

Calendar No. 119

118TH CONGRESS
1ST SESSION

S. 2226

To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2023

Mr. REED, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Defense Authorization Act for Fiscal Year
6 2024”.

1 Operational Test and Evaluation shall submit to the Elec-
2 tronic Warfare Executive Committee, the Committee on
3 Armed Services of the Senate, and the Committee on
4 Armed Services of the House of Representatives a com-
5 prehensive annual report aggregating reporting from the
6 military departments and combat support agencies that
7 describes—

8 (1) the implementation of the requirements of
9 this section;

10 (2) the systems subject to testing in the pre-
11 vious year and the results of such tests, including a
12 description of the requirements for electronic protec-
13 tion established for the tested systems; and

14 (3) each waiver issued in the previous year with
15 respect to such requirements, together with a de-
16 tailed rationale for the waiver and a plan for ad-
17 dressing the basis for the waiver request.

18 **SEC. 1546. FUNDING LIMITATION ON CERTAIN UNRE-**
19 **PORTED PROGRAMS.**

20 (a) **LIMITATION ON AVAILABILITY OF FUNDS.**—None
21 of the funds authorized to be appropriated by this Act for
22 fiscal year 2024 may be obligated or expended, directly
23 or indirectly, in part or in whole, for, on, in relation to,
24 or in support of activities involving unidentified anomalous
25 phenomena protected under any form of special access or

1 restricted access limitations that have not been formally,
2 officially, explicitly, and specifically described, explained,
3 and justified to the appropriate committees of Congress,
4 congressional leadership, and the Director, including for
5 any activities relating to the following:

6 (1) Recruiting, employing, training, equipping,
7 and operations of, and providing security for, Gov-
8 ernment or contractor personnel with a primary, sec-
9 ondary, or contingency mission of capturing, recov-
10 ering, and securing unidentified anomalous phe-
11 nomena craft or pieces and components of such
12 craft.

13 (2) Analyzing such craft or pieces or compo-
14 nents thereof, including for the purpose of deter-
15 mining properties, material composition, method of
16 manufacture, origin, characteristics, usage and ap-
17 plication, performance, operational modalities, or re-
18 verse engineering of such craft or component tech-
19 nology.

20 (3) Managing and providing security for pro-
21 tecting activities and information relating to uniden-
22 tified anomalous phenomena from disclosure or com-
23 promise.

24 (4) Actions relating to reverse engineering or
25 replicating unidentified anomalous phenomena tech-

1 nology or performance based on analysis of materials
2 or sensor and observational information associated
3 with unidentified anomalous phenomena.

4 (5) The development of propulsion technology,
5 or aerospace craft that uses propulsion technology,
6 systems, or subsystems that is based on or derived
7 from or inspired by inspection, analysis, or reverse
8 engineering of recovered unidentified anomalous phe-
9 nomena craft or materials.

10 (6) Any aerospace craft that uses propulsion
11 technology other than chemical propellants, solar
12 power, and electric ion thrust.

13 (b) NOTIFICATION AND REPORTING.—

14 (1) IN GENERAL.—Any person currently or for-
15 merly under contract with the Federal Government
16 that has in their possession material or information
17 provided by or derived from the Federal Government
18 relating to unidentified anomalous phenomena that
19 formerly or currently is protected by any form of
20 special access or restricted access shall—

21 (A) not later than 60 days after the date
22 of the enactment of this Act, notify the Director
23 of such possession; and

24 (B) not later than 180 days after the date
25 of the enactment of this Act, make available to

1 the Director for assessment, analysis, and in-
2 spection—

3 (i) all such material and information;

4 and

5 (ii) a comprehensive list of all non-
6 earth origin or exotic unidentified anoma-
7 lous phenomena materiel.

8 (2) PROTECTIONS.—The provision of notice and
9 the making available of material and information
10 under paragraph (1) shall be treated as an author-
11 ized disclosure under section 1673(b) of the James
12 M. Inhofe National Defense Authorization Act for
13 Fiscal Year 2023 (50 U.S.C. 3373b).

14 (c) LIMITATION REGARDING INDEPENDENT RE-
15 SEARCH AND DEVELOPMENT.—Consistent with Depart-
16 ment of Defense Instruction Number 3204.01 (dated Au-
17 gust 20, 2014, incorporating change 2, dated July 9,
18 2020; relating to Department policy for oversight of inde-
19 pendent research and development), independent research
20 and development funding relating to material or informa-
21 tion described in subsection (a) shall not be allowable as
22 indirect expenses for purposes of contracts covered by
23 such instruction, unless such material and information is
24 made available to the Director in accordance with sub-
25 section (b).

1 (d) NOTICE TO CONGRESS.—Not later than 30 days
2 after the date on which the Director has received a notifi-
3 cation under subparagraph (A) of subsection (b)(1) or in-
4 formation or material under paragraph (B) of such sub-
5 section, the Director shall provide a written notification
6 of such receipt to the appropriate committees of Congress
7 and congressional leadership.

8 (e) DEFINITIONS.—In this section:

9 (1) The term “appropriate committees of Con-
10 gress” means—

11 (A) the Select Committee on Intelligence,
12 the Committee on Armed Services, and the
13 Committee on Appropriations of the Senate;
14 and

15 (B) the Permanent Select Committee on
16 Intelligence, the Committee on Armed Services,
17 and the Committee on Appropriations of the
18 House of Representatives.

19 (2) The term “congressional leadership”
20 means—

21 (A) the majority leader of the Senate;

22 (B) the minority leader of the Senate;

23 (C) the Speaker of the House of Rep-
24 resentatives; and

1 (D) the minority leader of the House of
2 Representatives.

3 (3) The term “Director” means the Director of
4 the All-domain Anomaly Resolution Office.

5 (4) The term “unidentified anomalous phe-
6 nomena” has the meaning given such term in section
7 1683(n) of the National Defense Authorization Act
8 for Fiscal Year 2022 (50 U.S.C. 3373(n)), as
9 amended by section 6802(a) of the Intelligence Au-
10 thorization Act for Fiscal Year 2023 (Public Law
11 117–263).

12 **SEC. 1547. REVISION OF SECRETARY OF DEFENSE AUTHOR-**
13 **ITY TO ENGAGE IN COMMERCIAL ACTIVITIES**
14 **AS SECURITY FOR INTELLIGENCE COLLEC-**
15 **TION ACTIVITIES.**

16 (a) EXTENSION OF AUTHORITY.—Section 431(a) of
17 title 10, United States Code, is amended by striking “De-
18 cember 31, 2023” and inserting “December 31, 2025”.

19 (b) INTERAGENCY COORDINATION AND SUPPORT.—
20 Paragraph (1) of section 431(b) of such title is amended
21 to read as follows:

22 “(1) be pre-coordinated with the Director of the
23 Central Intelligence Agency using procedures mutu-
24 ally agreed upon by the Secretary of Defense and