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NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2024

CONFERENCE REPORT

TO ACCOMPANY

H.R. 2670



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(2) Not less frequently than once every 4 years, test each system and subsystem described in paragraph (1) at a test range that permits threat-realistic electronic warfare attacks against the system or subsystem by a red team or simulated opposition force, with the first set of highest priority systems to be initially tested by not later than the end of fiscal year 2025.

(3) With respect to each system and subsystem described in paragraph (1) that fails to meet electronic protection requirements during testing conducted under paragraph (2)—

(A) not later than 3 years after the initial failed test, retrofit the system or subsystem with electronic protection measures that can withstand threat-realistic jamming, spoofing, and unintended interference; and

(B) not later than 4 years after the initial failed test, retest such systems and subsystems.

(4) Survey, identify, and test available technology that can be practically and affordably retrofitted on the systems and subsystems described in paragraph (1) and which provides robust protection against threat-realistic jamming, spoofing, and unintended interference.

(5) Design and build electronic protection into ongoing and future development programs to withstand expected jamming and spoofing threats and unintended interference.

(c) **WAIVER.**—The Secretary of Defense may establish a process for issuing waivers, on a case-by-case basis, for the testing requirement under paragraph (2) of subsection (b) and for the retrofit requirement under paragraph (3) of such subsection.

(d) **ANNUAL REPORTS.**—Concurrent with the submission of the budget of the President to Congress pursuant to section 1105(a) of title 31, United States Code, for each of fiscal years 2025 through 2030, the Director of Operational Test and Evaluation shall submit to the Electronic Warfare Executive Committee of the Department of Defense and the Committees on Armed Services of the Senate and the House of Representatives a comprehensive annual report that—

(1) aggregates and summarizes information received from the military departments and combat support agencies for purposes of the preparation of the report; and

(2) includes a description of—

(A) the activities carried out to implement the requirements of this section;

(B) the systems and subsystems subject to testing in the previous year and the results of such tests, including a description of the requirements for electronic protection established for the tested systems and subsystems; and

(C) each waiver issued in the previous year with respect to such requirements, together with a detailed rationale for the waiver and a plan for addressing any issues that formed the basis of the waiver request.

SEC. 1687. LIMITATION ON USE OF FUNDS FOR CERTAIN UNREPORTED PROGRAMS.

(a) **LIMITATION ON AVAILABILITY OF FUNDS.**—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended in support of any activities involving unidentified anomalous phenomena protected under any form of special access or restricted access limitations unless the Secretary of

Defense has provided the details of the activity to the appropriate congressional committees and congressional leadership, including for any activities described in a report released by the All-Domain Anomaly Resolution Office in fiscal year 2024.

(b) LIMITATION REGARDING INDEPENDENT RESEARCH AND DEVELOPMENT.—Consistent with Department of Defense Instruction Number 3204.01 (dated August 20, 2014, incorporating change 2, dated July 9, 2020; relating to Department policy for oversight of independent research and development), independent research and development funding relating to unidentified anomalous phenomena shall not be allowable as indirect expenses for purposes of contracts covered by such instruction, unless such material and information is made available the appropriate congressional committees and congressional leadership.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “congressional leadership” means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

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

(3) The term “unidentified anomalous phenomena” has the meaning given such term in section 1683(n) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(n)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117-263).

SEC. 1688. INDO-PACIFIC MISSILE STRATEGY.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a strategy for ground-based theater-range conventional missiles in the Indo-Pacific region.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) An assessment of gaps in ground-based theater-range conventional missile capabilities in the area of responsibility of the United States Indo-Pacific Command.

(2) An identification of military requirements for ground-based theater-range conventional missile systems, including range, propulsion, payload, launch platform, weapon effects, and other operationally relevant factors.

(3) An identification of prospective basing locations for ground-based theater-range conventional missiles in the area of responsibility of the United States Indo-Pacific Command and an assessment of steps required to receive host-nation permission for forward-basing of such weapon systems.

(4) A description of operational concepts for employment of such ground-based theater-range conventional missiles, including integration with other capabilities in the Western Pacific region.

SEC. 1832. EXCEPTIONS.

(a) **EXCEPTION FOR WILDFIRE MANAGEMENT OPERATIONS AND SEARCH AND RESCUE OPERATIONS.**—*The appropriate Federal agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement and operation restrictions under sections 1823, 1824, and 1825 to the extent the procurement or operation is necessary for the purpose of supporting the full range of wildfire management operations or search and rescue operations.*

(b) **EXCEPTION FOR INTELLIGENCE ACTIVITIES.**—*Sections 1823, 1824, and 1825 shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), any authorized intelligence activities of the United States, or any activity or procurement that supports an authorized intelligence activity.*

(c) **EXCEPTION FOR TRIBAL LAW ENFORCEMENT OR EMERGENCY SERVICE AGENCY.**—*Tribal law enforcement or Tribal emergency service agencies, in consultation with the Secretary of Homeland Security, are exempt from the procurement, operation, and purchase restrictions under sections 1823, 1824, and 1825 to the extent the procurement or operation is necessary for the purpose of supporting the full range of law enforcement operations or search and rescue operations on Indian lands.*

SEC. 1833. SUNSET.

Sections 1823, 1824, and 1825 shall cease to have effect on the date that is five years after the date of the enactment of this Act.

Subtitle C—Unidentified Anomalous Phenomena**SEC. 1841. UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.****(a) RECORDS COLLECTION.—****(1) ESTABLISHMENT OF COLLECTION.—**

(A) **IN GENERAL.**—*Not later than 60 days after the date of the enactment of this Act, the Archivist shall commence establishment of a collection of unidentified anomalous phenomena, as such term is defined in section 1673(n)(8) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 50 U.S.C. 3373), records in the National Archives, to be known as the “Unidentified Anomalous Phenomena Records Collection”.*

(B) **PHYSICAL INTEGRITY.**—*In carrying out subparagraph (A), the Archivist shall ensure the physical integrity and original provenance (or if indeterminate, the earliest historical owner) of all records in the Collection.*

(C) **RECORD COPIES.**—*The Collection shall consist of record copies of all Government, Government-provided, or Government-funded records relating to unidentified anomalous phenomena, technologies of unknown origin, and non-human intelligence (or equivalent subjects by any other name with the specific and sole exclusion of temporarily non-attributed objects), which shall be transmitted to the National Archives in accordance with section 2107 of title 44, United States Code.*

(D) *SUBJECT GUIDEBOOK.*—The Archivist shall prepare and publish a subject guidebook and index to the Collection.

(2) *CONTENTS.*—The Collection shall include the following:
 (A) Copies of all unidentified anomalous phenomena records, regardless of age or date of creation—

(i) that have been transmitted to the National Archives or disclosed to the public in an unredacted form prior to the date of the enactment of this Act;

(ii) that are otherwise required to have been transmitted to the National Archives after the date of the enactment of this Act; or

(iii) the disclosure of which is postponed under this subtitle.

(B) A central directory comprised of identification aids created for each record transmitted to the Archivist under section 1842(e).

(b) *DISCLOSURE OF RECORDS.*—Copies of all unidentified anomalous phenomena records transmitted to the National Archives for disclosure to the public shall—

(1) be included in the Collection; and

(2) be available to the public—

(A) for inspection and copying at the National Archives within 30 days after their transmission to the National Archives; and

(B) digitally via the National Archives online database within a reasonable amount of time not to exceed 180 days thereafter.

(c) *FEES FOR COPYING.*—

(1) *IN GENERAL.*—The Archivist shall—

(A) charge fees for copying unidentified anomalous phenomena records; and

(B) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

(2) *AMOUNT OF FEES.*—The amount of a fee charged by the Archivist pursuant to paragraph (1)(A) for the copying of an unidentified anomalous phenomena record shall be such amount as the Archivist determines appropriate to cover the costs incurred by the National Archives in making and providing such copy, except that in no case may the amount of the fee charged exceed the actual expenses incurred by the National Archives in making and providing such copy.

(d) *ADDITIONAL REQUIREMENTS.*—

(1) *USE OF FUNDS.*—The Collection shall be preserved, protected, archived, digitized, and made available to the public at the National Archives and via the official National Archives online database using appropriations authorized, specified, and restricted for use under the terms of this subtitle.

(2) *SECURITY OF RECORDS.*—The National Security Program Office at the National Archives, in consultation with the National Archives Information Security Oversight Office, shall establish a program to ensure the security of the postponed unidentified anomalous phenomena records in the protected, and yet-to-be disclosed or classified portion of the Collection.

(e) OVERSIGHT.—

(1) SENATE.—*The Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate shall have continuing legislative oversight jurisdiction in the Senate with respect to the Collection.*

(2) HOUSE OF REPRESENTATIVES.—*The Committee on Oversight and Accountability, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives shall have continuing legislative oversight jurisdiction in the House of Representatives with respect to the Collection.*

SEC. 1842. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS BY GOVERNMENT OFFICES.

(a) IDENTIFICATION, ORGANIZATION, AND PREPARATION FOR TRANSMISSION.—

(1) IN GENERAL.—*As soon as practicable after the date of the enactment of this Act, each head of a Government office shall—*

(A) *identify and organize records in the possession of the Government office or under the control of the Government office relating to unidentified anomalous phenomena; and*

(B) *prepare such records for transmission to the Archivist for inclusion in the Collection.*

(2) PROHIBITIONS.—

(A) DESTRUCTION; ALTERATION; MUTILATION.—*No unidentified anomalous phenomena record shall be destroyed, altered, or mutilated in any way.*

(B) WITHHOLDING; REDACTION; POSTPONEMENT OF DISCLOSURE; RECLASSIFICATION.—*No unidentified anomalous phenomena record made available or disclosed to the public prior to the date of the enactment of this Act may be withheld, redacted, postponed for public disclosure, or reclassified.*

(C) RECORDS CREATED BY NON-FEDERAL PERSONS OR ENTITIES.—*No unidentified anomalous phenomena record created by a person or entity outside the Federal Government (excluding names or identities consistent with the requirements of section 1843) shall be withheld, redacted, postponed for public disclosure, or reclassified.*

(b) CUSTODY OF UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS PENDING REVIEW.—*During the review by the heads of Government offices under subsection (c), each head of a Government office shall retain custody of the unidentified anomalous phenomena records of the office for purposes of preservation, security, and efficiency, unless it is a third agency record described in subsection (c)(2)(C).*

(c) REVIEW BY HEADS OF GOVERNMENT OFFICES.—

(1) IN GENERAL.—*Not later than 300 days after the date of the enactment of this Act, each head of a Government office shall review, identify, and organize each unidentified anoma-*

lous phenomena record in the custody or possession of the office for—

- (A) disclosure to the public; and*
- (B) transmission to the Archivist.*

(2) REQUIREMENTS.—In carrying out paragraph (1), the head of a Government office shall—

(A) determine which of the records of the office are unidentified anomalous phenomena records;

(B) determine which of the unidentified anomalous phenomena records of the office have been officially disclosed or made publicly available in a complete and unredacted form;

(C)(i) determine which of the unidentified anomalous phenomena records of the office, or particular information contained in such a record, was created by a third agency or by another Government office; and

(ii) transmit to a third agency or other Government office those records, or particular information contained in those records, or complete and accurate copies thereof;

(D)(i) determine whether the unidentified anomalous phenomena records of the office or particular information in unidentified anomalous phenomena records of the office are covered by the standards for postponement of public disclosure under this subtitle; and

(ii) specify on the identification aid required by subsection (d) the applicable postponement provision contained in section 1841;

(E) organize and make available, upon request, to heads of Government offices other than the Government office with custody, including the All-domain Anomaly Resolution Office, all relevant unidentified anomalous records identified under subparagraph (D);

(F) organize and make available to the heads of Government offices other than the Government office with custody, including the All-domain Anomalous Resolution Office, for assistance with any record concerning which the office has any uncertainty as to whether the record is an unidentified anomalous phenomena record governed by this subtitle; and

(G) give precedence of work to—

(i) the identification, review, and transmission of unidentified anomalous phenomena records not already publicly available or disclosed as of the date of the enactment of this Act;

(ii) the identification, review, and transmission of all records that most unambiguously and definitively pertain to unidentified anomalous phenomena, technologies of unknown origin, and non-human intelligence;

(iii) the identification, review, and transmission of unidentified anomalous phenomena records that on the date of the enactment of this Act are the subject of litigation under section 552 of title 5, United States Code; and

(iv) the identification, review, and transmission of unidentified anomalous phenomena records with earliest provenance when not inconsistent with clauses (i) through (iii) and otherwise feasible.

(3) *PRIORITY OF EXPEDITED REVIEW FOR DIRECTORS OF CERTAIN ARCHIVAL DEPOSITORIES.*—The Director of each archival depository established under section 2112 of title 44, United States Code, shall have as a priority the expedited review for public disclosure of unidentified anomalous phenomena records in the possession and custody of the depository, and shall make copies of such records available to the All-domain Anomaly Resolution Office.

(d) *IDENTIFICATION AIDS.*—

(1) *IN GENERAL.*—

(A) *PREPARATION AND AVAILABILITY.*—Not later than 45 days after the date of the enactment of this Act, the Archivist, in consultation with the heads of such Government offices as the Archivist considers appropriate, shall prepare and make available to all Government offices a standard form of identification, or finding aid, for use with each unidentified anomalous phenomena record subject to review under this subtitle whether in hardcopy (physical), softcopy (electronic), or digitized data format as may be appropriate.

(B) *UNIFORM SYSTEM.*—The Archivist shall ensure that the identification aid program is established in such a manner as to result in the creation of a uniform system for cataloging and finding every unidentified anomalous phenomena record subject to review under this subtitle where ever and how ever stored in hardcopy (physical), softcopy (electronic), or digitized data format.

(2) *REQUIREMENTS FOR GOVERNMENT OFFICES.*—Upon completion of an identification aid using the standard form of identification prepared and made available under subparagraph (A) of paragraph (1) for the program established pursuant to subparagraph (B) of such paragraph, the head of a Government office shall—

(A) attach a printed copy to each physical unidentified anomalous phenomena record, and an electronic copy to each softcopy or digitized data unidentified anomalous phenomena record, the identification aid describes; and

(B) attach a printed copy to each physical unidentified anomalous phenomena record, and an electronic copy to each softcopy or digitized data unidentified anomalous phenomena record the identification aid describes, when transmitted to the Archivist.

(3) *RECORDS OF THE NATIONAL ARCHIVES THAT ARE PUBLICLY AVAILABLE.*—Unidentified anomalous phenomena records which are in the possession of the National Archives on the date of the enactment of this Act, and which have been publicly available in their entirety without redaction, shall be made available in the Collection without any additional review by another authorized office under this subtitle, and shall not be required to have such an identification aid unless required by the Archivist.

(e) *TRANSMISSION TO THE NATIONAL ARCHIVES.*—Each head of a Government office shall—

(1) *transmit to the Archivist, and, as soon as possible, make available to the public, all unidentified anomalous phenomena records of the Government office that can be publicly disclosed, including those that are publicly available on the date of the enactment of this Act, without any redaction, adjustment, or withholding under the standards of this subtitle; and*

(2) *transmit to the Archivist upon approval for postponement by the original classification authority upon completion of other action authorized by this subtitle, all unidentified anomalous phenomena records of the Government office the public disclosure of which has been postponed, in whole or in part, under the standards of this subtitle, to become part of the protected, yet-to-be disclosed, or classified portion of the Collection.*

(f) *CUSTODY OF POSTPONED UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS.*—An unidentified anomalous phenomena record the public disclosure of which has been postponed shall, pending transmission to the Archivist, be held for reasons of security and preservation by the originating body until such time as the information security program has been established at the National Archives as required in section 1841(d)(2).

(g) *PERIODIC REVIEW OF POSTPONED UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS.*—

(1) *IN GENERAL.*—All postponed or redacted records shall be reviewed periodically by the originating agency and the Archivist.

(2) *REQUIREMENTS.*—

(A) *PUBLIC DISCLOSURE.*—A periodic review under paragraph (1) shall address the public disclosure of additional unidentified anomalous phenomena records in the Collection under the standards of this subtitle.

(B) *UNCLASSIFIED WRITTEN DESCRIPTION OF REASON.*—All postponed unidentified anomalous phenomena records determined to require continued postponement shall require an unclassified written description of the reason for such continued postponement relevant to these specific records. Such description shall be provided to the Archivist and published in the Federal Register upon determination.

(C) *PERIODIC REVIEW; DOWNGRADING AND DECLASSIFICATION OF INFORMATION.*—The Archivist shall establish requirements for periodic review of postponed unidentified anomalous phenomena records that shall serve to downgrade and declassify information.

(D) *DEADLINE FOR FULL DISCLOSURE.*—Each unidentified anomalous phenomena record shall be publicly disclosed in full, and available in the Collection, not later than the date that is 25 years after the date of the first creation of the record by the originating body, unless the President certifies that—

(i) *continued postponement is made necessary by an identifiable harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations; and*

(i) *the identifiable harm is of such gravity that it outweighs the public interest in disclosure.*

(h) **REQUIREMENTS FOR EXECUTIVE AGENCIES.—**

(1) **IN GENERAL.—***The heads of Executive agencies shall—*

(A) *transmit digital records electronically in accordance with section 2107 of title 44, United States Code;*

(B) *charge fees for copying unidentified anomalous phenomena records; and*

(C) *grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.*

(2) **AMOUNT OF FEES.—***The amount of a fee charged by the head of an Executive agency pursuant to paragraph (1)(B) for the copying of an unidentified anomalous phenomena record shall be such amount as the head determines appropriate to cover the costs incurred by the Executive agency in making and providing such copy, except that in no case may the amount of the fee charged exceed the actual expenses incurred by the Executive agency in making and providing such copy.*

SEC. 1843. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF UNIDENTIFIED ANOMALOUS PHENOMENA RECORDS.

(a) **POSTPONEMENT DETERMINATION.—***In addition to the relevant authorities in Executive Order 13526, disclosure of unidentified anomalous phenomena records or particular information in unidentified anomalous phenomena records to the public may be postponed subject to the limitations of this subtitle if the original classification authority makes a determination that there is clear and convincing evidence that—*

(1) *the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States posed by the public disclosure of the unidentified anomalous phenomena record is of such gravity that it outweighs the public interest in disclosure, and such public disclosure would reveal—*

(A) *an intelligence agent whose identity currently requires protection;*

(B) *an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the Federal Government and which has not been officially disclosed, the disclosure of which would interfere with the conduct of intelligence activities; or*

(C) *any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the disclosure of which would demonstrably and substantially impair the national security of the United States;*

(2) *the public disclosure of the unidentified anomalous phenomena record would violate section 552a of title 5, United States Code (referred to as the “Privacy Act of 1974”);*

(3) *the public disclosure of the unidentified anomalous phenomena record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest;*
or

(4) the public disclosure of the unidentified anomalous phenomena record would compromise the existence of an understanding of confidentiality currently requiring protection between a Federal Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest.

(b) *WITHDRAWAL OF RECORDS.*—Senior Agency Officials designated in accordance with Executive Order 13526 or any successor Orders may withdraw records in the Collection that are determined to be both not related to unidentified anomalous phenomena and properly classified. The Senior Agency Official must notify the congressional leadership and the oversight committees of Congress, as identified in section 1841(e), by not later than 60 days before each record is withdrawn.

(c) *CONGRESSIONAL NOTIFICATION OF POSTPONEMENT OF DISCLOSURE.*—In the event that the disclosure of unidentified anomalous phenomena records or particular information in unidentified anomalous phenomena records to the public is postponed by an Executive agency, the head of the Executive agency shall notify congressional leadership and the oversight committees of Congress, as identified in section 1841(e), within 15 days of such decision with a reason for the postponement of disclosure.

Subtitle D—World Trade Center Health Program

SEC. 1851. FLEXIBILITY AND FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) *DEPARTMENT OF DEFENSE, ARMED FORCES, OR OTHER FEDERAL WORKER RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.*—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(1) in section 3306 (42 U.S.C. 300mm-5)—

(A) by redesignating paragraphs (5) through (11) and paragraphs (12) through (17) as paragraphs (6) through (12) and paragraphs (14) through (19), respectively;

(B) by inserting after paragraph (4) the following:

“(5) The term ‘Federal agency’ means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.”; and

(C) by inserting after paragraph (12), as so redesignated, the following:

“(13) The term ‘uniformed services’ has the meaning given the term in section 101(a) of title 10, United States Code.”; and

(2) in section 3311(a) (42 U.S.C. 300mm-21(a))—

(A) in paragraph (2)(C)(i)—

(i) in subclause (I), by striking “; or” and inserting a semicolon;

(ii) in subclause (II), by striking “; and” and inserting a semicolon; and

(iii) by adding at the end the following:

“(III) was an employee of the Department of Defense or any other Federal agency, worked during the period beginning on September 11, 2001, and ending on September 18, 2001, for a contractor of the Department of Defense or any other Federal agency, or was a member of a regular or reserve component of the uni-

atives not later than 30 days after such suspension or revocation on the present employment status of such individual and whether the job duties of such individual have changed since such suspension or revocation.

(b) *FORM.*—The notification and briefing required by subsection (a) may be provided in classified form, if necessary.

(c) *COVERED OFFICIAL DEFINED.*—For purposes of this section, the term “covered official” means any of the following:

(1) Any individual holding a position at or higher than the level of Assistant Secretary or its equivalent in the Department of State.

(2) Any individual holding the position of chief of mission or principal officer at any diplomatic or consular post.

(3) Any individual holding the rank and status of an ambassador or otherwise holding a position that reports directly to the Secretary, such as a special envoy.

(d) *SUNSET.*—This section shall terminate not later than three years after the date of the enactment of this division.

DIVISION G—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024

SEC. 7001. SHORT TITLE.

This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2024”.

SEC. 7002. DEFINITIONS.

In this division:

(1) *CONGRESSIONAL INTELLIGENCE COMMITTEES.*—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) *INTELLIGENCE COMMUNITY.*—The term “intelligence community” has the meaning given such term in such section 3.

SEC. 7003. EXPLANATORY STATEMENT.

The explanatory statement regarding this division, printed in the House section of the Congressional Record by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives and in the Senate section of the Congressional Record by the Chairman of the Select Committee on Intelligence of the Senate, shall have the same effect with respect to the implementation of this division as if it were a joint explanatory statement of a committee of conference.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 7101. Authorization of appropriations.

Sec. 7102. Classified Schedule of Authorizations.

Sec. 7103. Intelligence Community Management Account.

Sec. 7104. Increase in employee compensation and benefits authorized by law.

Sec. 7105. Restriction on conduct of intelligence activities.

SEC. 7101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2024 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

(D) consolidate the responsibilities of the Director under section 30 of the Central Intelligence Agency Act of 1949 in a single Office, as determined by the Director; and

(E) establish the Special Victim Investigator, as required by section 32 of the Central Intelligence Agency Act of 1949, as added by subsection (d).

(2) *REPORT.*—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter for 2 years, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees a report on the implementation of this section and the amendments made by this section. The Director shall personally review, approve, and submit each report under this paragraph on a nondelegable basis.

(3) *APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.*—In this subsection, the term “appropriate congressional committees” means—

(A) the Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

Subtitle C—Matters Relating to Defense Intelligence and Overhead Architecture

SEC. 7341. MODIFICATION OF REPORTING REQUIREMENT FOR ALL-DOMAIN ANOMALY RESOLUTION OFFICE.

Section 1683(k)(1) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(k)(1)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263), is further amended—

(1) in the heading, by striking “DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE” and inserting “ALL-DOMAIN ANOMALY RESOLUTION OFFICE”; and

(2) in subparagraph (A), by striking “Director of National Intelligence and the Secretary of Defense shall jointly” and inserting “Director of the Office shall”.

SEC. 7342. DEFENSE INTELLIGENCE AGENCY ASSESSMENT OF STRATEGIC COMPETITION IN LATIN AMERICA AND THE CARIBBEAN.

(a) *ASSESSMENT.*—Not later than 120 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency, in consultation with the heads of the other elements of the intelligence community that the Director determines appropriate, shall submit to the appropriate congressional committees an intelligence assessment on the level of intelligence and defense cooperation between covered countries and—

(1) the People’s Republic of China; and

(2) the Russian Federation.

(b) *ELEMENTS.*—The intelligence assessment under subsection (a) shall include a description of any security-related cooperation or engagement between covered countries and the People’s Republic of China or the Russian Federation in the following areas:

(1) Strategic dialogue.

- (2) *Training or professional military education.*
- (3) *Defense agreements.*
- (4) *Intelligence sharing agreements.*
- (5) *Arms transfers.*
- (6) *Defense equipment transfers.*
- (7) *Military exercises.*
- (8) *Joint operations.*
- (9) *Permanent military presence.*
- (10) *Space cooperation.*
- (11) *Any other area the Director of the Defense Intelligence Agency determines appropriate.*

(c) *FORM.*—*The assessment under subsection (a) may be provided in classified form.*

(d) *FORMAT.*—*To the extent practicable, the Director shall present the information contained in the assessment under subsection (a) in the format of a chart or other graphic.*

(e) *DEFINITIONS.*—*In this section:*

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*The term “appropriate congressional committees” means the following:*

(A) *The congressional intelligence committees.*

(B) *The congressional defense committees, as such term is defined in section 101(a) of title 10, United States Code.*

(C) *The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.*

(2) *COVERED COUNTRY.*—*The term “covered country” means Mexico and each foreign country or territory in Central or South America or in the Caribbean.*

SEC. 7343. FUNDING LIMITATIONS RELATING TO UNIDENTIFIED ANOMALOUS PHENOMENA.

(a) *DEFINITIONS.*—*In this section:*

(1) *APPROPRIATE COMMITTEES OF CONGRESS.*—*The term “appropriate committees of Congress” means—*

(A) *the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and*

(B) *the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.*

(2) *CONGRESSIONAL LEADERSHIP.*—*The term “congressional leadership” means—*

(A) *the majority leader of the Senate;*

(B) *the minority leader of the Senate;*

(C) *the Speaker of the House of Representatives; and*

(D) *the minority leader of the House of Representatives.*

(3) *UNIDENTIFIED ANOMALOUS PHENOMENA.*—*The term “unidentified anomalous phenomena” has the meaning given such term in section 1683(n) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(n)).*

(b) *LIMITATIONS.*—*None of the funds authorized to be appropriated or otherwise made available by this division may be obligated or expended in support of any activity involving unidentified anomalous phenomena protected under any form of special access or restricted access limitation unless the Director of National Intelligence has provided the details of the activity to the appropriate*

committees of Congress and congressional leadership, including for any activities described in a report released by the All-domain Anomaly Resolution Office in fiscal year 2024.

(c) **LIMITATION REGARDING INDEPENDENT RESEARCH AND DEVELOPMENT.**—Independent research and development funding relating to unidentified anomalous phenomena shall not be allowable as indirect expenses for purposes of contracts covered by such instruction, unless such material and information is made available to the appropriate congressional committees and leadership.

Subtitle D—Matters Relating to National Security Agency, Cyber, and Commercial Cloud Enterprise

SEC. 7351. CONGRESSIONAL NOTIFICATION BY NATIONAL SECURITY AGENCY OF INTELLIGENCE COLLECTION ADJUSTMENTS.

The National Security Agency Act of 1959 (50 U.S.C. 3601 et seq.) is amended by adding at the end the following new section:

“SEC. 22. CONGRESSIONAL NOTIFICATION OF INTELLIGENCE COLLECTION ADJUSTMENTS.

“(a) **NOTIFICATION.**—Not later than 30 days after the date on which the Director of the National Security Agency determines the occurrence of an intelligence collection adjustment, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a notification of the intelligence collection adjustment.

“(b) **DEFINITIONS.**—In this section:

“(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term ‘congressional intelligence committees’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(2) **INTELLIGENCE COLLECTION ADJUSTMENT.**—The term ‘intelligence collection adjustment’ includes a change by the United States Government to a policy on intelligence collection or the prioritization thereof that results in a significant loss of intelligence.”.

SEC. 7352. MODIFICATIONS TO ENFORCEMENT OF CYBERSECURITY REQUIREMENTS FOR NATIONAL SECURITY SYSTEMS.

Section 6309 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) **IMPLEMENTATION REPORT.**—Each head of an element of the intelligence community that owns or operates a national security system shall submit to the congressional intelligence committees not later than 90 days after the date of the enactment of this subsection a plan detailing the cost and schedule requirements necessary to meet all of the cybersecurity requirements for national security systems by the end of fiscal year 2026.”.

SEC. 7353. SUPPORT BY INTELLIGENCE COMMUNITY FOR CERTAIN CROSS-FUNCTIONAL TEAM OF DEPARTMENT OF DEFENSE.

(a) **ACCESS TO INFORMATION.**—Upon request by the cross-functional team of the Department of Defense established under section 910 of the National Defense Authorization Act of Fiscal Year 2022

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670), to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense and 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Disclosure of earmarks and congressionally directed spending items

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, the joint explanatory statement includes a table that lists the congressional earmarks (as defined in paragraph (e) of clause 9) that are contained in the conference report or this joint explanatory statement at the request of a Member of the House of Representatives. The conference report or this joint explanatory statement does not contain any congressional earmarks at the request of a Senator. Neither the conference report nor the joint explanatory statement contains any limited tax benefits or limited tariff benefits as defined in paragraphs (f) or (g) of clause 9 of rule XXI of the House of Representatives.

Summary of discretionary authorizations and budget authority implication

The budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2024 was \$874.2 billion. Of this amount, \$841.2 billion was requested for Department of Defense programs, \$32.6 billion was requested for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board, and \$378.0 million for defense-related activities.

The agreement would authorize \$874.2 billion in fiscal year 2024, including \$841.4 billion for Department of Defense programs,

Services of the Senate and the House of Representatives, not later than 180 days after the enactment of this Act, on the status of the implementation of the GAO's recommendation.

Reauthorization of voluntary registry for firefighter cancer incidence

The Senate amendment contained a provision (sec. 1088) that would amend section 2(h) of the Firefighter Cancer Registry Act of 2018 (42 U.S.C. 280e-5(h)) to extend the program through fiscal year 2028.

The House bill contained no similar provision.

The Senate recesses.

Designation of single entity to oversee implementation of predictive maintenance procedures

The House bill contained a provision (sec. 1089) that would require the Secretary of Defense to certify that the Secretary has designated a single entity within each of the Armed Forces to oversee the implementation of predictive maintenance procedures, and that the Secretary has provided such entity with sufficient authority and resources to carry out the responsibility.

The Senate amendment contained no similar provision.

The House recesses.

The conferees note the recommendations of the Government Accountability Office (GAO) in the study published on December 8, 2022, titled "Military Readiness: Actions Needed to Further Implement Predictive Maintenance on Weapon Systems" (GAO-23-105556), that the military services should "designate a single entity with sufficient authority and resources necessary to support the implementation of predictive maintenance." The conferees direct the Secretary of Defense to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2024, on: (1) The status of the implementation of the GAO's recommendation; and (2) The feasibility of designating a single entity within each of the Armed Forces to oversee the implementation of predictive maintenance procedures.

Declassification of certain reports of unidentified aerial phenomena

The House bill contained an amendment (sec. 1090) that would require the Secretary of Defense to declassify any Department of Defense documents and other Department of Defense records relating to publicly known sightings of unidentified aerial phenomena that do not reveal sources, methods, or otherwise compromise the national security of the United States not later than 180 days after enactment of this Act.

The Senate amendment contained no similar provision.

The House recesses.

Briefing on Air National Guard active associations

The Senate amendment contained a provision (sec. 1090) that would require the Secretary of the Air Force to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the effects of making all Air National Guard KC-135 units active associations.

The House bill contained no similar provision.

The Senate amendment contained a similar provision (sec. 1603) that would designate the Department of the Air Force as responsible for the mission of space-based ground and airborne moving target indication and the presenter of such a capability to the combatant commands. In addition, the provision would enable the Secretary of the Air Force, in consultation with the Director of National Intelligence, to serve as the decision authority for milestone A approval for space-related acquisition programs for ground and airborne moving target indication that are funded by the Military Intelligence Program.

The House recedes with an amendment that would require the Secretary of the Air Force to be responsible for presenting space-based ground and airborne moving target indication systems to the combatant commands, strikes the clause associated with final authority for such tasking, and includes elements of the House provision while removing the Space Force from the Moving Target Indication Working Group membership since it is a co-chair of the group.

Sec. 1685—Positioning, navigation, and timing

The House bill contained a provision (sec. 1684) that would require the Chairs of the Positioning, Navigation, and Timing Oversight Council to provide quarterly briefings to the congressional defense committees on the status of Military code (M-Code) implementation, including the status of Military Global Positioning System User Equipment Increments 1 and 2, with details on expected dates of M-Code compliance for all sea-, air-, and land-based terminals across the services' platforms.

The Senate amendment contained a provision (sec. 1607) that would require Program Element 0604201F to be an acquisition category (ACAT) 1D program.

The Senate recedes with an amendment that strikes the findings of the House provision and requires the program to be a ACAT 1D program.

Sec. 1686—Actions to address serious deficiencies in electronic protection of systems that operate in the radio frequency spectrum

The Senate amendment contained a provision (sec. 1645) that would require the Secretary of Defense to address deficiencies in the electronic protection of systems that operate in the federal radio frequency (RF) spectrum. Recent exercises and assessments reveal that a broad array of military systems that transmit and receive in the federal RF spectrum, including radars and signals intelligence sensors, navigation systems, data links, and other communications systems, lack sufficient protection against adversary jamming and spoofing, as well as against interference from systems operated by friendly forces within that federal spectrum.

The House bill contained no similar provision.

The House recedes.

Sec. 1687—Limitation on use of funds for certain unreported programs

The Senate amendment contained a provision (sec. 1646) that would prohibit the obligation or expenditure of funds authorized to

be appropriated by this Act or otherwise made available for fiscal year 2024 on any classified program involving unidentified anomalous phenomena that has not been briefed to the appropriate committees of Congress, congressional leadership, and the Director of the All-domain Anomaly Resolution Office.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) Remove the direction to provide information to the All-domain Anomaly Resolution Office; and (2) Summarize the prohibition on spending for any unreported activities involving unidentified anomalous phenomena (UAP) protected under any form of special access or restricted access limitations.

The conferees agree that this prohibition on spending on unreported UAP programs could cover:

(1) Recruiting, employing, training, equipping, and operations of, and providing security for, Government or contractor personnel with a primary, secondary, or contingency mission of capturing, recovering, and securing unidentified anomalous phenomena craft or pieces and components of such craft;

(2) Analyzing such craft, or pieces or components thereof, including for the purpose of determining properties, material composition, method of manufacture, origin, characteristics, usage and application, performance, operational modalities, or reverse engineering of such craft or component technology;

(3) Managing and providing security for protecting activities and information relating to unidentified anomalous phenomena from disclosure or compromise;

(4) Actions relating to reverse engineering or replicating unidentified anomalous phenomena technology or performance based on analysis of materials or sensor and observational information associated with unidentified anomalous phenomena;

(5) The development of propulsion technology, or aerospace craft that uses propulsion technology, systems, or subsystems that is based on or derived from or inspired by inspection, analysis, or reverse engineering of recovered unidentified anomalous phenomena craft or materials; and

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

Sec. 1688—Indo-Pacific missile strategy

The House bill contained a provision (sec. 1688) that would require the Secretary of Defense to submit to the congressional defense committees a strategy for ground-based theater-range conventional missiles in the Indo-Pacific region.

The Senate amendment contained a similar provision (sec. 1350).

The Senate recedes with an amendment that would expand the strategy requirement also to cover shorter-range missile systems and to make other technical adjustments.

Sec. 1689—Study on the future of the Integrated Tactical Warning Attack Assessment System

The Senate amendment contained a provision (sec. 1642) that would require the Chairman of the Joint Chiefs of Staff to enter

Subtitle C—Unidentified Anomalous Phenomena

Secs. 1841–1843—Unidentified Anomalous Phenomena

The Senate amendment contained a set of provisions (sections 9001–9015) under Division G that constituted the Unidentified Anomalous Phenomena Disclosure Act of 2023. Closely modeled on the President John F. Kennedy Assassination Records Collection Act of 1992, this Act would establish under the National Archives a government-wide collection of Unidentified Anomalous Phenomena (UAP) records and a mandate to declassify and publicly release these records; grounds for postponement of disclosure; a government-wide records Review Board, composed of qualified and impartial citizens nominated by the President and confirmed by the Senate, with the authority to review and approve, or postpone, the public release of records; a process and structure for supporting the Review Board with competent staff under an Executive Director; a requirement for the Review Board to develop a Controlled Disclosure Campaign plan for records the release of which have been postponed, wherein the President retains ultimate authority over the disclosure of records; and a mandate that the Federal Government exercise eminent domain over any and all recovered UAP physical and biological material that may be held by private persons or entities.

The House bill contained no similar provisions.

The House recedes with an amendment.

The conference agreement includes only the requirements to establish a government-wide UAP records collection; to transfer records to the collection; and to review the records for disclosure decisions under a set of authorized grounds for postponing disclosure. The agreement does not include the provisions that would establish an independent Review Board, a Review Board staff, eminent domain authority, or a controlled disclosure process.

The conferees note that lack of sufficient reciprocal access between Department of Defense and intelligence community personnel has led to operational inefficiencies and unnecessary risk of disclosures of protected information. Therefore, the conferees direct the Deputy Secretary of Defense and the Director of National Intelligence to brief the congressional defense committees, the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and congressional leadership on options to improve reciprocal access and coordination on similar issues.

Subtitle D—World Trade Center Health Program

Secs. 1851–1853—World Trade Center Health Program

The Senate amendment contained a provision (sec. 1087) that would amend title XXXIII of the Public Health Service Act (Public Law 78–410) to make changes to the World Trade Center Health Program.

The House bill contained no similar provision.

The House recedes with an amendment.

DIVISION G—INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 2024*Secs. 7001–7902—Intelligence Authorization Act for Fiscal Year
2024*

The Senate amendment contained Division M that included the Intelligence Authorization Act for Fiscal Year 2024.

The Senate amendment also contained a provision (sec. 1624) that would require the Director of National Intelligence to submit an assessment after the Director of National Intelligence assesses that Iran has produced or possesses any amount of uranium-235 enriched to greater than 60 percent purity or has engaged in significant enrichment activity.

The House bill contained no similar division or provision.

The House recedes with an amendment that contains the Intelligence Authorization Act for Fiscal Year 2024, including an extension of title VII of the Foreign Intelligence Surveillance Act (Public Law 95–511), as amended through April 10, 2024, and a provision requiring the Director of National Intelligence to submit an assessment after the Director of National Intelligence assesses that Iran has produced or possesses any amount of uranium-235 enriched to greater than 60 percent purity or has engaged in significant enrichment activity.