTS TO THE UNIFORM CODE OF**  
4                   **MILITARY JUSTICE.**

5           (a) TECHNICAL AMENDMENT RELATING TO GUILTY  
6 PLEAS FOR MURDER.—Section 918 of title 10, United  
7 States Code (article 118 of the Uniform Code of Military  
8 Justice), is amended—

9                   (1) by striking “he” each place it appears and  
10                   inserting “such person”; and

11                   (2) in the matter following paragraph (4), by  
12                   striking the period and inserting “, unless such per-  
13                   son is otherwise sentenced in accordance with a plea  
14                   agreement entered into between the parties under  
15                   section 853a of this title (article 53a).”.

16           (b) TECHNICAL AMENDMENTS RELATING TO THE  
17 MILITARY JUSTICE REFORMS IN THE NATIONAL DE-  
18 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022.—

19                   (1) ARTICLE 16.—Subsection (c)(2)(A) of sec-  
20                   tion 816 of title 10, United States Code (article 16  
21                   of the Uniform Code of Military Justice), is amend-  
22                   ed by striking “by the convening authority”.

23                   (2) ARTICLE 25.—Section 825 of title 10,  
24                   United States Code (article 25 of the Uniform Code  
25                   of Military Justice), is amended—

1 (A) in subsection (d)—

2 (i) in paragraph (1), by striking  
3 “may, after the findings are announced  
4 and before any matter is presented in the  
5 sentencing phase, request, orally on the  
6 record or in writing, sentencing by the  
7 members” and inserting “shall be sen-  
8 tenced by the military judge”; and

9 (ii) by amending paragraph (2) to  
10 read as follows:

11 “(2) In a capital case, if the accused is convicted of  
12 an offense for which the court-martial may sentence the  
13 accused to death, the accused shall be sentenced in accord-  
14 ance with section 853(e) of this title (article 53(c)).”;

15 (B) in subsection (e)—

16 (i) in paragraph (1), by striking  
17 “him” and inserting “the member being  
18 tried”; and

19 (ii) in paragraph (2)—

20 (I) in the first sentence, by strik-  
21 ing “his opinion” and inserting “the  
22 opinion of the convening authority”;  
23 and

1 (II) in the second sentence, by  
2 striking “he” and inserting “the mem-  
3 ber”; and

4 (C) in subsection (f) in the second sen-  
5 tence—

6 (i) by striking “his authority” and in-  
7 serting “the authority of the convening au-  
8 thority”; and

9 (ii) by striking “his staff judge advo-  
10 cate or legal officer” and inserting “the  
11 staff judge advocate or legal officer of the  
12 convening authority”.

13 (c) AUTHORITY OF SPECIAL TRIAL COUNSEL WITH  
14 RESPECT TO CERTAIN OFFENSES OCCURRING BEFORE  
15 EFFECTIVE DATE OF MILITARY JUSTICE REFORMS EN-  
16 ACTED IN THE NATIONAL DEFENSE AUTHORIZATION ACT  
17 FOR FISCAL YEAR 2022.—

18 (1) AUTHORITY.—Section 824a of title 10,  
19 United States Code, as added by section 531 of the  
20 National Defense Authorization Act for Fiscal Year  
21 2022 (Public Law 117–81; 135 Stat. 1692), is  
22 amended by adding at the end the following new  
23 subsection:

24 “(d) SPECIAL TRIAL COUNSEL AUTHORITY OVER  
25 CERTAIN OTHER OFFENSES.—

1           “(1) OFFENSES OCCURRING BEFORE EFFEC-  
2           TIVE DATE.—A special trial counsel may, at the sole  
3           and exclusive discretion of the special trial counsel,  
4           exercise authority over the following offenses:

5                   “(A) An offense under section 917a (arti-  
6                   cle 117a), 918 (article 118), section 919 (article  
7                   119), section 920 (article 120), section 920b  
8                   (article 120b), section 920c (article 120c), sec-  
9                   tion 928b (article 128b), or the standalone of-  
10                  fense of child pornography punishable under  
11                  section 934 (article 134) of this title that oc-  
12                  curred on or before December 27, 2023.

13                   “(B) An offense under section 925 (article  
14                   125), section 930 (article 130), or section 932  
15                   (article 132) of this title that occurred on or  
16                   after January 1, 2019, and before December  
17                   28, 2023.

18                   “(C) An offense under section 925 (article  
19                   125) of this title alleging an act of nonconsen-  
20                   sual sodomy that occurred before January 1,  
21                   2019.

22                   “(D) A conspiracy to commit an offense  
23                   specified in subparagraph (A), (B), or (C) as  
24                   punishable under section 881 of this title (arti-  
25                   cle 81).

1           “(E) A solicitation to commit an offense  
2 specified in subparagraph (A), (B), or (C) as  
3 punishable under section 882 of this title (arti-  
4 cle 82).

5           “(F) An attempt to commit an offense  
6 specified in subparagraph (A), (B), (C), (D), or  
7 (E) as punishable under section 880 of this title  
8 (article 80).

9           “(2) EFFECT OF EXERCISE OF AUTHORITY.—

10           “(A) TREATMENT AS COVERED OF-  
11 FENSE.—If a special trial counsel exercises au-  
12 thority over an offense pursuant to paragraph  
13 (1), the offense over which the special trial  
14 counsel exercises authority shall be considered a  
15 covered offense for purposes of this chapter.

16           “(B) KNOWN OR RELATED OFFENSES.—If  
17 a special trial counsel exercises authority over  
18 an offense pursuant to paragraph (1), the spe-  
19 cial trial counsel may exercise the authority of  
20 the special trial counsel under subsection  
21 (c)(2)(B) with respect to other offenses de-  
22 scribed in that subparagraph without regard to  
23 the date on which the other offenses occur.”.

24           (2) CONFORMING AMENDMENT TO EFFECTIVE  
25 DATE.—Section 539C(a) of the National Defense

1 Authorization Act for Fiscal Year 2022 (Public Law  
2 117-81; 10 U.S.C. 801 note) is amended by striking  
3 “and shall” and inserting “and, except as provided  
4 in section 824a(d) of title 10, United States Code  
5 (article 24a(d) of the Uniform Code of Military Jus-  
6 tice), shall”.

7 (d) EFFECTIVE DATE.—The amendments made by  
8 subsection (b) and subsection (c)(1) shall take effect im-  
9 mediately after the coming into effect of the amendments  
10 made by part 1 of subtitle D of title V of the National  
11 Defense Authorization Act for Fiscal Year 2022 (Public  
12 Law 117–81) as provided in section 539C of that Act (10  
13 U.S.C. 801 note).

1       **Subtitle F—Member Education**

2       **SEC. 551 [log78046]. PROHIBITION OF ESTABLISHMENT OR**  
3                   **MAINTENANCE OF A UNIT OF THE JUNIOR**  
4                   **RESERVE OFFICERS' TRAINING CORPS AT AN**  
5                   **EDUCATIONAL INSTITUTION OWNED, OPER-**  
6                   **ATED, OR CONTROLLED BY THE CHINESE**  
7                   **COMMUNIST PARTY.**

8       Section 2031 of title 10, United States Code, is  
9 amended by adding at the end the following new sub-  
10 section:

11       “(i) No unit may be established or maintained at an  
12 educational institution that is owned, operated, or con-  
13 trolled by a person that—

14               “(1) is the People’s Republic of China;

15               “(2) is a member of the Chinese Communist  
16 Party;

17               “(3) is a member of the People’s Liberation  
18 Army;

19               “(4) is identified by the Secretary of Defense  
20 under section 1260H(a) of the William M. (Mac)  
21 Thornberry National Defense Authorization Act for  
22 Fiscal Year 2021 (10 U.S.C. 113 note) as a Chinese  
23 military company;

1           “(5) is included in the Non-SDN Chinese Mili-  
2           tary-Industrial Complex Companies List published  
3           by the Department of the Treasury; or

4           “(6) is owned by or controlled by or is an agen-  
5           cy or instrumentality of any person described in  
6           paragraphs (1) through (5).”.



1           **Subtitle G—Member Training**

2   **SEC. 561 [log77583]. INCREASE IN THE NUMBER OF NOMI-**  
3                   **NEES FROM GUAM TO THE SERVICE ACAD-**  
4                   **EMIES.**

5           (a) UNITED STATES MILITARY ACADEMY.—Section  
6 7442(a)(8) of title 10, United States Code, is amended  
7 by striking “Four” and inserting “Five”.

8           (b) UNITED STATES NAVAL ACADEMY.—Section  
9 8454(a)(8) of title 10, United States Code, is amended  
10 by striking “Four” and inserting “Five”.

11           (c) UNITED STATES AIR FORCE ACADEMY.—Section  
12 9442(a)(8) of title 10, United States Code, is amended  
13 by striking “Four” and inserting “Five”.

1       **Subtitle H—Member Transition**

2       **SEC. 571 [log77857]. AMENDMENTS TO PATHWAYS FOR**  
3                   **COUNSELING IN THE TRANSITION ASSIST-**  
4                   **ANCE PROGRAM.**

5       Section 1142(c)(1) of title 10, United States Code,  
6 is amended—

7           (1) in subparagraph (E), by striking “Dis-  
8           ability” and inserting “Potential or confirmed dis-  
9           ability”; and

10          (2) in subparagraph (F), by striking “Char-  
11          acter” and inserting “Potential or confirmed char-  
12          acter”.

1 **SEC. 572 [log77565]. REPORT ON THE TRANSITION ASSIST-**  
2 **ANCE PROGRAM.**

3 (a) REPORT REQUIRED.—Not later than April 1,  
4 2024, the Secretary of Defense shall submit to the Com-  
5 mittees on Armed Services of the Senate and House of  
6 Representatives a report on the effectiveness, timeliness,  
7 and execution of TAP. The report under this section shall  
8 include the following elements:

9 (1) The average length of time before separa-  
10 tion when a member of an Armed Force, eligible for  
11 TAP, begins preseparation counseling under TAP,  
12 disaggregated by—

13 (A) Armed Force; and

14 (B) whether such member is an enlisted  
15 member or an officer.

16 (2) The timeline and plan of action to imple-  
17 ment the recommendations in GAO-23-104538, De-  
18 cember 2022.

19 (3) Steps the Secretary plans to take, and the  
20 related timeline for such steps, to address the find-  
21 ing in the report cited in paragraph (2) that ap-  
22 proximately 70 percent of members did not begin  
23 preseparation counseling under TAP at least one  
24 year before separation.

25 (4) The feasibility of ensuring that, by January  
26 1, 2025, at least 75 percent of members eligible for

1 TAP begin preseparation counseling under TAP at  
2 least one year before separation.

3 (5) The feasibility of implementing a pilot pro-  
4 gram to provide grants to non-Federal entities that  
5 provide industry-recognized certifications, job place-  
6 ment assistance, and related employment services to  
7 members eligible for TAP and spouses of such mem-  
8 bers.

9 (6) The feasibility of a pilot program that  
10 would require the military transition assistance  
11 teams of the Department of Defense to contact a  
12 veteran at least twice during each of the first three  
13 months after the veteran separates from an Armed  
14 Force, regarding—

15 (A) transition to civilian life, including em-  
16 ployment, access to benefits administered by the  
17 Secretary of Veterans Affairs, education, and  
18 family life; and

19 (B) concerns regarding such transition.

20 (7) Recommendations of the Secretary (includ-  
21 ing legislation) to improve the long-term effective-  
22 ness of TAP and the well-being of veterans.

23 (8) Other information the Secretary determines  
24 necessary to provide such Committees with a com-  
25 prehensive description of the participation of the

1 members in TAP and any other program adminis-  
2 tered by the Secretary that assists in the transition  
3 of members of the Armed Forces to civilian life.

4 (b) TAP DEFINED.—In this section, the term “TAP”  
5 means the Transition Assistance Program of the Depart-  
6 ment of Defense under sections 1142 and 1144 of title  
7 10, United States Code.

1           **Subtitle I—Decorations and**  
2                           **Awards**

3 **SEC. 581** [log77714]. **EXTENSION OF TIME TO REVIEW**  
4                           **WORLD WAR I VALOR MEDALS.**

5           (a) **EXTENSION.**—Section 584(f) of the National De-  
6 fense Authorization Act for Fiscal Year 2020 (Public Law  
7 116–92; 10 U.S.C. 7271 note) is amended by striking  
8 “six” and inserting “eight”.

9           (b) **EFFECTIVE DATE.**—The amendment made by  
10 subsection (a) shall take effect as if enacted on the date  
11 of the enactment of such Act.

1                   **Subtitle A—Basic Pay and**  
2                   **Allowances**

3 **SEC. 601 [log77584]. BASIC NEEDS ALLOWANCE: EXCLUSION**  
4                   **OF BASIC ALLOWANCE FOR HOUSING FROM**  
5                   **THE CALCULATION OF GROSS HOUSEHOLD**  
6                   **INCOME OF AN ELIGIBLE MEMBER OF THE**  
7                   **ARMED FORCES.**

8           Section 402b(k)(1)(B) of title 37, United States  
9 Code, is amended—

10                   (1) by striking “in the case” and all that fol-  
11                   lows through “portion of”; and

12                   (2) by striking “that the Secretary concerned  
13                   elects to exclude” and inserting “paid to such mem-  
14                   ber”.

1 **SEC. 602 [log77556]. IMPROVED CALCULATION OF BASIC AL-**  
2 **LOWANCE FOR HOUSING FOR JUNIOR EN-**  
3 **LISTED MEMBERS.**

4 Section 403(b)(5) of title 37, United States Code, is  
5 amended by striking “and shall be based” and all that  
6 follows and inserting a period.



1 **SEC. 603 [log77554]. EXPANSION OF AUTHORITY OF A COM-**  
2 **MANDING OFFICER TO AUTHORIZE A BASIC**  
3 **ALLOWANCE FOR HOUSING FOR A MEMBER**  
4 **PERFORMING INITIAL FIELD OR SEA DUTY.**

5 Subsection (f) of section 403 of title 37, United  
6 States Code, is amended—

7 (1) in paragraph (1)—

8 (A) by striking “certifies that the member  
9 was necessarily required to procure quarters at  
10 the member’s expense.” and inserting an em  
11 dash; and

12 (B) by adding at the end the following new  
13 subparagraphs:

14 “(A) certifies that the member was required to  
15 procure housing at the member’s expense; or

16 “(B) determines that quarters at the duty sta-  
17 tion or in the field environment are inadequate or an  
18 impediment to morale, good order, or discipline.”;  
19 and

20 (2) in paragraph (2)(B)—

21 (A) by striking “the Secretary may author-  
22 ize” and inserting “a commanding officer may  
23 authorize”;

24 (B) by striking “who is serving in pay  
25 grade E-4 or E-5” and inserting “who is serv-  
26 ing in a pay grade below E-6”; and

1           (C) by striking “members serving in pay  
2           grades E-4 and E-5” and inserting “such mem-  
3           bers. In authorizing an allowance under this  
4           subparagraph, the commanding officer shall  
5           consider the availability of quarters for the  
6           member and whether such quarters are inad-  
7           equate or an impediment to morale, good order,  
8           or discipline”.



1 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-  
2 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-  
3 THORITIES.—The following sections of title 37, United  
4 States Code, are amended by striking “December 31,  
5 2023” and inserting “December 31, 2024”:

6 (1) Section 331(h), relating to general bonus  
7 authority for enlisted members.

8 (2) Section 332(g), relating to general bonus  
9 authority for officers.

10 (3) Section 334(i), relating to special aviation  
11 incentive pay and bonus authorities for officers.

12 (4) Section 335(k), relating to special bonus  
13 and incentive pay authorities for officers in health  
14 professions.

15 (5) Section 336(g), relating to contracting  
16 bonus for cadets and midshipmen enrolled in the  
17 Senior Reserve Officers’ Training Corps.

18 (6) Section 351(h), relating to hazardous duty  
19 pay.

20 (7) Section 352(g), relating to assignment pay  
21 or special duty pay.

22 (8) Section 353(i), relating to skill incentive  
23 pay or proficiency bonus.

1           (9) Section 355(h), relating to retention incen-  
2           tives for members qualified in critical military skills  
3           or assigned to high priority units.

4           (e) **AUTHORITY TO PROVIDE TEMPORARY INCREASE**  
5 **IN RATES OF BASIC ALLOWANCE FOR HOUSING.**—Section  
6 403(b) of title 37, United States Code, is amended—

7           (1) in paragraph (7)(E), relating to an area  
8           covered by a major disaster declaration or con-  
9           taining an installation experiencing an influx of mili-  
10          tary personnel, by striking “December 31, 2023”  
11          and inserting “December 31, 2024”; and

12          (2) in paragraph (8)(C), relating to an area  
13          where actual housing costs differ from current rates  
14          by more than 20 percent, by striking “September  
15          30, 2023” and inserting “December 31, 2024”.

1 **SEC. 612 [log77736]. AUTHORIZATION OF MONTHLY BONUS**  
2 **PAY FOR A JUNIOR MEMBER OF THE UNI-**  
3 **FORMED SERVICES DURING CALENDAR YEAR**  
4 **2024.**

5 (a) AUTHORIZATION.—Beginning on January 1,  
6 2024, if the Secretary concerned determines that pre-  
7 vailing economic conditions may adversely affect an eligi-  
8 ble member, the Secretary concerned may pay a monthly  
9 bonus to each eligible member.

10 (b) AMOUNT OF PAY.—Each bonus payment under  
11 this section shall be in an amount equal to a percentage,  
12 determined by the Secretary concerned, of the rate—

13 (1) in effect on December 31, 2023; and

14 (2) of, for an eligible member—

15 (A) pay under section 204 of title 37,  
16 United States Code; or

17 (B) compensation under section 206 of  
18 title 37, United States Code.

19 (c) RELATIONSHIP TO OTHER PAY AND ALLOW-  
20 ANCES.—Bonus pay paid to an eligible member under this  
21 section is in addition to any other pay and allowances to  
22 which the eligible member is entitled.

23 (d) TERMINATION.—No bonus may be paid under  
24 this section after December 31, 2024.

1           (e) ELIGIBLE MEMBER DEFINED.—In this section,  
2 the term “eligible member” means a member of the uni-  
3 formed services who—  
4           (1) is entitled to pay or compensation described  
5           in subsection (b)(2); and  
6           (2) is in a grade below E-6.

1 **SEC. 613 [log77788]. DETERMINATION OF COLD WEATHER**  
2 **LOCATION FOR PURPOSES OF ASSIGNMENT**  
3 **OR SPECIAL DUTY PAY.**

4 For purposes of assignment or special duty pay under  
5 section 352 of title 37, United States Code, the Secretary  
6 concerned shall determine that a duty station is a cold  
7 weather location if, at such duty station, a member of the  
8 uniformed services receives training in—

- 9 (1) mountaineering;  
10 (2) proficiency in an alpine environment; or  
11 (3) proficiency in a cold weather environment.



1     **Subtitle C—Family Readiness and**  
2                     **Survivor Benefits**

3     **SEC. 621 [log77982]. MODIFICATIONS TO TRANSITIONAL**  
4                     **COMPENSATION FOR DEPENDENTS OF MEM-**  
5                     **BERS SEPARATED FOR DEPENDENT ABUSE.**

6             (a) COVERED PUNITIVE ACTIONS.—Subsection (b) of  
7 section 1059 of title 10, United States Code, is amended—

8                     (1) in paragraph (1)(B), by striking “; or” and  
9             inserting a semicolon;

10                    (2) in paragraph (2), by striking the period at  
11             the end and inserting a semicolon; and

12                    (3) by adding at the end the following new  
13             paragraph:

14                    “(3) who is—

15                             “(A) convicted of a dependent-abuse of-  
16                             fense in a district court of the United States or  
17                             a State court; and

18                             “(B) separated from active duty pursuant  
19                             to a sentence of a court-martial, or administra-  
20                             tively separated, voluntarily or involuntarily,  
21                             from active duty, for an offense other than the  
22                             dependent-abuse offense; or

23                    “(4) who is—

24                             “(A) accused but not convicted of a de-  
25                             pendent-abuse offense;

1           “(B) determined, as a result of a review by  
2           the commander of the member and based on a  
3           preponderance of evidence, to have committed  
4           the dependent-abuse offense; and

5           “(C) required to forfeit all pay and allow-  
6           ances pursuant to a sentence of a court-martial  
7           for an offense other than the dependent-abuse  
8           offense.”.

9           (b) RECIPIENTS OF PAYMENTS.—Subsection (d) of  
10          such section is amended—

11           (1) in paragraph (1), by striking “resulting in  
12          the separation” and inserting “referred to in sub-  
13          section (b)”;

14           (2) in paragraph (4)—

15           (A) by striking “determined as of the  
16          date” and inserting the following: “deter-  
17          mined—

18           “(A) as of the date”;

19           (B) by striking “offense or, in a case” and  
20          inserting the following: “offense—

21           “(B) in a case”.

22           (C) by striking the period at the end and  
23          inserting “; or”; and

24           (D) by adding at the end the following new  
25          subparagraph:

1           “(C) in a case described in subsection  
2           (b)(4), as of, as applicable—

3                   “(i) the first date on which the indi-  
4                   vidual is held in pretrial confinement relat-  
5                   ing to the dependent-abuse offense of  
6                   which the individual is accused after the 7-  
7                   day review of pretrial confinement required  
8                   by Rule 305(i)(2) of the Rules for Courts-  
9                   Martial; or

10                   “(ii) the date on which a review by a  
11                   commander of the individual determines  
12                   there is probable cause that the individual  
13                   has committed that offense.”.

14           (e) COMMENCEMENT OF PAYMENT.—Subsection  
15           (e)(1) of such section is amended—

16                   (1) in subparagraph (A)—

17                           (A) in the matter preceding clause (i), by  
18                           inserting after “offense” the following: “or an  
19                           offense described in subsection (b)(3)(B)”;

20                           (B) in clause (ii), by striking “; and” and  
21                           inserting a semicolon;

22                   (2) in subparagraph (B)—

23                           (A) by striking “(if the basis” and all that  
24                           follows through “offense)”;

1 (B) by striking the period at the end and  
2 inserting “; or” ; and

3 (3) by adding at the end the following new sub-  
4 paragraph:

5 “(C) in the case of a member described in sub-  
6 section (b)(4), shall commence as of, as applicable—

7 “(i) the first date on which the member is  
8 held in pretrial confinement relating to the de-  
9 pendent-abuse offense of which the member is  
10 accused after the 7-day review of pretrial con-  
11 finement required by Rule 305(i)(2) of the  
12 Rules for Courts-Martial; or

13 “(ii) the date on which a review by a com-  
14 mander of the member determines there is  
15 probable cause that the member has committed  
16 that offense.”.

17 (d) DEFINITION OF DEPENDENT CHILD.—Sub-  
18 section (l) of such section is amended, in the matter pre-  
19 ceding paragraph (1)—

20 (1) by striking “resulting in the separation of  
21 the former member or” and inserting “referred to in  
22 subsection (b) or”; and

23 (2) by striking “resulting in the separation of  
24 the former member and” and inserting “and”.

1 (e) DELEGATION OF DETERMINATIONS RELATING TO  
2 EXCEPTIONAL ELIGIBILITY.—Paragraph (4) of sub-  
3 section (m) of such section is amended to read as follows:

4 “(4) The Secretary concerned may delegate the au-  
5 thority under paragraph (1) to the first general or flag  
6 officer (or civilian equivalent) in the chain of command  
7 of the member.”.

1 **SEC. 622 [log77967]. AUTHORITY FOR PEER MENTORING**  
2 **PROGRAM FOR MILITARY DEPENDENTS.**

3 Subchapter I of chapter 88 of title 10, United States  
4 Code, is amended by inserting after section 1788a the fol-  
5 lowing new section:

6 **“§ 1788b. Authority for peer mentoring program**

7 “(a) ESTABLISHMENT.—The Secretary of Defense  
8 may carry out a peer mentoring program for dependents  
9 of members. Under such program, a mentor shall seek to  
10 meet with a mentee once per month to discuss challenges  
11 for military families.

12 “(b) TRAINING.—A dependent who elects to serve as  
13 a mentor in such a program shall receive training from  
14 a mental health care provider.”.

1 **SEC. 623 [log77502]. INCREASE IN THE TARGET FUNDING**  
2 **LEVEL FOR MILITARY CHILD CARE.**

3 Section 1791 of title 10, United States Code, is  
4 amended, in subsection (a), by inserting “115 percent of”  
5 after “not less than”.

1 **SEC. 625 [log77505]. EXPANSION OF PILOT PROGRAM TO**  
2 **PROVIDE FINANCIAL ASSISTANCE TO MEM-**  
3 **BERS OF THE ARMED FORCES FOR IN-HOME**  
4 **CHILD CARE.**

5 Section 589(b)(1) of the William M. (Mac) Thorn-  
6 berry National Defense Authorization Act for Fiscal Year  
7 2021 (Public Law 116–283) is amended—

8 (1) by striking the period at the end and insert-  
9 ing “, and in the following locations:”

10 (2) by adding at the end the following new sub-  
11 paragraphs:

12 “(A) Fort Drum, New York.

13 “(B) Holloman Air Force Base, New Mexico.

14 “(C) Naval Air Station Lemoore, California.

15 “(D) Marine Corps Air Ground Combat Center  
16 Twentynine Palms, California.”.



1 **SEC. 626 [log77504]. WAIT TIMES FOR CHILD CARE SERV-**  
2 **ICES PROVIDED THROUGH MILITARY CHILD**  
3 **DEVELOPMENT CENTERS: PUBLICATION;**  
4 **FEASIBILITY OF CERTAIN IMPROVEMENT.**

5 (a) PUBLICATION.—Not later than 90 days after the  
6 date of the enactment of this Act, the Secretary of Defense  
7 shall publish and maintain, on a website of the Depart-  
8 ment of Defense that is accessible by members of the  
9 Armed Forces, waiting lists for child care services at mili-  
10 tary child development centers.

11 (b) ESTIMATES.—On the website described in sub-  
12 section (a), the Secretary shall publish a tool that uses  
13 data collected by the Secretary to estimate how long a  
14 member assigned to serve at a military installation will  
15 wait before receiving child care services at the military  
16 child development center of such military installation.

17 (c) FEASIBILITY REPORT.—Not later than March 30,  
18 2024, the Secretary shall submit to the Committees on  
19 Armed Services of the Senate and House of Representa-  
20 tives a report regarding the feasibility of implementing the  
21 business management system of the Child and Youth Pro-  
22 grams of the Department of the Air Force for all military  
23 departments in order to increase member satisfaction by  
24 improving communication with members on such waiting  
25 lists and facilitating payments and paperwork for such  
26 child care services.

1           (d) MILITARY CHILD DEVELOPMENT CENTER DE-  
2 FINED.—In this section, the term “military child develop-  
3 ment center” has the meaning given such term in section  
4 1800 of title 10, United States Code.

1 **SEC. 627 [log78029]. BRIEFINGS ON PILOT PROGRAM ON**  
2 **HIRING OF SPECIAL NEEDS INCLUSION CO-**  
3 **ORDINATORS FOR DEPARTMENT OF DE-**  
4 **FENSE CHILD DEVELOPMENT CENTERS.**

5 Section 576(d) of the National Defense Authorization  
6 Act for Fiscal Year 2023 (Public Law 117–263; 10 U.S.C.  
7 1792 note) is amended—

8 (1) by redesignating paragraph (2) as para-  
9 graph (3); and

10 (2) by inserting, after paragraph (1) the fol-  
11 lowing new paragraph (2):

12 “(2) BRIEFINGS ON IMPLEMENTATION.—Begin-  
13 ning on January 31, 2024, until the termination of  
14 the pilot program, the Secretary of Defense shall  
15 provide to the Committees on Armed Services of the  
16 Senate and the House of Representatives a quarterly  
17 briefing on the implementation of the pilot program.  
18 Each such briefing shall include the following:

19 “(A) The process for selecting child devel-  
20 opment centers under subsection (b).

21 “(B) How a special needs inclusion coordi-  
22 nator hired under the pilot program coordinates  
23 with the head of the child development center  
24 concerned and the commander of the military  
25 installation concerned.

1                   “(C) How many special needs inclusion co-  
2                   ordinators have been hired under the pilot pro-  
3                   gram.”.

## 1 **Subtitle D—Dependent Education**

2 **SEC. 631 [Log 77524]. CERTAIN ASSISTANCE TO LOCAL EDU-**  
3 **CATIONAL AGENCIES THAT BENEFIT DE-**  
4 **PENDENTS OF MILITARY AND CIVILIAN PER-**  
5 **SONNEL.**

6 (a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL  
7 EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS  
8 OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT  
9 OF DEFENSE CIVILIAN EMPLOYEES.—Of the amount au-  
10 thorized to be appropriated for fiscal year 2024 by section  
11 301 and available for operation and maintenance for De-  
12 fense-wide activities as specified in the funding table in  
13 section 4301, \$50,000,000 shall be available only for the  
14 purpose of providing assistance to local educational agen-  
15 cies under subsection (a) of section 572 of the National  
16 Defense Authorization Act for Fiscal Year 2006 (Public  
17 Law 109–163; 20 U.S.C. 7703b).

18 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-  
19 ABILITIES.—Of the amount authorized to be appropriated  
20 for fiscal year 2024 pursuant to section 301 and available  
21 for operation and maintenance for Defense-wide activities  
22 as specified in the funding table in section 4301,  
23 \$20,000,000 shall be available for payments under section  
24 363 of the Floyd D. Spence National Defense Authoriza-

1 tion Act for Fiscal Year 2001 (as enacted into law by Pub-  
2 lic Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

3 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In  
4 this section, the term “local educational agency” has the  
5 meaning given that term in section 7013(9) of the Ele-  
6 mentary and Secondary Education Act of 1965 (20 U.S.C.  
7 7713(9)).

1 **SEC. 632 [Log 77603]. VERIFICATION OF REPORTING OF ELI-**  
2 **GIBLE FEDERALLY CONNECTED CHILDREN**  
3 **FOR PURPOSES OF FEDERAL IMPACT AID**  
4 **PROGRAMS.**

5 (a) CERTIFICATION.—On an annual basis, each com-  
6 mander of a military installation under the jurisdiction of  
7 the Secretary of a military department shall submit to  
8 such Secretary a written certification verifying whether  
9 the commander has confirmed the information contained  
10 in all impact aid source check forms received from local  
11 educational agencies as of the date of such certification.

12 (b) REPORT.—Not later June 30 of each year, each  
13 Secretary of a military department shall submit to the  
14 congressional defense committees a report, based on the  
15 information received under subsection (a), that identi-  
16 fies—

17 (1) each military installation under the jurisdic-  
18 tion of such Secretary that has confirmed the infor-  
19 mation contained in all impact aid source check  
20 forms received from local educational agencies as of  
21 the date of the report; and

22 (2) each military installation that has not con-  
23 firmed the information contained in such forms as of  
24 such date.

25 (c) DEFINITIONS.—In this section:

- 1           (1) The term “impact aid source check form”  
2           means a form submitted to the Department of De-  
3           fense by a local educational agency to verify infor-  
4           mation relating to eligible federally connected chil-  
5           dren counted for purposes of the Federal impact aid  
6           program under section 7003 of the Elementary and  
7           Secondary Education Act of 1965 (20 U.S.C. 7703).
- 8           (2) The term “local educational agency” has  
9           the meaning given that term section 8101 of the El-  
10          ementary and Secondary Education Act of 1965 (20  
11          U.S.C. 7801).



1 **SEC. 634 [Log 77885]. BRIEFINGS ON IMPLEMENTATION OF**  
2 **UNIVERSAL PRE-KINDERGARTEN PROGRAMS.**

3 (a) QUARTERLY BRIEFINGS REQUIRED.—Not later  
4 than January 30, 2024, and on a quarterly basis there-  
5 after until December 31, 2029, the Secretary of Defense  
6 shall submit to the committees on Armed Services of the  
7 Senate and the House of Representatives a briefing on the  
8 progress of the Secretary in implementing universal pre-  
9 kindergarten programs in schools operated by the Depart-  
10 ment of Defense Education Activity.

11 (b) CONTENTS OF INITIAL BRIEFING.—The initial  
12 briefing under subsection (a) shall include—

13 (1) identification of all locations under the ju-  
14 risdiction of the Department of Defense at which  
15 universal pre-kindergarten programs and child devel-  
16 opment centers are co-located; and

17 (2) an estimate of the number of children ex-  
18 pected to transfer from child development centers to  
19 pre-kindergarten programs as a result of such pro-  
20 grams being offered.

21 (c) CONTENTS OF SUBSEQUENT BRIEFINGS.—Fol-  
22 lowing the initial briefing under subsection (a), each sub-  
23 sequent briefing shall include—

24 (1) the total anticipated costs of funding uni-  
25 versal pre-kindergarten programs in schools operated  
26 by the Department of Defense Education Activity;

1           (2) the estimated differential between the cost  
2 of caring for a child in a child development center  
3 versus the cost of a child's participation in a pre-  
4 kindergarten program;

5           (3) the estimated differential between the costs  
6 of employing caregivers in child development centers  
7 versus the costs of employing teachers in pre-kinder-  
8 garten programs;

9           (4) the child-to-caregiver ratio requirements for  
10 child development centers versus the child-to-teacher  
11 ratio requirements for pre-kindergarten programs;

12           (5) a needs assessment of facilities for universal  
13 pre-kindergarten programs based on anticipated ca-  
14 pacity;

15           (6) an assessment of the availability of teachers  
16 for pre-kindergarten programs; and

17           (7) an indication of whether, and to what ex-  
18 tent, members of the Armed Forces have expressed  
19 a preference for enrolling their children in pre-kin-  
20 dergarten programs rather than continuing care for  
21 such children in child development centers.

## 1 **Subtitle E—Defense Resale Matters**

### 2 **SEC. 641 [log77597]. ACCESS TO COMMISSARY AND EX-** 3 **CHANGE PRIVILEGES FOR REMARRIED SUR-** 4 **VIVING SPOUSES.**

5 Section 1062 of title 10, United States Code, is  
6 amended—

7 (1) by striking “The Secretary of Defense” and  
8 inserting the following:

9 “(a) CERTAIN UNREARRIED FORMER SPOUSES.—  
10 The Secretary of Defense”;

11 (2) by striking “commissary and exchange  
12 privileges” and inserting “use commissary stores  
13 and MWR retail facilities”;

14 (3) by adding at the end the following new sub-  
15 section:

16 “(b) CERTAIN REMARRIED SURVIVING SPOUSES.—  
17 The Secretary of Defense shall prescribe such regulations  
18 as may be necessary to provide that a surviving spouse  
19 of a deceased member of the armed forces, regardless of  
20 the marital status of the surviving spouse, is entitled to  
21 use commissary stores and MWR retail facilities to the  
22 same extent and on the same basis as an unremarried sur-  
23 viving spouse of a member of the uniformed services.”;  
24 and

1           (4) by adding at the end the following new sub-  
2           section:

3           “(c) MWR RETAIL FACILITIES DEFINED.—In this  
4           section, the term ‘MWR retail facilities’ has the meaning  
5           given that term in section 1063 of this title.”.

1     **Subtitle A—TRICARE and Other**  
2                     **Health Benefits**

3     **SEC. 701 [log77618]. TRICARE DENTAL PLAN FOR THE SE-**  
4                     **LECTED RESERVE.**

5             Section 1076a of title 10, United States Code, is  
6 amended—

7             (1) in subsection (a)—

8                     (A) in paragraph (1)—

9                             (i) in the header, by striking “selected  
10 reserve and”; and

11                            (ii) by striking “for members of the  
12 Selected Reserve of the Ready Reserve  
13 and”;

14                     (B) in paragraph (2), in the header, by in-  
15 serting “Individual Ready” after “other”; and

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

18                     “(5) PLAN FOR SELECTED RESERVE.—A dental  
19 benefits plan for members of the Selected Reserve of  
20 the Ready Reserve.”;

21             (2) in subsection (d)—

22                     (A) by redesignating paragraph (3) as  
23 paragraph (4); and

24                     (B) by inserting after paragraph (2) the  
25 following new paragraph:

1           “(3) NO PREMIUM PLANS.—(A) The dental in-  
2           surance plan established under subsection (a)(5) is  
3           a no premium plan.

4           “(B) Members enrolled in a no premium plan  
5           may not be charged a premium for benefits provided  
6           under the plan.”;

7           (3) in subsection (e)(2)(A), by striking “a mem-  
8           ber of the Selected Reserve of the Ready Reserve  
9           or”;

10          (4) by redesignating subsections (f) through (k)  
11          as subsections (g) through (l), respectively;

12          (5) by inserting after subsection (e) the fol-  
13          lowing new subsection (f):

14          “(f) COPAYMENTS UNDER NO PREMIUM PLANS.—A  
15          member who receives dental care under a no premium plan  
16          referred to in subsection (d)(3) shall pay no charge for  
17          any care described in subsection (c).”; and

18          (6) in subsection (i), as redesignated by para-  
19          graph (4), by striking “subsection (k)(2)” and in-  
20          serting “subsection (l)(2)”.

1 **SEC. 702 [log77539]. NON-MEDICAL COUNSELING SERVICES**  
2 **FOR MILITARY FAMILIES.**

3 Section 1781 of title 10, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(d) NON-MEDICAL COUNSELING SERVICES.—(1) In  
7 carrying out its duties under subsection (b), the Office  
8 may coordinate programs and activities for the provision  
9 of non-medical counseling services to military families  
10 through the Department of Defense Military and Family  
11 Counseling Program.

12 “(2) Notwithstanding any other provision of law, a  
13 mental health professional described in paragraph (3) may  
14 provide non-medical counseling services at any location in  
15 a State, the District of Columbia, or a territory or posses-  
16 sion of the United States, without regard to where the  
17 provider or recipient of such services is located, if the pro-  
18 vision of such services is within the scope of the authorized  
19 Federal duties of the provider.

20 “(3) A mental health professional described in this  
21 subsection is a person who is—

22 “(A) a mental health professional who holds a  
23 current license or certification that is—

24 “(i) issued by a State, the District of Co-  
25 lumbia, or a territory or possession of the  
26 United States; and

1                   “(ii) recognized by the Secretary of De-  
2                   fense;

3                   “(B) a member of the uniformed services, a ci-  
4                   vilian employee of the Department of Defense, or a  
5                   contractor designated by the Secretary; and

6                   “(C) performing authorized duties for the De-  
7                   partment of Defense under a program or activity re-  
8                   ferred to in paragraph (1).

9                   “(4) In this subsection, the term ‘non-medical coun-  
10                  seling services’ means mental health care services that are  
11                  non-clinical, short-term and solution focused, and address  
12                  topics related to personal growth, development, and posi-  
13                  tive functioning.”.



1 **SEC. 703 [log77537]. NALOXONE AND FENTANYL: REGULA-**  
2 **TIONS; REPORT.**

3 (a) REGULATIONS.—Not later than January 1, 2024,  
4 the Secretary of Defense, in coordination with the Secre-  
5 taries of the military departments shall prescribe regula-  
6 tions regarding naloxone and fentanyl on military installa-  
7 tions. Such regulations shall—

8 (1) ensure that naloxone is available for mem-  
9 bers of the Armed Forces—

10 (A) on all military installations; and

11 (B) in each operational environment; and

12 (2) establish a standardized tracking system—

13 (A) for naloxone distributed under para-  
14 graph (1); and

15 (B) of the illegal use of fentanyl and other  
16 controlled substances in the military depart-  
17 ments.

18 (b) REPORT.—Not later than June 1, 2024, the Sec-  
19 retary of Defense shall submit to the Committees on  
20 Armed Services of the Senate and House of Representa-  
21 tives a report regarding naloxone and fentanyl. Such re-  
22 port shall include the following elements:

23 (1) Progress in the implementation of regula-  
24 tions prescribed under subsection (a).

25 (2) The prevalence and incidence of the illegal  
26 use of fentanyl and other controlled substances in

1 the military departments during the five years pre-  
2 ceding the report.

3 (3) Processes of the military departments to  
4 mitigate substance abuse, particularly with regards  
5 to fentanyl.

6 (c) NALOXONE DEFINED.—In this section, the term  
7 “naloxone” means naloxone and any other medication  
8 used to reverse opioid overdose.

1 **SEC. 704 [log77577]. RATES OF REIMBURSEMENT FOR PRO-**  
2 **VIDERS OF APPLIED BEHAVIOR ANALYSIS.**

3 (a) IN GENERAL.—In furnishing applied behavior  
4 analysis under the TRICARE program to individuals de-  
5 scribed in paragraph (2) during the period beginning on  
6 the date of the enactment of this Act and ending on De-  
7 cember 31, 2024, the Secretary of Defense shall ensure  
8 that the reimbursement rates for providers of applied be-  
9 havior analysis are not less than the rates that were in  
10 effect on April 30, 2023.

11 (b) INDIVIDUALS DESCRIBED.—Individuals described  
12 in this paragraph are individuals who are covered bene-  
13 ficiaries by reason of being a member or former member  
14 of the Army, Navy, Marine Corps, Air Force, or Space  
15 Force, including the reserve components thereof, or a de-  
16 pendent of such a member or former member.

17 (c) DEFINITIONS.—In this section, the terms “cov-  
18 ered beneficiary” and “TRICARE program” have the  
19 meaning given those terms in section 1072 of title 10,  
20 United States Code.

1                   **Subtitle B—Health Care**  
2                   **Administration**

3   **SEC. 711 [log77644]. CLARIFICATION OF RESPONSIBILITIES**  
4                   **REGARDING THE INTEGRATED DISABILITY**  
5                   **EVALUATION SYSTEM.**

6           (a) CLARIFICATION.—Subsection (h) of section 1073c  
7 of title 10, United States Code, is amended—

8                   (1) in the heading, by striking “SECRETARIES  
9 CONCERNED AND MEDICAL EVALUATION BOARDS”  
10 and inserting “AUTHORITY OVER MEMBERS”;

11                   (2) by inserting “(1)” before “Nothing”; and

12                   (3) by adding at the end the following new  
13 paragraphs:

14           “(2) Notwithstanding the responsibilities and au-  
15 thorities of the Defense Health Agency with respect to the  
16 administration of military medical treatment facilities as  
17 set forth in this section (including medical evaluations of  
18 members of the armed forces), the Secretary of each mili-  
19 tary department shall maintain personnel authority over,  
20 and responsibility for, any member of the armed forces  
21 under the jurisdiction of the military department con-  
22 cerned while the member is being considered by a medical  
23 evaluation board or is otherwise subject to the integrated  
24 disability evaluation system. Such responsibility shall in-  
25 clude the following:

1           “(A) Responsibility for administering the mo-  
2           rale and welfare of the member.

3           “(B) Responsibility for determinations of fit-  
4           ness for duty of the member under chapter 61 of  
5           this title.

6           “(3) Notwithstanding the responsibilities and au-  
7           thorities of the Defense Health Agency with respect to the  
8           administration of the integrated disability evaluation sys-  
9           tem, a commander shall, at all times, maintain absolute  
10          responsibility for, and authority over, a member of the  
11          armed forces referred to the integrated disability evalua-  
12          tion system. Such responsibility and authority include the  
13          following:

14           “(A) The authority to pause any process of the  
15           integrated disability evaluation system regarding the  
16           member.

17           “(B) The authority to withdraw the member  
18           from the integrated disability evaluation system if  
19           the commander determines that any policy, proce-  
20           dure, regulation, or other guidance has not been fol-  
21           lowed in the member’s case.

22           “(4) Pursuant to regulations prescribed by the Sec-  
23           retary of Defense, a member referred to the integrated  
24           disability evaluation system may file an appeal of such re-

1 ferral with the Secretary of the military department con-  
2 cerned. Such an appeal—

3           “(A) shall be in addition to any appeals process  
4           established as part of the integrated disability eval-  
5           uation system;

6           “(B) shall include a hearing before an officer  
7           who may convene a general court-martial and who is  
8           in the chain of command of the member; and

9           “(C) shall be adjudicated not later than 90  
10          days after such filing.”.

11          (b) REGULATIONS.—The Secretary of Defense shall  
12          prescribe regulations to carry out paragraphs (2) through  
13          (4) of such subsection, as added by this section, not later  
14          than 90 days after the date of the enactment of this Act.

15          (c) BRIEFING.—Not later than February 1, 2024, the  
16          Secretary of Defense shall provide to the Committees on  
17          Armed Services of the Senate and House of Representa-  
18          tives a briefing on the implementation of such paragraphs.

1 **SEC. 712 [log77541]. SHARING OF MEDICAL DATA REGARD-**  
2 **ING MEMBERS OF THE COAST GUARD.**

3 (a) IN GENERAL.—Chapter 55 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 1110c. Sharing of medical data regarding members**  
7 **of the Coast Guard**

8 “(a) SHARING OF DATA.—The Secretary of Defense  
9 shall provide, on an annual basis, to the Commandant of  
10 the Coast Guard, data regarding medical care—

11 “(1) provided at military medical treatment fa-  
12 cilities established under section 1073c of this title  
13 to members of the Coast Guard and beneficiaries of  
14 such members; and

15 “(2) received by members of the Coast Guard  
16 and beneficiaries of such members through the  
17 TRICARE program.

18 “(b) CAPABILITY AND CAPACITY REPORTS.—The  
19 Secretary of Defense, acting through the Director of the  
20 Defense Health Agency, shall provide to the Commandant  
21 of the Coast Guard capability and capacity reports regard-  
22 ing members of the Coast Guard, and beneficiaries of such  
23 members, who receive treatment at military medical treat-  
24 ment facilities.

25 “(c) HIPAA LIMITATION.—None of the information  
26 shared under this section shall include personally identifi-

1 able information, sensitive patient health information, or  
2 information that violates the Health Insurance Portability  
3 and Accountability Act of 1996 (Public Law 104–191).”.

4 (b) PLAN; REPORT.—Not later than 270 days after  
5 the date of the enactment of this Act, the Secretary of  
6 Defense and the Commandant of the Coast Guard shall  
7 develop a plan to carry out section 1110c of such title,  
8 as added by this section, and submit a report containing  
9 such plan to the appropriate congressional committees.

10 (c) IMPLEMENTATION DATE.—Not later than one  
11 year after the date of the enactment of this Act, the Sec-  
12 retary and Commandant shall carry out section 1110c of  
13 such title, as added by this section.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
15 DEFINED.—In this section, the term “appropriate con-  
16 gressional committees” means the following:

17 (1) The Committee on Armed Services of the  
18 Senate.

19 (2) The Committees on Armed Services of the  
20 House of Representatives.

21 (3) The Committee on Commerce, Science, and  
22 Transportation of the Senate.

23 (4) The Committee on Transportation and In-  
24 frastructure of the House of Representatives.





1 **SEC. 715 [log77383]. ESTABLISHMENT OF MEDICAL AND SUR-**  
2 **GICAL CONSUMABLES STANDARDIZATION**  
3 **WORKING GROUP.**

4 (a) ESTABLISHMENT.—Not later than March 1,  
5 2024, the Secretary of Defense shall establish a working  
6 group of logistics experts, medical experts, and surgical  
7 experts from across the military departments and the De-  
8 fense Health Agency to standardize the medical and sur-  
9 gical consumable supplies procured and used within the  
10 Department of Defense.

11 (b) CHAIR.—The Secretary shall appoint an officer  
12 in a grade above O-6 to serve as chair of the working  
13 group.

14 (c) DUTIES.—The duties of the working group in-  
15 clude the following:

16 (1) To identify a list of the consumable medical  
17 and surgical supplies acquired by the Department,  
18 by national item identification number or national  
19 stock number.

20 (2) To identify, of the supplies identified under  
21 paragraph (1)—

22 (A) unique items; and

23 (B) non-unique items that are functionally  
24 interchangeable.

25 (3) Disaggregate such list by the offeror of the  
26 supplies, member of the acquisition workforce (as

1 defined in section 101 of title 10, United States  
2 Code) responsible for procurement of the supplies,  
3 and the entity or end user of such supplies.

4 (4) To revise and standardize the catalog for  
5 consumable medical and surgical supplies of the De-  
6 partment of Defense, including the elimination un-  
7 necessary and duplicate supplies.

8 (5) To ensure supplies identified under para-  
9 graph (1) are provided to the appropriate entity or  
10 end user in a regular and timely manner.

11 (6) To coordinate with the Director of the De-  
12 fense Logistics Agency to conduct regular stress  
13 tests of the surge requirements for such supplies.

14 (7) To generate methods to encourage health  
15 care providers in the Defense Health Agency to pro-  
16 cure such supplies through the catalog described in  
17 paragraph (4) instead of through other means.

18 (d) BRIEFINGS.—

19 (1) INTERIM.—Not later than October 1, 2024,  
20 the Secretary of Defense shall submit to the Com-  
21 mittees on Armed Services of the Senate and House  
22 of Representatives a briefing on the activities of the  
23 working group.

24 (2) FINAL.—Not later than December 31,  
25 2025, the Secretary of Defense shall submit to the

1 Committees on Armed Services of the Senate and  
2 House of Representatives a final briefing on the ac-  
3 tivities of the working group.

4 (e) TERMINATION.—The working group shall termi-  
5 nate two years after the date of the enactment of this Act.

## 1     **Subtitle C—Studies and Reports**

### 2     **SEC. 721 [log77358]. STUDY ON NON-CLINICAL MENTAL** 3                   **HEALTH SERVICES OF THE DEPARTMENT OF** 4                   **DEFENSE.**

5           (a) STUDY REQUIRED.—The Secretary of Defense, in  
6 coordination with the Secretaries of the military depart-  
7 ments, shall conduct a study regarding the following:

8                   (1) How NCMH programs (including the Mili-  
9                   tary and Family Life Counseling Program), are im-  
10                   plemented throughout the Department of Defense,  
11                   including distribution of NCMH professionals.

12                   (2) The differences in roles and responsibilities  
13                   between NCMH professionals and clinical mental  
14                   health professionals.

15                   (3) How the effectiveness of NCMH profes-  
16                   sionals and NCMH programs are measured.

17                   (4) The processes by which NCMH profes-  
18                   sionals—

19                           (A) track services they provide;

20                           (B) refer and track such referrals to clin-  
21                   ical mental health professionals, chaplains, and  
22                   other service providers; and

23                           (C) ease the transition for such a referral  
24                   to ensure a treatment plan continues smoothly.

1           (5) The costs to the United States of NCMH  
2           programs of the Department during the calendar  
3           years 2019 through 2023.

4           (6) The outcomes of NCMH programs.

5           (7) Recommendations for the future of NCMH  
6           programs.

7           (b) REPORT.—Not later than June 1, 2024, the Sec-  
8           retary of Defense shall submit to the Committees on  
9           Armed Services of the Senate and House of Representa-  
10          tives a report containing the results of the study under  
11          this section.

12          (c) NCMH DEFINED.—The term “NCMH” means  
13          non-clinical mental health.

1 **SEC. 722 [log78032]. FEASIBILITY REPORT REGARDING DHA**  
2 **EMPLOYMENT OF CERTAIN MENTAL HEALTH**  
3 **PROVIDERS AWAITING LICENSURE.**

4 (a) REPORT REQUIRED.—Not later than September  
5 30, 2024, the Secretary of Defense shall submit to the  
6 Committees on Armed Services of the Senate and House  
7 of Representatives a report on the feasibility of revising  
8 policies of DHA regarding the supervision of covered men-  
9 tal health employees in order to align with the policies set  
10 forth in VHA Directive 1027 of the Veterans Health Ad-  
11 ministration (dated October 23, 2019). In determining  
12 such feasibility, the Secretary shall consider issues includ-  
13 ing the following:

14 (1) The need to employ covered mental health  
15 employees in DHA.

16 (2) The capacity of licensed mental health pro-  
17 fessionals employed in DHA to supervise covered  
18 mental health employees.

19 (3) The effects of such alignment on access by  
20 members of the Armed Forces to mental health care.

21 (4) The potential risks and costs to the United  
22 States of such alignment.

23 (5) Any statutory or regulatory changes nec-  
24 essary for such alignment.

25 (b) DEFINITIONS.—In this section:

1           (1) The term “covered mental health employee”  
2 means an individual—

3           (A) employed by the Defense Health Agen-  
4 cy as a psychologist, social worker, professional  
5 mental health counselor, or marriage and family  
6 therapist; and

7           (B) who has yet to be licensed in such pro-  
8 fession by a State.

9           (2) The term “DHA” means the Defense  
10 Health Agency.

11           (3) The term “State” has the meaning given  
12 such term in section 901 of title 32, United States  
13 Code.



1 **SEC. 723 [log77359]. STUDY ON HEALTH CARE AVAILABLE**  
2 **TO INDIVIDUALS SUPPORTING THE MISSIONS**  
3 **OF UNITED STATES FORCES, JAPAN, AND**  
4 **JOINT REGION MARIANAS.**

5 (a) **STUDY REQUIRED.**—The Commander, United  
6 States Indo-Pacific Command, shall conduct a study to de-  
7 termine whether health care services available to covered  
8 individuals is sufficient to support—

9 (1) the missions of United States Forces,  
10 Japan, and Joint Region Marianas; and

11 (2) the National Defense Strategy.

12 (b) **ELEMENTS.**—The study under this section shall  
13 include the following elements:

14 (1) With regards to health care services fur-  
15 nished through the military health system to covered  
16 individuals, an assessment of—

17 (A) the sufficiency of such services; and

18 (B) challenges to such services.

19 (2) A assessment of the availability of health  
20 care services to covered individuals, including—

21 (A) the sufficiency of such services; and

22 (B) challenges to such services.

23 (3) A mission risk assessment for United States  
24 Forces, Japan, and Joint Region Marianas if health  
25 care services furnished through the military health  
26 system were available in the following scenarios:

1 (A) To members, civilian employees of the  
2 Department of Defense, and dependents of such  
3 members and employees, only.

4 (B) To covered individuals on a space-  
5 available basis, pursuant to the policy memo-  
6 randum of the Defense Health Agency dated  
7 March 1, 2023.

8 (C) To all covered individuals.

9 (4) A mission cost analysis based on the risk  
10 assessment under paragraph (3).

11 (5) Recommendations of the Commander re-  
12 garding the assessment under paragraph (3) and the  
13 analysis under paragraph (4), including a rec-  
14 ommendation regarding which scenario in paragraph  
15 (3) best supports the National Defense Strategy for  
16 the areas of responsibility of United States Forces,  
17 Japan, and Joint Region Marianas.

18 (c) BRIEFINGS; REPORT.—The Commander, in co-  
19 ordination with the Assistant Secretary of Defense for  
20 Health Affairs, shall submit to the Committees on Armed  
21 Services of the Senate and House of Representatives—

22 (1) an interim briefing on the study not later  
23 than 60 days after the date of the enactment of this  
24 Act;

1           (2) a final briefing not later than one year after  
2           the date of the enactment of this Act; and

3           (3) a final report not later than one year after  
4           the date of the enactment of this Act, including rec-  
5           ommendations regarding legislation or funding to  
6           improve care services furnished through the military  
7           health system to covered individuals.

8           (d) DEFINITIONS.—In this section:

9           (1) The term “covered individual” means an in-  
10          dividual who supports the mission of United States  
11          Forces, Japan, or Joint Region Marianas, includ-  
12          ing—

13                   (A) a member of the Armed Forces;

14                   (B) an employee of the Federal Govern-  
15          ment;

16                   (C) a dependent of a member described in  
17          subparagraph (B) or an employee described in  
18          subparagraph (C); or

19                   (D) an employee of an entity that has en-  
20          tered into an agreement with the United States.

21          (2) The term “health care services” includes  
22          such health care services furnished—

23                   (A) through the military health system;

24          and

- 1 (B) by a source not described in subpara-
- 2 graph (A).

1 **SEC. 724 [log77381]. GAO REPORT ON TRICARE PAYMENTS**  
2 **TO BEHAVIORAL HEALTH PROFESSIONALS.**

3 (a) **REPORT REQUIRED.**—Not later than one year  
4 after the date of the enactment of this Act, the Comp-  
5 troller General of the United States shall submit to the  
6 Committees on Armed Services of the House of Represent-  
7 atives and the Senate the results of a study on TRICARE  
8 payments to TRICARE network behavioral professionals.

9 (b) **ELEMENTS.**—The study shall include a com-  
10 prehensive analysis of the following elements:

11 (1) The timeliness of such payments.

12 (2) The accuracy of such payments.

13 (3) The extent to which contractors comply  
14 with section 6.2.1 of the TRICARE Operations  
15 Manual.

16 (4) Areas of improvement that would enhance  
17 and improve the administrative process of such pay-  
18 ments.

1     **Subtitle C—Space National Guard**

2     **SEC. 921 [log77528]. ESTABLISHMENT OF SPACE NATIONAL**  
3                     **GUARD.**

4             (a) ESTABLISHMENT.—

5                     (1) IN GENERAL.—There is established a Space  
6             National Guard that is part of the organized militia  
7             of the several States and Territories, Puerto Rico,  
8             and the District of Columbia—

9                             (A) in which the Space Force operates;  
10                     and

11                             (B) active and inactive.

12                     (2) RESERVE COMPONENT.—There is estab-  
13             lished a Space National Guard of the United States  
14             that is the reserve component of the United States  
15             Space Force all of whose members are members of  
16             the Space National Guard.

17             (b) COMPOSITION.—The Space National Guard shall  
18             be composed of the Space National Guard forces of the  
19             several States and Territories, Puerto Rico and the Dis-  
20             trict of Columbia—

21                     (1) in which the Space Force operates; and

22                     (2) active and inactive.

1 **SEC. 922 [log77529]. NO EFFECT ON MILITARY INSTALLA-**  
2 **TIONS.**

3       Nothing in this subtitle, or the amendments made by  
4 this subtitle, shall be construed to authorize or require the  
5 relocation of any facility, infrastructure, or military instal-  
6 lation of the Space National Guard or Air National Guard.

1 **SEC. 923 [log77530]. IMPLEMENTATION OF SPACE NATIONAL**  
2 **GUARD.**

3 (a) REQUIREMENT.—Except as specifically provided  
4 by this subtitle, the Secretary of the Air Force and Chief  
5 of the National Guard Bureau shall implement this sub-  
6 title, and the amendments made by this subtitle, not later  
7 than 18 months after the date of the enactment of this  
8 Act.

9 (b) BRIEFINGS.—Not later than 90 days after the  
10 date of the enactment of this Act, and annually for the  
11 five subsequent years, the Secretary of the Air Force,  
12 Chief of the Space Force and Chief of the National Guard  
13 Bureau shall jointly provide to the congressional defense  
14 committees a briefing on the status of the implementation  
15 of the Space National Guard pursuant to this subtitle and  
16 the amendments made by this subtitle. This briefing shall  
17 address the current missions, operations and activities,  
18 personnel requirements and status, and budget and fund-  
19 ing requirements and status of the Space National Guard,  
20 and such other matters with respect to the implementation  
21 and operation of the Space National Guard as the Sec-  
22 retary and the Chiefs jointly determine appropriate to  
23 keep Congress fully and currently informed on the status  
24 of the implementation of the Space National Guard.



1 **SEC. 924 [log77531]. CONFORMING AMENDMENTS AND CLAR-**  
2 **IFICATION OF AUTHORITIES.**

3 (a) DEFINITIONS.—

4 (1) TITLE 10, UNITED STATES CODE.—Title 10,  
5 United States Code, is amended—

6 (A) in section 101—

7 (i) in subsection (c)—

8 (I) by redesignating paragraphs  
9 (6) and (7) as paragraphs (8) and  
10 (9), respectively; and

11 (II) by inserting after paragraph  
12 (5) the following new paragraphs:

13 “(6) The term ‘Space National Guard’ means  
14 that part of the organized militia of the several  
15 States and territories, Puerto Rico, and the District  
16 Of Columbia, active and inactive, that—

17 “(A) is a space force;

18 “(B) is trained, and has its officers ap-  
19 pointed under the sixteenth clause of section 8,  
20 article I of the Constitution;

21 “(C) is organized, armed, and equipped  
22 wholly or partly at Federal expense; and

23 “(D) is federally recognized.

24 “(7) The term ‘Space National Guard of the  
25 United States’ means the reserve component of the

1 Space Force all of whose members are members of  
2 the Space National Guard.”.

3 (B) in section 10101—

4 (i) in the matter preceding paragraph  
5 (1), by inserting “the following” before the  
6 colon; and

7 (ii) by adding at the end the following  
8 new paragraph:

9 “(8) The Space National Guard of the United  
10 States.”; and

11 (2) TITLE 32, UNITED STATES CODE.—Section  
12 101 of title 32, United States Code is amended—

13 (A) by redesignating paragraphs (8)  
14 through (19) as paragraphs (10) and (21), re-  
15 spectively; and

16 (B) by inserting after paragraph (7) the  
17 following new paragraphs:

18 “(8) The term ‘Space National Guard’ means  
19 that part of the organized militia of the several  
20 States and territories, Puerto Rico, and the District  
21 Of Columbia, in which the Space Force operates, ac-  
22 tive and inactive, that—

23 “(A) is a space force;

1           “(B) is trained, and has its officers ap-  
2           pointed under the sixteenth clause of section 8,  
3           article I of the Constitution;

4           “(C) is organized, armed, and equipped  
5           wholly or partly at Federal expense; and

6           “(D) is federally recognized.

7           “(9) The term ‘Space National Guard of the  
8           United States’ means the reserve component of the  
9           Space Force all of whose members are members of  
10          the Space National Guard.”.

11          (b) RESERVE COMPONENTS.—Chapter 1003 of title  
12          10, United States Code, is amended—

13                 (1) by adding at the end the following new sec-  
14          tions:

15          “**§ 10115. Space National Guard of the United States:**  
16                         **composition**

17                 “The Space National Guard of the United States is  
18          the reserve component of the Space Force that consists  
19          of—

20                 “(1) federally recognized units and organiza-  
21          tions of the Space National Guard; and

22                 “(2) members of the Space National Guard who  
23          are also Reserves of the Space Force.

1 **“§ 10116. Space National Guard: when a component of**  
2 **the Space Force**

3 “The Space National Guard while in the service of  
4 the United States is a component of the Space Force.

5 **“§ 10117. Space National Guard of the United States:**  
6 **status when not in Federal service**

7 “When not on active duty, members of the Space Na-  
8 tional Guard of the United States shall be administered,  
9 armed, equipped, and trained in their status as members  
10 of the Space National Guard.”; and

11 (2) in the table of sections at the beginning of  
12 such chapter, by adding at the end the following new  
13 items:

“10115. Space National Guard of the United States: composition.

“10116. Space National Guard: when a component of the Space Force.

“10117. Space National Guard of the United States: status when not in Federal  
service.”.

1 **SEC. 1103. [LOG 77723] CONSOLIDATION OF DIRECT HIRE**  
2 **AUTHORITIES FOR CANDIDATES WITH SPECI-**  
3 **FIED DEGREES AT SCIENCE AND TECH-**  
4 **NOLOGY REINVENTION LABORATORIES.**

5 Section 4091 of title 10, United States Code, is  
6 amended—

7 (1) in subsection (a)(1), by striking “bachelor’s  
8 degree” and inserting “bachelor’s or advanced de-  
9 gree”;

10 (2) in subsection (c)—

11 (A) in the subsection heading, by striking  
12 “CALENDAR YEAR” and inserting “FISCAL  
13 YEAR”;

14 (B) in the matter preceding paragraph (1),  
15 by striking “calendar year” and inserting “fis-  
16 cal year”;

17 (C) in paragraph (1), by striking “6 per-  
18 cent” and inserting “11 percent”; and

19 (D) in paragraphs (1), (2), and (3), by  
20 striking “the fiscal year last ending before the  
21 start of such calendar year” and inserting “the  
22 preceding fiscal year”;

23 (3) by striking subsection (f); and

24 (4) by redesignating subsection (g) as sub-  
25 section (f).

1 **SEC. 1104. [LOG 77564] DIRECT HIRE AUTHORITY FOR CER-**  
2 **TAIN PERSONNEL OF THE DEPARTMENT OF**  
3 **DEFENSE.**

4 Section 9905(a) of title 5, United States Code, is  
5 amended—

6 (1) in the matter preceding paragraph (1), by  
7 inserting “, 3307,” after “3303”; and

8 (2) by adding at the end the following new  
9 paragraphs:

10 “(12) Any position in support of aircraft oper-  
11 ations for which the Secretary determines there is a  
12 critical hiring need or shortage of candidates.

13 “(13) Any position in support of the safety of  
14 the public, law enforcement, or first response for  
15 which the Secretary determines there is a critical  
16 hiring need or shortage of candidates.”.

1 **SEC. 1105. [LOG 77562] ONE-YEAR EXTENSION OF AUTHOR-**  
2 **ITY TO WAIVE ANNUAL LIMITATION ON PRE-**  
3 **MIUM PAY AND AGGREGATE LIMITATION ON**  
4 **PAY FOR FEDERAL CIVILIAN EMPLOYEES**  
5 **WORKING OVERSEAS.**

6 Subsection (a) of section 1101 of the Duncan Hunter  
7 National Defense Authorization Act for Fiscal Year 2009  
8 (Public Law 110-417; 122 Stat. 4615), as most recently  
9 amended by section 1102 of the James M. Inhofe National  
10 Defense Authorization Act for Fiscal Year 2023 (Public  
11 Law 117-263), is further amended by striking “through  
12 2023” and inserting “through 2024”.

1 **SEC. 1106. [LOG 77722] EXTENSION OF AUTHORITY TO**  
2 **GRANT COMPETITIVE STATUS TO EMPLOY-**  
3 **EES OF INSPECTORS GENERAL FOR OVER-**  
4 **SEAS CONTINGENCY OPERATIONS.**

5 Section 419(d)(5)(B) of title 5, United States Code,  
6 is amended by striking “2 years” and inserting “5 years”.



1 **SEC. 1110. [LOG 77561] ONE-YEAR EXTENSION OF TEM-**  
2 **PORARY AUTHORITY TO GRANT ALLOW-**  
3 **ANCES, BENEFITS, AND GRATUITIES TO CI-**  
4 **VILIAN PERSONNEL ON OFFICIAL DUTY IN A**  
5 **COMBAT ZONE.**

6 Paragraph (2) of section 1603(a) of the Emergency  
7 Supplemental Appropriations Act for Defense, the Global  
8 War on Terror, and Hurricane Recovery, 2006 (Public  
9 Law 109–234; 120 Stat. 443), as added by section 1102  
10 of the Duncan Hunter National Defense Authorization  
11 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
12 4616) and as most recently amended by section 1103 of  
13 the James M. Inhofe National Defense Authorization Act  
14 for Fiscal Year 2023 (Public Law 117–263), is further  
15 amended by striking “2024” and inserting “2025”.

1 **SEC. 1412.[Log 77739]. AUTHORIZATION OF APPROPRIA-**  
2 **TIONS FOR ARMED FORCES RETIREMENT**  
3 **HOME.**

4 There is hereby authorized to be appropriated for fis-  
5 cal year 2024 from the Armed Forces Retirement Home  
6 Trust Fund the sum of \$77,000,000 of which—

7 (1) \$68,060,000 is for operating expenses; and

8 (2) \$8,940,000 is for capital maintenance and  
9 construction.

1 **SEC. 1701 [log77970]. SHORT TITLE.**

2       This title may be cited as the “Space Force Personnel  
3 Management Act”.

1 **Subtitle A—Space Force Military**  
2 **Personnel System Without Com-**  
3 **ponent [log77971]**

4 **SEC. 1711. ESTABLISHMENT OF MILITARY PERSONNEL**  
5 **MANAGEMENT SYSTEM FOR THE SPACE**  
6 **FORCE.**

7 Title 10, United States Code, is amended by adding  
8 at the end the following new subtitle:

9 **“Subtitle F—Alternative Military**  
10 **Personnel Systems**  
11 **“PART I—SPACE FORCE**  
12 **“CHAPTER 2001— SPACE FORCE**  
13 **PERSONNEL SYSTEM**

- “Sec.
- “20001. Single military personnel management system.
- “20002. Members: duty status.
- “20003. Members: minimum service requirement as applied to Space Force.

14 **“§ 20001. Single military personnel management sys-**  
15 **tem**

16 “Members of the Space Force shall be managed  
17 through a single military personnel management system,  
18 without component.”.

- “Chap. ....
- “2001. Space Force Personnel System ..... 20001
- “2003. Status and Participation ..... 20101
- “2005. Officers ..... 20201
- “2007. Enlisted Members. .... 20301
- “2009. Retention and Separation Generally ..... 20401
- “2011. Separation of Officers for Substandard Performance of Duty  
or for Certain Other Reasons ..... 20501
- “2013. Retirement ..... 20601”.

1 **SEC. 1712. COMPOSITION OF THE SPACE FORCE WITHOUT**  
2 **COMPONENT.**

3 (a) COMPOSITION OF THE SPACE FORCE.—Section  
4 9081(b) of title 10, United States Code, is amended—

5 (1) by striking paragraph (1);

6 (2) by redesignating paragraphs (2) and (3) as  
7 paragraphs (1) and (2), respectively; and

8 (3) in paragraph (1), as so redesignated, by  
9 striking “, including” and all that follows through  
10 “emergency”.

11 (b) EFFECTIVE DATE.—The amendments made by  
12 subsection (a) shall take effect on the date of the certifi-  
13 cation by the Secretary of the Air Force under section  
14 1745.

1 **SEC. 1713. DEFINITIONS FOR SINGLE PERSONNEL MANAGE-**  
2 **MENT SYSTEM FOR THE SPACE FORCE.**

3 (a) SPACE FORCE DEFINITIONS.—Section 101 of  
4 title 10, United States Code, is amended—

5 (1) by redesignating subsections (e), (f), and  
6 (g) as subsections (f), (g), and (h), respectively; and

7 (2) by inserting after subsection (d) the fol-  
8 lowing new subsection (e):

9 “(e) SPACE FORCE.—The following definitions relat-  
10 ing to members of the Space Force apply in this title:

11 “(1) The term ‘space force active status’ means  
12 the status of a member of the Space Force who is  
13 not in a space force inactive status and is not re-  
14 tired.

15 “(2) The term ‘space force inactive status’  
16 means the status of a member of the Space Force  
17 who is designated by the Secretary of the Air Force,  
18 under regulations prescribed by the Secretary, as  
19 being in a space force inactive status.

20 “(3) The term ‘space force retired status’  
21 means the status of a member of the Space Force  
22 who—

23 “(A) is receiving retired pay ; or

24 “(B) but for being under the eligibility age  
25 applicable under section 12731 of this title,

1 would be eligible for retired pay under chapter  
2 1223 of this title.

3 “(4) The term ‘sustained duty’ means full-time  
4 duty by a member of the Space Force ordered to  
5 such duty by an authority designated by the Sec-  
6 retary of the Air Force—

7 “(A) in the case of an officer—

8 “(i) to fulfill the terms of an active-  
9 duty service commitment incurred by the  
10 officer under any provision of law; or

11 “(ii) with the consent of the officer;

12 and

13 “(B) in the case of an enlisted member,  
14 with the consent of the enlisted member as  
15 specified in the terms of the member’s enlist-  
16 ment or reenlistment agreement.”.

17 (b) AMENDMENTS TO EXISTING DUTY STATUS DEFINI-  
18 TIONS.—Subsection (d) of such section is amended—

19 (1) in paragraph (1), by inserting “, including  
20 sustained duty in the Space Force” after “United  
21 States”; and

22 (2) in paragraph (7), by inserting “, or a mem-  
23 ber of the Space Force,” after “Reserves” in sub-  
24 paragraphs (A) and (B).

1 **SEC. 1714. BASIC POLICIES RELATING TO SERVICE IN THE**  
2 **SPACE FORCE.**

3 Chapter 2001 of title 10, United States Code, as  
4 added by section 1711, is amended by adding at the end  
5 the following new sections:

6 **“§ 20002. Members: duty status**

7 “Under regulations prescribed by the Secretary of the  
8 Air Force, each member of the Space Force shall be placed  
9 in one of the following duty statuses:

10 “(1) Space force active status.

11 “(2) Space force inactive status.

12 “(3) Space force retired status.

13 **“§ 20003. Members: minimum service requirement as**  
14 **applied to Space Force**

15 “(a) In applying section 651 of this title to a person  
16 who becomes a member of the Space Force, the provisions  
17 of the second sentence of subsection (a) and of subsection  
18 (b) of that section (relating to service in a reserve compo-  
19 nent) are inapplicable.

20 “(b) A member of the Space Force who transfers to  
21 one of the other armed forces before completing the service  
22 required by subsection (a) of section 651 of this title shall  
23 upon such transfer be subject to section 651 of this title  
24 in the same manner as if such member had initially en-  
25 tered the armed force to which the member transfers.”.



1 **SEC. 1715. STATUS AND PARTICIPATION.**

2 Subtitle F of title 10, United States Code, as added  
3 by section 1711, is amended by adding at the end the fol-  
4 lowing new chapter:

5 **“CHAPTER 2003—STATUS AND**  
6 **PARTICIPATION**

“Sec.

“20101. Members in Space Force active status: amount of annual training or  
active duty service required.

“20102. Individual ready guardians: designation; mobilization category.

“20103. Members not on sustained duty: agreements concerning conditions of  
service.

“20104. Orders to active duty: with consent of member.

“20105. Sustained duty.

“20106. Orders to active duty: without consent of member.

“20107. Transfer to inactive status: initial service obligation not complete.

“20108. Members of Space Force: credit for service for purposes of laws pro-  
viding pay and benefits for members, dependents, and sur-  
vivors.

“20109. Policy for order to active duty based upon determination by Congress.

7 **“§ 20101. Members in Space Force active status:**  
8 **amount of annual training or active duty**  
9 **service required**

10 “Except as specifically provided in regulations pre-  
11 scribed by the Secretary of Defense, a member of the  
12 Space Force in a space force active status who is not serv-  
13 ing on sustained duty shall be required to—

14 “(1) participate in at least 48 scheduled drills  
15 or training periods during each year and serve on  
16 active duty for not less than 14 days (exclusive of  
17 travel time) during each year; or

18 “(2) serve on active duty for not more than 30  
19 days during each year.

1 **“§ 20102. Individual ready guardians: designation;**  
2 **mobilization category**

3 “(a) IN GENERAL.—Under regulations prescribed by  
4 the Secretary of Defense, the Secretary of the Air Force  
5 may designate a member of the Space Force in a space  
6 force active status as an Individual Ready Guardian.

7 “(b) MOBILIZATION CATEGORY.—

8 “(1) IN GENERAL.—Among members of the  
9 Space Force designated as Individual Ready Guard-  
10 ians, there is a category of members (referred to as  
11 a ‘mobilization category’) who, as designated by the  
12 Secretary of the Air Force, are subject to being or-  
13 dered to active duty without their consent in accord-  
14 ance with section 20106(a) of this title.

15 “(2) LIMITATIONS ON PLACEMENT IN MOBILI-  
16 ZATION CATEGORY.—A member designated as an In-  
17 dividual Ready Guardian may not be placed in the  
18 mobilization category referred to in paragraph (1)  
19 unless—

20 “(A) the member volunteers to be placed in  
21 that mobilization category; and

22 “(B) the member is selected by the Sec-  
23 retary of the Air Force, based upon the needs  
24 of the Space Force and the grade and military  
25 skills of that member.

1           “(3) LIMITATION ON TIME IN MOBILIZATION  
2           CATEGORY.—A member of the Space Force in a  
3           space force active status may not remain designated  
4           an Individual Ready Guardian in such mobilization  
5           category after the end of the 24-month period begin-  
6           ning on the date of the separation of the member  
7           from active service.

8           “(4) DESIGNATION OF GRADES AND MILITARY  
9           SKILLS OR SPECIALTIES.—The Secretary of the Air  
10          Force shall designate the grades and military skills  
11          or specialties of members to be eligible for placement  
12          in such mobilization category.

13          “(5) BENEFITS.—A member in such mobiliza-  
14          tion category shall be eligible for benefits (other  
15          than pay and training) on the same basis as are  
16          available to members of the Individual Ready Re-  
17          serve who are in the special mobilization category  
18          under section 10144(b) of this title, as determined  
19          by the Secretary of Defense.

20       **“§ 20103. Members not on sustained duty: agreements**  
21                               **concerning conditions of service**

22          “(a) AGREEMENTS.—The Secretary of the Air Force  
23          may enter into a written agreement with a member of the  
24          Space Force not on sustained duty—

1           “(1) requiring the member to serve on active  
2           duty for a definite period of time;

3           “(2) specifying the conditions of the member’s  
4           service on active duty; and

5           “(3) for a member serving in a space force in-  
6           active status, specifying the conditions for the mem-  
7           ber’s continued service as well as order to active  
8           duty with and without the consent of the member.

9           “(b) CONDITIONS OF SERVICE.—An agreement  
10          under subsection (a) shall specify the conditions of service.  
11          The Secretary of the Air Force shall prescribe regulations  
12          establishing—

13                 “(1) what conditions of service may be specified  
14                 in the agreement;

15                 “(2) the obligations of the parties; and

16                 “(3) the consequences of failure to comply with  
17                 the terms of the agreement.

18           “(c) AUTHORITY FOR RETENTION ON ACTIVE DUTY  
19          DURING WAR OR NATIONAL EMERGENCY.—If the period  
20          of service on active duty of a member under an agreement  
21          under subsection (a) expires during a war or during a na-  
22          tional emergency declared by Congress or the President,  
23          the member concerned may be kept on active duty, without  
24          the consent of the member, as otherwise prescribed by law.

1 **“§ 20104. Orders to active duty: with consent of mem-**  
2 **ber**

3 “(a) AUTHORITY.—A member of the Space Force  
4 who is serving in a space force active status and is not  
5 on sustained duty, or who is serving in a space force inac-  
6 tive status, may, with the consent of the member, be or-  
7 dered to active duty, or retained on active duty, under the  
8 following sections of chapter 1209 of this title in the same  
9 manner as applies to a member of a reserve component  
10 ordered to active duty, or retained on active duty, under  
11 that section with the consent of the member:

12 “(1) Section 12301(d), relating to orders to ac-  
13 tive duty at any time with the consent of the mem-  
14 ber.

15 “(2) Section 12301(h), relating to orders to ac-  
16 tive duty in connection with medical or health care  
17 matters.

18 “(3) Section 12322, relating to active duty for  
19 health care.

20 “(4) Section 12323, relating to active duty  
21 pending line of duty determination required for re-  
22 sponse to sexual assault.

23 “(b) APPLICABLE PROVISIONS OF LAW.—The fol-  
24 lowing sections of chapter 1209 of this title pertaining to  
25 a member of a reserve component ordered to active duty  
26 with the consent of the member apply to a member of the

1 Space Force who is ordered to active duty under this sec-  
2 tion in the same manner as to such a reserve component  
3 member:

4 “(1) Section 12308, relating to retention after  
5 becoming qualified for retired pay.

6 “(2) Section 12309, relating to use of Reserve  
7 officers in expansion of armed forces.

8 “(3) Section 12313, relating to release of re-  
9 serve members from active duty.

10 “(4) Section 12314, relating to kinds of duty.

11 “(5) Section 12315, relating to duty with or  
12 without pay.

13 “(6) Section 12316, relating to payment of cer-  
14 tain Reserves while on duty.

15 “(7) Section 12318, relating to duties and  
16 funding of reserve members on active duty.

17 “(8) Section 12320, relating to grade in which  
18 ordered to active duty.

19 “(9) Section 12321, relating to a limitation on  
20 number of reserve members assigned to Reserve Of-  
21 ficer Training Corps units.

22 **“§ 20105. Sustained duty**

23 “(a) ENLISTED MEMBERS.—An authority designated  
24 by the Secretary of the Air Force may order an enlisted  
25 member of the Space Force in a space force active status

1 to sustained duty, or retain an enlisted member on sus-  
2 tained duty, with the consent of that member, as specified  
3 in the terms of the member's enlistment or reenlistment  
4 agreement.

5 “(b) OFFICERS.—

6 “(1) An authority designated by the Secretary  
7 of the Air Force may order a Space Force officer in  
8 a space force active status to sustained duty—

9 “(A) with the consent of the officer; or

10 “(B) to fulfill the terms of an active-duty  
11 service commitment incurred by the officer  
12 under any provision of law.

13 “(2) An officer ordered to sustained duty under  
14 paragraph (1) may not be released from sustained  
15 duty without the officer's consent except as provided  
16 in chapter 2009 or 2011 of this title.

17 **“§ 20106. Orders to active duty: without consent of**  
18 **member**

19 “(a) MEMBERS IN A SPACE FORCE ACTIVE STA-  
20 TUS.—

21 “(1) A member of the Space Force in a space  
22 force active status who is not on sustained duty,  
23 may, without the consent of the member, be ordered  
24 to active duty or inactive duty in the same manner  
25 as a member of a reserve component ordered to ac-

1       tive duty or inactive duty under the provisions of  
2       chapter 1209 of this title and any other provision of  
3       law authorizing the order to active duty of a member  
4       of a reserve component in an active status without  
5       the consent of the member.

6               “(2) The provisions of chapter 1209 of this  
7       title, or other applicable provisions of law, pertaining  
8       to a member of the Ready Reserve when ordered to  
9       active duty shall apply to a member of the Space  
10      Force who is in a space force active status when or-  
11      dered to active duty under paragraph (1).

12              “(3) The provisions of section 12304 of this  
13      title pertaining to members in the Individual Ready  
14      Reserve mobilization category shall apply to a mem-  
15      ber of the Space Force who is designated an Indi-  
16      vidual Ready Guardian when ordered to active duty  
17      who meets the provisions of section 20102(b) of this  
18      title.

19              “(b) MEMBERS IN A SPACE FORCE INACTIVE STA-  
20      TUS.—

21              “(1) A member of the Space Force in a space  
22      force inactive status may be ordered to active duty  
23      under—

24                      “(A) the provisions of chapter 1209 of this  
25              title;



1           “(B) any other provision of law author-  
2           izing the order to active duty of a member of  
3           a reserve component in an inactive status; and

4           “(C) the terms of any agreement entered  
5           into by the member under section 20103 of this  
6           title.

7           “(2) The provisions of chapter 1209 of this  
8           title, or other applicable provisions of law, pertaining  
9           to the Standby Reserve shall apply to a member of  
10          the Space Force who is in a space force inactive  
11          service when ordered to active duty.

12          “(c) MEMBERS IN A SPACE FORCE RETIRED STA-  
13          TUS.—

14           “(1) Chapters 39 and 1209 of this title include  
15           provisions authorizing the order to active duty of a  
16           member of the Space Force in a space force retired  
17           status.

18           “(2) The provisions of sections 688, 688a, and  
19           12407 of this title pertaining to a retired member or  
20           a member of the Retired Reserve shall apply to a  
21           member of the Space Force in a space force retired  
22           status when ordered to active duty.

23           “(3) The provisions of section 689 of this title  
24           pertaining to a retired member ordered to active  
25           duty shall apply to a member of the Space Force in

1 a space force retired status who is ordered to active  
2 duty.

3 “(d) OTHER APPLICABLE PROVISIONS.—The fol-  
4 lowing provisions of chapter 1209 of this title pertaining  
5 shall apply to a member of the Space Force ordered to  
6 active duty in the same manner as to a Reserve or member  
7 of the Retired Reserve ordered to active duty:

8 “(1) Section 12305, relating to the authority of  
9 the President to suspend certain laws relating to  
10 promotion, retirement, and separation.

11 “(2) Section 12308, relating to retention after  
12 becoming qualified for retired pay.

13 “(3) Section 12313, relating to release from ac-  
14 tive duty.

15 “(4) Section 12314, relating to kinds of duty.

16 “(5) Section 12315, relating to duty with or  
17 without pay.

18 “(6) Section 12316, relating to payment of cer-  
19 tain Reserves while on duty.

20 “(7) Section 12317, relating to theological stu-  
21 dents; limitations.

22 “(8) Section 12320, relating to grade in which  
23 ordered to active duty.

1 **“§ 20107. Transfer to inactive status: initial service**  
2 **obligation not complete**

3 “(a) GENERAL RULE.—A member of the Space Force  
4 who has not completed the required minimum service obli-  
5 gation referred to in section 20003 of this title shall, if  
6 terminating space force active status, be transferred to a  
7 space force inactive status and, unless otherwise des-  
8 ignated an Individual Ready Guardian under section  
9 20102 of this title, shall remain subject to order to active  
10 duty without the member’s consent under section 20106  
11 of this title.

12 “(b) EXCEPTION.—Subsection (a) does not apply to  
13 a member who is separated from the Space Force by the  
14 Secretary of the Air Force under section 20503 of this  
15 title.

16 **“§ 20108. Members of Space Force: credit for service**  
17 **for purposes of laws providing pay and**  
18 **benefits for members, dependents, and**  
19 **survivors**

20 “For the purposes of laws providing pay and benefits  
21 for members of the armed forces and their dependents and  
22 beneficiaries:

23 “(1) Military training, duty, or other service  
24 performed by a member of the Space Force in a  
25 space force active status not on sustained duty shall  
26 be considered military training, duty, or other serv-

1 ice, as the case may be, as a member of a reserve  
2 component.

3 “(2) Sustained duty performed by a member of  
4 the Space Force under section 20105 of this title  
5 shall be considered active duty as a member of a  
6 regular component.

7 “(3) Active duty performed by a member of the  
8 Space Force in a space force active status not on  
9 sustained duty shall be considered active duty as a  
10 member of a reserve component.

11 “(4) Inactive-duty training performed by a  
12 member of the Space Force shall be considered inac-  
13 tive-duty training as a member of a reserve compo-  
14 nent.

15 **“§ 20109. Policy for order to active duty based upon**  
16 **determination by Congress**

17 “Whenever Congress determines that more units and  
18 organizations capable of conducting space operations are  
19 needed for the national security than are available among  
20 those units comprised of members of the Space Force serv-  
21 ing on active duty, members of the Space Force not serv-  
22 ing on active duty shall be ordered to active duty and re-  
23 tained as long as so needed.”.

1 **SEC. 1716. OFFICERS.**

2 (a) ORIGINAL APPOINTMENTS.—Subtitle F of title  
3 10, United States Code, as amended by section 1715, is  
4 further amended by adding at the end the following new  
5 chapter:

6 **“CHAPTER 2005—OFFICERS**

“SUBCHAPTER I—ORIGINAL APPOINTMENTS

“Sec.

“20201. Original appointments: how made.

“20202. Original appointments: qualifications.

“SUBCHAPTER II—SELECTION BOARDS

“20211. Convening of selection boards.

“20212. Composition of selection boards.

“20213. Notice of convening of selection boards.

“20214. Recommendations for promotion by selection boards.

“20215. Reports of selection boards.

“20216. Action on reports of selection boards for promotion to brigadier general  
or major general.

“SUBCHAPTER III—PROMOTIONS

“20231. Eligibility for consideration for promotion: time-in-grade and other re-  
quirements.

“20232. Eligibility for consideration for promotion: senior commander nomina-  
tions.

“20233. Eligibility for consideration for promotion: designation as joint quali-  
fied officer required before promotion to brigadier general; ex-  
ceptions.

“20234. Opportunities for consideration for promotion.

“20235. Space Force officer list.

“20236. Competitive categories.

“20237. Numbers to be recommended for promotion.

“20238. Promotions: how made; authorized delay of promotions.

“SUBCHAPTER IV—PERSONS NOT CONSIDERED FOR PROMOTION AND OTHER  
PROMOTION-RELATED PROVISIONS

“20251. Special selection boards.

“20252. Other promotion matters.

“SUBCHAPTER V—APPLICABILITY OF OTHER LAWS

“20261. Applicability of certain DOPMA officer personnel policy provisions.

1 “SUBCHAPTER I—ORIGINAL APPOINTMENTS

2 **“§ 20201. Original appointments: how made**

3 “(a) APPOINTMENTS MADE BY SECRETARY OF DE-  
4 FENSE.—Original appointments of commissioned officers  
5 in the Space Force in grades below the grade of brigadier  
6 general shall be made by the Secretary of Defense.

7 “(b) APPLICATION OF CONSTRUCTIVE CREDIT.—The  
8 grade of a person receiving an appointment under this sec-  
9 tion who at the time of appointment is credited with serv-  
10 ice under section 20203 of this title shall be determined  
11 under regulations prescribed by the Secretary of the De-  
12 fense based upon the amount of service credited.

13 **“§ 20202. Original appointments: qualifications**

14 “(a) IN GENERAL.—An original appointment as a  
15 commissioned officer in the Space Force may be given only  
16 to a person who—

17 “(1) is a citizen of the United States;

18 “(2) is at least 18 years of age; and

19 “(3) has such other physical, mental, moral,  
20 professional, and age qualifications as the Secretary  
21 of the Air Force may prescribe by regulation.

22 “(b) EXCEPTION.—A person who is otherwise quali-  
23 fied, but who has a physical condition that the Secretary  
24 of the Air Force determines will not interfere with the per-

1 formance of the duties to which that person may be as-  
2 signed, may be appointed as an officer in the Space Force.

3 “(a) CREDIT FOR PRIOR SERVICE.—

4 “(1) PRIOR COMMISSIONED SERVICE.—For the  
5 purpose of determining the grade and rank within  
6 grade of a person receiving an original appointment  
7 in a commissioned grade in the Space Force, such  
8 person shall be credited at the time of such appoint-  
9 ment with any active commissioned service (other  
10 than service as a commissioned warrant officer) that  
11 the person performed in any uniformed service be-  
12 fore such appointment.

13 “(2) PRIOR CIVILIAN SERVICE.—For the pur-  
14 pose of determining the grade and rank within grade  
15 of a person receiving an original appointment in a  
16 commissioned grade in the Space Force, such person  
17 may be credited at the time of such appointment  
18 with service as a civilian employee of a Federal  
19 agency in an occupation code or career field related  
20 to the skills and experience required for officers of  
21 the Space Force. The Secretary of the Air Force  
22 shall prescribe regulations establishing which civilian  
23 employee occupation codes and career fields may be  
24 considered as related to the skills and experience re-  
25 quired for officers of the Space Force.

1           “(3) LIMITATION ON AMOUNT OF PRIOR COM-  
2           MISSIONED SERVICE THAT MAY BE CREDITED.—The  
3           regulations prescribed by the Secretary of Defense  
4           under section 533 of this title shall apply to the  
5           Space Force to authorize the Secretary of the Air  
6           Force to limit the amount of prior active commis-  
7           sioned service with which a person receiving an  
8           original appointment may be credited under para-  
9           graph (1).

10          “(b) CREDIT FOR EDUCATION, TRAINING, AND EX-  
11          PERIENCE.—

12                 “(1) Under regulations prescribed by the Sec-  
13                 retary of the Air Force, the Secretary shall credit a  
14                 person who is receiving an original appointment in  
15                 a commissioned grade in the Space Force and who  
16                 has advanced education, training, or special experi-  
17                 ence with constructive service for such education,  
18                 training, or experience in a particular officer career  
19                 field as designated by the Secretary of the Air  
20                 Force, if such education, training, or experience is  
21                 directly related to the operational needs of the Space  
22                 Force.

23                 “(2) The Secretary may credit a person with  
24                 constructive credit under this subsection for each in-  
25                 stance of relevant advanced education or training or



1 special experience regardless of whether two or more  
2 such instances are concurrent.

3 “(3) The amount of constructive service cred-  
4 ited an officer under this subsection may not exceed  
5 the amount required in order for the officer to be el-  
6 ible for an original appointment in the grade of  
7 colonel.

8 “(4) Constructive service credited an officer  
9 under this subsection is in addition to any service  
10 credited that officer under subsection (a) and shall  
11 be credited at the time of the original appointment  
12 of the officer.

13 “(c) AUTHORIZED USE OF CONSTRUCTIVE CRED-  
14 IT.—Constructive service credited an officer under sub-  
15 section (b) shall be used only for determining the offi-  
16 cer’s—

17 “(1) initial grade;

18 “(2) rank in grade; and

19 “(3) service in grade for promotion eligibility.

20 “(d) EXCLUSION FOR GRADUATES OF THE SERVICE  
21 ACADEMIES.—A graduate of the United States Military  
22 Academy, the United States Naval Academy, or the  
23 United States Air Force Academy is not entitled to service  
24 credit under this section for service performed, or edu-

1 cation, training, or experience obtained, before graduation  
2 from such Academy.”.

3 (b) CONFORMING AMENDMENTS RELATING TO  
4 ORIGINAL APPOINTMENTS.—

5 (1) DEFINITIONS.—Section 101 of title 10,  
6 United States Code, is amended in subsection  
7 (b)(10) by inserting before the period at the end the  
8 following: “and, with respect to the appointment of  
9 a member of the armed forces in the Space Force,  
10 refers to that member’s most recent appointment in  
11 the Space Force that is neither a promotion nor a  
12 demotion”.

13 (2) ORIGINAL APPOINTMENTS OF COMMIS-  
14 SIONED OFFICERS.—Section 531 of such title is  
15 amended—

16 (A) in subsection (a)—

17 (i) in paragraphs (1) and (2)—

18 (I) by inserting “and” after  
19 “Regular Marine Corps”; and

20 (II) by striking “, and in the  
21 equivalent grades in the Regular  
22 Space Force”; and

23 (ii) by inserting after paragraph (2)

24 the following new paragraph:

1           “(3) Original appointments in the grades of  
2           second lieutenant through colonel in the Space Force  
3           are provided for under section 20301 of this title.”;  
4           and

5                       (B) in subsection (c), by striking “Regular  
6           Marine Corps, or Regular Space Force” and in-  
7           serting “or Regular Marine Corps”.

8           (3) QUALIFICATIONS FOR ORIGINAL APPOINT-  
9           MENT AS A COMMISSIONED OFFICER.—Section  
10          532(a) of such title is amended by striking “Regular  
11          Marine Corps, or Regular Space Force” and insert-  
12          ing “or Regular Marine Corps”.

13          (4) SERVICE CREDIT UPON ORIGINAL APPOINT-  
14          MENT AS A COMMISSIONED OFFICER.—Section 533  
15          of such title is amended—

16                       (A) in subsection (a)(2), by striking “Ma-  
17          rine Corps, and Space Force” and inserting  
18          “and Marine Corps”; and

19                       (B) in subsections (a)(1), (b)(1), and (f),  
20          by striking “Regular Marine Corps, or Regular  
21          Space Force” and inserting “or Regular Marine  
22          Corps”.

23          (c) SELECTION BOARDS AND PROMOTIONS.—Chap-  
24          ter 205 of title 10, United States Code, as added by sub-

1 section (a), is amended by adding at the end the following  
2 new subchapters:

3 “SUBCHAPTER II—SELECTION BOARDS

4 “§ 20211. **Convening of selection boards**

5 “(a) IN GENERAL.—Whenever the needs of the serv-  
6 ice require, the Secretary of the Air Force shall convene  
7 selection boards to recommend for promotion to the next  
8 higher permanent grade officers of the Space Force in  
9 each permanent grade from first lieutenant through brigadier  
10 general.

11 “(b) EXCEPTION FOR OFFICERS IN GRADE OF FIRST  
12 LIEUTENANT.—Subsection (a) does not require the convening  
13 of a selection board in the case of Space Force officers  
14 in the permanent grade of first lieutenant when the  
15 Secretary of the Air Force recommends for promotion to  
16 the grade of captain under section 20238(a)(4)(A) of this  
17 title all such officers whom the Secretary finds to be fully  
18 qualified for promotion.

19 “(c) SELECTION BOARDS FOR EARLY RETIREMENT  
20 OR DISCHARGE.—The Secretary of the Air Force may  
21 convene selection boards to recommend officers for early  
22 retirement under section 20404(a) of this title or for discharge  
23 under section 20404(b) of this title.

1 “(d) REGULATIONS.—The convening of selection  
2 boards under subsection (a) shall be under regulations  
3 prescribed by the Secretary of the Defense.

4 **“§ 20212. Composition of selection boards**

5 “(a) APPOINTMENT AND COMPOSITION OF  
6 BOARDS.—

7 “(1) Members of a selection board shall be ap-  
8 pointed by the Secretary of Air Force in accordance  
9 with this section. A selection board shall consist of  
10 five or more officers of the Space Force. Each mem-  
11 ber of a selection board must be serving in a grade  
12 higher than the grade of the officers under consider-  
13 ation by the board, except that no member of a  
14 board may be serving in a grade below major. The  
15 members of a selection board shall include at least  
16 one member serving on sustained duty and at least  
17 one member in a space force active status who is not  
18 serving on sustained duty. The ratio of the members  
19 of a selection board serving on sustained duty to  
20 members serving in a space force active status not  
21 on sustained duty shall, to the extent practicable, re-  
22 flect the ratio of officers serving in each of those  
23 statuses who are being considered for promotion by  
24 the board. The members of a selection board shall

1 represent the diverse population of the Space Force  
2 to the extent practicable.

3 “(2) REPRESENTATION FROM COMPETITIVE  
4 CATEGORIES.—

5 “(A) Except as provided in subparagraph  
6 (B), a selection board shall include at least one  
7 officer from each competitive category of offi-  
8 cers to be considered by the board.

9 “(B) A selection board need not include an  
10 officer from a competitive category when there  
11 are no officers of that competitive category on  
12 the space force officer list in a grade higher  
13 than the grade of the officers to be considered  
14 by the board and eligible to serve on the board.

15 “(3) RETIRED OFFICERS.—If qualified officers  
16 on the space force officer list are not available in  
17 sufficient number to comprise a selection board, the  
18 Secretary of the Air Force shall complete the mem-  
19 bership of the board by appointing as members of  
20 the board—

21 “(A) Space Force officers who hold a  
22 grade higher than the grade of the officers  
23 under consideration by the board and who are  
24 retired officers; and

1           “(B) if sufficient Space Force officers are  
2           not available pursuant to subparagraph (A), Air  
3           Force officers who hold a grade higher than the  
4           grade of the officers under consideration by the  
5           board and who are retired officers, but only if  
6           the Air Force officer to be appointed to the  
7           board has served in a space-related career field  
8           of the Air Force for sufficient time such that  
9           the Secretary of the Air Force determines that  
10          the retired Air Force officer has adequate  
11          knowledge concerning the standards of perform-  
12          ance and conduct required of an officer of the  
13          Space Force.

14          “(4) EXCLUSION OF RETIRED GENERAL OFFI-  
15          CERS ON ACTIVE DUTY TO SERVE ON A BOARD FROM  
16          NUMERIC GENERAL OFFICER ACTIVE-DUTY LIMITA-  
17          TIONS.—A retired general officer who is on active  
18          duty for the purpose of serving on a selection board  
19          shall not, while so serving, be counted against any  
20          limitation on the number of general and flag officers  
21          who may be on active duty.

22          “(b) LIMITATION ON MEMBERSHIP ON CONSECUTIVE  
23          BOARDS.—

24          “(1) GENERAL RULE.—Except as provided in  
25          paragraph (2), no officer may be a member of two

1 successive selection boards convened under section  
2 20211 of this title for the consideration of officers  
3 of the same grade.

4 “(2) EXCEPTION FOR GENERAL OFFICER  
5 BOARDS.—Paragraph (1) does not apply with re-  
6 spect to selection boards convened under section  
7 20211 of this title for the consideration of officers  
8 in the grade of colonel or brigadier general.

9 “(c) XJOINT QUALIFIED OFFICERS.—

10 “(1) Each selection board convened under sec-  
11 tion 20211 of this title that will consider an officer  
12 described in paragraph (2) shall include at least one  
13 officer designated by the Chairman of the Joint  
14 Chiefs of Staff who is a joint qualified officer.

15 “(2) Paragraph (1) applies with respect to an  
16 officer who—

17 “(A) is serving on, or has served on, the  
18 Joint Staff; or

19 “(B) is a joint qualified officer.

20 “(3) The Secretary of Defense may waive the  
21 requirement in paragraph (1) for any selection board  
22 of the Space Force.

23 **“§ 20213. Notice of convening of selection boards**

24 “(a) At least 30 days before a selection board is con-  
25 vened under section 20211 of this title to recommend offi-



1 cers in a grade for promotion to the next higher grade,  
2 the Secretary of the Air Force shall provide to the officers  
3 who are eligible for consideration by the board and have  
4 not been excluded from consideration under section  
5 20216(d) of this title notification in writing of the date  
6 on which the board is to convene. In the notification, the  
7 Secretary shall inform an eligible officer of how many  
8 times, if any, the officer has previously been considered  
9 by a selection board convened under section 20211 for  
10 promotion to the grade to which the board described in  
11 the notification will recommend officers for promotion.

12       “(b) An officer eligible for consideration by a selec-  
13 tion board convened under section 20211 of this title  
14 (other than an officer who has been excluded under  
15 20231(d) of this title from consideration by the board)  
16 may send a written communication to the board, to arrive  
17 not later than 10 calendar days before the date on which  
18 the board convenes, calling attention to any matter con-  
19 cerning the officer that the officer considers important to  
20 the officer’s case. The selection board shall give consider-  
21 ation to any timely communication under this subsection.

22       “(c) An officer on the space force officer list in the  
23 grade of colonel or brigadier general who receives a notice  
24 under subsection (a) shall inform the Secretary of the offi-  
25 cer’s preference to serve either on or off active duty if pro-

1 moted to the grade of brigadier general or major general,  
2 respectively.

3 **“§ 20214. Recommendations for promotion by selec-**  
4 **tion boards**

5 “(a) BOARD TO RECOMMEND OFFICERS BEST  
6 QUALIFIED FOR PROMOTION.—A selection board con-  
7 vened under section 20211 of this title shall recommend  
8 for promotion to the next higher grade those officers con-  
9 sidered by the board whom the board, giving due consider-  
10 ation to the needs of the Space Force for officers with  
11 particular skills (as noted in the guidelines or information  
12 furnished the board under section 615(b) of this title),  
13 considers best qualified for promotion within each com-  
14 petitive category considered by the board.

15 “(b) NUMBER TO BE RECOMMENDED.—The Sec-  
16 retary of the Air Force shall establish the number of offi-  
17 cers such a selection board may recommend for promotion  
18 from among officers being considered.

19 “(c) BOARD PROCEDURES FOR RECOMMENDATIONS;  
20 LIMITATIONS.—A selection board convened under section  
21 20211 of this title may not recommend an officer for pro-  
22 motion unless—

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

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

4           “(3) a majority of the members of the board,  
5 after consideration by all members of the board of  
6 any adverse information about the officer that is  
7 provided to the board under section 615 of this title,  
8 finds that the officer is among the officers best  
9 qualified for promotion to meet the needs of the  
10 Space Force consistent with the requirement of ex-  
11 emplary conduct set forth in section 9233 of this  
12 title.

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

21       “(e) DISCLOSURE OF BOARD RECOMMENDATIONS.—  
22 The recommendations of a selection board may be dis-  
23 closed only in accordance with regulations prescribed by  
24 the Secretary of Defense. Those recommendations may  
25 not be disclosed to a person not a member of the board

1 (or a member of the administrative staff designated by  
2 the Secretary of the Air Force to assist the board) until  
3 the written report of the recommendations of the board,  
4 required by section 617 of this title, is signed by each  
5 member of the board.

6 “(f) PROHIBITION ON ATTEMPTING TO INFLUENCE  
7 MEMBERS OF A BOARD.—The Secretary of the Air Force,  
8 and an officer or other official exercising authority over  
9 any member of a selection board, may not—

10 “(1) censure, reprimand, or admonish the selec-  
11 tion board or any member of the board with respect  
12 to the recommendations of the board or the exercise  
13 of any lawful function within the authorized discre-  
14 tion of the board; or

15 “(2) attempt to coerce or, by any unauthorized  
16 means, influence any action of a selection board or  
17 any member of a selection board in the formulation  
18 of the board’s recommendations.

19 “(g) HIGHER PLACEMENT ON PROMOTION LIST OF  
20 OFFICER OF PARTICULAR MERIT.—

21 “(1) In selecting the officers to be rec-  
22 ommended for promotion, a selection board shall,  
23 when authorized by the Secretary of the Air Force,  
24 recommend officers of particular merit, pursuant to  
25 guidelines and procedures prescribed by the Sec-

1       retary, from among those officers selected for pro-  
2       motion, to be placed higher on the promotion list es-  
3       tablished by the Secretary under section 624(a)(1)  
4       of this title.

5           “(2) An officer may be recommended to be  
6       placed higher on a promotion list under paragraph  
7       (1) only if the officer receives the recommendation  
8       of at least a majority of the members of the board,  
9       unless the Secretary of the Air Force establishes an  
10      alternative requirement. Any such alternative re-  
11      quirement shall be furnished to the board as part of  
12      the guidelines furnished to the board under section  
13      615 of this title.

14           “(3) For the officers recommended to be placed  
15      higher on a promotion list under paragraph (1), the  
16      board shall recommend, pursuant to guidelines and  
17      procedures prescribed by the Secretary, the order in  
18      which those officers should be placed on the list.

19   **“§ 20215. Reports of selection boards**

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

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

4           “(2) that, in the opinion of a majority of the  
5           members of the board, the officers recommended for  
6           promotion by the board are best qualified for pro-  
7           motion to meet the needs of the Space Force (as  
8           noted in the guidelines or information furnished the  
9           board under section 615(b) of this title) among  
10          those officers whose names were furnished to the se-  
11          lection board.

12          “(b) OFFICERS WHO SHOULD BE REQUIRED TO  
13          SHOW CAUSE FOR RETENTION.—A selection board con-  
14          vened under section 20211 of this title shall include in  
15          its report the name of any officer before it for consider-  
16          ation for promotion whose record, in the opinion of a ma-  
17          jority of the members of the board, indicates that the offi-  
18          cer should be required under section 20503 of this title  
19          to show cause for the officer’s retention in a space force  
20          active status.

21          “(c) OFFICERS RECOMMENDED TO BE PLACED  
22          HIGHER ON THE PROMOTION LIST.—A selection board  
23          convened under section 20211 of this title shall, when au-  
24          thorized under section 20214(g) of this title, include in  
25          its report the names of those officers recommended by the

1 board to be placed higher on the promotion list and the  
2 order in which the board recommends that those officers  
3 should be placed on the list.

4 **“§ 20216. Action on reports of selection boards for**  
5 **promotion to brigadier general or major**  
6 **general**

7 “After reviewing a report received under section  
8 20215 of this title recommending officers on the space  
9 force officer list for promotion to the grade of brigadier  
10 general or major general, but before submitting the report  
11 to the Secretary of Defense, the Secretary of the Air Force  
12 may, under regulations prescribed by the Secretary of the  
13 Air Force, adjust the placement of officers on the pro-  
14 motion list recommended in the report in order to further  
15 Space Force mission accomplishment.

16 “SUBCHAPTER III—PROMOTIONS

17 **“§ 20231. Eligibility for consideration for promotion:**  
18 **time-in-grade and other requirements**

19 “(a) TIME-IN-GRADE REQUIREMENTS.—

20 “(1) An officer who is in a space force active  
21 status on the space force officer list and holds a per-  
22 manent appointment in the grade of second lieuten-  
23 ant or first lieutenant may not be promoted to the  
24 next higher permanent grade until the officer has  
25 completed the following period of service in the

1 grade in which the officer holds a permanent ap-  
2 pointment:

3 “(A) Eighteen months, in the case of an  
4 officer holding a permanent appointment in the  
5 grade of second lieutenant.

6 “(B) Two years, in the case of an officer  
7 holding a permanent appointment in the grade  
8 of first lieutenant.

9 “(2) Except as authorized by section 20233 of  
10 this title, an officer who is in a space force active  
11 status on the space force officer list and holds a per-  
12 manent appointment in a grade above first lieuten-  
13 ant may not be considered for selection for pro-  
14 motion to the next higher permanent grade until the  
15 officer has completed the following period of service  
16 in the grade in which the officer holds a permanent  
17 appointment:

18 “(A) Three years, in the case of an officer  
19 holding a permanent appointment in the grade  
20 of captain, major, or lieutenant colonel.

21 “(B) One year, in the case of an officer  
22 holding a permanent appointment in the grade  
23 of colonel or brigadier general.

24 “(3) When the needs of the service require, the  
25 Secretary of the Air Force may prescribe a longer



1 period of service in grade for eligibility for pro-  
2 motion, in the case of officers to whom paragraph  
3 (1) applies, or for eligibility for consideration for  
4 promotion, in the case of officers to whom para-  
5 graph (2) applies.

6 “(4) In computing service in grade for purposes  
7 of this section, service in a grade held as a result of  
8 assignment to a position is counted as service in the  
9 grade in which the officer would have served except  
10 for such assignment or appointment.

11 “(b) AUTHORITY TO PRECLUDE FROM CONSIDER-  
12 ATION CERTAIN OFFICERS BASED ON TIME OF ENTRY  
13 ON OR DEPARTURE FROM SUSTAINED DUTY.—The Sec-  
14 retary of the Air Force—

15 “(1) may, by regulation, prescribe a period of  
16 time, not to exceed one year, from the time an offi-  
17 cer on the space force officer list transfers on or off  
18 of sustained duty during which the officer shall be  
19 ineligible for consideration for promotion; and

20 “(2) may, by regulation, preclude from consid-  
21 eration by a selection board by which the officer  
22 would otherwise be eligible to be considered, an offi-  
23 cer who has an established separation date that is  
24 within 90 days after the date on which the board is  
25 to be convened.

1       “(c) CERTAIN OFFICERS NOT TO BE CONSID-  
2 ERED.—A selection board convened under section 20211  
3 of this title may not consider for promotion to the next  
4 higher grade any of the following officers:

5           “(1) An officer whose name is on a promotion  
6 list for that grade as a result of the officer’s selec-  
7 tion for promotion to that grade by an earlier selec-  
8 tion board convened under that section.

9           “(2) An officer who is recommended for pro-  
10 motion to that grade in the report of an earlier se-  
11 lection board convened under that section, in the  
12 case of such a report that has not yet been approved  
13 by the President.

14           “(3) An officer in the grade of first lieutenant  
15 who is on an approved all-fully-qualified-officers list  
16 under section 20419 of this title.

17           “(4) An officer excluded under subsection (d).

18       “(d) AUTHORITY TO ALLOW OFFICERS TO OPT OUT  
19 OF SELECTION BOARD CONSIDERATION.—

20           “(1) The Secretary of the Air Force may pro-  
21 vide that an officer on the space force officer list  
22 may, upon the officer’s request and with the ap-  
23 proval of the Secretary, be excluded from consider-  
24 ation by a selection board convened under section

1 20211 of this title to consider officers for promotion  
2 to the next higher grade.

3 “(2) The Secretary of the Air Force may only  
4 approve a request under paragraph (1) if the Sec-  
5 retary determines the exclusion from consideration is  
6 in the best interest of the Space Force.

7 **“§ 20232. Eligibility for consideration for promotion:**  
8 **senior commander nominations**

9 “(a) IN GENERAL.—Under regulations prescribed by  
10 the Secretary of the Air Force and subject to subsection  
11 (b), a board convened under section 20211 of this title  
12 may consider for promotion to the next higher grade an  
13 officer in a space force active status on the space force  
14 officer list in the grade of captain, major, or lieutenant  
15 colonel who—

16 “(1) does not meet the requirements of section  
17 20412 of this title with respect to time-in-grade; or

18 “(2) has already been considered for promotion  
19 by a selection board convened under section 20211  
20 of this title the maximum number of times as deter-  
21 mined by the Secretary under section 20415 of this  
22 title and has failed of selection for promotion each  
23 time.

24 “(b) NOMINATION REQUIRED.—The regulations pre-  
25 scribed under subsection (a) shall require that, in order

1 for an officer described in that subsection to be considered  
2 for promotion by a board convened under section 20211  
3 of this title, the officer must be nominated by the com-  
4 manding general of the Space Force Field Command to  
5 which the officer is assigned or, in the case of an officer  
6 on the space force officer list not assigned to a unit subor-  
7 dinate to a Space Force Field Command, the first lieuten-  
8 ant general, or civilian equivalent, in the officer's chain  
9 of command or supervision. For an officer on the space  
10 force officer list assigned to a joint position, or a position  
11 within a Federal department or agency outside of the De-  
12 partment of the Air Force, the nomination may be made  
13 by a lieutenant general in the Army, Air Force, or Marine  
14 Corps or a vice admiral in the Navy, or the civilian equiva-  
15 lent.

16 “(c) NOMINATION.—

17 “(1) The regulations prescribed under sub-  
18 section (a) shall establish clear, competency-based  
19 criteria for use by the nominating officer or official  
20 in determining whether an officer described in sub-  
21 section (a) should be nominated for consideration for  
22 promotion.

23 “(2) An officer on the space force officer list  
24 may only be nominated under this section if (A) the  
25 officer is not eligible for consideration for promotion

1 by a selection board convened under section 20211  
2 of this title, and (B) the officer has not twice pre-  
3 viously been promoted to a higher grade on the  
4 space force officer list under this section.

5 “(3) A nomination under this section shall be  
6 submitted to the Chief Human Capital Officer of the  
7 Space Force and shall provide sufficient information  
8 and justification for the opinion of the nominating  
9 officer that the nominated officer meets the requisite  
10 competency-based requirements for service in a high-  
11 er grade and is exceptionally well qualified for pro-  
12 motion despite not meeting the eligibility require-  
13 ments for consideration for promotion under section  
14 20412 of this title.

15 **“§ 20233. Eligibility for consideration for promotion:**  
16 **designation as joint qualified officer re-**  
17 **quired before promotion to brigadier**  
18 **general; exceptions**

19 “(a) GENERAL RULE.—An officer on the space force  
20 officer list may not be appointed to the grade of brigadier  
21 general unless the officer has been designated as a joint  
22 qualified officer in accordance with section 661 of this  
23 title.

1           “(b) EXCEPTIONS.—Subject to subsection (c), the  
2 Secretary of Defense may waive subsection (a) in the fol-  
3 lowing circumstances:

4           “(1) When necessary for the good of the serv-  
5 ice.

6           “(2) In the case of an officer whose proposed  
7 selection for promotion is based primarily upon sci-  
8 entific and technical qualifications for which joint re-  
9 quirements do not exist.

10           “(3) In the case of an officer selected by a pro-  
11 motion board for appointment to the grade of briga-  
12 dier general while serving in a joint duty assignment  
13 if—

14           “(A) the officer’s total consecutive service  
15 in joint duty assignments is not less than two  
16 years; and

17           “(B) the officer has successfully completed  
18 a program of education described in subsections  
19 (b) and (c) of section 2155 of this title.

20           “(4) In the case of an officer who—

21           “(A) is selected by a promotion board for  
22 appointment to the grade of brigadier general;

23           “(B) is not exempted under subsection (g);  
24 and

1           “(C) has successfully completed the edu-  
2           cation requirements prescribed in subparagraph  
3           (A) of section 661(c)(1) of this title but has not  
4           been afforded the opportunity to complete the  
5           experience requirements described in subpara-  
6           graph (B) of that section.

7           “(c) WAIVER TO BE INDIVIDUAL.—A waiver may be  
8           granted under subsection (b) only on a case-by-case basis  
9           in the case of an individual officer.

10          “(d) SPECIAL RULE FOR GOOD-OF-THE-SERVICE  
11          WAIVER.—In the case of a waiver under subsection (b)(1),  
12          the Secretary of Defense shall provide that the first duty  
13          assignment as a general or flag officer of the officer for  
14          whom the waiver is granted shall be in a joint duty assign-  
15          ment.

16          “(e) LIMITATION ON DELEGATION OF WAIVER AU-  
17          THORITY.—The authority of the Secretary of Defense to  
18          grant a waiver under subsection (b)(4) may be delegated  
19          to the Secretary of the Air Force and may not be further  
20          delegated.

21          “(f) REGULATIONS.—The Secretary of Defense shall  
22          prescribe regulations to carry out this section. The regula-  
23          tions shall specifically identify for purposes of subsection  
24          (b)(2) those categories of officers for which selection for  
25          promotion to brigadier general is based primarily upon sci-

1 entific and technical qualifications for which joint require-  
2 ments do not exist.

3 “(g) EXEMPTION.—Subsection (a) shall not apply to  
4 an officer who transfers to the Space Force from a reserve  
5 component before the first day of the sixth fiscal year be-  
6 ginning after the date of the enactment of this section,  
7 and who, as of the date of the transfer, is serving in the  
8 grade of major, lieutenant colonel, or colonel or, in the  
9 case of the Navy or Coast Guard, lieutenant commander,  
10 commander, or captain.

11 **“§ 20234. Opportunities for consideration for pro-**  
12 **motion**

13 “(a) SPECIFICATION OF NUMBER OF OPPORTUNI-  
14 TIES FOR CONSIDERATION FOR PROMOTION.—Under reg-  
15 ulations prescribed by the Secretary of Defense, the Sec-  
16 retary of the Air Force shall specify the number of oppor-  
17 tunities for consideration for promotion to be afforded to  
18 Space Force officers for promotion to each grade above  
19 the grade of captain.

20 “(b) LIMITATION ON NUMBER OF OPPORTUNITIES  
21 THAT MAY BE SPECIFIED.—The number of opportunities  
22 for consideration for promotion to be afforded officers of  
23 the Space Force for promotion to a particular grade may  
24 not be fewer than two and may not exceed five.



1       “(c) LIMITED AUTHORITY OF SECRETARY OF THE  
2 AIR FORCE TO MODIFY NUMBER OF OPPORTUNITIES.—  
3 The Secretary of the Air Force may change the number  
4 of opportunities for consideration for promotion to a par-  
5 ticular grade not more frequently than once every five  
6 years.

7       “(d) AUTHORITY OF SECRETARY OF DEFENSE TO  
8 MODIFY NUMBER OF OPPORTUNITIES.—The Secretary of  
9 Defense may modify the number of opportunities for con-  
10 sideration for promotion to be afforded officers of the  
11 Space Force for promotion to a particular grade.

12 **“§ 20235. Space Force officer list**

13       “(a) SINGLE LIST.—The Secretary of the Air Force  
14 shall maintain a single list of all Space Force officers serv-  
15 ing in a space force active status. The list shall be known  
16 as the space force officer list.

17       “(b) ORDER OF OFFICERS ON LIST.—Officers shall  
18 be carried on the space force officer list in the order of  
19 seniority of the grade in which they are serving. Officers  
20 serving in the same grade shall be carried in the order  
21 of their rank in that grade.

22       “(c) EFFECT OF SERVICE IN A TEMPORARY AP-  
23 POINTMENT.—An officer whose position on the space force  
24 officer list results from service under a temporary appoint-  
25 ment or in a grade held by reason of assignment to a posi-

1 tion has, when that appointment or assignment ends, the  
2 grade and position on the space force officer list that the  
3 officer would have held if the officer had not received that  
4 appointment or assignment.

5 **“§ 20236. Competitive categories**

6       “(a) REQUIREMENT TO ESTABLISH COMPETITIVE  
7 CATEGORIES FOR PROMOTION.—Under regulations pre-  
8 scribed by the Secretary of Defense, the Secretary of the  
9 Air Force shall establish at least one competitive category  
10 for promotion for officers on the space force officer list.  
11 Each officer whose name appears on the space force offi-  
12 cer list shall be carried in a competitive category of offi-  
13 cers. Officers in the same competitive category shall com-  
14 pete among themselves for promotion.

15       “(b) SINGLE COMPETITIVE CATEGORY FOR PRO-  
16 MOTION TO GENERAL OFFICER GRADES.—The Secretary  
17 of the Air Force shall establish a single competitive cat-  
18 egory for all officers on the space force officer list who  
19 will be considered by a selection board convened under sec-  
20 tion 20211 of this title for promotion to the grade of brig-  
21 adier general or major general.

22 **“§ 20237. Numbers to be recommended for promotion**

23       “(a) PROMOTION TO GRADES BELOW BRIGADIER  
24 GENERAL.—

1           “(1) Before convening a selection board under  
2 section 20211 of this title to consider officers for  
3 recommendation for promotion to a grade below  
4 brigadier general and in any competitive category,  
5 the Secretary of the Air Force shall determine—

6           “(A) the number of positions needed to ac-  
7 complish mission objectives which require offi-  
8 cers of that competitive category in the grade to  
9 which the board will recommend officers for  
10 promotion;

11           “(B) the estimated number of officers  
12 needed to fill vacancies in those positions dur-  
13 ing the period in which it is anticipated that of-  
14 ficers selected for promotion will be promoted;  
15 and

16           “(C) the number of officers in a space  
17 force active status authorized by the Secretary  
18 of the Air Force to serve both on sustained  
19 duty and not on sustained duty in the grade  
20 and competitive category under consideration.

21           “(2) Based on the determinations under para-  
22 graph (1), the Secretary of the Air Force shall de-  
23 termine the maximum number of officers in that  
24 competitive category which the selection board may  
25 recommend for promotion.

1       “(b) PROMOTION TO BRIGADIER GENERAL AND  
2 MAJOR GENERAL.—

3           “(1) Before convening a selection board under  
4 section 20211 of this title to consider officers for  
5 recommendation for promotion to the grade of briga-  
6 dier general or major general, the Secretary of the  
7 Air Force shall determine—

8           “(A) the number of positions needed to ac-  
9 complish mission objectives which require offi-  
10 cers serving in a space force active status on  
11 sustained duty, and in a space force active sta-  
12 tus not on sustained duty, in the grade to which  
13 the board will recommend officers for pro-  
14 motion; and

15           “(B) the estimated number of officers on  
16 sustained duty and not on sustained duty need-  
17 ed to fill vacancies in those positions over the  
18 24-month period beginning on the date on  
19 which the selection board convenes.

20           “(2) Based on the determinations under para-  
21 graph (1), the Secretary of the Air Force shall de-  
22 termine the maximum number of officers serving in  
23 a space force active status on sustained duty, and  
24 the maximum number of officers serving in a space

1 force active status not on sustained duty, which the  
2 selection board may recommend for promotion.

3 **“§ 20238. Promotions: how made; authorized delay of**  
4 **promotions**

5 “(a) PROCEDURE FOR PROMOTION OF OFFICERS ON  
6 AN APPROVED PROMOTION LIST.—

7 “(1) PLACEMENT OF NAMES ON PROMOTION  
8 LIST.—When the report of a selection board con-  
9 vened under section 20211 of this title is approved  
10 by the President, the Secretary of the Air Force  
11 shall place the names of all officers approved for  
12 promotion within a competitive category on a single  
13 list for that competitive category, to be known as a  
14 promotion list, in the order of the seniority of such  
15 officers on the list or based on particular merit, as  
16 determined by the promotion board, or as modified  
17 by the Secretary of the Air Force under section  
18 20216 of this title. A promotion list is considered to  
19 be established under this section as of the date of  
20 the approval of the report of the selection board  
21 under the preceding sentence.

22 “(2) ORDER AND TIMING OF PROMOTIONS.—  
23 Except as provided in subsection (d), officers on a  
24 promotion list for a competitive category shall be  
25 promoted to the next higher grade when additional

1 officers in that grade and competitive category are  
2 needed. Promotions shall be made in the order in  
3 which the names of officers appear on the promotion  
4 list and after officers previously selected for pro-  
5 motion in that competitive category have been pro-  
6 moted. Officers to be promoted to the grade of first  
7 lieutenant shall be promoted in accordance with reg-  
8 ulations prescribed by the Secretary of the Air  
9 Force.

10 “(3) LIMITATION ON PROMOTIONS TO GENERAL  
11 OFFICER GRADES TO COMPLY WITH STRENGTH LIM-  
12 TATIONS.—Under regulations prescribed by the Sec-  
13 retary of Defense, the promotion of an officer on the  
14 space force officer list to the grade of brigadier gen-  
15 eral or major general shall be delayed if that pro-  
16 motion would cause any strength limitation of sec-  
17 tion 526 of this title to be exceeded. The delay shall  
18 expire when the Secretary of the Air Force deter-  
19 mines that the delay is no longer required to ensure  
20 compliance with the strength limitation.

21 “(4) PROMOTION OF FIRST LIEUTENANTS ON  
22 AN ALL-FULLY-QUALIFIED OFFICERS LIST.—

23 “(A) Except as provided in subsection (d),  
24 officers on the space force officer list in the  
25 grade of first lieutenant who are on an ap-

1           proved all-fully-qualified-officers list shall be  
2           promoted to the grade of captain in accordance  
3           with regulations prescribed by the Secretary of  
4           the Air Force.

5           “(B) An all-fully-qualified-officers list shall  
6           be considered to be approved for purposes of  
7           subparagraph (A) when the list is approved by  
8           the President. When so approved, such a list  
9           shall be treated in the same manner as a pro-  
10          motion list under this chapter.

11          “(C) The Secretary of the Air Force may  
12          make a recommendation to the President for  
13          approval of an all-fully-qualified-officers list  
14          only when the Secretary determines that all of-  
15          ficers on the list are needed in the next higher  
16          grade to accomplish mission objectives.

17          “(D) For purposes of this paragraph, an  
18          all-fully-qualified-officers list is a list of all offi-  
19          cers on the space force officers list in a grade  
20          who the Secretary of the Air Force deter-  
21          mines—

22                  “(i) are fully qualified for promotion  
23                  to the next higher grade; and

24                  “(ii) would be eligible for consider-  
25                  ation for promotion to the next higher

1 grade by a selection board convened under  
2 section 20211 of this title upon the con-  
3 vening of such a board.

4 “(E) If the Secretary of the Air Force de-  
5 termines that one or more officers or former of-  
6 ficers were not placed on an all-fully-qualified-  
7 list under this paragraph because of adminis-  
8 trative error, the Secretary may prepare a sup-  
9 plemental all-fully-qualified-officers list con-  
10 taining the names of any such officers for ap-  
11 proval in accordance with this paragraph.

12 “(b) DATE OF RANK.—The date of rank of an officer  
13 appointed to a higher grade under this section is deter-  
14 mined under section 741(d) of this title.

15 “(c) APPOINTMENT AUTHORITY.—Appointments  
16 under this section shall be made by the President, by and  
17 with the advice and consent of the Senate, except that ap-  
18 pointments under this section in the grade of first lieuten-  
19 ant or captain shall be made by the President alone.

20 “(d) AUTHORITY TO DELAY APPOINTMENTS FOR  
21 SPECIFIED REASONS.—The provisions of subsection (d) of  
22 section 624 of this title shall apply to the appointment  
23 of an officer under this section in the same manner as  
24 they apply to an appointment of an officer under that sec-  
25 tion, and any reference in that subsection to an active-



1 duty list shall be treated for purposes of applicability to  
2 an officer of the Space Force as referring to the space  
3 force officer list.

4 “SUBCHAPTER IV—PERSONS NOT CONSIDERED  
5 FOR PROMOTION AND OTHER PROMOTION-  
6 RELATED PROVISIONS

7 “§ 20251. **Special selection boards**

8 “(a) PERSONS NOT CONSIDERED BY PROMOTION  
9 BOARD DUE TO ADMINISTRATIVE ERROR.—

10 “(1) If the Secretary of the Air Force deter-  
11 mines that because of administrative error a person  
12 who should have been considered for selection for  
13 promotion by a selection board convened under sec-  
14 tion 20211 of this title was not so considered, the  
15 Secretary shall convene a special selection board  
16 under this subsection to determine whether that per-  
17 son should be recommended for promotion.

18 “(2) A special selection board convened under  
19 paragraph (1) shall consider the record of the person  
20 whose name was referred to it for consideration as  
21 that record would have appeared to the board that  
22 should have considered the person. That record shall  
23 be compared with a sampling of the records of those  
24 officers of the same competitive category who were  
25 recommended for promotion, and those officers who

1       were not recommended for promotion, by the board  
2       that should have considered the person.

3               “(3) If a special selection board convened under  
4       paragraph (1) does not recommend for promotion a  
5       person whose name was referred to it for consider-  
6       ation for selection for appointment to a grade other  
7       than a general officer grade, the person shall be con-  
8       sidered to have failed of selection for promotion.

9               “(b) PERSONS CONSIDERED BY PROMOTION BOARD  
10      IN UNFAIR MANNER.—

11              “(1) If the Secretary of the Air Force deter-  
12      mines, in the case of a person who was considered  
13      for selection for promotion by a board convened  
14      under section 20211 of this title but was not se-  
15      lected, that there was material unfairness with re-  
16      spect to that person, the Secretary may convene a  
17      special selection board under this subsection to de-  
18      termine whether that person should be recommended  
19      for promotion. In order to determine that there was  
20      material unfairness, the Secretary must determine  
21      that—

22              “(A) the action of the selection board that  
23      considered the person was contrary to law in a  
24      matter material to the decision of the board or

1           involved material error of fact or material ad-  
2           ministrative error; or

3                   “(B) the board did not have before it for  
4           its consideration material information.

5                   “(2) A special selection board convened under  
6           paragraph (1) shall consider the record of the person  
7           whose name was referred to it for consideration as  
8           that record, if corrected, would have appeared to the  
9           board that considered the person. That record shall  
10          be compared with the records of a sampling of those  
11          officers of the same competitive category who were  
12          recommended for promotion, and those officers who  
13          were not recommended for promotion, by the board  
14          that considered the person.

15                   “(3) If a special selection board convened under  
16          paragraph (1) does not recommend for promotion a  
17          person whose name was referred to it for consider-  
18          ation, the person incurs no additional failure of se-  
19          lection for promotion.

20                   “(c) REPORTS OF BOARDS.—

21                   “(1) Each special selection board convened  
22          under this section shall submit to the Secretary of  
23          the Air Force a written report, signed by each mem-  
24          ber of the board, containing the name of each person  
25          it recommends for promotion and certifying that the

1 board has carefully considered the record of each  
2 person whose name was referred to it.

3 “(2) The provisions of sections 20215 and  
4 20216 of this title apply to the report and pro-  
5 ceedings of a special selection board convened under  
6 this section in the same manner as they apply to the  
7 report and proceedings of a selection board convened  
8 under section 20211 of this title.

9 “(d) APPOINTMENT OF PERSONS SELECTED BY  
10 BOARDS.—

11 “(1) If the report of a special selection board  
12 convened under this section, as approved by the  
13 President, recommends for promotion to the next  
14 higher grade a person whose name was referred to  
15 it for consideration, that person shall, as soon as  
16 practicable, be appointed to that grade in accordance  
17 with subsections (b), (c), and (d) of section 20238  
18 of this title.

19 “(2) A person who is appointed to the next  
20 higher grade as the result of the recommendation of  
21 a special selection board convened under this section  
22 shall, upon that appointment, have the same date of  
23 rank, the same effective date for the pay and allow-  
24 ances of that grade, and the same position on the  
25 space force officer list as the person would have had

1 if the person had been recommended for promotion  
2 to that grade by the board which should have con-  
3 sidered, or which did consider, the person.

4 “(e) DECEASED PERSONS.—If a person whose name  
5 is being considered for referral to a special selection board  
6 under this section dies before the completion of pro-  
7 ceedings under this section with respect to that person,  
8 this section shall be applied to that person posthumously.

9 “(f) CONVENING OF BOARDS.—A board convened  
10 under this section—

11 “(1) shall be convened under regulations pre-  
12 scribed by the Secretary of Defense;

13 “(2) shall be composed in accordance with sec-  
14 tion 20212 of this title and regulations prescribed by  
15 the Secretary of the Air Force; and

16 “(3) shall be subject to the provisions of section  
17 613 of this title.

18 “(g) JUDICIAL REVIEW.—The provisions of sub-  
19 section (g) of section 628 of this title (relating to judicial  
20 review) apply to the following actions with respect of any  
21 person in the same manner as those provisions apply to  
22 corresponding actions under such section 628 with respect  
23 to an officer or former officer of the Air Force:

1           “(1) A determination by the Secretary of the  
2 Air Force under subsection (a)(1) or (b)(1) not to  
3 convene a special selection board.

4           “(2) The action of a special selection board con-  
5 vened under this section.

6           “(3) An action of the Secretary of the Air  
7 Force on the report of such a board.

8           “(h) LIMITATIONS OF OTHER JURISDICTION.—No  
9 official or court of the United States may, with respect  
10 to a claim based to any extent on the failure of a person  
11 to be selected for promotion by a promotion board—

12           “(1) consider the claim unless the person has  
13 first been referred by the Secretary of the Air Force  
14 to a special selection board convened under this sec-  
15 tion and acted upon by that board and the report of  
16 the board has been approved by the President; or

17           “(2) except as provided in subsection (g), grant  
18 any relief on the claim unless the person has been  
19 selected for promotion by a special selection board  
20 convened under this section to consider the person  
21 for recommendation for promotion and the report of  
22 the board has been approved by the President.

23           “(i) EXISTING JURISDICTION.—Nothing in this sec-  
24 tion limits—

1           “(1) the jurisdiction of any court of the United  
2 States under any provision of law to determine the  
3 validity of any law, regulation, or policy relating to  
4 selection boards; or

5           “(2) the authority of the Secretary of the Air  
6 Force to correct a military record under section  
7 1552 of this title.

8           “(j) REGULATIONS.—

9           “(1) IN GENERAL.—The Secretary of the Air  
10 Force shall prescribe regulations to carry out this  
11 section.

12           “(2) EXCLUSION.—Regulations under this sub-  
13 section may not apply to subsection (g) of section  
14 628 of this title (as incorporated by subsection (g)  
15 of this section), other than to paragraph (3)(C) of  
16 that subsection.

17           “(3) PRESCRIBING OF CIRCUMSTANCES FOR  
18 CONSIDERATION BY A BOARD UNDER THIS SEC-  
19 TION.—The Secretary may prescribe in the regula-  
20 tions under this subsection the circumstances under  
21 which consideration by a special selection board may  
22 be provided for under this section, including the fol-  
23 lowing:

24           “(A) The circumstances under which con-  
25 sideration of a person’s case by a special selec-





1 ment of officers on the active-duty list) shall apply to  
2 Space Force officers and officer promotions:

3 “(1) Subchapter I (relating to selection boards).

4 “(2) Subchapter II (relating to promotions).

5 “(3) Subchapter III (relating to failure of selec-  
6 tion for promotion and retirement for years of serv-  
7 ice), other than sections 627, 631, and 632.

8 “(4) Subchapter IV (relating to continuation on  
9 active duty and selective early retirement), other  
10 than sections 637, 637a, and 638.

11 “(5) Subchapter V (additional provisions relat-  
12 ing to promotion, separation, and retirement).

13 “(6) Subchapter VI (relating to alternative pro-  
14 motion authority for officers in designated competi-  
15 tive categories).”.

16 (d) TEMPORARY (“BREVET”) PROMOTIONS FOR OF-  
17 FICERS WITH CRITICAL SKILLS.—Section 605 of title 10,  
18 United States Code, is amended as follows:

19 (1) COVERAGE OF SPACE FORCE OFFICERS.—  
20 Subsections (a), (b)(2)(A), (f)(1), and (f)(2) are  
21 amended by striking “or Marine Corps,” each place  
22 it appears and inserting “Marine Corps, or Space  
23 Force,”.

24 (2) DISAGGREGATION OF AIR FORCE MAXIMUM  
25 NUMBERS.—Subsection (g) is amended—

1 (A) by redesignating paragraphs (3) and  
2 (4) as paragraphs (4) and (5), respectively; and

3 (B) by striking paragraph (2) and insert-  
4 ing the following new paragraphs (2) and (3):

5 “(2) In the case of the Air Force—

6 “(A) as captain 95;

7 “(B) as major, 305;

8 “(C) as lieutenant colonel, 165; and

9 “(D) as colonel, 75.

10 “(3) In the case of the Space Force—

11 “(A) as captain, 5;

12 “(B) as major, 20;

13 “(C) as lieutenant colonel, 10; and

14 “(D) as colonel, 5.”.

1 **SEC. 1717. ENLISTED MEMBERS.**

2 (a) IN GENERAL.—Subtitle F of title 10, United  
3 States Code, as amended by section 1716, is further  
4 amended by adding at the end the following new chapter:

5 **“CHAPTER 2007—ENLISTED MEMBERS**

“Sec.

“20301. Original enlistments: qualifications; grade.

“20302. Enlisted members: term of enlistment.

“20303. Reference to chapter 31.

6 **“§ 20301. Original enlistments: qualifications; grade**

7 “(a) ORIGINAL ENLISTMENTS.—

8 “(1) AUTHORITY TO ACCEPT.—The Secretary  
9 of the Air Force may accept original enlistments in  
10 the Space Force of qualified, effective, and able-bod-  
11 ied persons.

12 “(2) AGE.—A person accepted for original en-  
13 listment shall be not less than seventeen years of  
14 age. However, no person under eighteen years of age  
15 may be originally enlisted without the written con-  
16 sent of the person’s parent or guardian, if the per-  
17 son has a parent or guardian entitled to the person’s  
18 custody and control.

19 “(b) GRADE.—A person is enlisted in the Space  
20 Force in the grade prescribed by the Secretary of the Air  
21 Force.

1 **“§ 20302. Enlisted members: term of enlistment**

2 “(a) TERM OF ORIGINAL ENLISTMENTS.—The Sec-  
3 retary of the Air Force may accept original enlistments  
4 of persons for the duration of their minority or for a pe-  
5 riod of at least two but not more than eight years in the  
6 Space Force.

7 “(b) TERM OF REENLISTMENTS.—The Secretary of  
8 the Air Force may accept a reenlistment in the Space  
9 Force for a period determined in accordance with para-  
10 graphs (2), (3), and (4) of section 505(d) of this title.

11 **“§ 20303. Reference to chapter 31**

12 “For other provisions of this title applicable to enlist-  
13 ments in the Space Force, see chapter 31 of this title.”.

14 (b) AMENDMENTS TO TITLE 10 CHAPTER RELATING  
15 TO ENLISTMENTS.—Chapter 31 of such title is amended  
16 as follows:

17 (1) RECRUITING CAMPAIGNS.—Section 503(a)  
18 is amended by inserting “and the Space Force”  
19 after “Regular Coast Guard”.

20 (2) QUALIFICATIONS, TERM, GRADE.—Section  
21 505 is amended—

22 (A) by striking “Regular Space Force,”  
23 each place it appears; and

24 (B) by adding at the end the following new  
25 subsection:

1       “(e) ENLISTMENTS IN THE SPACE FORCE.—For en-  
2 listments in the Space Force, see sections 20301 and  
3 20302 of this title.”.

4           (3) EXTENSION OF ENLISTMENTS DURING  
5 WAR.—Section 506 is amended by striking “Reg-  
6 ular” before “Space Force”.

7           (4) REENLISTMENT.—Section 508 is amended  
8 striking “Regular” before “Space Force” in sub-  
9 sections (b) and (c).

10          (5) ENLISTMENT INCENTIVES FOR PURSUIT OF  
11 SKILLS TO FACILITATE NATIONAL SERVICE.—Sec-  
12 tion 510(e) is amended—

13           (A) in paragraph (2), by inserting “or the  
14 Space Force” after “Selected Reserve”; and

15           (B) in paragraph (3)—

16           (i) by redesignating subparagraphs  
17 (D) and (E) as subparagraphs (E) and  
18 (F), respectively;

19           (ii) by inserting after subparagraph  
20 (C) the following new subparagraph (D):

21           “(D) in the Space Force;”; and

22           (iii) in subparagraph (F), as so reded-  
23 icated, by striking “subparagraphs (A)  
24 through (D)” and inserting “subpara-  
25 graphs (A) through (E)”.

1           (6) COLLEGE FIRST PROGRAM.—Section  
2           511(b)(1)(A), is amended by inserting “or as a  
3           member of the Space Force,” after “reserve compo-  
4           nent,”.

5           (7) DELAYED ENTRY PROGRAM.—Section  
6           513(a) is amended—

7                   (A) by inserting, “, or who is qualified  
8                   under section 20301 of this title and applicable  
9                   regulations for enlistment in the Space Force,”  
10                  after “armed force”; and

11                   (B) by inserting “, or be enlisted as a  
12                  member of the Space Force,” after “Coast  
13                  Guard Reserve”.

14           (8) EFFECT UPON ENLISTED STATUS OF AC-  
15           CEPTANCE OF APPOINTMENT AS CADET OR MID-  
16           SHIPMAN.—Section 516(b) is amended by inserting  
17           “or in the Space Force,” after “armed force”.

1 **SEC. 1718. RETENTION AND SEPARATION GENERALLY.**

2 (a) IN GENERAL.—Subtitle F of title 10, United  
3 States Code, as amended by section 1717, is further  
4 amended by adding at the end the following new chapter:

5 **“CHAPTER 2009—RETENTION AND**  
6 **SEPARATION GENERALLY**

“Sec.

“20401. Applicability of certain provisions of law related to separation.

“20402. Enlisted members: standards and qualifications for retention.

“20403. Officers: standards and qualifications for retention.

“20404. Selection of officers for early retirement or discharge.

“20404. Force shaping authority.

7 **“§ 20401. Applicability of certain provisions of law re-**  
8 **lated to separation**

9 “(a) OFFICER SEPARATION.—Except as specified in  
10 this section or otherwise modified in this chapter, the pro-  
11 visions of chapter 59 of this title applicable to officers of  
12 a regular component shall apply to officers of the Space  
13 Force.

14 “(b) Except as specified in this section or otherwise  
15 modified in this chapter, the provisions of sections 1169,  
16 1170, 1171, 1173, 1174(b) 1176(a) of chapter 59 of this  
17 title applicable to enlisted members of a regular compo-  
18 nent shall apply to enlisted members of the Space Force.

19 “(c) The provisions of section 1172 of this title per-  
20 taining to a person enlisted under section 518 of this title  
21 shall apply to an enlisted member of the Space Force.

22 “(d) The provisions of section 1174 of this title—

1           “(1) pertaining to a regular officer shall apply  
2           to a Space Force officer serving on sustained duty;

3           “(2) pertaining to a regular enlisted member  
4           shall apply to an enlisted member of the Space  
5           Force serving on sustained duty; and

6           “(3) pertaining to other members shall apply to  
7           members of the Space Force not serving on sus-  
8           tained duty.

9           “(e) The provisions of section 1175 of this title per-  
10          taining to a voluntary appointment, enlistment, or transfer  
11          to a reserve component shall apply to the voluntary release  
12          from active duty of a member of the Space Force on sus-  
13          tained duty.

14          “(f) The provisions of section 1176 of this title—

15                 “(1) pertaining to a regular enlisted member  
16                 shall apply to an enlisted member of the Space  
17                 Force serving on sustained duty; and

18                 “(2) pertaining to a reserve enlisted member  
19                 serving in an active status shall apply to an enlisted  
20                 member of the Space Force serving in a space force  
21                 active status or on sustained duty.



1 **“§ 20402. Enlisted members: standards and qualifica-**  
2 **tions for retention**

3 “(a) STANDARDS AND QUALIFICATIONS FOR RETEN-  
4 TION.—The Secretary of the Air Force shall, by regula-  
5 tion, prescribe—

6 “(1) standards and qualifications for the reten-  
7 tion of enlisted members of the Space Force; and

8 “(2) equitable procedures for the periodic deter-  
9 mination of the compliance of each such member  
10 with those standards and qualifications.

11 “(b) EFFECT OF FAILURE TO COMPLY WITH STAND-  
12 ARDS AND QUALIFICATIONS.—If an enlisted member serv-  
13 ing in Space Force active status fails to comply with the  
14 standards and qualifications prescribed under subsection  
15 (a), the member shall—

16 “(1) if qualified, be transferred to Space Force  
17 inactive status;

18 “(2) if qualified, be retired in accordance with  
19 section 20603 of this title; or

20 “(3) have the member’s enlistment terminated.

21 **“§ 20403. Officers: standards and qualifications for re-**  
22 **tention**

23 “(a) STANDARDS AND QUALIFICATIONS.—To be re-  
24 tained in an active status, a Space Force officer must—

25 “(1) in any applicable yearly period, attain the  
26 number of points under section 12732(a)(2) of this

1 title that are prescribed by the Secretary of the Air  
2 Force; and

3 “(2) conform to such other standards and  
4 qualifications as the Secretary may prescribe for of-  
5 ficers of the Space Force.

6 “(b) LIMITATION ON MINIMUM NUMBER OF  
7 POINTS.—The Secretary may not prescribe a minimum of  
8 more than 50 points under subsection (a).

9 “(c) RESULT OF FAILURE TO COMPLY.—A Space  
10 Force officer who fails to attain the number of points pre-  
11 scribed under subsection (a)(1), or to conform to the  
12 standards and qualifications prescribed under subsection  
13 (a)(2), may be referred to a board convened under section  
14 20501(a) of this title.

15 **“§ 20404. Selection of officers for early retirement or**  
16 **discharge**

17 “(a) CONSIDERATION FOR EARLY RETIREMENT.—  
18 The Secretary of the Air Force may convene selection  
19 boards under section 20211(b) of this title to consider for  
20 early retirement officers on the space force officer list as  
21 follows:

22 “(1) Officers in the grade of lieutenant colonel  
23 who have failed of selection for promotion at least  
24 one time and whose names are not on a list of offi-  
25 cers recommended for promotion.

1           “(2) Officers in the grade of colonel who have  
2           served in that grade for at least two years and  
3           whose names are not on a list of officers rec-  
4           ommended for promotion.

5           “(3) Officers, other than those described in  
6           paragraphs (1) and (2), holding a grade below the  
7           grade of colonel—

8                   “(A) who are eligible for retirement under  
9                   section 20601 of this title or who after two ad-  
10                  ditional years or less of active service would be  
11                  eligible for retirement under that section; and

12                   “(B) whose names are not on a list of offi-  
13                  cers recommended for promotion.

14           “(b) CONSIDERATION FOR DISCHARGE.—

15                  “(1) The Secretary of the Air Force may con-  
16                  vene selection boards under section 20211 of this  
17                  title to consider for discharge officers on the space  
18                  force officer list—

19                   “(A) who have served at least one year of  
20                  active status in the grade currently held;

21                   “(B) whose names are not on a list of offi-  
22                  cers recommended for promotion; and

23                   “(C) who are not eligible to be retired  
24                  under any provision of law (other than by rea-  
25                  son of eligibility pursuant to section 4403 of the

1 National Defense Authorization Act for Fiscal  
2 Year 1993) and are not within two years of be-  
3 coming so eligible.

4 “(2) An officer who is recommended for dis-  
5 charge by a selection board convened pursuant to  
6 the authority of paragraph (1) and whose discharge  
7 is approved by the Secretary of the Air Force shall  
8 be discharged on a date specified by the Secretary.

9 “(3) Selection of officers for discharge under  
10 paragraph (1) shall be based on the needs of the  
11 service.

12 “(c) DISCHARGES AND RETIREMENTS CONSIDERED  
13 TO BE INVOLUNTARY.—The discharge or retirement of an  
14 officer pursuant to this section shall be considered to be  
15 involuntary for purposes of any other provision of law.

16 **“§ 20405. Force shaping authority**

17 “(a) AUTHORITY.—The Secretary of the Air Force  
18 may, solely for the purpose of restructuring the Space  
19 Force—

20 “(1) discharge an officer described in sub-  
21 section (b); or

22 “(2) involuntarily release such an officer from  
23 sustained duty.

24 “(b) COVERED OFFICERS.—

1           “(1) The authority under this section may be  
2           exercised in the case of an officer of the Space Force  
3           serving on sustained duty who—

4                   “(A) has completed not more than six  
5                   years of service as a commissioned officer in the  
6                   armed forces; or

7                   “(B) has completed more than six years of  
8                   service as a commissioned officer in the armed  
9                   forces, but has not completed the minimum  
10                  service obligation applicable to that officer.

11           “(2) In this subsection, the term ‘minimum  
12           service obligation’, with respect to a member of the  
13           Space Force, means the initial period of required ac-  
14           tive duty service applicable to the member, together  
15           with any additional period of required active duty  
16           service incurred by that member during the mem-  
17           ber’s initial period of required active duty service.

18           “(c) REGULATIONS.—The Secretary of the Air Force  
19           shall prescribe regulations for the exercise of the Sec-  
20           retary’s authority under this section.”.

21           (b) CONFORMING AMENDMENTS.—Section 647 of  
22           title 10, United States Code, is amended—

23                   (1) in subsection (b), by inserting “(other than  
24                   an officer of the Space Force)” after “in the case of  
25                   an officer”;

1           (2) in subsection (c), by striking “Regular Ma-  
2       rine Corps, of Regular Space Force” and inserting  
3       “or Regular Marine Corps”; and

4           (3) by adding at the end the following new sub-  
5       section:

6       “(e) SPACE FORCE.—For a similar provision with re-  
7       spect to officers of the Space Force, see section 20405  
8       of this title.”.

1 **SEC. 1719. SEPARATION OF OFFICERS FOR SUBSTANDARD**  
2 **PERFORMANCE OF DUTY OR FOR CERTAIN**  
3 **OTHER REASONS.**

4 Subtitle F of title 10, United States Code, as amend-  
5 ed by section 1718, is further amended by adding at the  
6 end the following new chapter:

7 **“CHAPTER 2011—SEPARATION OF OFFI-**  
8 **CERS FOR SUBSTANDARD PERFORM-**  
9 **ANCE OF DUTY OR FOR CERTAIN**  
10 **OTHER REASONS**

“Sec.

“20501. Authority to establish procedures to consider the separation of officers  
for substandard performance of duty and for certain other rea-  
sons.

“20502. Retention boards.

“20503. Removal of officer: action by Secretary upon recommendation of reten-  
tion board.

“20504. Rights and procedures.

“20505. Officer considered for removal: voluntary retirement or discharge.

“20506. Officers eligible to serve on retention boards.

11 **“§ 20501. Authority to establish procedures to con-**  
12 **sider the separation of officers for sub-**  
13 **standard performance of duty and for**  
14 **certain other reasons**

15 **“(a) PROCEDURES FOR REVIEW OF RECORD OF OF-**  
16 **FICERS RELATING TO STANDARDS OF PERFORMANCE OF**  
17 **DUTY.—**

18 **“(1) The Secretary of the Air Force shall pre-**  
19 **scribe, by regulation, procedures for the review at**  
20 **any time of the record of any commissioned officer**

1 (other than a retired officer) of the Space Force in  
2 a space force active status to determine whether the  
3 officer shall be required, because of a reason stated  
4 in paragraph (2), to show cause for the officer's re-  
5 tention in a space force active status.

6 “(2) The reasons referred to in paragraph (1)  
7 are the following:

8 “(A) The officer's performance of duty has  
9 fallen below standards prescribed by the Sec-  
10 retary of Defense.

11 “(B) The officer has failed to satisfy the  
12 standards and qualifications established under  
13 section 20403 of this title by the Secretary of  
14 the Air Force.

15 “(b) PROCEDURES FOR REVIEW OF RECORD OF OF-  
16 FICERS RELATING TO CERTAIN OTHER REASONS.—

17 “(1) The Secretary of the Air Force shall pre-  
18 scribe, by regulation, procedures for the review at  
19 any time of the record of any commissioned officer  
20 (other than a retired officer) of the Space Force in  
21 a space force active status to determine whether the  
22 officer should be required, because of a reason stat-  
23 ed in paragraph (2), to show cause for the officer's  
24 retention in a space force active status.



1           “(2) The reasons referred to in paragraph (1)  
2           are the following:

3                   “(A) Misconduct.

4                   “(B) Moral or professional dereliction.

5                   “(C) The officer’s retention is not clearly  
6           consistent with the interests of national secu-  
7           rity.

8           “(c) SECRETARY OF DEFENSE LIMITATIONS.—Regu-  
9           lations prescribed by the Secretary of the Air Force under  
10          this section are subject to such limitations as the Sec-  
11          retary of Defense may prescribe.

12       **“§ 20502. Retention boards**

13           “(a) CONVENING OF BOARDS TO CONSIDER OFFI-  
14          CERS REQUIRED TO SHOW CAUSE.—The Secretary of the  
15          Air Force shall convene retention boards at such times  
16          and places as the Secretary may prescribe to receive evi-  
17          dence and make findings and recommendations as to  
18          whether an officer who is required under section 20501  
19          of this title to show cause for retention in a space force  
20          active status should be retained in a space force active  
21          status. Each retention board shall be composed of not less  
22          than three officers having the qualifications prescribed by  
23          section 20506 of this title.

24           “(b) FAIR AND IMPARTIAL HEARING.—A retention  
25          board shall give a fair and impartial hearing to each offi-

1 cer required under section 20501 of this title to show  
2 cause for retention in a space force active status.

3 “(c) EFFECT OF BOARD DETERMINATION THAN AN  
4 OFFICER HAS FAILED TO ESTABLISH THAT THE OFFI-  
5 CER SHOULD BE RETAINED.—

6 “(1) If a retention board determines that the  
7 officer has failed to establish that the officer should  
8 be retained in a space force active status, the board  
9 shall recommend to the Secretary of the Air Force  
10 one of the following:

11 “(A) That the officer be transferred to an  
12 inactive status.

13 “(B) That the officer, if qualified under  
14 any provision of law, be retired.

15 “(C) That the officer be discharged from  
16 the Space Force.

17 “(2) Under regulations prescribed by the Sec-  
18 retary of the Air Force, an officer as to whom a re-  
19 tention board makes a recommendation under para-  
20 graph (1) that the officer not be retained in a space  
21 force active status may be required to take leave  
22 pending the completion of the officer’s case under  
23 this chapter. The officer may be required to begin  
24 such leave at any time following the officer’s receipt  
25 of the report of the retention board, including the

1 board's recommendation for removal from a space  
2 force active status, and the expiration of any period  
3 allowed for submission by the officer of a rebuttal to  
4 that report. The leave may be continued until the  
5 date on which action by the Secretary of the Air  
6 Force on the officer's case is completed or may be  
7 terminated at any earlier time.

8 “(d) EFFECT OF BOARD DETERMINATION THAN AN  
9 OFFICER HAS ESTABLISHED THAT THE OFFICER  
10 SHOULD BE RETAINED.—

11 “(1) If a retention board determines that the  
12 officer has established that the officer should be re-  
13 tained in a space force active status, the officer's  
14 case is closed.

15 “(2) An officer who is required to show cause  
16 for retention in a space force active status under  
17 subsection (a) of section 20501 of this title and who  
18 is determined under paragraph (1) to have estab-  
19 lished that the officer should be retained in a space  
20 force active status may not again be required to  
21 show cause for retention in a space force active sta-  
22 tus under such subsection within the one-year period  
23 beginning on the date of that determination.

24 “(3)(A) Subject to subparagraph (B), an officer  
25 who is required to show cause for retention in a

1 space force active status under subsection (b) of sec-  
2 tion 20501 of this title and who is determined under  
3 paragraph (1) to have established that the officer  
4 should be retained in a space force active status may  
5 again be required to show cause for retention at any  
6 time.

7 “(B) An officer who has been required to show  
8 cause for retention in a space force active status  
9 under subsection (b) of section 20501 of this title  
10 and who is thereafter retained in an active status  
11 may not again be required to show cause for reten-  
12 tion in a space force active status under such sub-  
13 section solely because of conduct which was the sub-  
14 ject of the previous proceedings, unless the findings  
15 or recommendations of the retention board that con-  
16 sidered the officer’s previous case are determined to  
17 have been obtained by fraud or collusion.

18 “(4) In the case of an officer described in para-  
19 graph (2) or paragraph (3)(A), the retention board  
20 may recommend that the officer be required to com-  
21 plete additional training, professional education, or  
22 such other developmental programs as may be avail-  
23 able to correct any identified deficiencies and im-  
24 prove the officer’s performance within the Space  
25 Force.

1 **“§ 20503. Removal of officer: action by Secretary**  
2 **upon recommendation of retention board**

3 “The Secretary of the Air Force may remove an offi-  
4 cer from space force active status if the removal of such  
5 officer from space force active status is recommended by  
6 a retention board convened under section 20502 of this  
7 title.

8 **“§ 20504. Rights and procedures**

9 “(a) IN GENERAL.—Under regulations prescribed by  
10 the Secretary of the Air Force, each officer required under  
11 section 20501 of this title to show cause for retention in  
12 a space force active status—

13 “(1) shall be notified in writing, at least 30  
14 days before the hearing of the officer’s case by a re-  
15 tention board, of the reasons for which the officer is  
16 being required to show cause for retention in a space  
17 force active status;

18 “(2) shall be allowed a reasonable time, as de-  
19 termined by the board, to prepare the officer’s show-  
20 ing of cause for retention in a space force active sta-  
21 tus;

22 “(3) shall be allowed to appear either in person  
23 or through electronic means and to be represented  
24 by counsel at proceedings before the board; and

25 “(4) shall be allowed full access to, and shall be  
26 furnished copies of, records relevant to the officer’s

1 case, except that the board shall withhold any record  
2 that the Secretary determines should be withheld in  
3 the interest of national security.

4 “(b) SUMMARY OF RECORDS WITHHELD IN INTER-  
5 EST OF NATIONAL SECURITY.—When a record is withheld  
6 under subsection (a)(4), the officer whose case is under  
7 consideration shall, to the extent that the interest of na-  
8 tional security permits, be furnished a summary of the  
9 record so withheld.

10 **“§ 20505. Officer considered for removal: voluntary**  
11 **retirement or discharge**

12 “(a) IN GENERAL.—At any time during proceedings  
13 under this chapter with respect to the removal of an offi-  
14 cer from a space force active status , the Secretary of the  
15 Air Force may grant a request by the officer—

16 “(1) for voluntary retirement, if the officer is  
17 qualified for retirement; or

18 “(2) for discharge in accordance with sub-  
19 section (b)(2).

20 “(b) RETIREMENT OR DISCHARGE.—An officer re-  
21 moved from a space force active status under section  
22 20503 of this title shall—

23 “(1) if eligible for voluntary retirement under  
24 any provision of law on the date of such removal, be  
25 retired in the grade and with the retired pay for

1 which the officer would be eligible if retired under  
2 such provision; and

3 “(2) if ineligible for voluntary retirement under  
4 any provision of law on the date of such removal—

5 “(A) be honorably discharged in the grade  
6 then held, in the case of an officer whose case  
7 was brought under subsection (a) of section  
8 20501 of this title; or

9 “(B) be discharged in the grade then held,  
10 in the case of an officer whose case was brought  
11 under subsection (b) of section 20501 of this  
12 title.

13 “(c) SEPARATION PAY FOR DISCHARGED OFFI-  
14 CER.—An officer who is discharged under subsection  
15 (b)(2) is entitled, if eligible therefor, to separation pay  
16 under section 1174(a)(2) of this title.

17 **“§ 20506. Officers eligible to serve on retention**  
18 **boards**

19 “(a) IN GENERAL.—The provisions of section 1187  
20 of this title apply to the membership of boards convened  
21 under this chapter in the same manner as to the member-  
22 ship of boards convened under chapter 60 of this title.

23 “(b) RETIRED AIR FORCE OFFICERS.—

24 “(1) AUTHORITY.—In applying subsection (b)  
25 of section 1187 of this title to a board convened

1       under this chapter, the Secretary of the Air Force  
2       may appoint retired officers of the Air Force, in ad-  
3       dition to retired officers of the Space Force, to com-  
4       plete the membership of the board.

5               “(2) LIMITATION.—A retired officer of the Air  
6       Force may be appointed to a board under paragraph  
7       (1) only if the officer served in a space-related ca-  
8       reer field of the Air Force for sufficient time such  
9       that the Secretary of the Air Force determines that  
10      the retired Air Force officer has adequate knowledge  
11      concerning the standards of performance and con-  
12      duct required of an officer of the Space Force.”.



1 **SEC. 1720. RETIREMENT.**

2 (a) IN GENERAL.—Subtitle F of title 10, United  
3 States Code, as amended by section 1719, is further  
4 amended by adding at the end the following new chapter:

5 **“CHAPTER 2013—VOLUNTARY**  
6 **RETIREMENT FOR LENGTH OF SERVICE**

“Sec.

“20601. Officers: voluntary retirement for length of service.

“20602. Officers: computation of years of service for voluntary retirement.

“20603. Enlisted members: voluntary retirement for length of service.

“20604. Enlisted members: computation of years of service for voluntary retire-  
ment.

“20605. Applicability of other provisions of law relating to retirement.

7 **“§ 20601. Officers: voluntary retirement for length of**  
8 **service**

9 “(a) TWENTY YEARS OR MORE.—The Secretary of  
10 the Air Force may, upon the officer’s request, retire a  
11 commissioned officer of the Space Force who has at least  
12 20 years of service computed under section 20602 of this  
13 title, at least 10 years of which have been active service  
14 as a commissioned officer.

15 “(b) THIRTY YEARS OR MORE.—A commissioned of-  
16 ficer of the Space Force who has at least 30 years of serv-  
17 ice computed under section 20602 of this title may be re-  
18 tired upon the officer’s request, in the discretion of the  
19 President.

20 “(c) FORTY YEARS OR MORE.—Except as provided  
21 in section 20503 of this title, a commissioned officer of  
22 the Space Force who has at least 40 years of service com-

1 puted under section 20602 of this title shall be retired  
2 upon the officer's request.

3 **“§ 20602. Officers: computation of years of service for**  
4 **voluntary retirement**

5 “(a) YEARS OF ACTIVE SERVICE.—For the purpose  
6 of determining whether an officer of the Space Force may  
7 be retired under section 20601 of this title, the officer's  
8 years of service are computed by adding all active service  
9 in the armed forces.

10 “(b) REFERENCE TO SECTION EXCLUDING SERVICE  
11 DURING CERTAIN PERIODS.—Section 972(b) of this title  
12 excludes from computation of an officer's years of service  
13 for purposes of this section any time identified with re-  
14 spect to that officer under that section.

15 **“§ 20603. Enlisted members: voluntary retirement for**  
16 **length of service**

17 “(a) TWENTY TO THIRTY YEARS.—Under regula-  
18 tions to be prescribed by the Secretary of the Air Force,  
19 an enlisted member of the Space Force who has at least  
20 20, but less than 30, years of service computed under sec-  
21 tion 20604 of this title may, upon the member's request,  
22 be retired.

23 “(b) THIRTY YEARS OR MORE.—An enlisted member  
24 of the Space Force who has at least 30 years of service

1 computed under section 20604 of this title shall be retired  
2 upon the member's request.

3 **“§ 20604. Enlisted members: computation of years of**  
4 **service for voluntary retirement**

5 “(a) YEARS OF ACTIVE SERVICE.—For the purpose  
6 of determining whether an enlisted member of the Space  
7 Force may be retired under section 20603 of this title,  
8 the member's years of service are computed by adding all  
9 active service in the armed forces.

10 “(b) REFERENCE TO SECTION EXCLUDING COUNT-  
11 ING OF CERTAIN SERVICE REQUIRED TO BE MADE UP.—  
12 Time required to be made up under section 972(a) of this  
13 title may not be counted in computing years of service  
14 under subsection (a).

15 **“§ 20605. Applicability of other provisions of law re-**  
16 **lating to retirement**

17 “(a) APPLICABILITY TO MEMBERS OF THE SPACE  
18 FORCE.—Except as specifically provided for by this chap-  
19 ter, the provisions of this title specified in subsection (b)  
20 apply to members of the Space Force as follows:

21 “(1) Provisions pertaining to an officer of the  
22 Air Force shall apply to an officer of the Space  
23 Force.

1           “(2) Provisions pertaining to an enlisted mem-  
2           ber of the Air Force shall apply to an enlisted mem-  
3           ber of the Space Force.

4           “(3) Provisions pertaining to a regular officer  
5           shall apply to an officer who is on sustained duty in  
6           the Space Force.

7           “(4) Provisions pertaining to a regular enlisted  
8           member shall apply to an enlisted member who is on  
9           sustained duty in the Space Force.

10          “(5) Provisions pertaining to a reserve officer  
11          shall apply to an officer who is in a space force ac-  
12          tive status but not on sustained duty.

13          “(6) Provisions pertaining to a reserve enlisted  
14          member shall apply to an enlisted member who is in  
15          a space force active status but not on sustained  
16          duty.

17          “(7) Provisions pertaining to service in a reg-  
18          ular component shall apply to service on sustained  
19          duty.

20          “(8) Provisions pertaining to service in a re-  
21          serve component shall apply to service in a space  
22          force active status not on sustained duty.

23          “(9) Provisions pertaining to a member of the  
24          Ready Reserve shall apply to a member of the Space

1 Force who is in a space force active status prior to  
2 being ordered to active duty.

3 “(10) Provisions pertaining to a member of the  
4 Retired Reserve shall apply to a member of the  
5 Space Force who has retired under chapter 1223 of  
6 this title.

7 “(b) PROVISIONS OF LAW.—The provisions of this  
8 title referred to in subsection (a) are the following:

9 “(1) Chapter 61, relating to retirement or sepa-  
10 ration for physical disability.

11 “(2) Chapter 63, relating to retirement for age.

12 “(3) Chapter 69, relating to retired grade.

13 “(4) Chapter 71, relating to computation of re-  
14 tired pay.

15 “(5) Chapter 941, relating to retirement from  
16 the Air Force for length of service.

17 “(6) Chapter 945, relating to computation of  
18 retired pay.

19 “(7) Chapter 1223, relating to retired pay for  
20 non-regular service.

21 “(8) Chapter 1225, relating to retired grade.”.

22 (b) CONFORMING AMENDMENTS.—Title 10, United  
23 States Code, is amended as follows:

24 (1) RETIRED MEMBERS ORDERED TO ACTIVE  
25 DUTY.—Section 688(b) is amended—

1 (A) in paragraph (1), by striking “Regular  
2 Marine Corps, or Regular Space Force” and in-  
3 serting “or Regular Marine Corps”; and

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

6 “(4) A retired member of the Space Force.”.

7 (2) RETIRED GRADE.—Section 9341 is amend-  
8 ed—

9 (A) by striking “or the Space Force” both  
10 places it appears in subsection (a);

11 (B) by striking “or a Regular or Reserve  
12 of the Space Force” in subsection (b); and

13 (C) by adding at the end the following new  
14 subsection:

15 “(c) SPACE FORCE.—(1) The retired grade of a com-  
16 missioned officer of the Space Force who retires other  
17 than for physical disability is determined under section  
18 1370 or 1370a of this title, as applicable to the officer.

19 “(2) Unless entitled to a higher retired grade under  
20 some other provision of law, a member of the Space Force  
21 not covered by paragraph (1) who retires other than for  
22 physical disability retires in the grade that the member  
23 holds on the date of the member’s retirement.”.

24 (3) RETIRED GRADE OF ENLISTED MEMBERS  
25 AFTER 30 YEARS OF SERVICE.—Section 9344(b)(2)

1 is amended by striking “Regular” before “Space  
2 Force”.

3 (4) RETIRED LISTS.—Section 9346 is amend-  
4 ed—

5 (A) in subsection (a), by striking “or the  
6 Regular Space Force” and inserting “and a  
7 separate retired list containing the name of  
8 each retired commissioned officer of the Space  
9 Force (other than an officer whose name is on  
10 the list maintained under subsection (b)(2))”;

11 (B) in subsection (b)—

12 (i) by inserting “(1)” after “(b)”;

13 (ii) by redesignating paragraphs (1)  
14 and (2) as subparagraphs (A) and (B), re-  
15 spectively;

16 (iii) in subparagraph (A), as so redesi-  
17 gnated, by striking “, or for commissioned  
18 officers of the Space Force other than of  
19 the Regular Space Force”;

20 (iv) in subparagraph (B), as so redesi-  
21 gnated, by striking “or the Space Force”;  
22 and

23 (v) by adding at the end the following  
24 new paragraph:

1           “(2) The Secretary shall maintain a retired list  
2           containing the name of—

3                   “(A) each person entitled to retired pay  
4           who as a member of the Space Force qualified  
5           for retirement under section 20601 of this title;  
6           and

7                   “(B) each retired warrant officer or en-  
8           listed member of the Space Force who is ad-  
9           vanced to a commissioned grade.”;

10                   (C) in subsection (c), by striking “or the  
11           Space Force” and inserting “and a separate re-  
12           tired list containing the name of each retired  
13           warrant officer of the Space Force”; and

14                   (D) in subsection (d), by striking “or the  
15           Regular Space Force” and inserting “and a  
16           separate retired list containing the name of  
17           each retired enlisted member of the Space  
18           Force”.



1 **Subtitle B—Conforming Amend-**  
2 **ments Related to Space Force**  
3 **Military Personnel System**  
4 **[log77972]**

5 **SEC. 1731. AMENDMENTS TO DEPARTMENT OF THE AIR**  
6 **FORCE PROVISIONS OF TITLE 10, UNITED**  
7 **STATES CODE.**

8 (a) PROVISIONS RELATING TO PERSONNEL.—Part II  
9 of subtitle D of title 10, United States Code, is amended  
10 as follows:

11 (1) GENDER-FREE BASIS FOR ACCEPTANCE OF  
12 ORIGINAL ENLISTMENTS.—

13 (A) Section 9132 by striking “Regular”  
14 before “Space Force”.

15 (B) The heading of such section is amend-  
16 ed by striking the fifth word.

17 (2) REENLISTMENT AFTER SERVICE AS AN OF-  
18 FICER.—

19 (A) Section 9138(a) is amended by strik-  
20 ing “Regular” before “Space Force” both  
21 places it appears.

22 (B) The heading of section 9138 is amend-  
23 ed by striking the fifth word.

1           (3) WARRANT OFFICERS: ORIGINAL APPOINT-  
2           MENT; QUALIFICATIONS.—Section 9160 is amended  
3           by striking “Regular” before “Space Force”.

4           (4) SERVICE AS AN OFFICER TO BE COUNTED  
5           AS ENLISTED SERVICE.—Section 9252 is amended  
6           by striking “Regular” before “Space Force”.

7           (5) CHAPTER HEADING.—

8                   (A) The heading of chapter 915 is amend-  
9                   ed to read as follows:

10   **“CHAPTER 915—APPOINTMENTS IN THE**  
11    **REGULAR AIR FORCE AND IN THE**  
12    **SPACE FORCE”.**

13                   (B) The tables of chapters at the begin-  
14                   ning of subtitle D, and at the beginning of part  
15                   II of subtitle D of such title, are each amended  
16                   by striking the item relating to chapter 915 and  
17                   inserting the following new item:

          “915. Appointments in the Regular Air Force and in the Space Force 9151”.

18           (b) PROVISIONS RELATING TO TRAINING GEN-  
19    ERALLY.—Section 9401 of such title is amended—

20                   (1) in subsection (b)—

21                           (A) by striking “or the Regular Space  
22                           Force” after “Regular Air Force”; and

23                           (B) by inserting “or one of the Space  
24                           Force in a space force active status not on sus-  
25                           tained duty,” after “on the active-duty list,”;

1 (2) in subsection (c)—

2 (A) by striking “or Reserve of the Space  
3 Force” and inserting “or member of the Space  
4 Force in a space force active status not on sus-  
5 tained duty”; and

6 (B) by striking “the Reserve’s consent”  
7 and inserting “the member’s consent”; and

8 (3) in subsection (f)—

9 (A) by striking “the Regular Space Force”  
10 and inserting “of Space Force members on sus-  
11 tained duty”; and

12 (B) by striking “the Space Force Reserve”  
13 and inserting “of Space Force members in an  
14 active status not on sustained duty”.

15 (c) PROVISIONS RELATING TO THE AIR FORCE  
16 ACADEMY.—Chapter 953 of such title is amended as fol-  
17 lows:

18 (1) PERMANENT PROFESSORS; DIRECTOR OF  
19 ADMISSIONS.—Section 9436 is amended—

20 (A) in subsection (a)—

21 (i) by striking “the equivalent grade  
22 in” both places it appears;

23 (ii) by inserting “or the Space Force”  
24 after “Regular Air Force” the first place it  
25 appears;

1 (iii) by striking “and a permanent”  
2 and all that follows through “in the Reg-  
3 ular Air Force”; and

4 (B) in subsection (b)—

5 (i) by striking “the equivalent grade  
6 in” both places it appears and inserting  
7 “the grade of lieutenant colonel in”; and

8 (ii) by striking “Regular Space Force  
9 has the grade equivalent to the grade of  
10 colonel in the Regular Air Force” and in-  
11 sserting “Space Force has the grade of  
12 colonel in the Space Force”.

13 (2) APPOINTMENT OF CADETS.—Section  
14 9442(b) is amended—

15 (A) in paragraph (1)(C), by inserting “, or  
16 the Space Force,” after “members of reserve  
17 components”; and

18 (B) in paragraph (2), by striking “Reg-  
19 ular” before “Space Force”.

20 (3) AGREEMENT OF CADETS TO SERVE AS OF-  
21 FICERS.—Section 9448(a) is amended—

22 (A) in paragraph (2)(A), by striking “Reg-  
23 ular” before “Space Force”; and

24 (B) in paragraph (3)—

1 (i) in the matter preceding subpara-  
2 graph (A), by inserting “, or to terminate  
3 the officer’s order to sustained duty in the  
4 Space Force” after “resign as a regular of-  
5 ficer”;

6 (ii) in subparagraph (A), by striking  
7 “or as a Reserve in the Space Force for  
8 service in the Space Force Reserve” and  
9 inserting “or will accept further assign-  
10 ment in a space force active status”; and

11 (iii) in subparagraph (B), by inserting  
12 “, or the Space Force,” after “that reserve  
13 component”.

14 (4) HAZING.—Section 9452(c) is amended by  
15 striking “Marine Corps, or Space Force,” and in-  
16 serting, “or Marine Corps, or in the Space Force,”.

17 (5) COMMISSION UPON GRADUATION.—Section  
18 9453(b) is amended—

19 (A) by striking “or in the equivalent grade  
20 in the Regular Space Force”; and

21 (B) by inserting before the period the fol-  
22 lowing: “or a second lieutenant in the Space  
23 Force under section 531 or 20201 of this title”.

24 (d) PROVISIONS RELATING TO SCHOOLS AND  
25 CAMPS.—Chapter 957 of such title is amended as follows:

1 (1) PURPOSE.—Section 9481 is amended—

2 (A) by striking “to qualify them for ap-  
3 pointment” and inserting “to qualify them  
4 for—

5 “(1) appointment”;

6 (B) by striking “or the Space Force Re-  
7 serve.” and inserting “; or”; and

8 (C) by adding at the end the following new  
9 paragraph:

10 “(2) appointment as officers, or enlistment as  
11 noncommissioned officers, for service in the Space  
12 Force in a space force active status.”.

13 (2) OPERATION.—Section 9482(4) is amended  
14 by striking “or the Regular Space Force” and in-  
15 serting “or members of the Space Force in an active  
16 status”.

1 **SEC. 1732. AMENDMENTS TO SUBTITLE A OF TITLE 10,**  
2 **UNITED STATES CODE.**

3 (a) PROVISIONS RELATING TO ORGANIZATION AND  
4 GENERAL MILITARY POWERS.—Part I of subtitle A of  
5 title 10, United States Code, is amended as follows:

6 (1) ANNUAL DEFENSE MANPOWER REPORT.—

7 Section 115a(d)(3)(F) is amended by inserting be-  
8 fore the period the following: “or, in the case of the  
9 Space Force, officers ordered to active duty other  
10 than under section 20105(b) of this title”.

11 (2) SUSPENSION OF END-STRENGTH AND  
12 OTHER STRENGTH LIMITATIONS IN TIME OF WAR OR  
13 NATIONAL EMERGENCY.—Section 123a(a)(2) is  
14 amended by inserting “or the Space Force” after “a  
15 reserve component”.

16 (3) DEPUTY COMMANDER OF USNORTHCOM.—  
17 Section 164(e)(4) is amended—

18 (A) by inserting “(A)” after “(4)”;

19 (B) by striking “shall be a” and all that  
20 follows and inserting “shall be—

21 “(i) a qualified officer of a reserve  
22 component who is eligible for promotion to  
23 the grade of lieutenant general or, in the  
24 case of the Navy, vice admiral; or

25 “(ii) a qualified officer of the Space  
26 Force whose prior service includes service

1 in a space force active status other than  
2 sustained duty and who is eligible for pro-  
3 motion to the grade of lieutenant gen-  
4 eral.”; and

5 (C) by adding at the end the following new  
6 subparagraph:

7 “(B) The requirement in subparagraph (A)  
8 does not apply when the officer serving as com-  
9 mander of the combatant command described in  
10 that subparagraph is (i) a reserve component  
11 officer, or (ii) an officer of the Space Force  
12 whose prior service includes service in a space  
13 force active status other than sustained duty.”.

14 (4) READINESS REPORTS.—Section 482(a) is  
15 amended by inserting “and the Space Force” after  
16 “active and reserve components” in paragraphs (1)  
17 and (2).

18 (b) DOPMA OFFICER PERSONNEL PROVISIONS.—  
19 Chapter 36 of such title is amended as follows:

20 (1) NONDISCLOSURE OF BOARD PRO-  
21 CEEDINGS.—Section 613a is amended by striking  
22 “573, 611, or 628” and inserting “573, 611, 628,  
23 or 20211” in subsections (a) and (c).

24 (2) INFORMATION FURNISHED TO SELECTION  
25 BOARDS.—Section 615(a) is amended—



1 (A) in paragraph (1), by inserting “or  
2 20211” after “section 611(a)”; and

3 (B) in paragraph (3)—

4 (i) in subparagraph (B), by striking  
5 “regular officer” and all that follows and  
6 inserting “regular officer or an officer in  
7 the Space Force, a grade above captain or,  
8 in the case of the Navy, lieutenant.”; and

9 (ii) in subparagraph (D)—

10 (I) by striking “major general,”  
11 and inserting “major general or”; and

12 (II) by striking “or, in the case  
13 of the Space Force, the equivalent  
14 grade,”.

15 (3) ELIGIBILITY FOR CONSIDERATION FOR PRO-  
16 MOTION: TIME-IN-GRADE AND OTHER REQUIRE-  
17 MENTS.—Section 619(a) is amended by striking  
18 “Marine Corps, or Space Force” each place it ap-  
19 pears and inserting “or Marine Corps”.

20 (4) AUTHORITY TO VACATE PROMOTIONS TO  
21 GRADES OF BRIGADIER GENERAL AND REAR ADMI-  
22 RAL (LOWER HALF).—Section 625(b) is amended—

23 (A) by striking “Marine Corps, or Space  
24 Force” and inserting “or Marine Corps”; and

1 (B) adding at the end the following new  
2 sentence: “An officer of the Space Force whose  
3 promotion is vacated under this section holds  
4 the grade of colonel.”.

5 (5) ACCEPTANCE OF PROMOTIONS; OATH OF  
6 OFFICE.—Subsections (a) and (b) of section 626 are  
7 amended by striking “section 624” and inserting  
8 “section 624 or 20251”.

9 (6) SPECIAL SELECTION REVIEW BOARD.—Sec-  
10 tion 628a is amended—

11 (A) in subsection (a)(1)(A)—

12 (i) by striking “major general,” and  
13 inserting “major general or”; and

14 (ii) by striking “, or an equivalent  
15 grade in the Space Force”;

16 (B) in subsection (e)(2), by adding at the  
17 end the following new sentence: “However, in  
18 the case of an officer on the space force officer  
19 list, the provisions of sections 618, 20215, and  
20 20216 of this title apply to the report and pro-  
21 ceedings of a special selection review board con-  
22 vened under this section in the same manner as  
23 they apply to report and proceedings of a pro-  
24 motion board convened under section 20211 of  
25 this title.”, and

1 (C) in subsection (f)(1), by adding at the  
2 end the following new sentence: “However, if  
3 the report of a special selection review board  
4 convened under this section recommends the  
5 sustainment of the recommendation for pro-  
6 motion to the next higher grade of an officer on  
7 the space force officer list who was referred to  
8 it for review under this section, and the Presi-  
9 dent approves the report, the officer shall, as  
10 soon as practicable, be appointed to the grade  
11 in accordance with subsections (b) and (c) of  
12 section 20251 of this title.”.

13 (7) REMOVAL FROM LIST OF OFFICERS REC-  
14 OMMENDED FOR PROMOTION.—Section 629 is  
15 amended—

16 (A) in subsection (b), by inserting “or  
17 20251(c)” after “section 624(c)”; and

18 (B) in subsections (c)(1) and (c)(4)—

19 (i) by inserting “or 20251(a)” after  
20 “section 624(a)”; and

21 (ii) by inserting “or 20251(c)” after  
22 “section 624(c)”.

23 (8) RETIREMENT FOR YEARS OF SERVICE.—

24 (A) LIEUTENANT COLONELS.—Section  
25 633(a) is amended—

1 (i) by inserting “(1)” before “Except  
2 as”;

3 (ii) by striking “Regular Marine  
4 Corps, or Regular Space Force” and in-  
5 serting “or Regular Marine Corps”; and

6 (iii) by adding at the end the fol-  
7 lowing new paragraph:

8 “(2) Except as provided under section 637(b)  
9 or 637a of this title, each officer of the Space Force  
10 who holds the grade of lieutenant colonel who is not  
11 on a list of officers recommended for promotion to  
12 the grade of colonel shall, if not earlier retired, be  
13 retired on the first day of the month after the month  
14 in which the officer completes 28 years of active  
15 commissioned service.”.

16 (B) COLONELS.—Section 634(a) is amend-  
17 ed—

18 (i) by inserting “(1)” before “Except  
19 as”;

20 (ii) by striking “Regular Marine  
21 Corps, or Regular Space Force” and in-  
22 serting “or Regular Marine Corps”; and

23 (iii) by adding at the end the fol-  
24 lowing new paragraph:

1           “(2) Except as provided under section 637(b)  
2           or 637a of this title, each officer of the Space Force  
3           who holds the grade of colonel who is not on a list  
4           of officers recommended for promotion to the grade  
5           of brigadier general shall, if not earlier retired, be  
6           retired on the first day of the month after the month  
7           in which the officer completes 30 years of active  
8           commissioned service.”.

9           (C) BRIGADIER GENERALS.—Section 635  
10           is amended—

11                   (i) by inserting “(a) ARMY, NAVY, AIR  
12                   FORCE, AND MARINE CORPS.—” before  
13                   “Except as”;

14                   (ii) by striking “Regular Marine  
15                   Corps, or Regular Space Force” and in-  
16                   serting “or Regular Marine Corps”; and

17                   (iii) by adding at the end the fol-  
18                   lowing new subsection:

19           “(b) SPACE FORCE.—Except as provided under sec-  
20           tion 637(b) or 637a of this title, each officer of the Space  
21           Force who holds the grade of brigadier general who is not  
22           on a list of officers recommended for promotion to the  
23           grade of major general shall, if not earlier retired, be re-  
24           tired as specified in subsection (a).”.

1 (D) OFFICERS IN GRADES ABOVE BRIGA-  
2 DIER GENERAL.—Section 636(a) is amended—

3 (i) by inserting “(1)” before “Except  
4 as”;

5 (ii) by striking “Regular Marine  
6 Corps, or Regular Space Force” and in-  
7 serting “or Regular Marine Corps”; and

8 (iii) by adding at the end the fol-  
9 lowing new paragraph:

10 “(2) Except as provided in subsection (b) or (c)  
11 and under section 637(b) or 637a of this title, each  
12 officer of the Space Force who holds the grade of  
13 major general shall, if not earlier retired, be retired  
14 as specified in paragraph (1).”.

15 (E) SECTION HEADINGS.—

16 (i) The heading of section 633 is  
17 amended by striking “**lieutenant colo-**  
18 **nels and**” and inserting “**and Space**  
19 **Force lieutenant colonels; regular**  
20 **Navy**”.

21 (ii) The heading of section 634 is  
22 amended by striking “**colonels and**”  
23 and inserting “**and Space Force colo-**  
24 **nels; regular**”.

1 (iii) The heading of section 635 is  
2 amended by striking “**brigadier gen-**  
3 **erals and**” and inserting “**and Space**  
4 **Force brigadier generals; regular**  
5 **Navy**”.

6 (iv) The heading of section 636 is  
7 amended by striking “**officers in**  
8 **grades above brigadier general**  
9 **and**” and inserting “**and Space Force**  
10 **officers in grades above brigadier**  
11 **general; regular Navy officers in**  
12 **grades above**”.

13 (c) MANAGEMENT POLICIES FOR JOINT QUALIFIED  
14 OFFICERS.—Section 661(a) of such title is amended—

15 (1) by striking “Marine Corps, and Space  
16 Force” and inserting “and Marine Corps”; and

17 (2) by inserting “, and officers of the Space  
18 Force on the space force officer list,” after “active-  
19 duty list”.

20 (d) LEAVE.—Chapter 40 of such title is amended as  
21 follows:

22 (1) ENTITLEMENT AND ACCUMULATION.—Sec-  
23 tion 701 is amended—

24 (A) in subsection (h)—

1 (i) by inserting at the end of para-  
2 graph (2) the following new subparagraph:

3 “(D) A member of the Space Force in a  
4 space force active status, not on sustained  
5 duty.”; and

6 (ii) in paragraphs (5)(B) and (6), by  
7 inserting “, or of the Space Force,” after  
8 “member of a reserve component”; and

9 (B) in subsection (i), by inserting “, or of  
10 the Space Force,” after “member of a reserve  
11 component”.

12 (2) PAYMENT UPON DISAPPROVAL OF CERTAIN  
13 BOARD OF INQUIRY RECOMMENDATIONS FOR EXCESS  
14 LEAVE REQUIRED TO BE TAKEN.—Section  
15 707a(a)(1) is amended by inserting “or 20503”  
16 after “section 1182(c)(2)”.

17 (3) CAREER FLEXIBILITY TO ENHANCE RETEN-  
18 TION OF MEMBERS.—Section 710 is amended—

19 (A) in subsection (a), by inserting “or of  
20 the Space Force” after “regular components”;

21 (B) in subsection (b)(2), by inserting “, or  
22 a Space Force officer in a space force active  
23 status not on active duty under section  
24 20105(b) of this title,” after “officer”;



1 (C) in subsection (c)(1), by inserting be-  
2 fore the period at the end the following: “or, in  
3 the case of a member of the Space Force on  
4 sustained duty, to accept release from sustained  
5 duty orders and to serve in a space force active  
6 status”; and

7 (D) in subsection (g)(1)(A), by striking  
8 “chapter 36 or 1405” and inserting “chapter  
9 36, 1405, or 2005”.

10 (e) LIMITATION ON NUMBER OF OFFICES WHO MAY  
11 BE FROCKED TO A HIGHER GRADE.—Section 777(d)(2)  
12 of such title is amended by inserting “, or for the Space  
13 Force, the space force officer list,” after “active-duty list”.

14 (f) UNIFORM CODE OF MILITARY JUSTICE.—Chapter  
15 47 of such title (the Uniform Code of Military Justice),  
16 is amended as follows:

17 (1) PERSONS SUBJECT TO UCMJ.—Section 802  
18 (article 2) is amended—

19 (A) in subsection (a)—

20 (i) in paragraph (1), by inserting  
21 “and members of the Space Force on ac-  
22 tive duty under section 20105 of this  
23 title,” after “regular component of the  
24 armed forces,”;

1 (ii) in paragraph (3)(A)(i), by insert-  
2 ing “or the Space Force” after “reserve  
3 component”;

4 (iii) in paragraph (5), by inserting “,  
5 or retired members of the Space Force who  
6 qualified for a non-regular retirement and  
7 are receiving retired pay,” after “a reserve  
8 component”; and

9 (iv) by adding at the end the following  
10 new paragraph:

11 “(14) Retired members of the Space Force who  
12 qualified for a regular retirement under section  
13 20603 of this title and are receiving retired pay.”;  
14 and

15 (B) in subsection (d)—

16 (i) in paragraph (1), by inserting “or  
17 the Space Force” after “reserve compo-  
18 nent”;

19 (ii) in paragraph (2), by inserting “or  
20 the Space Force” after “a reserve compo-  
21 nent”; and

22 (iii) in paragraph (4), by inserting “or  
23 the Space Force” after “in a regular com-  
24 ponent of the armed forces”.

1           (2) JURISDICTION TO TRY CERTAIN PER-  
2           SONNEL.—Subsection (d) of section 803 (article 3)  
3           is amended by inserting, “or the Space Force” after  
4           “reserve component”.

5           (3) ARTICLES TO BE EXPLAINED.—Section 937  
6           (article 137) is amended—

7                   (A) in subsection (a)(1)—

8                           (i) by striking “or” at the end of sub-  
9                           paragraph (A);

10                           (ii) by striking the period at the end  
11                           of subparagraph (B) and inserting “; or”;  
12                           and

13                           (iii) by adding at the end the fol-  
14                           lowing new subparagraph:

15                           “(C) the member’s initial entrance on ac-  
16                           tive duty or into a space force active status.”;

17                   (B) in subsection (a)(2)—

18                           (i) by striking “and” at the end of  
19                           subparagraph (A);

20                           (ii) by redesignating subparagraph  
21                           (B) as subparagraph (C); and

22                           (iii) by inserting after subparagraph  
23                           (A) the following new subparagraph:

24                           “(B) after a member of Space Force has  
25                           completed six months of sustained duty or in

1 the case of a member not on sustained duty,  
2 after the member has completed basic or recruit  
3 training; and”;

4 (C) in subsection (b)(1)(B), by inserting  
5 “or the Space Force” after “in a reserve com-  
6 ponent”; and

7 (D) in subsection (d), by striking “or to a  
8 member of a reserve component,” and inserting  
9 “, to a member of a reserve component, or to  
10 a member of the Space Force,”.

11 (f) RESTRICTION ON PERFORMANCE OF CIVIL FUNC-  
12 TIONS BY OFFICERS ON ACTIVE DUTY.—Section  
13 973(b)(1) of such title 10 is amended—

14 (1) by striking “and” at the end of subpara-  
15 graph (B);

16 (2) by striking the period at the end of sub-  
17 paragraph (C) and inserting “; and”; and

18 (3) by adding at the end the following new sub-  
19 paragraph:

20 “(D) to an officer on the space force offi-  
21 cer list serving on active duty under section  
22 20105(b) of this title or under a call or order  
23 to active duty for a period in excess of 270  
24 days.”.

1 (h) USE OF COMMISSARY STORES AND MWR RETAIL  
2 FACILITIES.—Section 1063 of such title is amended—

3 (1) in subsection (c)—

4 (A) in the heading, by inserting “AND  
5 SPACE FORCE” after “RESERVE”; and

6 (B) by inserting “or the Space Force”  
7 after “reserve component”;

8 (2) by redesignating subsections (d) and (e) as  
9 subsections (e) and (f), respectively;

10 (3) by inserting after subsection (c) the fol-  
11 lowing new subsection (d):

12 “(d) MEMBERS OF THE SPACE FORCE.—A member  
13 of the Space Force in a space force active status who is  
14 not on sustained duty shall be permitted to use com-  
15 missary stores and MWR retail facilities under the same  
16 conditions as specified in subsection (a) for a member of  
17 the Selected Reserve.”; and

18 (4) in subsection (e), as redesignated by para-  
19 graph (2), by striking “subsection (a) or (b)” in  
20 paragraph (1) and inserting “subsection (a), (b), or  
21 (d)”.

22 (i) MEMBERS INVOLUNTARY SEPARATED.—

23 (1) ELIGIBILITY FOR CERTAIN BENEFITS AND  
24 SERVICES.—Section 1141 of such title is amended—

1 (A) by striking “and” at the end of para-  
2 graph (3);

3 (B) by striking the period at the end of  
4 paragraph (4) and inserting a semicolon; and

5 (C) by adding at the end the following new  
6 paragraphs:

7 “(5) in the case of an officer of the Space  
8 Force (other than a retired officer), the officer is in-  
9 voluntarily discharged or released from active duty  
10 under other than adverse conditions, as character-  
11 ized by the Secretary of the Air Force; and

12 “(6) in the case of an enlisted member of the  
13 Space Force, the member is—

14 “(A) denied reenlistment; or

15 “(B) involuntarily discharged or released  
16 from active duty under other than adverse con-  
17 ditions, as characterized by the Secretary of the  
18 Air Force.”.

19 (2) SEPARATION PAY.—Section 1174(a)(2) of  
20 such title is amended by striking “, Marine Corps,  
21 or Space Force” both places it appears and inserting  
22 “or Marine Corps”.

23 (j) BOARDS FOR THE CORRECTION OF MILITARY  
24 RECORDS.—Chapter 79 of such title is amended as fol-  
25 lows:

1           (1) REVIEW OF ACTIONS OF SELECTION  
2           BOARDS AND CORRECTION OF MILITARY RECORDS.—  
3           Section 1558 is amended—

4                   (A) inserting “, or the Space Force,” after  
5           “reserve component” each place it appears; and

6                   (B) in subsection (b)—

7                           (i) in paragraph (1)(C), by striking  
8           “section 628 or 14502” and inserting  
9           “section 628, 14502, or 20252”;

10                           (ii) in paragraph (2)(A), by striking  
11           “or 14705” and inserting “14507, or  
12           20403”; and

13                           (iii) in paragraph (2)(B)(i), by strik-  
14           ing “or 14101(a)” and inserting  
15           “14101(a), or 20211”.

16           (2) TITLE OF AIR FORCE SERVICE REVIEW  
17           AGENCY.—

18                   (A) Sections 1555(c)(3) and 1557(f)(3)  
19           are amended by inserting “the Department of”  
20           after “Air Force,”.

21                   (B) Section 1556(a) is amended by insert-  
22           ing “the Department of” after “the Army Re-  
23           view Boards Agency,”.

1 (C) Section 1559(c)(3) is amended by in-  
2 serting “the Department of the” after “Air  
3 Force,”.

4 (k) MILITARY FAMILY PROGRAMS.—Chapter 88 of  
5 such title is amended as follows:

6 (1) MEMBERS OF DEPARTMENT OF DEFENSE  
7 MILITARY READINESS COUNCIL.—Section  
8 1781a(b)(1)(B)(iii) is amended—

9 (A) by striking “member and” and insert-  
10 ing “member,”; and

11 (B) by inserting “, and one of whom shall  
12 be the spouse or parent of a member of the  
13 Space Force” after “parent of a reserve compo-  
14 nent member”.

15 (2) DEPARTMENT OF DEFENSE POLICY AND  
16 PLANS FOR MILITARY FAMILY READINESS.—Section  
17 1781b is amended—

18 (A) in subsection (b)(3), by striking “mili-  
19 tary families of members of the regular compo-  
20 nents and military families of members of the  
21 reserve components” and inserting “military  
22 families of members of the regular components,  
23 the reserve components, and the Space Force”;  
24 and

25 (B) in subsection (c)(2)—



1 (i) by striking “both”; and

2 (ii) by striking “military families of  
3 members of the regular components and  
4 military families of members of the reserve  
5 components” and inserting “military fami-  
6 lies of members of the regular components,  
7 members of the reserve components, and  
8 members of the Space Force”.

9 (I) TRAINING AND EDUCATION PROGRAMS.—

10 (1) PAYMENT OF TUITION FOR OFF-DUTY  
11 TRAINING OR EDUCATION.—Section 2007 of such  
12 title is amended by adding at the end the following  
13 new subsection:

14 “(g) The provisions of this section pertaining to mem-  
15 bers of the Ready Reserve, the Selected Reserve, or the  
16 Individual Ready Reserve also apply to members of the  
17 Space Force in a space force active status who are not  
18 on active duty.”.

19 (2) ROTC FINANCIAL ASSISTANT PROGRAM FOR  
20 SPECIALLY SELECTED MEMBERS.—Section 2107 of  
21 such title is amended—

22 (A) in subsection (a)—

23 (i) by striking “Navy,” and inserting  
24 “Navy or”; and

1                   (ii) by striking “or as an officer in the  
2                   equivalent grade in the Space Force”; and  
3                   (B) by adding at the end the following a  
4                   new subsection:

5           “(k) APPLICABILITY TO SPACE FORCE.—(1) Provi-  
6           sions of this section referring to a regular commission,  
7           regular officer, or a commission in a regular component  
8           shall be treated as also referring to the commission of an  
9           officer, or an officer, who is a commissioned officer in the  
10          Space Force serving on active duty pursuant to section  
11          20105(b) of this title.

12          “(2) Provisions of this section referring to a reserve  
13          commission, reserve officer, or a commission in a reserve  
14          component shall be treated as also referring to the com-  
15          mission of an officer, or an officer, who is a commissioned  
16          officer in the Space Force not serving on active duty pur-  
17          suant to section 20105(b) of this title.”.

18               (3) DUTY AS ROTC ADMINISTRATORS AND IN-  
19               STRUCTORS.—Section 2111 of such title is amended  
20               by adding at the end the following new sentence:  
21               “The Secretary of the Air Force may detail mem-  
22               bers of the Space Force in the same manner as reg-  
23               ular and reserve members of the Air Force.”.

1 **SEC. 1733. TITLE 38, UNITED STATES CODE (VETERANS'**  
2 **BENEFITS).**

3 (a) DEFINITIONS.—

4 (1) GENERAL DEFINITIONS.—Section 101 of  
5 title 38, United States Code, is amended—

6 (A) in paragraph (23), by inserting “, or  
7 for members of the Space Force in a space  
8 force active status (as defined in section  
9 101(e)(1) of title 10),” in subparagraphs (A)  
10 and (B) after “(including commissioned officers  
11 of the Reserve Corps of the Public Health Serv-  
12 ice)”; and

13 (B) in paragraph (27)—

14 (i) by striking subparagraph (E); and

15 (ii) by redesignating subparagraphs  
16 (F), (G), and (H) as subparagraphs (E),  
17 (F), and (G), respectively.

18 (2) DEFINITIONS FOR PURPOSES OF SGLI.—  
19 Section 1965 of such title is amended—

20 (A) in paragraph (2)(A), by inserting “, or  
21 by members of the Space Force in a space force  
22 active status (as defined in section 101(e)(1) of  
23 title 10) but not on sustained duty under sec-  
24 tion 20105 of title 10,” after “for Reserves”;  
25 and

1 (B) in paragraph (3)(A), by inserting “, or  
2 for members of the Space Force in a space  
3 force active status (as defined in section  
4 101(e)(1) of title 10),” after “(including com-  
5 missioned officers of the Reserve Corps of the  
6 Public Health Service)”.

7 (b) PERSONS ELIGIBLE FOR INTERMENT IN NA-  
8 TIONAL CEMETERIES.—Section 2402(a) of such title is  
9 amended in paragraph (2), by inserting “ any member of  
10 the Space Force,” after “a Reserve component of the  
11 Armed Forces,”.

12 (c) EDUCATIONAL ASSISTANCE.—

13 (1) MONTGOMERY GI BILL.—Section  
14 3011(a)(3)(D) of such title is amended by inserting  
15 “or for further service in the Space Force in a space  
16 force active status not on sustained duty under sec-  
17 tion 20105 of title 10” after “of the Armed  
18 Forces,”.

19 (2) POST 9-11 GI BILL.—Section 3311(c)(3) of  
20 such title is amended by inserting “, or for further  
21 service in the Space Force in a space force active  
22 status not on sustained duty under section 20105 of  
23 title 10,” after “of the Armed Forces” the second  
24 place it appears.

1 **Subtitle C—Transition Provisions**

2 **[log77973]**

3 **SEC. 1741. TRANSITION PERIOD.**

4 In this subtitle, the term “transition period” means  
5 the period beginning on the date of the enactment of this  
6 Act and ending on the last day of the fourth fiscal year  
7 beginning after the date of the enactment of this Act.

1 **SEC. 1742. CHANGE OF DUTY STATUS OF MEMBERS OF THE**  
2 **SPACE FORCE.**

3 (a) CHANGE OF DUTY STATUS.—

4 (1) CONVERSION OF STATUS AND ORDER TO  
5 SUSTAINED DUTY.—During the transition period,  
6 the Secretary of the Air Force shall change the duty  
7 status of each member of the Regular Space Force  
8 to space force active status and shall, at the same  
9 time, order the member to sustained duty under sec-  
10 tion 20105 of title 10, United States Code, as added  
11 by section 1715. Any such order may be made with-  
12 out regard to any otherwise applicable requirement  
13 that such an order be made only with the consent  
14 of the member or as specified in an enlistment  
15 agreement or active-duty service commitment.

16 (2) DEFINITIONS.—For purposes of this sec-  
17 tion, the terms “space force active status” and “sus-  
18 tained duty” have the meanings given those terms  
19 by subsection (e) of section 101 of title 10, United  
20 States Code, as added by section 1713(a).

21 (b) EFFECTIVE DATE OF CHANGE OF DUTY STA-  
22 TUS.—The change of a member’s duty status and order  
23 to sustained duty in accordance with subsection (a) shall  
24 be effective on the date specified by the Secretary of the  
25 Air Force, but not later than the last day of the transition  
26 period.

1 **SEC. 1743. TRANSFER TO THE SPACE FORCE OF MEMBERS**  
2 **OF THE AIR FORCE RESERVE.**

3 (a) TRANSFER OF MEMBERS OF THE AIR FORCE RE-  
4 SERVE.—

5 (1) OFFICERS.—During the transition period,  
6 the Secretary of Defense may, with the officer's con-  
7 sent, transfer a covered officer of the Air Force Re-  
8 serve to, and appoint the officer in, the Space Force.

9 (2) ENLISTED MEMBERS.—During the transi-  
10 tion period, the Secretary of the Air Force may  
11 transfer each covered enlisted member of the Air  
12 Force Reserve to the Space Force, other than those  
13 members who do not consent to the transfer.

14 (3) EFFECTIVE DATE OF TRANSFERS.—Each  
15 transfer under this subsection shall be effective on  
16 the date specified by the Secretary of Defense, in the  
17 case of an officer, or the Secretary of the Air Force,  
18 in the case of an enlisted member, but not later than  
19 the last day of the transition period.

20 (b) REGULATIONS.—Transfers under subsection (a)  
21 shall be carried out under regulations prescribed by the  
22 Secretary of Defense. In the case of an officer, applicable  
23 regulations shall include those prescribed pursuant to sec-  
24 tion 716 of title 10, United States Code.

25 (c) TERM OF INITIAL ENLISTMENT IN SPACE  
26 FORCE.—In the case of a covered enlisted member who

1 is transferred to the Space Force in accordance with sub-  
2 section (a), the Secretary of the Air Force may accept the  
3 initial enlistment of the member in the Space Force for  
4 a period of less than 2 years, but only if the period of  
5 enlistment in the Space Force is not less than the period  
6 remaining, as of the date of the transfer, in the member's  
7 term of enlistment in the Air Force Reserve.

8 (d) END STRENGTH ADJUSTMENTS UPON TRANS-  
9 FERS FROM AIR FORCE RESERVE TO SPACE FORCE.—  
10 During the transition period, upon the transfer of a mis-  
11 sion of the Air Force Reserve to the Space Force—

12 (1) the end strength authorized for the Space  
13 Force pursuant to section 115(a)(1)(A) of title 10,  
14 United States Code, for the fiscal year during which  
15 the transfer occurs shall be increased by the number  
16 of billets associated with that mission; and

17 (2) the end strength authorized for the Air  
18 Force Reserve pursuant to section 115(a)(2) of such  
19 title for such fiscal year shall be decreased by the  
20 same number.

21 (e) ADMINISTRATIVE PROVISIONS.—For purposes of  
22 the transfer of covered members of the Air Force Reserve  
23 in accordance with subsection (a)—



1           (1) the Air Force Reserve and the Space Force  
2 shall be considered to be components of the same  
3 Armed Force; and

4           (2) the space force officer list shall be consid-  
5 ered to be an active-duty list of an Armed Force.

6           (f) RETRAINING AND REASSIGNMENT FOR MEMBERS  
7 NOT TRANSFERRING.—If a covered member of the Air  
8 Force Reserve does not consent to transfer to the Space  
9 Force in accordance with subsection (a), the Secretary of  
10 the Air Force may, as determined appropriate by the Sec-  
11 retary in the case of the individual member, provide the  
12 member retraining and reassignment within the Air Force  
13 Reserve.

14           (g) COVERED MEMBERS.—For purposes of this sec-  
15 tion, the term “covered”, with respect to a member of the  
16 Air Force Reserve, means—

17           (1) a member who as of the date of the enact-  
18 ment of this Act holds an Air Force specialty code  
19 for a specialty held by members of the Space Force;  
20 and

21           (2) any other member designated by the Sec-  
22 retary of the Air Force for the purposes of this sec-  
23 tion.

1 **SEC. 1744. PLACEMENT OF OFFICERS ON THE SPACE**  
2 **FORCE OFFICER LIST.**

3 (a) **PLACEMENT ON LIST.**—Officers of the Space  
4 Force whose duty status is changed in accordance with  
5 section 1742, and officers of the Air Force Reserve who  
6 transfer to the Space Force in accordance with section  
7 1743, shall be placed on the Space Force officer list in  
8 an order determined by their respective grades and dates  
9 of rank.

10 (b) **OFFICERS OF SAME GRADE AND DATE OF**  
11 **RANK.**—Among officers of the same grade and date of  
12 rank, placement on the Space Force officer list shall be  
13 in the order of their rank as determined in accordance  
14 with section 741(c) of title 10, United States Code.

1 **SEC. 1745. DISESTABLISHMENT OF REGULAR SPACE**  
2 **FORCE.**

3 (a) DISESTABLISHMENT.—The Secretary of the Air  
4 Force shall disestablish the Regular Space Force not later  
5 than the end of the transition period, once there are no  
6 longer any members remaining in the Regular Space  
7 Force. The Regular Space Force shall be disestablished  
8 upon the completion of the change of duty status of all  
9 members of the Space Force pursuant to section 1742 and  
10 certification by the Secretary of the Air Force to the con-  
11 gressional defense committees that there are no longer any  
12 members of the Regular Space Force.

13 (b) PUBLICATION OF NOTICE IN FEDERAL REG-  
14 ISTER.—The Secretary shall publish in the Federal Reg-  
15 ister notice of the disestablishment of the Regular Space  
16 Force, including the date thereof, together with any cer-  
17 tification submitted pursuant to subsection (a).

18 (c) CONFORMING REPEAL.—

19 (1) REPEAL.—Section 9085 of title 10, United  
20 States Code, relating to the composition of the Reg-  
21 ular Space Force, is repealed.

22 (2) EFFECTIVE DATE.—The amendment made  
23 by this subsection shall take effect on the date on  
24 which the certification is submitted under subsection  
25 (a).

1 **SEC. 1746. END STRENGTH FLEXIBILITY.**

2 (a) ADDITIONAL AUTHORITY TO VARY END  
3 STRENGTHS.—

4 (1) AUTHORITY.—Notwithstanding section  
5 115(g) of title 10, United States Code, upon deter-  
6 mination by the Secretary of the Air Force that such  
7 action would enhance manning and readiness in es-  
8 sential units or in critical specialties, the Secretary  
9 may vary the end strength authorized by Congress  
10 for a fiscal year as follows:

11 (A) Increase the end strength authorized  
12 pursuant to section 115(a)(1)(A) of such title  
13 for a fiscal year for the Space Force by a num-  
14 ber equal to not more than 5 percent of such  
15 authorized end strength.

16 (B) Decrease the end strength authorized  
17 pursuant to section 115(a)(1)(A) of such title  
18 for a fiscal year for the Space Force by a num-  
19 ber equal to not more than 10 percent of such  
20 authorized end strength.

21 (2) TERMINATION.—The authority provided  
22 under paragraph (1) shall terminate on the last day  
23 of the transition period.

24 (b) TEMPORARY EXEMPTION FOR THE SPACE FORCE  
25 FROM END STRENGTH GRADE RESTRICTIONS.—Sections

1 517 and 523 of title 10, United States Code, shall not  
2 apply to the Space Force during the transition period.

1 **SEC. 1747. PROMOTION AUTHORITY FLEXIBILITY.**

2 (a) PROMOTION AUTHORITY FLEXIBILITY.—During  
3 the transition period, the Secretary of the Air Force may  
4 convene selection boards to consider officers on the space  
5 force officer list for promotion, and may promote Space  
6 Force officers selected by such boards, in accordance with  
7 any of the following provisions of title 10, United States  
8 Code:

9 (1) Chapter 36.

10 (2) Part III of subtitle E.

11 (3) Chapter 2005, as added by section 1716.

12 (b) COORDINATION OF PROVISIONS.—

13 (1) For a selection board convened pursuant to  
14 subsection (a) to consider members of the Space  
15 Force for promotion in accordance with chapter 36  
16 of such title—

17 (A) provisions that apply to an officer of a  
18 regular component of the Armed Forces shall  
19 apply to an officer of the Space Force; and

20 (B) the space force officer list shall be con-  
21 sidered to be an active-duty list.

22 (2) For a selection board convened pursuant to  
23 pursuant to subsection (a) to consider members of  
24 the Space Force for promotion in accordance with  
25 part III of subtitle E of such title—

1 (A) provisions that apply to an officer of a  
2 reserve component of the Armed Forces shall  
3 apply to an officer of the Space Force; and

4 (B) the space force officer list shall be con-  
5 sidered to be a reserve active-status list.

6 (3) For a selection board convened pursuant to  
7 subsection (a) to consider members of the Space  
8 Force for promotion in accordance with either chap-  
9 ter 36 or part III of subtitle E of such title—

10 (A) section 20213 of such title shall apply  
11 to the composition of the selection board;

12 (B) the provisions of chapter 2005 of such  
13 title regarding officers on the space force officer  
14 list eligible to be considered for promotion to  
15 the grade of brigadier general or major general  
16 shall apply;

17 (C) section 20216 of such title shall apply;  
18 and

19 (D) the provisions of chapter 36 or part  
20 III of subtitle E of such title, as the case may  
21 be, regarding failure of selection for promotion  
22 shall apply.

23 (c) EFFECT OF USING NEW CHAPTER 2005 AU-  
24 THORITIES.—If the Secretary of the Air Force convenes  
25 a selection board under chapter 2005 of title 10, United

1 States Code, as added by section 1716, to consider officers  
2 on the space force officer list in a particular grade and  
3 competitive category for selection for promotion to the  
4 next higher grade, the Secretary may not convene a future  
5 selection board pursuant to subsection (a) to consider offi-  
6 cers of the same grade and competitive category under  
7 chapter 36 or part III of subtitle E of such title.



1 **Subtitle D—Other Amendments Re-**  
2 **lated to the Space Force**  
3 **[log77974]**

4 **SEC. 1751. TITLE 10, UNITED STATES CODE.**

5 (a) AMENDMENTS RELATING TO THE DESIGNATION  
6 OF GRADES FOR OFFICERS OF THE SPACE FORCE.—Title  
7 10, United States Code, is amended as follows:

8 (1) COMMISSIONED OFFICER GRADES.—Section  
9 9151 is amended by inserting “and in the Space  
10 Force” after “in the Regular Air Force”.

11 (2) RANK.—Section 741(a) is amended in the  
12 table by striking “and Marine Corps” and inserting  
13 “Marine Corps, and Space Force”.

14 (3) DEFINITION OF GENERAL OFFICER.—Sec-  
15 tion 101(b)(4) is amended by striking “or Marine  
16 Corps” and inserting “Marine Corps, or Space  
17 Force”.

18 (4) TEMPORARY APPOINTMENTS TO POSITIONS  
19 DESIGNATED TO CARRY THE GRADE OF GENERAL OR  
20 LIEUTENANT GENERAL.—Section 601(e) is amend-  
21 ed—

22 (A) by striking “or Marine Corps,” and in-  
23 serting “Marine Corps, or Space Force or”; and

24 (B) by striking “or the commensurate  
25 grades in the Space Force,”.

1           (5) RETIRED GRADE OF OFFICERS.—Section  
2       1370 is amended as follows:

3           (A) Subsection (a)(2) is amended by strik-  
4       ing “major general” and all that follows in sub-  
5       paragraphs (A) and (B) and inserting “major  
6       general or rear admiral.”.

7           (B) Subsection (b) is amended—

8           (i) in paragraph (1)—

9           (I) by striking “or Marine  
10       Corps” and all that follows through  
11       “the Space Force,” and inserting  
12       “Marine Corps, or, Space Force or  
13       lieutenant in the Navy,”; and

14          (II) in subparagraph (B), by  
15       striking “major general” and all that  
16       follow through “Space Force” and in-  
17       serting “major general or rear admi-  
18       ral”;

19          (ii) in paragraph (4), by striking “or  
20       Marine Corps” and all that follows through  
21       “Space Force,” and inserting “Marine  
22       Corps, or Space Force or captain in the  
23       Navy,”;

24          (iii) in paragraph (5)—

1 (I) in subparagraph (A), by strik-  
2 ing “or Marine Corps” and all that  
3 follows through “Space Force,” and  
4 inserting “Marine Corps, or Space  
5 Force or lieutenant commander in the  
6 Navy,”;

7 (II) in subparagraph (B), by  
8 striking “or Marine Corps” and all  
9 that follows through “Space Force,”  
10 and inserting “Marine Corps, or  
11 Space Force or commander or captain  
12 in the Navy,”; and

13 (III) in subparagraph (C), by  
14 striking “or Marine Corps” and all  
15 that follows through “Space Force,”  
16 and inserting “Marine Corps, or  
17 Space Force or rear admiral (lower  
18 half) or rear admiral in the Navy,”;  
19 and

20 (iv) in paragraph (6), by striking “, or  
21 an equivalent grade in the Space Force,”.

22 (C) Subsection (c)(1) is amended by “or  
23 Marine Corps” and all that follows through  
24 “Space Force” and inserting “Marine Corps, or

1           Space Force or vice admiral or admiral in the  
2           Navy”.

3           (D) Subsection (d) is amended—

4                   (i) in paragraph (1), by striking “or  
5                   Marine Corps” and all that follows through  
6                   “Space Force” and inserting “Marine  
7                   Corps, or Space Force or rear admiral in  
8                   the Navy”; and

9                   (ii) in paragraph (3), by striking “or  
10                   Marine Corps” and all that follows through  
11                   “Space Force,” and inserting “Marine  
12                   Corps, or Space Force or captain in the  
13                   Navy,”.

14           (E) Subsection (e)(2) is amended by strik-  
15           ing “or Marine Corps” and all that follows  
16           through “Space Force,” and inserting “Marine  
17           Corps, or Space Force or vice admiral or admi-  
18           ral in the Navy,”.

19           (F) Subsection (f) is amended—

20                   (i) in paragraph (3)—

21                           (I) in subparagraph (A), by strik-  
22                           ing “or Marine Corps” and all that  
23                           follows through “Space Force,” and  
24                           inserting “Marine Corps, or Space

1 Force or rear admiral in the Navy”;  
2 and

3 (II) in subparagraph (B), by  
4 striking “‘or Marine Corps’ and all  
5 that follows through ‘Space Force’  
6 and inserting “Marine Corps, or Space  
7 Force or vice admiral or admiral in  
8 the Navy”; and

9 (ii) in paragraph (6)—

10 (I) in subparagraph (A), by strik-  
11 ing “or Marine Corps” and all that  
12 follows through “Space Force,” and  
13 inserting “Marine Corps, or Space  
14 Force or rear admiral in the Navy”;  
15 and

16 (II) in subparagraph (B), by  
17 striking “or Marine Corps” and all  
18 that follows through “Space Force,”  
19 and inserting “Marine Corps, or  
20 Space Force or vice admiral or admi-  
21 ral in the Navy”.

22 (6) HONORARY PROMOTIONS.—Sections  
23 1563(e)(1) and 1563a(a)(1) are each amended—

24 (A) by striking “general,” and inserting  
25 “general or”; and

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

3 (7) AIR FORCE INSPECTOR GENERAL.—Section  
4 9020(a) is amended by striking “the general, flag,  
5 or equivalent officers of”.

6 (b) OTHER TITLE 10 AMENDMENTS.—Such title is  
7 further amended as follows:

8 (1) LIMITATION ON NUMBER OF RETIRED MEM-  
9 BERS ORDERED TO ACTIVE DUTY.—Section 690(a)  
10 is amended by striking “or Marine Corps,” and in-  
11 sserting “Marine Corps, or Space Force,”.

12 (2) THE UNIFORM.—Section 772(i) is amend-  
13 ed—

14 (A) by striking “an Air Force School” and  
15 inserting “an Air Force or Space Force school”;  
16 and

17 (B) by striking “aviation badges of the Air  
18 Force” and inserting “aviation or space badges  
19 of the Air Force or Space Force”.

20 (3) MEMBERSHIP IN MILITARY UNIONS, ORGA-  
21 NIZING OF MILITARY UNIONS, AND RECOGNITION OF  
22 MILITARY UNIONS PROHIBITED.—Section 976(a) is  
23 amended by inserting “or the Space Force” in para-  
24 graph (1)(C) after “member of a Reserve compo-  
25 nent”.

1           (4) LIMITATION ON ENLISTED AIDES.—Section  
2           981 is amended—

3           (A) in subsection (a), by striking “Marine  
4           Corps, Air Force,” and inserting “Air Force,  
5           Marine Corps, Space Force,”;

6           (B) in subsection (b), by striking “and Ma-  
7           rine Corps” and inserting “Marine Corps, and  
8           Space Force”; and

9           (C) in subsection (c)(1), by inserting  
10          “Space Force,” after “Marine Corps,”.

11          (5) DEFINITION OF VETERAN FOR PURPOSES  
12          OF FUNERAL HONORS.—Section 1491(h)(1) is  
13          amended by striking “or air service” and inserting  
14          “air, or space service”.

15          (6) HOUSING FOR RECRUITS.—Section 9419(d)  
16          is amended by inserting “or the Space Force” after  
17          “training program of the Air Force”.

18          (7) CHARTER OF CHIEF OF SPACE OPER-  
19          ATIONS.—Section 9082 is amended as follows:

20           (A) CROSS-REFERENCE CORRECTION.—  
21           Subsection (d)(5) is amended by striking “sec-  
22           tions” and all that follows through “of law”  
23           and inserting “sections 171 and 3104 of this  
24           title and other provisions of law”.

1                   (B) ELAPSED-TIME PROVISION.—Sub-  
2                   section (e)(1) is amended by striking “Com-  
3                   mencing” and all that follows through “the  
4                   Chief” and inserting “The Chief”.



1 **SEC. 1752. OTHER PROVISIONS OF LAW.**

2 (a) TRADE ACT OF 1974.—Section 233(i)(1) of the  
3 Trade Act of 1974 (19 U.S.C. 2293(i)(1)) is amended by  
4 inserting “, or a member of the Space Force,” after “a  
5 member of a reserve component of the Armed Forces”.

6 (b) TITLE 28, UNITED STATES CODE (JUDICIARY  
7 AND JUDICIAL PROCEDURE).—Section 631(c) of title 28,  
8 United States Code is amended by inserting “members of  
9 the Space Force” after “Coast Guard” the second place  
10 it appears.

11 (c) SERVICEMEMBERS CIVIL RELIEF ACT.—The  
12 Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)  
13 is amended as follows:

14 (1) MILITARY SERVICE DEFINED.—Section  
15 101(2)(A) (50 U.S.C. 3911(2)(A)) is amended by in-  
16 serting “Space Force,” after “Marine Corps,”.

17 (2) SAME RIGHTS AND PROTECTIONS AS RE-  
18 SERVES ORDERED TO REPORT FOR MILITARY SERV-  
19 ICE.—Section 106 (50 U.S.C. 3911) is amended by  
20 adding at the end the following new subsection:

21 “(c) The provisions of subsection (a) apply to a mem-  
22 ber of the Space Force who is ordered to report for mili-  
23 tary service in the same manner as to a member of a re-  
24 serve component who is ordered to report for military serv-  
25 ice.”.

1           (3) EXERCISE OF RIGHTS UNDER SCRA.—Sec-  
2           tion 108(5) (50 U.S.C. 3919(5)) is amended by in-  
3           serting before the period at the end the following:  
4           “or as a member of the Space Force”.

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## **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

### **TITLE V—MILITARY PERSONNEL POLICY**

#### **ITEMS OF SPECIAL INTEREST**

Air Force Reserve Officers' Training Corps Programs at Historically Black Colleges and Universities

The committee notes the importance of the Reserve Officers' Training Corps (ROTC) and the potential need to increase the number of ROTC programs offered at

Historically Black Colleges and Universities (HBCUs). A diverse and ready workforce is critical to defending the United States and its allies and interests in the face of modern threats. Therefore, the committee directs the Secretary of the Air Force to submit a report to the House Committee on Armed Services not later than April 30, 2024, that includes an assessment of:

- (1) the feasibility of expanding Air Force ROTC programs at HBCUs;
- (2) the cost of such an expansion to HBCUs;
- (3) the number of HBCUs that qualify for an Air Force ROTC program;
- (4) any other element that the Secretary deems relevant.

#### Briefing on the Feasibility of Transferring Any Army Recruitment Shortfalls to the National Guard Bureau

The committee appreciates the tremendous and unprecedented efforts of the National Guard over the past several years, from domestic deployments in response to the COVID-19 pandemic, to keeping the peace during civil unrest and natural disaster response and rescue, to their overseas deployments. The extraordinary circumstances of the past several years have highlighted the strain Guard units have been under for too long, particularly in States that have the lowest guardsmen-to-civilian ratios in the country. Therefore, the committee directs the Secretary of Defense, in consultation with the Secretary of the Army and the Chief of the National Guard Bureau, to provide a briefing to the House Committee on Armed Services by March 1, 2024, on the feasibility of transferring a portion of any projected Army recruit shortfalls to the Army National Guard for allocation to State Guard formations. The briefing shall include any statutory barriers to providing the Department this flexibility and an estimate of any costs or savings to carry out such transfer.

#### Communication of Benefits for the Family

The committee is aware that there are many issues that cause undue stress on military families. In recent years, those concerns have been articulated in terms of child care, spouse employment, financial stressors, and food insecurity. The committee is further aware that the Department of Defense is taking steps to address these various concerns. The committee is concerned that the steps being taken and the resources that are being created are not being communicated to the forces. In 2021, the Government Accountability Office (GAO) published a report (GAO-21-193) addressing one of these issues, military spouse employment. The recommendation to increase awareness of resources remains open. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services not later than March 31, 2024, on a summary of actions taken to date and a summary of actions that will be taken to increase awareness.

#### Cyber Curriculum and Professional Military Education

The committee notes that the Professional Military Education (PME) system faces several challenges in teaching service members about emerging threats. As of today, there are no statutory requirements that explicitly require teaching about emerging threats and capabilities to service members. In order to address this challenge, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services not later than April 1, 2024, that examines the need for amending section 2151(a) of title 10, United States Code, to include “emerging threats and capabilities” as a subject matter to be covered by PME. Additionally, the report shall require the Department of Defense to include as part of this analysis an evaluation of its cyber strategy education offerings and provide recommendations on the design of a comprehensive education program that would include coursework resulting in the basic comprehension of cyber vulnerabilities, basic technical skills, and the threat landscape in the cyber domain.

#### Financial Literacy in Department of Defense Education Activity Schools

The committee is aware that military families have at times struggled financially. As a result, the committee believes the children of service members who attend Department of Defense Education Activity schools should have a head start in financial literacy and to better prepare future leaders to be fiscally responsible. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by February 1, 2024, on the following:

- (1) how financial literacy is taught in Department of Defense Education Activity schools;
- (2) what curriculum is used;
- (3) what grade levels have financial literacy curriculum; and
- (4) if there is a high school graduation requirement of passage of a personal finance course.

#### General Officer Promotion Process Transparency

The committee is concerned with the transparency of the process in place in the services for selection of general and flag officer candidates to three-star and four-star and their further selection for specific positions within the service or in a joint duty position at that grade, and the process used to forward the selections for formal nominations. The committee understands that each service has a general or flag officer matters office and would want to understand what part that office has in the overall process for selections. Therefore, the committee directs the Secretary of each military department to provide a briefing to the House Committee on Armed Services by March 1, 2024, that describes the service's internal process for selection of an officer from two-star to three-star grade and from three-star to four-star grade and for the formal nomination of such an officer to the Senate for confirmation to include required interviews with senior leaders.

#### Permanent Change of Station Process Automation

The committee supports efforts to improve service member quality of life and recognizes the strain the permanent change of station (PCS) process places upon them and their families. The committee also recognizes that the current PCS process is inefficient and wastes significant man-hours, impacts operational readiness, decreases service member morale, and negatively impacts retention. The committee is aware that there are software solutions available to support mobile-enabled digital PCS management by the service member. Therefore, the committee directs the Secretary of each military department to provide a briefing to the House Committee on Armed Services by April 1, 2024, on the feasibility of fielding a mobile-enabled digital PCS management solution for service members. The briefing shall include the following elements:

- (1) a system that streamlines and automates PCS tasks for the service members;
- (2) ways to maximize the use of solutions that already exist to automate the PCS process for service members;
- (3) best practices to automate and integrate all facets of the PCS process, including personnel, finance, transportation, and other requirements as necessary;
- (4) the cost and schedule of fielding such a system;
- (5) any other considerations the Secretary concerned deems necessary.

#### Report on Modernization and Reform of the Promotion System

The committee notes that the Suicide Prevention and Response Independent Review Committee (SPRIRC) recently published their findings on reducing military suicides, which have been steadily increasing over the last 15 years. One of the SPRIRC highest priority recommendations is to create a task force to modernize and reform the military promotion system to better reward and select the right people for the right positions at the right time based on demonstrated leadership skills and abilities. Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services not later than June 1, 2024, on recommendations on the development, refinement, and implementation of policies, programs, planning, and training that will provide guidance to reform the military promotion system across the military services to better reward and select the right people for the right positions at the right time based on demonstrated leadership skills and abilities.

#### Review of Command Selection Board Procedures

The committee is concerned with the integrity of the process for selection of command candidates by the military departments through the administrative selection board process as governed by the service chiefs. The administrative board's regulations or policy to determine an officer as fully qualified to meet the selection board is of particular concern. Therefore, the committee directs the Secretary of each military department to provide a briefing to the House Committee on Armed Services by March 1, 2024, on current regulation, policy, instructions, or



processes in place for any officer administrative board to ensure an officer is fully qualified and their record contains no adverse information that would affect their qualifications to meet the selection board. The briefing shall also include plans to revise any current regulations, policy, instructions, or processes to ensure the fully qualified requirement is met.

### Satellite Reserve Officers' Training Corps Unit Report

The committee notes the importance of the Reserve Officers' Training Corps (ROTC) and the potential need to expand ROTC programs to include satellite programs at other academic institutions that have students interested in joining ROTC but not enough support for a full contingent. The committee is concerned that in order to participate in ROTC, these students must travel excessive distances for training that can interfere with their schoolwork and can prevent students from being willing or able to participate. Amid a continuing recruitment challenge, the committee believes that the Department of Defense should look for opportunities to expand participation in the ROTC program. Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services not later than March 1, 2024, that includes an assessment of:

- (1) the feasibility of expanding participation in the ROTC program through satellite ROTC units that have an administrative home at an existing ROTC program, but enable participation from a larger number of schools and students;
- (2) the number of institutions that would qualify or be eligible for a satellite ROTC contingent;
- (3) the administrative challenges or additional requirements that would be necessary for a satellite ROTC unit, such as an officer or enlisted personnel stationed at the institute;
- (4) the cost of such an administrative adjustment to implement at least five satellite ROTC units;
- (5) the estimated total throughput of qualifying institutions;
- (6) any other elements that the Secretary deems relevant.

### U.S. Space Force Legacy Designation

The committee notes that those former service members that served in the U.S. Air Force and have supported the national security space mission of the United States are not identified as part of the U.S. Space Force as a Guardian. Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by June 1, 2024, on the feasibility and advisability of members and former members of the U.S. Air Force to be identified as U.S. Space Force Legacy Guardians upon their separation or retirement from military service. This briefing should address the following elements;

- (1) a process by which former U.S. Air Force members would request U.S. Space Force Legacy Guardian designation;

(2) a process to determine effective dates, constructive service credit, and other eligibility criteria for award of the U.S. Space Force Legacy Guardian designation;

(3) a process to establish procedures for next of kin to apply for posthumous U.S. Space Force Legacy Guardian designation;

(4) a process to establish the way an Air Force veteran can legally choose to self-identify in writing or by other means as a U.S. Space Force Legacy Guardian;

(5) a process to authorize, design, and provide formal recognition of U.S. Space Force Legacy Guardian status with a signed certificate, an approved device or insignia, or other forms of visible recognition;

(6) a process to issue a DD Form 215 to reflect the U.S. Space Force Legacy Guardian status of any individual to which this status has been awarded.

### Update of Military Academy Misconduct Process Review

It has been 25 years since the U.S. Government Accountability Office conducted a full-scale review of the adjudicatory process of the Department of Defense service academies. The last version, published in April 1995, found some discrepancies in how the academies operated, including issues of differences in due process protections and differences in the standard of proof used in honor hearings. Also, the review found that many students found the application of rules and the disciplinary actions inconsistent. Therefore, the committee directs the Comptroller General of the United States to update the 1995 “Department of Defense Service Academies: Comparison of Honor and Conduct Adjudicatory Processes” and submit the report to the congressional defense committees by February 1, 2024. At a minimum, the review shall address the following elements:

(1) compare the honor and conduct systems at each academy, including punishments given for misconduct/performance issues;

(2) describe how the various systems provide common due process protections;

(3) describe how the various systems compare to military misconduct/Uniform Code of Military Justice processes;

(4) describe if certain honor or misconduct issues are included on an individual’s military records when they are commissioned;

(5) describe how the academies measure student conduct and performance trends;

(6) describe the attitudes and perceptions of students toward these systems; and

(7) provide recommendations on process improvement.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### ITEMS OF SPECIAL INTEREST

## Bonus and Special Pay Spending Report

The committee notes that many military members qualify for special pays and incentives (S&I) that are part of the service's recruitment and retention efforts. Some of these pays compensate members for assignment to hazardous or difficult duty conditions. Currently, there are over 60 special and incentive pays authorized in law. The committee is concerned about the Department of Defense's effective use of and total spending on bonus and special pay programs. Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services by April 1, 2024, that addresses the following elements;

(1) the total amount spent on bonus, special, and incentive pays broken out by bonus, incentive, or special pay type by year, by service for the previous 5 years, to include the President's budget request in these categories for fiscal year 2024;

(2) each military department Secretary's assessment of the effectiveness of bonus and special and incentive pays, by bonus and special or incentive pay category;

(3) any other concerns that the Secretary of Defense deems relevant.

## Briefing on MilitaryChildcare.com

The committee recognizes the Department of Defense's many efforts to reduce child care waitlists for families with dependent children. One tool utilized by the Department is MilitaryChildcare.com (MCC). The Department asserts MCC provides a single online gateway to all military-operated child care worldwide and community-based child care fee assistance options across the United States for all military and Department of Defense civilian families. MCC currently provides an Anticipated Placement Time (APT) to all families searching for and requesting child care at military child development centers. MCC has a built-in analytic tool that estimates the APT for each family based on a complex algorithm that uses system generated data, such as current waitlist metrics, wait and placement times, waitlist turnover, and priority distribution to calculate wait times, yet military families still express frustration over wait times and lack of transparency of the waitlist. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services not later than March 31, 2024, on the following:

(1) functionality of MilitaryChildcare.com;

(2) the degree to which utilizing MCC has reduced wait lists at military child development centers;

(3) whether it has provided families with off-post child care options; and

(4) an assessment of whether it has overall improved the child care for service members.

## Child Care Community Relationships and Partnerships

The committee continues to be concerned that military families continue to face shortages in the availability of child care as the waitlists continue to grow. Child care is also a readiness issue that needs to be addressed and the military services should research new innovative solutions to this problem. The committee notes that some military installations have had success in establishing community partnerships with school districts, colleges, and nonprofit organizations resulting in increased access to child care. In some instances, military installations have leased vacant facilities for outside organizations to operate child care facilities or have led community partnerships which expand opportunities within the Military Child Care in Your Neighborhood (MCCYN) program. The committee believes that every military installation should be attempting to replicate these efforts to expand child care access and work with local chambers of commerce, Child Care Aware of America, and local child care business providers (CBP).

Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by February 1, 2024, on:

- (1) how many of these partnerships exist across the services;
- (2) to include locations and number of child care spaces that became available as a result; and
- (3) any obstacles to expanding these relationships and partnerships.

The briefing should also include the following:

- (1) what is working well and not well with MCCYN;
- (2) what prevents CBPs from participating in MCCYN; and
- (3) what challenges and barriers prevent CBP from opening and expanding facilities in a particular area.

#### Cost of Living Allowance Report

The committee is concerned about the Department of Defense's treatment of Cost of Living Allowance (COLA) adjustments and the effect on service members and their families and their ability to adjust their household budgets to large changes in COLA. Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services by March 1, 2024, that details the Department's current calculation method and addresses the following;

- (1) a review of the 8 percent COLA threshold as defined in 37 U.S.C. 403(b) every 3 years and issue report on whether the threshold remains economically appropriate;
- (2) the inclusion of average child care costs for one child aged 0-5 as part of the continental United States (CONUS) market basket price data when computing average CONUS cost-of-living baseline for CONUS COLA programs.
- (3) the feasibility of a less or more frequent adjustment of COLA;
- (4) any other matters the Secretary considers relevant.

#### Gap between Hiring Authority and Human Resource Implementation

The committee remains concerned about the lack of child care professionals available to work in the Department of Defense's child development programs, specifically for infant and toddler care. While the committee has continued to give the Department various authorities and additional tools to bring on staff, the committee has been made aware there may be a disconnect between the hiring authorities granted to expedite the hiring processes and how the human resource functions that process the application.

Therefore, the committee directs the service secretaries to provide a briefing to the House Committee on Armed Services not later than March 30, 2024, on the following:

- (1) in how many instances has the Department utilized direct hiring authority, on the spot hiring authority, or transfer authority for the purposes of hiring child development center (CDC) staff;
- (2) how many accepted offers of employment resulted from each authority;
- (3) the average length of time between accepted offer and start date for child care workers, by authority; and
- (4) the timeline for each stage in the hiring process of CDC staff over the last 5 years and any specific causes for fluctuations in processing times; and
- (5) delays over 20 days in hiring once the authority has been utilized.

#### Improvements to the Department of Defense Military Spouse Employment Partnership Program

The committee is aware that military spouse employment remains a significant concern and that one of the tools to assist military spouses seeking employment is the Department of Defense Military Spouse Employment Partnership (MSEP). Since its inception in 2011, the over 600 MSEP partners have hired more than 250,000 spouses. The committee views this as a positive trajectory and would like to build on this success. Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services by March 31, 2024, on how the Department intends to improve and advance the successes of MSEP. Specific elements of the report should include:

- (1) MSEP communication and outreach efforts to spouses and partners;
- (2) utilization of existing authorities to prioritize and/or incentivize spouse hiring;
- (3) a review of remote and telework employment opportunities; and
- (4) any challenges to this program related to specific duty locations, in other words overseas.

#### Military Survivors

The committee notes that when a military department concerned receives notification of the death of a retired member, Defense Finance Accounting Service (DFAS)-Cleveland is notified and then in cases where funds were deposited after the date of death, DFAS reclaims the outstanding payments. The committee is

concerned that when a military retiree dies, and they have a spouse or any family member who is a joint holder on the account, this automatic reclamation of funds creates an undue burden on the family of the deceased at an already stressful and emotional time. This clawback of funds can also occur before the payment of Survivor Benefit Plan begins, leaving a surviving spouse or family member in a potentially precarious financial situation. The committee notes that in general, when the military department has made overpayments to service members and must reclaim funds, the department has the authority to institute a payment plan to reclaim payments over a period of time instead of all at once. However, the committee notes that in cases when a retiree dies and funds must be reclaimed, a repayment plan over time would alleviate the financial stresses for surviving families when they are at their most vulnerable.

Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services by March 31, 2024, on the following:

- (1) process by which retired service members and their families are informed of the potential clawback/repayment resulting from the death of the service member;
- (2) process by which spouses are educated and enrolled in the Survivor Benefit Plan;
- (3) how information about the impacts of holding joint accounts may affect retired service members or their beneficiaries;
- (4) why the department does not apply the same payment plan process in the case of the death of a retired service member;
- (5) any other information the Secretary deems relevant.

### Navy Quality of Life Programs Dashboard

The committee is concerned that resources for maintaining and improving the quality of life for service members and their families are underutilized by service members. One factor that may impact underutilization is that service members and their families are unaware of or find it difficult to access these resources. The committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services by March 31, 2024, on the feasibility of developing an electronic dashboard to track quality of life programs and their utilization rate. This briefing should include the cost of creating such a dashboard and articulate the value added to the service. The quality of life issues to be considered for the dashboard and this briefing should include:

- (1) child care;
- (2) access to healthcare;
- (3) education;
- (4) housing and spouse employment; and
- (5) any others the Secretary determines appropriate.

In addition, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services, not later than February 28, 2024, on how quality of life issues impact service members assigned to naval vessels undergoing refueling and complex overhaul, such as the USS George Washington, and what the Navy has done to mitigate such impacts.

#### Remotely Piloted Aircraft Crews Tax Relief

The committee is concerned that remotely piloted aircraft (RPA) crews are conducting combat missions and experiencing many of the stressors of combat; however, they are not currently eligible to earn the same tax-free income as those who are physically in a combat zone. Therefore the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services not later than March 1, 2024, on the following:

- (1) a comparison of the duties between RPA crews supporting operations from domestic locations or those in combat zones;
- (2) a comparison of the income disparities between RPA crews and those who are physically in a combat zone;
- (3) an assessment on where the authority lies to expand the Combat Zone Tax Exclusion eligibility and rationale for how the Department of Defense is exercising them; and
- (4) any additional information the Secretary determines appropriate.

#### Review of Basic Allowance for Subsistence

The committee is especially concerned with the reported food insecurity issue within the Department of Defense. If the Department survey methods and RAND Corporation analysis are accurate, some 25 percent of the force is considered food insecure at some level. The committee sees this as unacceptable and a crisis that the Secretary of Defense must address and solve. The committee, therefore, directs the Secretary of Defense to submit a report to the House Committee on Armed Services by March 1, 2024, that addresses the following elements:

- (1) a review of how the Basic Allowance for Subsistence (BAS) amount is determined;
- (2) rationale for why the BAS rates are limited to only enlisted and officer and do not take into account income disparities between junior and senior service members;
- (3) consideration for establishing no less than three different BAS rates for enlisted personnel based on rank and income;
- (4) any other matters the Secretary considers relevant.

#### Review of the Basic Needs Allowance

The committee is especially concerned about the reported food insecurity issue within the Department of Defense. If the Department survey methods and

RAND Corporation analysis are accurate, some 25 percent of the force is considered food insecure at some level. The committee sees this as unacceptable and a crisis that the Secretary of Defense must address and solve. The committee, therefore, directs the Secretary of Defense to submit a report to the House Committee on Armed Services by March 1, 2024, that addresses the following elements:

(1) a review of the adequacy of the Basic Needs Allowance (BNA) framework and recommendations for gathering more accurate and timely data that will produce more targeted and specified benefits to service members;

(2) the reporting mechanisms available for service members to report food insecurity;

(3) the removal of the Basic Allowance for Housing from the overall BNA eligibility calculation and how many service members would benefit;

(4) other barriers to service member application for or receipt of the BNA;

(5) any other matters the Secretary considers relevant.

#### Review of Unpaid and Delayed Payments to Service Members

The committee notes that the Suicide Prevention and Response Independent Review Committee recently published their findings on reducing military suicides. One of their highest priority recommendations is to conduct a comprehensive review of the magnitude of unpaid and delayed payments to service members and their families and provide recommendations for improving efficiencies. Therefore, the committee directs the Comptroller General of the United States to submit a report to the House Committee on Armed Services by July 1, 2024, on a comprehensive review of the scope of unpaid and delayed payments to service members and their families, and provide recommendations for improving efficiencies. The report shall assess the following:

(1) the average, median, and lower and upper bounds of non-reimbursed, out-of-pocket costs, and the types of such costs, associated with permanent change of station (PCS) moves;

(2) the average, median, and lower and upper bounds of the time from which a service member submits his/her reimbursement forms and they are fully paid, as well as how this varies by the type of reimbursement and rank;

(3) the frequency by which regular payments, scheduled to occur on the 1st and 15th of each month, are delayed and factors that may be associated with delays (for example, a recent PCS);

(4) the frequency of overpayments and resulting recoupment processes and the average, median, and upper bounds of subsequent periods without pay resulting from these errors.

#### Standardization of Permissible Costs for Department of Defense Credentialing Programs

The committee notes that since its inception in 2015, the Department of Defense credentialing program has provided service members the opportunity to



obtain credentials that enhance their skills and qualifications both during and after their military service. However, the committee is concerned that as the credentialing program has been implemented, the services have interpreted the permissible covered costs differently. This has led to a great disparity between the services regarding this important benefit. The committee notes that section 2015 of title 10, United States Code, directs the Secretary of Defense to promulgate regulations regarding this program that apply uniformly to the Armed Forces to the extent practicable. In addition, the definition of expenses under this section includes expenses for classroom instruction, hands-on training (and associated materials), manuals, study guides and materials, textbooks, processing fees, and test fees and related fees.

Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services by February 1, 2024, that addresses the following:

- (1) what costs are covered by each of the services for service member credentialing;
- (2) an explanation for the disparities between the services, and any justification for why the disparities exist;
- (3) a plan to ensure each service reimburses service members for credentialing expenses, consistent with the statutory definition, for classroom instruction, hands-on training (and associated materials), manuals, study guides and materials, textbooks, processing fees, and test fees and related fees.

The plan shall ensure that service members are able to receive reimbursement for expenses associated with foundational credentials, consistent with the Army's current practice.

## TITLE VII—HEALTH CARE PROVISIONS

### ITEMS OF SPECIAL INTEREST

#### Access to Military and Dependent Mental Health Care

The committee is aware TRICARE has a challenge in having a range of specialty care providers and this is particularly evident with mental health care providers. The committee is concerned that these challenges with TRICARE are exacerbating the access to quality mental health care for service members and their families. The committee acknowledges the Department of Defense has access to various authorities to address a wide range of these challenges. Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services by April 1, 2024, on:

- (1) an analysis of the average timeline to credential potential TRICARE mental health service providers in comparison to the credentialing timeline of other major insurance networks, including Medicare. The analysis should include TRICARE data identifying application returns, method of notification to applicants

and frequency of notifications to potential providers the network application process has been returned, and method of feedback TRICARE provides to potential providers and resolution processes;

(2) an analysis of the average timeline to process provider payments with respect to claims;

(3) an assessment of whether TRICARE has utilized authorities outlined in Manual Part 199.14 to increase reimbursement rates in certain geographic locations; and what corrective measures have been taken since the 2013 Government Accountability Office findings specifically with regard to finding civilian mental health care providers and reimbursement rates;

(4) the status of implementing the recommendations found in Department of Defense Inspector General Report 2020-112 and the estimated implementation date for any recommendations that have not yet been implemented; and

(5) an assessment of what, if any, additional authorities and resources may be needed by the Department to effectively address the issue of timely access to mental health care for Active Duty service members and their families.

### Annual Health Screening Review

The committee understands the Department of Defense Periodic Health Assessment is frequently updated to reflect the latest medical information that may impact service members. Therefore, the committee directs the Secretary of Defense to submit a report to the Senate Committee on Armed Service and the House Committee on Armed Services not later than March 1, 2024, on the following:

(1) the process and method by which changes are made to the Periodic Health Assessment;

(2) the average frequency by which changes are made; and

(3) whether the following changes to the Periodic Health Assessment have been considered: (a) instituting annual sports physicals for all uniformed members of the Department of Defense; (b) requiring annual blood screening; (c) requiring intermittent lab work on individuals if they have consecutively taken a prescription for more than 9 months; (d) annual mental health screening.

### Army Combat Fitness Test

The committee acknowledges the U.S. Army has made changes to the Army Combat Fitness Test (ACFT) since it was originally launched in 2021. As a result, the committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by January 1, 2024. The briefing shall include:

(1) impacts the ACFT has had on recruitment and retention;

(2) relevant data, statistics, and a comparison of the various evolutions of the ACFT to date; and

(3) how the new ACFT is in compliance with the requirement in the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263).

## Army Strategic Management System

The Strategic Management System is a performance management tool available to all Department of the Army organizations and components. The Strategic Management System offers ways to create performance metrics and display metrics for decision makers. The committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by March 1, 2024, that shall include the following:

(1) an inventory of total Army users of the Strategic Management System tool over the past 10 years;

(2) an overview of the past three contracts the Army issued for the Strategic Management System tool;

(3) a description of the Army's plan to utilize the Strategic Management System tool across Army installations to better track and mitigate incidents of sexual harassment, sexual assault, and other harmful behaviors;

(4) a justification for the difference of increased Army end user utilization of the Strategic Management System and the declining long-term resource allocation to the Strategic Management System at the program office level;

(5) a breakdown of Strategic Management System requirements across the Army enterprise and a funding plan to meet those requirements; and

(6) any other matters the Secretary considers relevant.

The committee further directs that the viewpoints of the following Army organizations shall be included in the briefing: Army Resiliency Directorate; Office of Business Transformation; and Army Contracting Command.

### Athletic Trainers to Provide Services under the TRICARE Program

The committee understands the services sometimes use athletic trainers in various capacities to provide training and support for service members in certain situations. However, under TRICARE, athletic trainers are not a recognized paramedical provider. Moreover, TRICARE does not allow for reimbursement of services rendered by athletic trainers. Therefore, the committee directs the Secretary of Defense, in consultation with the Secretaries of the military departments, to provide a briefing to the House Committee on Armed Services by March 1, 2024, on the following:

(1) the current use of athletic trainers in the services, to include the type of services and locations where these are provided;

(2) the cost of providing these services;

(3) any data showing the effect or impact of athletic trainers over the last 10 years;

(4) the rationale for why athletic trainer services are not part of the TRICARE benefit; and

(5) the process by which athletic trainers could be considered as part of the TRICARE benefit.

## Availability of Autoinjectors for the Warfighter for Chemical and Nerve Agent Exposure

The committee recognizes that the threat of chemical weapons and nerve agents persists within the operating environment. Although United States military personnel have not been exposed to these agents, they continue to operate within close proximity while supporting our allies and partners worldwide. The Department of Defense has long fielded countermeasures against such agents to best ensure the safety of our men and women in uniform. The committee also recognizes the importance of maintaining an adequate and functional stockpile of chemical weapon and nerve agent countermeasures to support the warfighter. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services, by March 1, 2024, that includes the following:

- (1) a full review of the Department's current stockpile, including an assessment of the use of shelf-life extensions for autoinjectors beyond their expiration date;
- (2) an overview of the Department's plan to replace the outdated diazepam with the midazolam autoinjectors;
- (3) the Department's plan to field the necessary amount of chemical weapon and nerve agent countermeasures to support the total force and a replenishment plan to ensure timely replacement of expired pharmaceutical ingredients or expired autoinjectors;
- (4) the Department's process for approving shelf-life extensions, including how the Department verifies mechanical reliability; and
- (5) recommendations for the future procurement and sustained replenishment of all autoinjector variants.

## Chiropractic Care in the TRICARE Program

The committee is concerned that the Department of Defense has not included chiropractic care as part of the TRICARE health benefit for all beneficiaries, especially considering chiropractic care is popular among Active Duty service members for its holistic approach to medicine and pain relief that does not require the use of prescription drugs. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by February 1, 2024, on the following regarding chiropractic care:

- (1) an overview of the current chiropractic health care program benefit for service members;
- (2) whether the chiropractic care program has resulted in improved health outcomes and satisfaction for service members using the current program;
- (3) the anticipated cost of including chiropractic care for all beneficiaries as part of the TRICARE health benefit; and
- (4) the estimated time it would take to implement chiropractic care as part of the TRICARE health benefit.

## Combat Casualty Care

The committee commends the Department of Defense for expanding strategies to maintain the readiness of defense medical providers. Future conflicts will differ substantially from those of the past decades, placing strenuous demands on providers managing dispersed, high-volume casualties in large-scale combat operations. In the absence of ongoing real-world engagements, expert medical support of future conventional operations is dependent on frequent, meaningful training enhanced by advanced medical simulation for skills maintenance and expansion. New medical simulation requirements are needed to effectively address combat casualty care performance maintenance in these highly challenging scenarios. Specific considerations should be made for medics and other first responders performing life-saving procedures in austere environments and providers performing advanced procedures in operational theaters.

Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by March 1, 2024, on the Department's investment in a plan for the expansion of advanced medical simulation technologies and programs to provide sustainability of medical skill sets critical to the support of future conventional combat operations and how these efforts may be supported through the Congressionally Directed Medical Research Programs.

## Comptroller General Report on Perinatal Mental Health in the Military

The committee seeks information on the services available to members of the Armed Forces and their families experiencing perinatal mental health conditions. The committee therefore directs the Comptroller General of the United States to conduct a review of related Department of Defense efforts, to the extent reliable data are available, including:

(1) an assessment of the availability of perinatal mental health care within the Defense Health Agency (DHA) medical treatment facilities and the TRICARE provider network; and

(2) a review of the specific training and resources the Defense Health Agency makes available to obstetric providers regarding perinatal mental health conditions.

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services by March 31, 2024, on preliminary findings, with a report to follow by a date mutually agreed upon at the time of the briefing.

## COVID-19 Era Telehealth Suicide Prevention Services

The committee understands that at the start of the COVID-19 pandemic, the Department of Defense made several temporary updates to the TRICARE benefit regarding telehealth. These temporary policy updates allowed service

members and beneficiaries to receive care safely during the COVID-19 pandemic. The Department of Defense has since updated these telehealth policies and some of these services are no longer offered. The committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services not later than April 1, 2024, on the impact that the repeal of TRICARE benefit changes to COVID-19 telehealth services had on service member and beneficiary utilization of mental health counseling and related services; the cost of these services; and the effect restoring COVID-19 telehealth services would have on the TRICARE benefit.

#### Military Health System Civilian Partnerships for Increased Military Medical Readiness

Partnerships between the Department of Defense and civilian medical facilities form a core part of the Department's strategy for sustaining the wartime medical skills of military providers. Specifically, the Department policy encourages the military departments to establish training partnerships with civilian medical facilities when Military Health System facilities cannot provide sufficient clinical experiences and workload to maintain the skills of assigned personnel. The committee is concerned about the Department's visibility over the number, scope, type, and utilization of these partnerships. Additionally, while the Department maintains that these programs support readiness, the committee is concerned that the Department does not know the extent to which these partnerships are achieving desired results of sustaining military medical readiness.

Therefore, the committee directs the Comptroller General of the United States to conduct an assessment of military and civilian partnerships for medical readiness. The assessment shall evaluate:

- (1) the extent to which the Department utilizes partnerships with civilian medical facilities to maintain the readiness of its military medical workforce;
- (2) the extent to which the Department tracks how its medical workforce is used in partnerships with civilian medical facilities;
- (3) the extent to which the Department has defined and used effective measures to monitor and assess the readiness value of military medical personnel participating in partnerships with civilian medical facilities; and
- (4) factors that have affected the establishment and/or effective operation of the Department and civilian medical facility partnerships.

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than February 27, 2024, on the preliminary observations of this assessment, with a report to the congressional defense committees to follow at a date agreed upon at the time of the briefing.

#### Missileer Cancer

The committee is concerned by reports that the Department of the Air Force service members who served as missileers supporting intercontinental ballistic missile missions at Malmstrom Air Force Base, F.E. Warren Air Force

Base, and Minot Air Force Base are contracting unique and aggressive forms of cancer that may be linked to their service. The committee is also concerned the surviving family members of these service members are having trouble accessing benefits to which they would be entitled, but currently are not, because the Department of Defense has not yet determined whether these cancer diagnoses are linked to their service. Therefore, the committee directs the Secretary of Defense, in coordination with the Secretary of the Air Force, to provide a briefing to the House Committee on Armed Services by January 1, 2024, on how they are studying the issue of potentially increased cancer rates and how they may determine causality for those that have served in launch control centers for intercontinental ballistic missiles.

### Non-Opioid Pain Relief for TRICARE Beneficiaries

The committee is aware that under current law, hospitals receive the same payment from TRICARE regardless of whether a physician prescribes an opioid or a non-opioid. As a result, hospitals rely on opioids, which are typically dispensed by a pharmacy after discharge at little or no cost to the hospital. According to the National Bureau of Economic Research, healthcare costs associated with prescription painkiller abuse among service members are roughly \$1.00 billion a year. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by February 1, 2024, on:

- (1) how the Department of Defense is reducing the rates of addiction among service members;
- (2) the estimated cost of opioid painkiller abuse among service members;
- (3) the steps the Department is taking to increase the use of non-opioid treatment alternatives to include relevant examples; and
- (4) whether the Department is on track to to implement existing statutory provisions for institutional payment to introduce new payment policies intended to expand access to non-opioid treatments.

### Obesity in the Ranks of the Armed Services

The committee is concerned about rising obesity rates among Active Duty service members. According to an updated report published by the Centers for Disease Control and Prevention entitled “Unfit to Serve: Obesity is Impacting National Security,” 19 percent of Active Duty service members across all branches were considered obese in 2020, up from 16 percent in 2015. These individuals are less likely to be medically ready to deploy. To further study the impact of obesity on military readiness, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by January 1, 2024. The briefing shall include an analysis of proposed solutions to the obesity crisis within the ranks of the U.S. military. Specifically, the briefing shall include conclusions about the feasibility of the following proposals:

(1) connecting military communities with State and local public health experts to identify and tailor strategies that can prevent chronic disease associated with poor nutrition, lack of physical activity, and obesity;

(2) identifying opportunities to implement strategies that can help prevent health risk behaviors among service members and their families; and

(3) educating Department of Defense providers (for example, clinicians, family programs) to better connect service members with national and State public health resources.

### Operation Warp Speed Briefing

Operation Warp Speed (OWS) was a partnership between the Department of Health and Human Services and the Department of Defense aimed to help accelerate the development and manage the distribution of a COVID-19 vaccine. The Department of Defense played an integral role in the success of OWS. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by February 1, 2024, on the lessons learned from participation in OWS. These lessons learned should be used to plan for future responses to pandemics and other related crises. The briefing shall include the following:

(1) the Department of Defense's role and organizational construct;

(2) how the Department of Defense worked with other government agencies and manufacturers to identify and address possible manufacturing disruptions and mitigated supply chain challenges;

(3) what data and tools were used to command and control the operation;

(4) how the Defense Production Act was used, and if there were authorities that prevented certain actions;

(5) how gaps were identified and mitigated in areas to include, but not limited to, logistics support, workforce, planning;

(6) other best practices;

(7) lessons learned that could be applied to future pandemic or crisis; and

(8) any other matters the Secretary considers relevant, to include any needed legislative authorities.

### Patient Movement Medical Logistics Standardization Briefing

The committee is concerned by the lack of medical equipment standardization across the Military Health System. The committee is especially concerned about medical equipment that is connected to a patient and intended or able to move with a patient throughout the evacuation system, referred to as patient movement items. The committee understands that patient movement items should remain attached and supporting the patient until the patient arrives at the intended destination, including continuous movements through any combination of land, sea, or air. Therefore, the committee directs the Secretary of Defense to



provide a briefing to the House Committee on Armed Services by April 1, 2024, on the following:

(1) the status of all patient movement items in inventory across military departments, to include equipment by type and capability, the ability of the item to function on land, sea, and air;

(2) the number and percent of items that are similar and interchangeable between military departments;

(3) the plan to standardize across the Defense Health Agency consumables used in military treatment facilities (MTFs), and, where appropriate, standardization across the deployed medical care and MTFs;

(4) the plan to modernize and standardize all patient movement items to ensure continuous support to all patients within the evacuation system without the need to remove critical medical equipment during continuous movement on land, sea, and air. The plan shall include the total cost of and time necessary to complete the modernization and standardization of all patient movement items across the military departments;

(5) what role would the Defense Logistics Agency play in the standardization of these patient movement items;

(6) what challenges or legislative obstacles would prevent the Defense Health Agency and the military departments from standardizing these patient movement items; and

(7) any other information the Secretary deems relevant.

### Patient Safety in the Military Health System Review

The committee commends the Department of Defense and its Military Health System on their patient safety program toolkits and guides. The committee understands the importance of preventing harm and hospital-acquired conditions and infections for patients, their family, and military readiness when a service member or their family needs inpatient care at a military facility. The committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by September 31, 2024, on current and planned patient safety programs, including measurement of hospital-acquired conditions and infections and progress on their reduction in military hospitals, and any action plans the Military Health System has for increasing its patient safety programs to include initiatives to reduce hospital-acquired conditions and infections over the next 5 years.

### Permafrost Related Pathogens

In the wake of the COVID-19 pandemic, the committee recognizes the risk of both the accidental and intentional spread of novel, deadly pathogens. In particular, the committee recognizes the role of natural barriers that aid in preventing the spread of pathogens, including permafrost. Therefore, the committee directs the Director of the Defense Advanced Research Projects Agency to provide a

briefing to the House Committee on Armed Services by January 1, 2024, on the risk permafrost-related pathogens pose to human health. The briefing shall include an assessment of the national security risks posed by permafrost-related pathogens and proposals for biosecurity management plans in areas of greatest risk.

#### Pharmacogenomics Testing

The committee notes the critical value of genomic and pharmacogenomics testing to military readiness. Moreover, the committee understands the clinical implementation of pharmacogenomics is likely a cost-effective solution to improve the personalization, safety, and efficacy of drug therapy to service members. The committee believes that pharmacogenomics testing of all service members upon entry into military service may be a pillar of personalized medicine that has the potential to deliver optimized treatment to care for service members and preserve mission readiness. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by April 1, 2024, on the Department of Defense's current use of pharmacogenomics testing and how this may be expanded, to include anticipated cost, benefits to service members, any impediments to broader use, and health outcomes.

#### Pharmacy Reimbursement Transparency

The committee is concerned about the lack of transparency into how much the TRICARE pharmacy contractor is paid to fill mail order prescriptions versus how much community pharmacies are paid to fill prescriptions for TRICARE beneficiaries in their local communities. The committee understands that the TRICARE pharmacy contractor is paid a per-prescription administrative fee to fill mail order prescriptions. Regarding prescriptions for generic medications, the committee is especially concerned that TRICARE may be overpaying the TRICARE pharmacy contractor for generic medications filled via mail order. The committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by April 1, 2024, with the facts and circumstances pertinent to whether the TRICARE pharmacy contractor's mail order reimbursement rate is competitive with the amount paid to community pharmacies to fill generic medications.

#### Report on the Military Health Services' Activities to Prevent, Intervene, and Treat Perinatal Mental Health Conditions of Members of the Armed Forces and Their Dependents

The committee understands that peer-reviewed literature reports that approximately 20 to 50 percent of women in developing countries will be confronted with issues related to mental health during the perinatal period. Perinatal mental illness is a major complication of pregnancy and the postpartum period. These disorders include depression, anxiety disorders, and postpartum psychosis, which

usually manifests as bipolar disorder, maternal obsessive-compulsive disorder, and postpartum post-traumatic stress disorder. Therefore, the committee directs the Secretary of Defense to submit a report to the House Committee on Armed Services by March 1, 2024, on the activities that address the mental health of pregnant and postpartum members of the Armed Forces and dependents of such members as follows:

(1) assessment of evidence-based programs in military treatment facilities (MTFs) for members of the Armed Forces and their dependents that are proven to prevent perinatal mental health conditions, including types of evidence-based perinatal prevention programs; number and location of evidence-based perinatal prevention programs; number of service members and their dependents who have utilized evidence-based perinatal prevention programs divided by relationship status, military service, military occupation, sex, age, race, ethnicity, and rank, when applicable; and whether the programs are delivered in-person or virtually;

(2) number of behavioral health specialists integrated into obstetric care practices and women's clinics at MTFs and the resources needed to integrate a behavioral health specialist into all obstetric care practices and women's clinics;

(3) an assessment of the Military Health Service's Reproductive Behavioral Health Consultation line pilot program, to include the number of providers accessing the no-cost consultation services, broken out by provider type, specialty, and location; the number and type of trainings providers received through the consultation line on evidence-based practices to prevent, screen, refer, and treat perinatal mental health conditions; how the pilot program has coordinated and implemented best practices of related Federal perinatal mental health activities, including the Department of Veterans Affairs Reproductive Behavioral Health Consultation Line, Department of Health and Human Services' Human Resource Services Administration's maternal mental health and related behavioral health disorders program, and the National Maternal Mental Health Hotline; the number of members of the Armed Forces about whom providers sought perinatal mental health consultation, divided by relationship status, military service, military occupation, sex, age, race, ethnicity, and rank, when applicable; and activities conducted by the pilot program to educate members of the Armed Forces and their families on perinatal mental health conditions; and

(4) any policy or legislative recommendations to improve perinatal mental health prevention.

#### Sergeant First Class Richard Stayskal Military Medical Accountability Act Update Briefing

The committee understands the Department of Defense has implemented the Sergeant First Class Richard Stayskal Military Medical Accountability Act. Therefore, the committee directs the Secretary of Defense, in coordination with the Secretaries of the military departments, to provide a briefing to the House Committee on Armed Services by January 1, 2024, on the following:

- (1) methods utilized by each service to track claims and appeals processes;
- (2) number of total claims paid by fiscal year, separated by service;
- (3) status of claims submitted to the Department, separated by service;
- (4) number of total claims denied by fiscal year, separated by service;
- (5) explanation of the appeals process, to include submissions of expert and/or outside opinions;
- (6) rationale for the offset provisions included in the proposed and final rule and any changes made throughout the approval process;
- (7) any potential administrative changes to the final rule; and
- (8) any other matters the Secretary considers are relevant.

### Severe Depression Reduction

The committee is aware of the current suicide epidemic affecting service members and veterans. Given the high number of individuals suffering from depression and at risk for suicide, the committee recognizes the importance of the Department of Defense working with the Department of Veterans Affairs and the Department of Health and Human Services to address this challenge. Studies by the National Institute of Mental Health (NIMH) investigating the use of scopolamine in treating depression have shown promising initial results in rapidly decreasing patients' Montgomery-Asberg Depression Rating Scale scores, with over 50 percent of patients achieving remission. Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by March 1, 2024, on:

- (1) the use of scopolamine in treating depression amongst service members and beneficiaries;
- (2) the effectiveness of scopolamine treatments;
- (3) how scopolamine treatments are used; and
- (4) and whether there are comparable alternatives and the feasibility of conducting a joint pilot study, in conjunction with the Departments of Veterans Affairs and Health and Human Services, to further validate the findings of the NIMH study.

### State of Combatant Command Health Readiness Training as Part of U.S. Security Sector Assistance Programs

The committee recognizes that medical training is an important part of any military's overall readiness, which enhances a nation's capabilities, thereby supporting U.S. national security and foreign policy objectives. The committee urges the Department of Defense and the Department of State, in coordination with U.S. combatant commanders, to prioritize medical training as part of U.S. security sector assistance programs. Therefore, the committee directs the Secretary of Defense to submit a report to the Senate Committee on Armed Services and the House Committee on Armed Services not later than July 1, 2024, on the following as it relates to medical training as part of theater security cooperation:

(1) for all U.S. security sector assistance programs, the percentage of medical training conducted in each U.S. geographical combatant command as part of any theater security cooperation exercise or program;

(2) examples of the types of medical training conducted as it relates to each U.S. geographical combatant command;

(3) funding sources for medical training as it relates to each U.S. geographical combatant command and cost as it relates to overall cost of other U.S. security sector assistance programs; and

(4) feasibility of increasing the amount of medical training as part of theater security cooperation as it relates to availability of personnel, funding, appropriate partner nations.

### Substance Abuse Report

The Department of Defense has, for many years, operated substance abuse programs focused on prevention, treatment, and research of alcohol, illicit drug use, and nonmedical use and abuse of prescription drugs. The Department of Defense mandates that substance abuse education be provided to all service members. Each military service operates a substance abuse prevention program that provides a wide range of education and training services targeted at individual service members, health care providers, and unit commanders. Service members may receive treatment for substance use disorders through various sources; however, the committee is concerned with how the effectiveness of the programs may be measured.

Therefore, the committee directs the Secretary of Defense, in coordination with the Secretaries of the military departments, to provide a briefing to the House Committee on Armed Services, by February 1, 2024, on the following:

(1) the number of service members that have utilized substance abuse programs over the last 10 years and whether they were returned to service;

(2) a comparison of service member substance abuse incidence and prevalence with the population of the United States, adjusting for certain demographic information over the last 10 years;

(3) the amount of funding provided to substance abuse programs across each service and in total for the Department of Defense;

(4) the number of dedicated facilities for substance abuse residential and non-residential programs and their locations within the Department of Defense;

(5) the oversight of line-sponsored programs and their interaction with the Defense Health Agency and TRICARE;

(6) the oversight of care provided by the direct care system;

(7) the oversight of care provided by managed care support contract providers;

(8) the measures of effectiveness used to determine success in substance abuse programs; and

(9) any other matters the Secretary considers relevant.

## Suicide Prevention among National Guard and Reservists

The committee remains concerned about suicide rates across both the Active and Reserve Components of the military. However, service in the National Guard offers several unique challenges not faced by Active Component service members. Therefore, the committee directs the Chief of the National Guard Bureau to submit a report to the House Committee on Armed Services by February 1, 2024, on the following:

- (1) identify current suicide prevention training efforts to include delivery format and frequency;
  - (2) identify any gaps in suicide prevention training prevention and services;
  - (3) identify States that do not offer virtual suicide prevention services;
  - (4) provide the measures of effectiveness for suicide prevention training;
- and
- (5) any other matters the Chief considers relevant.

## Traumatic Brain Injury Care in Response to Department of Defense Inspector General Report

The committee is concerned about the findings from the Department of Defense Inspector General's report, Evaluation of the Department of Defense's Management of Traumatic Brain Injury, DODIG Report 2023-059. The committee understands that from 2000 to 2022, approximately 458,894 service members were diagnosed with a traumatic brain injury (TBI) during training or in combat. The committee is also concerned about the implementation of TBI programs and tracking across the Military Health System (MHS). Therefore, the committee directs the Secretary of Defense to provide a briefing to the House Committee on Armed Services by February 1, 2024, on the status of the Department's implementation of recommendations from DODIG Report 2023-059, to include:

- (1) the update and review of policy;
- (2) the establishment of an oversight plan for the management of TBI care within the MHS;
- (3) the establishment of a traumatic brain injury program of record for TBI care within the MHS; and
- (4) the establishment of a process by which MHS providers can access, create, and update service member profiles, regardless of the service component.

## Traumatic Brain Injury Preventative Devices

The committee remains concerned about the near- and long-term effects that mild traumatic brain injuries have on warfighters' health and subsequent unit readiness. Since 2019, the committee has repeatedly directed the Department of the Army to investigate non-helmet technologies that aid in the protection of the brain from head impacts during training and combat operations. Additionally, the

Department of Defense Appropriations Act, 2021 (division C of Public Law 116-260), the Department of Defense Appropriations Act, 2022 (division C of Public Law 117-103), and the Department of Defense Appropriations Act, 2023 (division C of Public Law 117-328) have appropriated approximately \$13.0 million total in Research, Development, Test, and Evaluation funding for the evaluation and implementation of U.S. Food and Drug Administration cleared devices that meet this intent. The committee is grateful for the work accomplished to date and requests the Department of the Army move forward immediately into training use. Therefore, the committee directs the Secretary of the Army to provide a briefing to the House Committee on Armed Services by March 1, 2024, on specific training and operational use details and observations of the device, and the Department's plans for ongoing implementation.