

One Hundred Eighteenth Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and twenty-three*

An Act

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.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2024”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into seven divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.
- (5) Division E—Other Matters.
- (6) Division F—Department of State Authorization Act of 2023.
- (7) Division G—Intelligence Authorization Act for Fiscal Year 2024.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Limitation on availability of funds pending assessment of Army Trackless Moving Target systems.

Sec. 112. Strategy for Army tactical wheeled vehicle program.

Sec. 113. Report on acquisition strategies for the logistics augmentation program of the Army.

Subtitle C—Navy Programs

Sec. 121. Modification of requirements for minimum number of carrier air wings of the Navy.

relating to any new data centers and, as appropriate, each existing data center of the covered agency; and
“(ii) ensure that all information, data, and explanatory statements on the website are maintained as open Government data assets.”; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The head of a covered agency shall oversee and manage the data center portfolio and the information technology strategy of the covered agency in accordance with Federal cybersecurity guidelines and directives, including—

“(A) information security standards and guidelines promulgated by the Director of the National Institute of Standards and Technology;

“(B) applicable requirements and guidance issued by the Director of the Office of Management and Budget pursuant to section 3614 of title 44, United States Code; and

“(C) directives issued by the Secretary of Homeland Security under section 3553 of title 44, United States Code.”.

(c) EXTENSION OF SUNSET.—Section 834(e) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) is amended by striking “2022” and inserting “2026”.

(d) GAO REVIEW.—Not later than 1 year after the date of the enactment of this title, and annually thereafter, the Comptroller General of the United States shall review, verify, and audit the compliance of covered agencies with the minimum requirements established pursuant to section 834(b)(1) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) for new data centers and subsection (b)(3) of that section for existing data centers, as appropriate.

TITLE LIV—FOREIGN AFFAIRS MATTERS

Subtitle A—Combating Global Corruption

- Sec. 5401. Short title.
- Sec. 5402. Definitions.
- Sec. 5403. Publication and provision of lists regarding progress on anti-corruption efforts.
- Sec. 5404. Minimum standards for the elimination of corruption and assessment of efforts to combat corruption.
- Sec. 5405. Imposition of sanctions under Global Magnitsky Human Rights Accountability Act.
- Sec. 5406. Designation of embassy anti-corruption points of contact.

Subtitle B—Other Matters

- Sec. 5411. Global cooperative framework to end human rights abuses in sourcing critical minerals.
- Sec. 5412. Connecting Oceania’s Nations with Vanguard Exercises and National Empowerment.
- Sec. 5413. Ending China’s developing nation status.
- Sec. 5414. Permitting for international bridges.

Subtitle A—Combating Global Corruption

SEC. 5401. SHORT TITLE.

This subtitle may be cited as the “Combating Global Corruption Act”.

SEC. 5402. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

(2) The term “corrupt actor” means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(3) The term “corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(4) The term “significant corruption” means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

SEC. 5403. PUBLICATION AND PROVISION OF LISTS REGARDING PROGRESS ON ANTI-CORRUPTION EFFORTS.

(a) PUBLIC LIST.—The Secretary of State shall publish annually, on a publicly accessible website, a list of foreign countries where the government is sustaining or making good progress on anti-corruption efforts in accordance with the minimum standards set forth in section 5404. Such list shall include a brief description of each such country’s progress or justification for being on such list.

(b) CLASSIFIED LIST.—The Secretary of State shall provide to the appropriate congressional committees a classified list of countries where the government is making limited or no efforts to comply with minimum standards set forth in section 5404, and are not achieving meaningful progress on combating corruption. Such list shall include a brief description of each country’s lack of progress or justification for being on such list.

(c) ANNUAL UPDATE.—The Secretary of State shall provide an annual update in a classified setting to the appropriate congressional committees on the United States Government’s efforts to fight against corruption. This update should include an overview

of the key obstacles to combating corruption and present near-term and long-term strategies.

(d) IMPLEMENTATION AND TIMING.—

(1) DEADLINE.—The publication and submission of the lists and the annual update required by subsections (a), (b), and (c) shall be completed not later than 2 years after the date of the enactment of this Act, and annually thereafter for seven years.

(2) REPORT ON METHODOLOGY.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report detailing the methodology developed to assign countries to either the public list or the classified list and a proposed budget for preparing the first set of lists during the subsequent year.

(e) EXCEPTION TO PUBLICATION.—The Secretary may, in specific instances where the Secretary determines the inclusion of specific countries on the public list required by subsection (a) would not be in the national interests of the United States, submit the information required by subsection (a) about such specific countries in a classified manner in writing to the appropriate congressional committees, together with a justification for why publication would not be in the national interest. The justification, if applicable, shall be submitted the same date as the public list required by subsection (a).

SEC. 5404. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.

(a) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(4) is making serious and sustained efforts to address corruption, including through prevention.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments,

trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

(3) whether the government of the country has adopted measures to prevent corruption, such as measures to inform and educate the public, including potential victims, about the causes and consequences of corruption;

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(11) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(12) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION IN RELATION TO RELEVANT INTERNATIONAL COMMITMENTS.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country's compliance with the following, as relevant:

(1) The Inter-American Convention against Corruption of the Organization of American States, done at Caracas March 29, 1996.

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of Economic Co-operation and Development, done at Paris December 21, 1997 (commonly referred to as the “Anti-Bribery Convention”).

(3) The United Nations Convention against Transnational Organized Crime, done at New York November 15, 2000.

(4) The United Nations Convention against Corruption, done at New York October 31, 2003.

(5) Such other treaties or conventions ratified by the United States as the Secretary of State considers appropriate.

SEC. 5405. IMPOSITION OF SANCTIONS UNDER GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.

(a) **IN GENERAL.**—The Secretary of State, in consultation with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 10101 et seq.)—

(1) in all countries identified pursuant to section 5403(b);

and

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) **REPORT REQUIRED.**—Not later than 180 days after providing the list required by section 5403(b), and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(1) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons that have engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) **FORM OF REPORT.**—Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) **BRIEFING IN LIEU OF REPORT.**—The Secretary of State, in consultation with the Secretary of the Treasury, may, instead of submitting a written report required under subsection (b) (except with respect to the list required by subsection (b)(4)), provide to the appropriate congressional committees a briefing, together with a written justification, if doing so would better serve the national interests of the United States.

(e) **TERMINATION OF REQUIREMENTS RELATING TO NORD STREAM 2.**—The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 5406. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) **IN GENERAL.**—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified pursuant to section 5403(b), or which the Secretary otherwise determines is in need

of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

- (1) promote good governance in foreign countries; and
- (2) enhance the ability of such countries—
 - (A) to combat public corruption; and
 - (B) to develop and implement corruption risk assessment tools and mitigation strategies.

(c) TRAINING.—The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

Subtitle B—Other Matters

SEC. 5411. GLOBAL COOPERATIVE FRAMEWORK TO END HUMAN RIGHTS ABUSES IN SOURCING CRITICAL MINERALS.

(a) IN GENERAL.—The Secretary of State shall seek to convene a meeting of foreign leaders to establish a multilateral framework to end human rights abuses, including the exploitation of forced labor and child labor, related to the mining and sourcing of critical minerals.

(b) IMPLEMENTATION REPORT.—The Secretary shall lead the development of an annual global report on the implementation of the framework under subsection (a), including progress and recommendations to fully end human rights abuses, including the exploitation of forced labor and child labor, related to the extraction of critical minerals around the world.

(c) CONSULTATIONS.—The Secretary shall consult closely on a timely basis with the following with respect to developing and implementing the framework under subsection (a):

- (1) The Forced Labor Enforcement Task Force established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681); and
- (2) Congress.

(d) RELATIONSHIP TO UNITED STATES LAW.—Nothing in the framework under subsection (a) shall be construed—

- (1) to amend or modify any law of the United States;
- or
- (2) to limit any authority conferred under any law of the United States.

(e) EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE AND CERTAIN PROVISIONS OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.—Nothing in this section shall—

- (1) affect the authority of the President to take any action to join and subsequently comply with the terms and obligations of the Extractive Industries Transparency Initiative (EITI); or
- (2) affect section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 78m note), or subsection (q) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as added by section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act