

Calendar No. 505

116TH CONGRESS
2D SESSION

H. R. 6395

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2020

Received

AUGUST 5, 2020

Read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2021 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.

(a) SHORT TITLE.—This Act may be cited as the “William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021”.

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

(1) Division A—Department of Defense Au-
thorizations.

(2) Division B—Military Construction Author-
izations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

23 (4) Division D—Funding Tables.

(5) Division E—National Artificial Intelligence Initiative Act of 2020.

1 (6) Division F—Corporate Transparency Act of
2 2019.

3 (7) Division G—COUNTER Act of 2019.

4 (8) Division H—Elijah E. Cummings Coast
5 Guard Authorization Act of 2020.

6 (9) Division I—Department of State Authori-
7 ties and Activities.

8 (10) Division J—Combating Russian Money
9 Laundering.

10 (11) Division K—Kleptocracy Asset Recovery
11 Rewards Act.

12 (12) Division L—Stopping Trafficking, Illicit
13 Flows, Laundering, and Exploitation.

14 (13) Division M—Improving Corporate Govern-
15 ance Through Diversity.

16 (14) Division N—Banking Transparency for
17 Sanctioned Persons Act of 2019.

18 (15) Division O—Public Lands.

19 (16) Division P—Colorado Outdoor Recreation
20 and Economy Act.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Navy Programs

Sec. 111. Independent cost estimate of FFG(X) frigate program.

Sec. 112. Liquified natural gas pilot program.

Subtitle C—Air Force Programs

Sec. 121. Modification of force structure objectives for B–1 bomber aircraft.

Sec. 122. Extension of limitation on availability of funds for retirement of RC–135 aircraft.

Sec. 123. Modification of limitation on availability of funds for retirement of E–8 JSTARS aircraft.

Sec. 124. Limitation on availability of funds for the Advanced Battle Management System pending certification relating to RQ–4 aircraft.

Sec. 125. Inventory requirements for certain air refueling tanker aircraft.

Sec. 126. Limitation on production of KC–46A aircraft.

Sec. 127. Assessment and certification relating to OC–135 aircraft.

Sec. 128. Modernization plan for airborne intelligence, surveillance, and reconnaissance.

Sec. 129. Minimum bomber aircraft force level.

Sec. 130. Provisions relating to RC–26B manned intelligence, surveillance, and reconnaissance aircraft.

Sec. 130A. Briefing on payload hosting on modular supersonic aircraft.

Subtitle D—Defense-wide, Joint, and Multiservice Matters

Sec. 131. Documentation relating to the F–35 aircraft program.

Sec. 132. Notification on software regression testing for F–35 aircraft.

Sec. 133. Notification on efforts to replace inoperable ejection seat aircraft locator beacons.

Sec. 134. Limitation on use of funds for the Armed Overwatch Program.

Sec. 135. Investment and sustainment plan for procurement of cannon tubes.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.

Sec. 212. Enhanced participation of Department of Defense contractors in science, technology, engineering, and mathematics activities.

Sec. 213. Modification of requirements relating to certain cooperative research and development agreements.

Sec. 214. Pilot program on talent optimization.

Sec. 215. Codification of the National Security Innovation Network.

Sec. 216. Modification of pilot program on enhanced civics education.

Sec. 217. Modification of joint artificial intelligence research, development, and transition activities.

Sec. 218. Modification of national security innovation activities and manufacturing pilot program.

- Sec. 219. Extension of pilot program for the enhancement of the research, development, test, and evaluation centers of the Department of Defense.
- Sec. 220. Digital data management and analytics capability.
- Sec. 221. Social science, management science, and information science research activities.
- Sec. 222. Measuring and incentivizing programming proficiency.
- Sec. 223. Information technology modernization and security efforts.
- Sec. 224. Board of Directors for the Joint Artificial Intelligence Center.
- Sec. 225. Directed Energy Working Group.
- Sec. 226. Program Executive Officer for Autonomy.
- Sec. 227. Accountability measures relating to the Advanced Battle Management System.
- Sec. 228. Measures to address foreign talent programs.
- Sec. 229. Disclosure of foreign funding sources in applications for Federal research awards.
- Sec. 230. Limitations relating to large unmanned surface vessels and associated offensive weapon systems.
- Sec. 231. Limitation on availability of funds pending review and report on next generation air dominance capabilities.
- Sec. 232. Modification of mechanisms for expedited access to technical talent and expertise at academic institutions.
- Sec. 233. Designation of Academic Liaison to protect against emerging threats.

Subtitle C—Emerging Technology and Artificial Intelligence Matters

- Sec. 241. Steering committee on emerging technology.
- Sec. 242. Training for human resources personnel in artificial intelligence and related topics.
- Sec. 243. Unclassified workspaces for personnel with pending security clearances.
- Sec. 244. Pilot program on the use of electronic portfolios to evaluate applicants for certain technical positions.
- Sec. 245. Self-directed training in artificial intelligence.
- Sec. 246. Part-time and term employment of university professors and students in the Defense science and technology enterprise.
- Sec. 247. Microelectronics and national security.
- Sec. 248. Acquisition of ethically and responsibly developed artificial intelligence technology.
- Sec. 249. Enhancement of public-private talent exchange programs in the Department of Defense.
- Sec. 250. Reporting on contribution of development of artificial intelligence standards.

Subtitle D—Sustainable Chemistry Research and Development

- Sec. 251. Short title.
- Sec. 252. Findings.
- Sec. 253. National coordinating entity for sustainable chemistry.
- Sec. 254. Strategic plan for sustainable chemistry.
- Sec. 255. Agency activities in support of sustainable chemistry.
- Sec. 256. Partnerships in sustainable chemistry.
- Sec. 257. Prioritization.
- Sec. 258. Rule of construction.
- Sec. 259. Major multi-user research facility project.

Subtitle E—Plans, Reports, and Other Matters

- Sec. 261. Modification to annual report of the Director of Operational Test and Evaluation.
- Sec. 262. Repeal of quarterly updates on the Optionally Manned Fighting Vehicle program.
- Sec. 263. Independent evaluation of personal protective and diagnostic testing equipment.
- Sec. 264. Reports on F-35 physiological episodes and mitigation efforts.
- Sec. 265. Study on mechanisms for attracting and retaining high quality talent in the national security innovation base.
- Sec. 266. Funding for force protection applied research.
- Sec. 267. Funding for hypersonics prototyping.
- Sec. 268. Funding for unidirectional body armor.
- Sec. 269. Assessments of intelligence, defense, and military implications of deepfake videos and related technologies.
- Sec. 270. Funding for Air Force university research initiatives.
- Sec. 271. Modification of authority to carry out certain fiscal year 2020 projects.
- Sec. 272. Sense of Congress on the role of the National Science Foundation.
- Sec. 273. Funding for Navy university research initiatives.
- Sec. 274. Funding for Army university research initiatives.
- Sec. 275. Report on certain awards by the Air Force under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.
- Sec. 276. Funding for Backpackable Communications Intelligence System.
- Sec. 277. Funding for Army university and industry research centers.
- Sec. 278. Sense of Congress on the additive manufacturing and machine learning initiative of the Army.
- Sec. 279. Traineeships for American leaders to excel in national technology and science.
- Sec. 280. Briefing and report on use of distributed ledger technology for defense purposes.
- Sec. 281. Admission of essential scientists and technical experts to promote and protect the National Security Innovation Base.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.
- Sec. 302. Funding for Army Community Services.
- Sec. 303. Increase in funding for Air Force reserve contractor systems support.

Subtitle B—Energy and Environment

- Sec. 311. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions.
- Sec. 312. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions.
- Sec. 313. Agreements to limit encroachments and other constraints on military training, testing, and operations.
- Sec. 314. Modification of Department of Defense environmental restoration authorities to include Federal Government facilities used by National Guard.

- Sec. 315. Increased transparency through reporting on usage and spills of aqueous film-forming foam at military installations.
- Sec. 316. Replacement of non-tactical motor vehicles at the end of service life with electric or hybrid motor vehicles.
- Sec. 317. Budgeting of Department of Defense relating to operational energy improvement.
- Sec. 318. Assessment of Department of Defense operational energy usage.
- Sec. 319. Improvement of the operational energy capability improvement fund of the Department of Defense.
- Sec. 320. Five-year reviews of containment technologies relating to Red Hill Bulk Fuel Storage Facility.
- Sec. 321. Limitation on use of funds for acquisition of furnished energy for Rhine Ordnance Barracks Army Medical Center.
- Sec. 322. Requirement to update Department of Defense climate change road-map.
- Sec. 323. Comptroller General report on Department of Defense installation energy.
- Sec. 324. Department of Defense report on emissions levels.
- Sec. 325. Objectives, performance standards, and criteria for use of wildlife conservation banking programs.
- Sec. 326. Offshore wind energy development, Morro Bay, California.
- Sec. 327. Long-duration demonstration initiative and joint program.
- Sec. 328. Prizes for development of non-PFAS-containing fire-fighting agent.
- Sec. 329. Survey of technologies for Department of Defense application in phasing out the use of fluorinated aqueous film-forming foam.
- Sec. 330. Interagency body on research related to per- and polyfluoroalkyl substances.
- Sec. 331. Restriction on procurement by defense logistics agency of certain items containing perfluoroalkyl substances and polyfluoroalkyl substances.
- Sec. 332. Standards for removal or remedial actions with respect to PFOS or PFOA contamination.
- Sec. 333. Research and development of alternative to aqueous film-forming foam.
- Sec. 334. Notification to agricultural operations located in areas exposed to Department of Defense PFAS use.
- Sec. 335. Public disclosure of results of Department of Defense testing for perfluoroalkyl or polyfluoroalkyl substances.
- Sec. 336. Biological threats report.
- Sec. 337. Report on energy savings performance contracts.
- Sec. 338. Sense of Congress regarding an integrated master plan towards achieving net zero.
- Sec. 339. Increase in funding for Centers for Disease Control Study on health implications health implications of per- and polyfluoroalkyl substances contamination in drinking water.
- Sec. 340. Moratorium on incineration by Department of Defense of perfluoroalkyl substances, polyfluoroalkyl substances, and aqueous film forming foam.
- Sec. 341. Guaranteeing Equipment Safety for Firefighters Act of 2020.
- Sec. 342. Assessment of Department of Defense excess property programs with respect to need and wildfire risk.

Subtitle C—Logistics and Sustainment

- Sec. 351. National Defense Sustainment and Logistics Review.

- Sec. 352. Extension of sunset relating to charter air transportation services.
- Sec. 353. Additional elements for inclusion in Navy ship depot maintenance budget report.
- Sec. 354. Modification to limitation on length of overseas forward deployment of naval vessels.
- Sec. 355. Independent advisory panel on weapon system sustainment.
- Sec. 356. Biannual briefings on status of Shipyard Infrastructure Optimization Plan.
- Sec. 357. Materiel readiness metrics and objectives for major weapon systems.

Subtitle D—Munitions Safety and Oversight

- Sec. 361. Chair of Department of Defense explosive safety board.
- Sec. 362. Explosive Ordnance Disposal Defense Program.
- Sec. 363. Assessment of resilience of Department of Defense munitions enterprise.
- Sec. 364. Report on safety waivers and mishaps in Department of Defense munitions enterprise.

Subtitle E—Other Matters

- Sec. 371. Pilot program for temporary issuance of maternity-related uniform items.
- Sec. 372. Servicewomen’s Commemorative Partnerships.
- Sec. 373. Biodefense analysis and budget submission.
- Sec. 374. Clarification of National Biodefense Strategy.
- Sec. 375. Report on biodefense.
- Sec. 376. Facilitating agreements with other Federal agencies to limit encroachments.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revisions in permanent active duty end strength minimum levels.
- Sec. 403. Modification of the authorized number and accounting method for senior enlisted personnel.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authorized strength: exclusion of certain general and flag officers of the reserve components on active duty.
- Sec. 502. Diversity in selection boards.

- Sec. 503. Redaction of personally identifiable information from records furnished to a promotion board.
- Sec. 504. Temporary expansion of availability of enhanced constructive service credit in a particular career field upon original appointment as a commissioned officer.
- Sec. 505. Permanent programs on direct commissions to cyber positions.

Subtitle B—Reserve Component Management

- Sec. 511. Grants to support STEM education in the Junior Reserve Officers' Training Corps.
- Sec. 512. Modification of education loan repayment program for members of Selected Reserve.
- Sec. 513. Requirement of consent of the chief executive officer for certain full-time National Guard duty performed in a State, Territory, or the District of Columbia.
- Sec. 514. Constructive credit for certain members of the reserve components who cannot complete minimum annual training requirements as a result of the COVID-19 pandemic.
- Sec. 515. Guidance for use of unmanned aircraft systems by the National Guard.
- Sec. 516. Direct employment pilot program for certain members of the reserve components.
- Sec. 517. Temporary limitation on authority to transfer, relocate, or dissolve elements of the reserve components of the Air Force.
- Sec. 518. Pilot programs in connection with SROTC units and CSPI programs at Historically Black Colleges and Universities and minority institutions.
- Sec. 519. Report regarding full-time National Guard duty in response to the COVID-19 pandemic.
- Sec. 520. Study and report on ROTC recruitment.
- Sec. 520A. Transitional health benefits for certain members of the National Guard serving under orders in response to the coronavirus (COVID-19).
- Sec. 520B. Quarantine housing for members of the National Guard who perform certain duty in response to the COVID-19 emergency.
- Sec. 520C. National guard support to major disasters.
- Sec. 520D. Authority to reinstate and transfer officers in medical specialties in the reserve components of the Armed Forces previously retired honorably or under honorable conditions.
- Sec. 520E. Report regarding national guard youth challenge program.
- Sec. 520F. Permanent suicide prevention and resilience program for the reserve components.

Subtitle C—General Service Authorities and Correction of Military Records

- Sec. 521. Temporary authority to order retired members to active duty in high-demand, low-density assignments during war or national emergency.
- Sec. 522. Reenlistment waivers for persons separated from the Armed Forces who commit one misdemeanor cannabis offense.
- Sec. 523. Review of Seaman to Admiral-21 program; credit towards retirement.
- Sec. 524. Report regarding reviews of discharges and dismissals based on sexual orientation or gender identity.

- Sec. 525. Development of guidelines for use of unofficial sources of information to determine eligibility of members and former members of the Armed Forces for decorations and benefits when the service records are incomplete because of damage to the official record.
- Sec. 526. Report on bad paper.

Subtitle D—Military Justice and Other Legal Matters

- Sec. 531. Punitive article on violent extremism.
- Sec. 532. Preservation of Court-martial records.
- Sec. 533. Electronic notarization for members of the Armed Forces.
- Sec. 534. Clarifications regarding scope of employment and reemployment rights of members of the uniformed services.
- Sec. 535. Termination of telephone, multichannel video programming, and internet access service contracts by servicemembers who enter into contracts after receiving military orders for permanent change of station but then receive stop movement orders due to an emergency situation.
- Sec. 536. Absentee ballot tracking program.
- Sec. 537. Tracking mechanism and reporting requirements for supremacist, extremist, and criminal gang activity in the Armed Forces.
- Sec. 538. Military-civilian task force on domestic violence and related information collection activities.
- Sec. 539. Actions to address military-connected child abuse.
- Sec. 540. Multidisciplinary board to evaluate suicide events.
- Sec. 540A. To resolve controversies under Servicemembers Civil Relief Act.
- Sec. 540B. Limitation on waiver of rights and protections under Servicemembers Civil Relief Act.
- Sec. 540C. Clarification of private right of action under Servicemembers Civil Relief Act.
- Sec. 540D. Requirement of certain certification before deportation of a spouse of a member of the Armed Forces.
- Sec. 540E. Clarification of termination of leases of premises and motor vehicles of servicemembers who incur catastrophic injury or illness or die while in military service.
- Sec. 540F. Availability of records for National Instant Criminal Background Check System.
- Sec. 540G. Prohibition on certain communications regarding courts-martial.
- Sec. 540H. Termination of contracts for telephone, multichannel video programming, or internet access service by certain individuals under Servicemembers Civil Relief Act.
- Sec. 540I. Report on drug demand reduction program modernization.
- Sec. 540J. Qualifications of judges and standard of review for Courts of Criminal Appeals.
- Sec. 540K. Right to notice of victims of offenses under the Uniform Code of Military Justice regarding certain post-trial motions, filings, and hearings.

Subtitle E—Sexual Assault

- Sec. 541. Protection of attorney-client privilege between victims and Special Victims' Counsel.
- Sec. 542. Authority of military judges and military magistrates to issue military court protective orders.
- Sec. 543. Additional bases for provision of advice by the Defense Advisory Committee for the Prevention of Sexual Misconduct.

- Sec. 544. Modification of reporting and data collection on victims of sexual offenses.
- Sec. 545. Modification of annual report regarding sexual assaults involving members of the Armed Forces.
- Sec. 546. Coordination of support for survivors of sexual trauma.
- Sec. 547. Policy on separation of victim and accused at military service academies.
- Sec. 548. Safe-to-report policy applicable across the Armed Forces.
- Sec. 549. Question in workplace and gender relations surveys regarding prosecutions of sexual assault.
- Sec. 550. Pilot program on prosecution of special victim offenses committed by attendees of military service academies.
- Sec. 550A. Report on status of investigations of alleged sex-related offenses.
- Sec. 550B. Report on sexual abuse and harassment of recruits during medical examinations prior to entry into the Armed Forces.
- Sec. 550C. Confidential reporting of sexual harassment.

Subtitle F—Member Education, Training, and Transition

- Sec. 551. Counseling in the Transition Assistance Program regarding sexual assault, sexual or gender harassment, and intimate partner violence.
- Sec. 552. Medical or administrative discharge as a pathway for counseling in the Transition Assistance Program.
- Sec. 553. Family dynamics as pathways for counseling in the Transition Assistance Program.
- Sec. 554. Establishment of mentoring and career counseling program.
- Sec. 555. Defense Language Institute Foreign Language Center.
- Sec. 556. Defense Language Institute Foreign Language Center.
- Sec. 557. Increase in number of permanent professors at the United States Air Force Academy.
- Sec. 558. Information on nominations and applications for military service academies.
- Sec. 559. Transformation of the professional military education enterprise.
- Sec. 560. College of International Security Affairs of the National Defense University.
- Sec. 560A. Public-private consortium to improve professional military education.
- Sec. 560B. Participation of members of the reserve components of the Armed Forces in the Skillbridge program.
- Sec. 560C. Study regarding VA participation in TAP.
- Sec. 560D. GAO study regarding transferability of military certifications to civilian occupational licenses and certifications.
- Sec. 560E. Transition outreach.
- Sec. 560F. Continued participation of separated members of the Armed Forces in Skillbridge programs.
- Sec. 560G. Expansion of Skillbridge program to include the Coast Guard.
- Sec. 560H. Establishment of performance measures for the Credentialing Opportunities On-Line programs of the Armed Forces.
- Sec. 560I. Authority of military educational institutions to accept research grants.
- Sec. 560J. Report on officer training in irregular warfare.
- Sec. 560K. Report regarding county, Tribal, and local veterans service officers.

- Sec. 560L. Limited exception for attendance of enlisted personnel at senior level and intermediate level officer professional military education courses.
- Sec. 560M. Limitation on eligibility of for-profit institutions to participate in educational assistance programs of the Department of Defense.

Subtitle G—Military Family Readiness and Dependents' Education

- Sec. 561. Family readiness: definitions; communication strategy; report.
- Sec. 562. Support services for members of special operations forces and immediate family members.
- Sec. 563. Authority to provide financial assistance to certain in-home child care providers for members of the Armed Forces and survivors of members who die in combat in the line of duty.
- Sec. 564. Expansion of financial assistance under My Career Advancement Account program.
- Sec. 565. Child care.
- Sec. 566. Continuation of paid parental leave upon death of child.
- Sec. 567. Study and report on the performance of the Department of Defense Education Activity.
- Sec. 568. Comptroller General of the United States report on the structural condition of Department of Defense Education Activity schools.
- Sec. 569. Pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools.
- Sec. 570. Continued assistance to schools with significant numbers of military dependent students.
- Sec. 570A. Standardization of the Exceptional Family Member Program.
- Sec. 570B. Training program regarding foreign disinformation campaigns.
- Sec. 570C. Reopening of child care facilities of the Engineer Research and Development Center.
- Sec. 570D. Improvements to partner criteria of the Military Spouse Employment Partnership Program.

Subtitle H—Diversity and Inclusion

- Sec. 571. Diversity and inclusion reporting requirements.
- Sec. 572. Establishment of Diversity and Inclusion Advisory Council of the Department of Defense.
- Sec. 573. Establishment of Special Inspector General for Racial and Ethnic Disparities in the Armed Forces; amendments to Inspector General Act.
- Sec. 574. Questions regarding racism, anti-Semitism, and supremacism in workplace surveys administered by the Secretary of Defense.
- Sec. 575. Report on demographics of officers appointed to certain grades.
- Sec. 576. Plans to increase female and minority representation in the Armed Forces.
- Sec. 577. Evaluation of barriers to minority participation in certain units of the Armed Forces.
- Sec. 578. Report to Congress on efforts to increase diversity and representation in film, television, and publishing.
- Sec. 579. Plan to improve responses to pregnancy and childbirth by members of the Armed Forces and employees of the Department of Defense.

Subtitle I—Decorations and Awards

- Sec. 581. Establishment of the Atomic Veterans Service Medal.
- Sec. 582. Authorization for award of the distinguished-service cross for Ramiro F. Olivo for acts of valor during the Vietnam War.
- Sec. 583. Eligibility of veterans of Operation End Sweep for Vietnam Service Medal.

Subtitle J—Miscellaneous Reports and Other Matters

- Sec. 591. Expansion of Department of Defense STARBASE Program.
- Sec. 592. Inclusion of certain outlying areas in the Department of Defense STARBASE Program.
- Sec. 593. Prohibition on charging for or counting certain acronyms on headstones of individuals interred at Arlington National Cemetery.
- Sec. 594. Report on placement of members of the Armed Forces in academic status who are victims of sexual assault onto Non-Rated Periods.
- Sec. 595. Sense of Congress regarding advertising recruiting efforts.
- Sec. 596. Study on financial impacts of COVID-19 on members of the Armed Forces and best practices to prevent future financial hardships.
- Sec. 597. Sense of Congress honoring the Dover Air Force Base, Delaware, home to the 436th airlift wing, the 512th airlift wing, and the Charles C. Carson Center for mortuary affairs.
- Sec. 598. GAO study of women involuntarily separated or discharged due to pregnancy or parenthood.
- Sec. 599. Report regarding transportation of remains of certain decedents by the Secretary of a military department.
- Sec. 599A. Postponement of conditional designation of Explosive Ordnance Disposal Corps as a basic branch of the Army.
- Sec. 599B. Annual report regarding cost of living for members and employees of the Department of Defense.
- Sec. 599C. Report on Preservation of the Force and Family Program of United States Special Operations Command.
- Sec. 599D. GAO study of members absent without leave or on unauthorized absence.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay.
- Sec. 602. Basic needs allowance for low-income regular members.
- Sec. 603. Reorganization of certain allowances other than travel and transportation allowances.
- Sec. 604. Single military housing area for each municipality with a population greater than 500,000.
- Sec. 605. Expansion of travel and transportation allowances to include fares and tolls.
- Sec. 606. Compensation and credit for retired pay purposes for maternity leave taken by members of the reserve components.

Subtitle B—Bonuses and Special Incentive Pays

- Sec. 611. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 612. Increase in certain hazardous duty incentive pay for members of the uniformed services.

- Sec. 613. Standardization of payment of hazardous duty incentive pay for members of the uniformed services.
- Sec. 614. Clarification of 30 days of continuous duty on board a ship required for family separation allowance for members of the uniformed services.
- Sec. 615. Expansion of reimbursable State licensure and certification costs for a military spouse arising from relocation.

Subtitle C—Family and Survivor Benefits

- Sec. 621. Expansion of authority to provide financial assistance to civilian providers of child care services or youth program services for survivors of members of the Armed Forces who die in the line of duty.
- Sec. 622. Expansion of death gratuity for ROTC graduates.
- Sec. 623. Recalculation of financial assistance for providers of child care services and youth program services for dependents.
- Sec. 624. Priority for certain military family housing to a member of the Armed Forces whose spouse agrees to provide family home day care services.
- Sec. 625. Study on feasibility of TSP contributions by military spouses.
- Sec. 626. Gold star families parks pass.
- Sec. 627. Modification to first division monument.
- Sec. 628. Cheryl Lankford memorial expansion of assistance for Gold Star spouses and other dependents.
- Sec. 629. Extension of Commissary and Exchange Benefits for Surviving Remarried Spouses With Dependent Children of a Member of the Armed Forces Who Dies While on Active Duty or Certain Reserve Duty.

Subtitle D—Defense Resale Matters

- Sec. 631. Base responders essential needs and dining access.
- Sec. 632. First responder access to mobile exchanges.
- Sec. 633. Updated business case analysis for consolidation of the defense resale system.

Subtitle E—Other Personnel Benefits

- Sec. 641. Maintenance of funding for Stars and Stripes.
- Sec. 642. Basic allowance for housing.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Expansion of mental health assessments for members of the Armed Forces.
- Sec. 702. Mandatory referral for mental health evaluation.
- Sec. 703. Assessments and testing relating to exposure to perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 704. Improvement to breast cancer screening.
- Sec. 705. Waiver of fees charged to certain civilians for emergency medical treatment provided at military medical treatment facilities.
- Sec. 706. Expansion of benefits available under TRICARE Extended Care Health Option program.

Sec. 707. Provision of hearing aids for dependents of certain members of the reserve components.

Subtitle B—Health Care Administration

- Sec. 711. Protection of the Armed Forces from infectious diseases.
- Sec. 712. Inclusion of drugs, biological products, and critical medical supplies in national security strategy for national technology and industrial base.
- Sec. 713. Contract authority of the Uniformed Services University of the Health Sciences.
- Sec. 714. Extension of organization requirements for Defense Health Agency.
- Sec. 715. Modification to limitation on the realignment or reduction of military medical manning end strength.
- Sec. 716. Modifications to implementation plan for restructure or realignment of military medical treatment facilities.
- Sec. 717. Policy to address opioid prescription abuse prevention.
- Sec. 718. Addition of burn pit registration to electronic health records of members of the Armed Forces and veterans.
- Sec. 719. Maintenance of certain medical services at military medical treatment facilities at Service Academies.
- Sec. 720. Extramedical maternal health providers demonstration project.

Subtitle C—Matters Relating to COVID-19

- Sec. 721. COVID-19 military health system review panel.
- Sec. 722. COVID-19 global war on pandemics.
- Sec. 723. Registry of TRICARE beneficiaries diagnosed with COVID-19.
- Sec. 724. Pandemic health assessments evaluate exposure to open burn pits and toxic airborne chemicals.
- Sec. 725. Provision of information regarding COVID-19 in multiple languages.
- Sec. 726. Study of substance use disorders among members of the Armed Forces and veterans during the COVID-19 public health emergency.

Subtitle D—Reports and Other Matters

- Sec. 731. Modifications to pilot program on civilian and military partnerships to enhance interoperability and medical surge capability and capacity of national disaster medical system.
- Sec. 732. Reports on suicide among members of the Armed Forces and suicide prevention programs and activities of the Department of Defense.
- Sec. 733. Clarification of research under Joint Trauma Education and Training Directorate and inclusion of military working dogs.
- Sec. 734. Extension of the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Project.
- Sec. 735. Information sharing by Secretary of Defense regarding prevention of infant and maternal mortality.
- Sec. 736. Grant program for increased cooperation on post-traumatic stress disorder research between United States and Israel.
- Sec. 737. Pilot program on cryopreservation and storage.
- Sec. 738. Pilot program on parents serving as certified nursing assistants for children under TRICARE program.
- Sec. 739. Study on incidence of cancer diagnosis and mortality among pilots in the Armed Forces.

- Sec. 740. Report on diet and nutrition of members of the Armed Forces.
- Sec. 741. Report on costs and benefits of allowing retired members of the Armed Forces to contribute to health savings accounts.
- Sec. 742. Study on toxic exposure at Karshi–Khanabad Air Base, Uzbekistan.
- Sec. 743. Audit of medical conditions of tenants in privatized military housing.
- Sec. 744. Report on Integrated Disability Evaluation System.
- Sec. 745. Review and report on prevention of suicide among members of the Armed Forces stationed at remote installations outside the contiguous United States.
- Sec. 746. Antimicrobial stewardship staffing at medical treatment facilities of the Department of Defense.
- Sec. 747. Report on chiropractic care for dependents and retirees under the TRICARE program.
- Sec. 748. Study on medevac helicopters and ambulances at military installations.
- Sec. 749. Funding for pancreatic cancer research.
- Sec. 750. Report on mental health treatment relating to pregnancy.
- Sec. 750A. Report on cost of extending TRICARE coverage to individuals participating in Health Professions Scholarship and Financial Assistance Program.
- Sec. 750B. Report on health care records of dependents who later seek to serve as a member of the Armed Forces.
- Sec. 750C. Briefing on extension of TRICARE Prime to eligible beneficiaries in Puerto Rico and other United States territories.
- Sec. 750D. Funding for post-traumatic stress disorder.
- Sec. 750E. Increased collaboration with NIH to combat triple negative breast cancer.
- Sec. 750F. Study on readiness contracts and the prevention of drug shortages.
- Sec. 750G. Findings and sense of Congress on musculoskeletal injuries.
- Sec. 750H. Wounded Warrior Service Dog Program.
- Sec. 750I. Sense of congress regarding maternal mortality review.
- Sec. 750J. Report on lapses in TRICARE coverage for members of the National Guard and reserve components.
- Sec. 750K. Study and report on increasing telehealth services across Armed Forces.
- Sec. 750L. Study on joint deployment formulary.

Subtitle E—Mental Health Services From Department of Veterans Affairs for
Members of Reserve Components

- Sec. 751. Short title.
- Sec. 752. Expansion of eligibility for readjustment counseling and related outpatient services from Department of Veterans Affairs to include members of reserve components of the Armed Forces.
- Sec. 753. Provision of mental health services from Department of Veterans Affairs to members of reserve components of the Armed Forces.
- Sec. 754. Inclusion of members of reserve components in mental health programs of Department of Veterans Affairs.
- Sec. 755. Report on mental health and related services provided by Department of Veterans Affairs to members of the Armed Forces.
- Sec. 756. Pilot program on sleep apnea among new recruits.
- Sec. 757. Report on research and studies on health effects of burn pits.
- Sec. 758. Mandatory training on health effects of burn pits.
- Sec. 759. Inclusion of information on exposure to open burn pits in postdeployment health reassessments.

- Sec. 760. Expansion of scope of Department of Veterans Affairs open burn pit registry to include open burn pits in Egypt and Syria.
- Sec. 761. Pilot program on treatment of certain members of the Armed Forces impacted by traumatic brain injury and other associated health factors that influence long-term brain health and performance.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Congressional notification of termination of a middle tier acquisition program.
- Sec. 802. Modification to the definition of nontraditional defense contractor.
- Sec. 803. Major weapon systems: life-cycle sustainment plan.
- Sec. 804. Contractor business systems.
- Sec. 805. Acquisition authority of the Director of the Joint Artificial Intelligence Center.
- Sec. 806. Reforming the Department of Defense.
- Sec. 807. Alternative Space Acquisition System for the United States Space Force.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Sustainment reform for the Department of Defense.
- Sec. 812. Modifications to Comptroller General assessment of acquisition programs and related initiatives.
- Sec. 813. Contractor whistleblower protections relating to nondisclosure agreements.
- Sec. 814. Competition requirements for purchases from Federal Prison Industries.
- Sec. 815. Disclosure of beneficial owners in database for Federal agency contract and grant officers.
- Sec. 816. Inclusion of optical transmission components in the analytical framework for supply chain risks.
- Sec. 817. Amendment to definition of qualified apprentice.
- Sec. 818. Contract closeout authority for services contracts.
- Sec. 819. Plan to improve Department-wide management of investments in weapon systems.
- Sec. 820. Documentation pertaining to commercial item determinations.
- Sec. 820A. Guidelines and resources on the acquisition or licensing of intellectual property.
- Sec. 820B. Requirements concerning former Department of Defense officials and lobbying activities.
- Sec. 820C. Commercial product determination applies to components and support services.

Subtitle C—Industrial Base Matters

- Sec. 821. Quarterly national technology and industrial base briefings.
- Sec. 822. Expansion on the prohibition on acquiring certain metal products.
- Sec. 823. Requirement that certain ship components be manufactured in the national technology and industrial base.
- Sec. 824. Preference for sourcing rare earth materials from the national technology and industrial base.

- Sec. 825. Enhanced domestic content requirement for major defense acquisition programs.
- Sec. 826. Additional requirements pertaining to printed circuit boards.
- Sec. 827. Report on use of domestic nonavailability determinations.
- Sec. 828. Sense of Congress on the prohibition on certain telecommunications and video surveillance services or equipment.
- Sec. 829. Domestic sourcing requirements for aluminum.
- Sec. 830. Report on aluminum refining, processing, and manufacturing.
- Sec. 830A. Briefing on the supply chain for small unmanned aircraft system components.
- Sec. 830B. Prohibition on procurement or operation of foreign-made unmanned aircraft systems.
- Sec. 830C. Sense of Congress on gaps or vulnerabilities in the national technology and industrial base.
- Sec. 830D. Report on partnerships for rare earth material supply chain security.

Subtitle D—Small Business Matters

- Sec. 831. Transfer of verification of small business concerns owned and controlled by veterans or service-disabled veterans to the Small Business Administration.
- Sec. 832. Equitable adjustments to certain construction contracts.
- Sec. 833. Exemption of certain contracts awarded to small business concerns from category management requirements.
- Sec. 834. Report on accelerated payments to certain small business concerns.
- Sec. 835. Extension of participation in 8(a) program.
- Sec. 836. Past performance ratings of certain small business concerns.
- Sec. 837. Category management training.
- Sec. 838. Small businesses in territories of the United States.
- Sec. 839. Eligibility of the commonwealth of the northern mariana islands for certain small business administration programs.
- Sec. 840. Boots to Business Program.
- Sec. 840A. Employment size standard requirements.

Subtitle E—Other Matters

- Sec. 841. Modifications to supervision and award of certain contracts.
- Sec. 842. Amendments to submissions to Congress relating to certain foreign military sales.
- Sec. 843. Revisions to requirement to use firm fixed-price contracts for foreign military sales.
- Sec. 844. Small Business Industrial Base Resiliency Program.
- Sec. 845. Requirements relating to reports and limitations on the availability of funds.
- Sec. 846. Assessment of the requirements processes of the military departments.
- Sec. 847. Report on transfer and consolidation of certain defense acquisition statutes.
- Sec. 848. Prohibition on contracting with persons with willful or repeated violations of the Fair Labor Standards Act of 1938.
- Sec. 849. Reestablishment of Commission on Wartime Contracting.
- Sec. 850. Report on certain contracts relating to construction or maintenance of a border wall.
- Sec. 851. Congressional oversight of private security contractor contracts.

Sec. 852. Revisions to the Unified Facilities Criteria regarding the use of variable refrigerant flow systems.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Sec. 901. Repeal of position of Chief Management Officer.
 Sec. 902. Assistant Secretary of Defense for Industrial Base Policy.
 Sec. 903. Assignment of responsibility for the Arctic region within the Office of the Secretary of Defense.

Subtitle B—Other Department of Defense Organization and Management Matters

Sec. 911. Limitation on reduction of civilian workforce.
 Sec. 912. Chief Diversity Officers.
 Sec. 913. Establishment of Deputy Assistant Secretaries for Sustainment.
 Sec. 914. Office of Defense Community Cooperation and Economic Adjustment.
 Sec. 915. Input from Chief of National Guard Bureau to the Joint Requirements Oversight Council.
 Sec. 916. Redesignation of the Joint Forces Staff College.
 Sec. 917. Reporting on post-JAIC assignment.
 Sec. 918. Comptroller General report on vulnerabilities of the Department of Defense resulting from offshore technical support call centers.
 Sec. 919. Limitation on consolidation or transition to alternative content delivery methods within the Defense Media Activity.

Subtitle C—Space Matters

Sec. 921. Assistant Secretary of Defense for Space and Strategic Deterrence Policy.
 Sec. 922. Office of the Chief of Space Operations.
 Sec. 923. Space Force Medal.
 Sec. 924. Clarification of procurement of commercial satellite communications services.
 Sec. 925. Temporary exemption from authorized daily average of members in pay grades E-8 and E-9.
 Sec. 926. One-time uniform allowance for members transferred to the Space Force.
 Sec. 927. Rank and grade structure of the United States Space Force.
 Sec. 928. Report on the role of the Naval Postgraduate School in space education.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
 Sec. 1002. Determination of budgetary effects.
 Sec. 1003. Pandemic Preparedness and Resilience National Security Fund.
 Sec. 1004. Budget materials for special operations forces.
 Sec. 1005. Department of Defense audit remediation plan.
 Sec. 1006. Public availability of Department of Defense legislative proposals.

Subtitle B—Counterdrug Activities

- Sec. 1011. Support for counterdrug activities and activities to counter transnational organized crime affecting flow of drugs into the United States.
- Sec. 1012. Congressional notification with respect to Department of Defense support provided to other United States agencies for counterdrug activities and activities to counter transnational organized crime.

Subtitle C—Naval Vessels

- Sec. 1021. Limitation on availability of certain funds without naval vessels plan and certification.
- Sec. 1022. Limitations on use of funds in the National Defense Sealift Fund for purchase of foreign constructed vessels.
- Sec. 1023. Use of National Sea-Based Deterrence Fund for incrementally funded contracts to provide full funding for Columbia class submarines.
- Sec. 1024. Preference for United States vessels in transporting supplies by sea.
- Sec. 1025. Restrictions on overhaul, repair, etc. of naval vessels in foreign shipyards.
- Sec. 1026. Biannual report on shipbuilder training and the defense industrial base.
- Sec. 1027. Prohibition on use of funds for retirement of certain littoral combat ships.
- Sec. 1028. Report on implementation of Commandant's Planning Guidance.
- Sec. 1029. Limitation on naval force structure changes.

Subtitle D—Counterterrorism

- Sec. 1031. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1032. Annual report on use of social media by foreign terrorist organizations.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Support of special operations to combat terrorism.
- Sec. 1042. Prohibition on retirement of nuclear powered aircraft carriers before first refueling.
- Sec. 1043. Required minimum inventory of tactical airlift aircraft.
- Sec. 1044. Modification and technical correction to Department of Defense authority to provide assistance along the southern land border of the United States.
- Sec. 1045. Battlefield airborne communications node certification requirement.
- Sec. 1046. Requirements relating to newest generations of personal protective equipment.
- Sec. 1047. Prohibition on use of funds for retirement of A-10 aircraft.
- Sec. 1048. Mandatory criteria for strategic basing decisions.
- Sec. 1049. Limitation on use of funds pending public availability of top-line numbers of deployed members of the Armed Forces.
- Sec. 1050. Limitation on physical move, integration, reassignment, or shift in responsibility of Marine Forces Northern Command.
- Sec. 1051. Conditions for permanently basing United States equipment or additional forces in host countries with at-risk vendors in 5G or 6G networks.

- Sec. 1052. Curtailing Insurrection Act Violations of Individuals' Liberties.
- Sec. 1053. Prohibition on use of funds for discriminatory algorithmic decision-making systems.
- Sec. 1054. Inclusion of explosive ordnance disposal in special operations activities.
- Sec. 1055. Requirements in connection with use of personnel other than the militia or the Armed Forces to suppress interference with State and Federal law.
- Sec. 1056. Limitation on deactivation, unmanned, or selling of Army watercraft assets pending comprehensive analysis of mobility requirements and capabilities.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—General Provisions

- Sec. 1101. Family and medical leave amendments.
- Sec. 1102. Limitation on authority to exclude employees from chapter 71 of title 5.
- Sec. 1103. Authority to provide travel and transportation allowances in connection with transfer ceremonies of department of defense and coast guard civilian employees who die overseas.
- Sec. 1104. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas.
- Sec. 1105. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1106. Limiting the number of local wage areas defined within a pay locality.
- Sec. 1107. Civilian Faculty At the Defense Security Cooperation University and Institute of Security Governance.
- Sec. 1108. Expansion of authority for appointment of recently-retired members of the armed forces to positions at certain industrial base facilities.
- Sec. 1109. Fire Fighters Alternative Work Schedule demonstration project.
- Sec. 1110. Special rules for certain monthly workers' compensation payments and other payments for Federal Government personnel under chief of mission authority.
- Sec. 1111. Restoration of annual leave due to a pandemic.
- Sec. 1112. Prohibition on downloading or using TikTok by Federal employees.
- Sec. 1113. Telework travel expenses program of the United States Patent and Trademark Office.
- Sec. 1114. Extension of rate of overtime pay authority for Department of the Navy employees performing work aboard or dockside in support of the nuclear-powered aircraft carrier forward deployed in Japan.
- Sec. 1115. Vacancy of Inspector General positions.

Subtitle B—Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020

- Sec. 1121. Short title.
- Sec. 1122. Sense of Congress.
- Sec. 1123. Notification of violation.
- Sec. 1124. Reporting requirements.

- Sec. 1125. Data to be posted by employing Federal agencies.
- Sec. 1126. Data to be posted by the Equal Employment Opportunity Commission.
- Sec. 1127. Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 amendments.
- Sec. 1128. Nondisclosure agreement limitation.

Subtitle C—Office of the National Cyber Director

- Sec. 1131. Short title.
- Sec. 1132. National Cyber Director.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Modification and extension of support of special operations for irregular warfare.
- Sec. 1202. Department of Defense participation in European Program on Multilateral Exchange of Surface Transportation Services.
- Sec. 1203. Extension of authority to transfer excess high mobility multipurpose wheeled vehicles to foreign countries.
- Sec. 1204. Modification and extension of update of Department of Defense Freedom of Navigation Report.
- Sec. 1205. Extension of report on workforce development.
- Sec. 1206. Report on human rights and building partner capacity programs.
- Sec. 1207. Extension of Department of Defense support for stabilization activities in national security interest of the United States.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1211. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1212. Extension of the Afghan Special Immigrant Visa Program.
- Sec. 1213. Limitation on use of funds to reduce deployment to Afghanistan.
- Sec. 1214. Report on Operation Freedom Sentinel.
- Sec. 1215. Modifications to immunity from seizure under judicial process of cultural objects.
- Sec. 1216. Strategy for post-conflict engagement by the United States in Afghanistan.
- Sec. 1217. Congressional oversight of United States talks with Taliban officials and Afghanistan's comprehensive peace process.
- Sec. 1218. Report on civilian casualties in Afghanistan.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1221. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1222. Extension of authority to provide assistance to the vetted Syrian opposition.
- Sec. 1223. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1224. Prohibition on provision of weapons and other forms of support to certain organizations.
- Sec. 1225. Consolidated budget display and report on Operation Spartan Shield.

- Sec. 1226. Sense of Congress on Peshmerga forces as a partner in Operation Inherent Resolve.
- Sec. 1227. Report on the threat posed by Iranian-backed militias in Iraq.

Subtitle D—Matters Relating to Russia

- Sec. 1231. Prohibition on availability of funds relating to sovereignty of the Russian Federation over Crimea.
- Sec. 1232. Extension of limitation on military cooperation between the United States and the Russian Federation.
- Sec. 1233. Modification and extension of Ukraine Security Assistance Initiative.
- Sec. 1234. United States participation in the Open Skies Treaty.
- Sec. 1235. Sense of Congress on support for Ukraine.
- Sec. 1236. Report on presence of Russian military forces in other foreign countries.
- Sec. 1237. Sense of Congress on the Open Skies Treaty.
- Sec. 1238. Countering Russian and Other Overseas Kleptocracy.
- Sec. 1239. Report on threats to the United States Armed Forces from the Russian Federation.

Subtitle E—Matters Relating to Europe and NATO

- Sec. 1241. Limitations on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are stationed in Germany, to reduce the total number of members of the Armed Forces stationed in Europe, and to divest military infrastructure in Europe.
- Sec. 1242. Sense of Congress reaffirming the commitment of the United States to NATO.
- Sec. 1243. Sense of Congress on support for coordinated action to ensure the security of Baltic allies.
- Sec. 1244. Sense of Congress on support for Estonia, Latvia, and Lithuania.
- Sec. 1245. Sense of Congress on support for Georgia.
- Sec. 1246. Sense of Congress on burden sharing by partners and allies.
- Sec. 1247. Sense of Congress on NATO's response to the COVID-19 pandemic.
- Sec. 1248. Clarification and expansion of sanctions relating to construction of Nord Stream 2 or Turkstream pipeline projects.
- Sec. 1249. Coordination of stockpiles with the North Atlantic Treaty Organization and other allies.

Subtitle F—Matters Relating to the Indo-Pacific Region

- Sec. 1251. Indo-Pacific Reassurance Initiative.
- Sec. 1252. Limitation on use of funds to reduce the total number of members of the Armed Forces serving on active duty who are deployed to South Korea.
- Sec. 1253. Implementation of GAO recommendations on preparedness of United States forces to counter North Korean chemical and biological weapons.
- Sec. 1254. Public reporting of Chinese military companies operating in the United States.
- Sec. 1255. Independent study on the defense industrial base of the People's Republic of China.
- Sec. 1256. Deterrence strategy against Chinese-origin cyber attacks.
- Sec. 1257. Report on China's One Belt, One Road Initiative in Africa.

- Sec. 1258. Sense of Congress on enhancement of the United States-Taiwan defense relationship.
- Sec. 1259. Report on supply chain security cooperation with Taiwan.
- Sec. 1260. Report on United States-Taiwan medical security partnership.
- Sec. 1260A. Report on United Front Work Department.
- Sec. 1260B. Sense of Congress on cross-border violence between the People's Republic of China and India and the growing territorial claims of China.
- Sec. 1260C. Sense of Congress on United States commitments to Pacific allies.
- Sec. 1260D. Restrictions on export, reexport, and in-country transfers of certain items that provide a critical capability to the Government of the People's Republic of China to suppress individual privacy, freedom, and other basic human rights.
- Sec. 1260E. Prohibition on commercial export of covered defense articles and services and covered munitions items to the Hong Kong Police.
- Sec. 1260F. Southeast Asia Strategy.
- Sec. 1260G. Sense of Congress on strategic security relationship between the United States and Mongolia.

Subtitle G—Other Matters

- Sec. 1261. Provision of goods and services to Kwajalein Atoll.
- Sec. 1262. Annual briefings on certain foreign military bases of adversaries.
- Sec. 1263. Report on progress of the Department of Defense with respect to denying a fait accompli by a strategic competitor against a covered defense partner.
- Sec. 1264. Modification to requirements of the initiative to support protection of national security academic researchers from undue influence and other security threats.
- Sec. 1265. Report on directed use of fishing fleets.
- Sec. 1266. Expanding the state partnership program in Africa.
- Sec. 1267. Report relating to reduction in the total number of United States Armed Forces deployed to United States Africa Command area of responsibility.
- Sec. 1268. Report on enhancing partnerships between the United States and African countries.
- Sec. 1269. Sense of Congress with respect to Qatar.
- Sec. 1270. Sense of Congress on United States military support for and participation in the Multinational Force and Observers.
- Sec. 1271. Report on us military support of the Saudi-led coalition in Yemen.
- Sec. 1272. Prohibition on support for military participation against the Houthis.
- Sec. 1273. Rule of construction relating to use of military force.
- Sec. 1274. Countering white identity terrorism globally.
- Sec. 1275. Yemen.
- Sec. 1276. Establishment of the Office of Subnational Diplomacy.
- Sec. 1277. Report and strategy to address gross violations of human rights and civilian harm in Burkina Faso, Mali, and Niger.
- Sec. 1278. Assessment of effectiveness of United States policies relating to exports of United States-origin Unmanned Aerial Systems that are assessed to be “Category I” items under the Missile Technology Control Regime.
- Sec. 1279. Sense of Congress on the United States Israel relationship.
- Sec. 1280. Feasibility study on increased rotational deployments to Greece and enhancement of United States-Greece diplomatic engagement.

- Sec. 1281. Report on internally displaced peoples in Ukraine, Georgia, Moldova, and Azerbaijan.
- Sec. 1282. Sense of Congress on cross-border violence in the Galwan Valley and the growing territorial claims of the People's Republic of China.
- Sec. 1283. Enhancing Engagement with the Caribbean.
- Sec. 1284. Amendments to annual Country Reports on Human Rights Practices.
- Sec. 1285. Establishment of National Commission on U.S. Counterterrorism Policy.
- Sec. 1286. Program to prevent, mitigate, and respond to civilian harm as a result of military operations in Somalia.
- Sec. 1287. Sense of Congress regarding Japan and SMA report draft.
- Sec. 1288. Sense of Congress relating to Grand Ethiopian Renaissance Dam.
- Sec. 1289. Report on all comprehensive sanctions imposed on foreign governments.
- Sec. 1290. Limitation on assistance to Brazil.
- Sec. 1291. United States Agency for Global Media.
- Sec. 1292. Determination and imposition of sanctions with respect to Turkey's acquisition of the S-400 air and missile defense system.
- Sec. 1293. Report on incidents of arbitrary detention, violence, and state-sanctioned harassment by the Government of Egypt against United States citizens and their family members who are not United States citizens.
- Sec. 1294. Establishment of the Open Technology Fund.
- Sec. 1295. Sense of Congress on payment of amounts owed by Kuwait to United States medical institutions.
- Sec. 1296. Protection and promotion of internationally recognized human rights during the novel coronavirus pandemic.
- Sec. 1297. Review of Department of Defense compliance with "Principles Related to the Protection of Medical Care Provided by Impartial Humanitarian Organizations During Armed Conflicts".
- Sec. 1298. Promoting human rights in Colombia.
- Sec. 1299. Waiver of passport fees for certain individuals.
- Sec. 1299A. Report on Venezuela.
- Sec. 1299B. Prohibition on use of funds for aerial fumigation.
- Sec. 1299C. Report on support for democratic reforms by the Government of the Republic of Georgia.
- Sec. 1299D. Assessment on modernization targets of the People's Liberation Army.
- Sec. 1299E. Mitigation and prevention of atrocities in high-risk countries.
- Sec. 1299F. Resumption of Peace Corps operations.
- Sec. 1299G. Transfer of excess naval vessels to the Government of Egypt.
- Sec. 1299H. Limitation on production of nuclear proliferation assessment statements.
- Sec. 1299I. Report on Mexican Security Forces.
- Sec. 1299J. Matters relating to Cooperative Threat Reduction programs and weapons of mass destruction terrorism.
- Sec. 1299K. Certification relating to assistance for Guatemala.
- Sec. 1299L. Report on foreign influence campaigns targeting United States Federal elections.

Subtitle H—Global Child Thrive Act of 2020

- Sec. 1299M-1. Short title.

- Sec. 1299M–2. Sense of Congress.
- Sec. 1299M–3. Assistance to improve early childhood outcomes globally.
- Sec. 1299M–4. Special advisor for assistance to orphans and vulnerable children.
- Sec. 1299M–5. Rule of construction.

Subtitle I—Global Health Security Act of 2020

- Sec. 1299N–1. Short title.
- Sec. 1299N–2. Global Health Security Agenda Interagency Review Council.
- Sec. 1299N–3. United States Coordinator for Global Health Security.
- Sec. 1299N–4. Strategy and reports.
- Sec. 1299N–5. Compliance with the Foreign Aid Transparency and Accountability Act of 2016.
- Sec. 1299N–6. Definitions.
- Sec. 1299N–7. Sunset.

Subtitle J—United States Nationals Unlawfully or Wrongfully Detained Abroad

- Sec. 1299O–1. Short title.
- Sec. 1299O–2. Assistance for United States nationals unlawfully or wrongfully detained abroad.
- Sec. 1299O–3. Special Envoy for Hostage Affairs.
- Sec. 1299O–4. Hostage Recovery Fusion Cell.
- Sec. 1299O–5. Hostage Response Group.
- Sec. 1299O–6. Authorization of imposition of sanctions.
- Sec. 1299O–7. Definitions.
- Sec. 1299O–8. Rule of construction.

Subtitle K—Matters Relating to the Northern Triangle

- Sec. 1299P–1. Actions to advance prosperity in the Northern Triangle.
- Sec. 1299P–2. Actions to combat corruption in the Northern Triangle.
- Sec. 1299P–3. Actions to strengthen democratic institutions in the Northern Triangle.
- Sec. 1299P–4. Actions to improve security conditions in the Northern Triangle.
- Sec. 1299P–5. Targeted sanctions to fight corruption in the Northern Triangle.
- Sec. 1299P–6. Definitions.

Subtitle L—Additional Matters Relating to NATO Allies and Partners

- Sec. 1299Q–1. Foreign military loan authority.
- Sec. 1299Q–2. Authorization of rewards for providing information on foreign election interference.
- Sec. 1299Q–3. Report on NATO member contributions.
- Sec. 1299Q–4. Report on capability and capacity requirements of military forces of Ukraine and resource plan for security assistance.
- Sec. 1299Q–5. Efforts to counter malign authoritarian influence.

Subtitle M—Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020

- Sec. 1299R–1. Short title.
- Sec. 1299R–2. Definitions.
- Sec. 1299R–3. Statement of policy.

- Sec. 1299R-4. Support for democratic governance, rule of law, human rights, and fundamental freedoms.
- Sec. 1299R-5. Support for development programs.
- Sec. 1299R-6. Support for conflict mitigation.
- Sec. 1299R-7. Support for accountability for war crimes, crimes against humanity, and genocide in Sudan.
- Sec. 1299R-8. Suspension of assistance.
- Sec. 1299R-9. Multilateral assistance.
- Sec. 1299R-10. Coordinated support to recover assets stolen from the Sudanese people.
- Sec. 1299R-11. Limitation on assistance to the Sudanese security and intelligence services.
- Sec. 1299R-12. Authorization of imposition of sanctions with respect to certain Government of Sudan officials and other individuals.
- Sec. 1299R-13. Reports.
- Sec. 1299R-14. United States strategy for support to a civilian-led government in Sudan.
- Sec. 1299R-15. Amendments to the Darfur Peace and Accountability Act of 2006.
- Sec. 1299R-16. Repeal of Sudan Peace Act and the Comprehensive Peace in Sudan Act.

Subtitle N—Afghanistan Security and Reconstruction Transparency Act

- Sec. 1299S-1. Short title.
- Sec. 1299S-2. Public availability of data pertaining to measures of performance of the Afghan National Defense and Security Forces.
- Sec. 1299S-3. District-level stability assessments of Afghan government and insurgent control and influence.

Subtitle O—LIFT Act

- Sec. 1299T-1. Short title.
- Sec. 1299T-2. Sense of Congress.
- Sec. 1299T-3. Annual deadline for trafficking in persons report.
- Sec. 1299T-4. United States Advisory Council on Human Trafficking.
- Sec. 1299T-5. Timely provision of information to the Office to Monitor and Combat Trafficking in Persons of the Department of State.
- Sec. 1299T-6. Reports to Congress.
- Sec. 1299T-7. Definitions.

TITLE XIII—COOPERATIVE THREAT REDUCTION

- Sec. 1301. Funding allocations; specification of cooperative threat reduction funds.
- Sec. 1302. Sense of Congress regarding biological threat reduction and cooperative biological engagement of the Cooperative Threat Reduction Program.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Chemical agents and munitions destruction, defense.
- Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
- Sec. 1404. Defense Inspector General.

- Sec. 1405. Defense health program.
- Sec. 1406. National defense sealift fund.

Subtitle B—Other Matters

- Sec. 1411. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund for Captain James A. Lovell Health Care Center, Illinois.
- Sec. 1412. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS
FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

- Sec. 1501. Purpose.
- Sec. 1502. Procurement.
- Sec. 1503. Research, development, test, and evaluation.
- Sec. 1504. Operation and maintenance.
- Sec. 1505. Military personnel.
- Sec. 1506. Working capital funds.
- Sec. 1507. Drug interdiction and counter-drug activities, defense-wide.
- Sec. 1508. Defense Inspector General.
- Sec. 1509. Defense Health Program.

Subtitle B—Financial Matters

- Sec. 1511. Treatment as additional authorizations.
- Sec. 1512. Special transfer authority.

Subtitle C—Other Matters

- Sec. 1521. Afghanistan security forces fund.
- Sec. 1522. Report on transitioning funding.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE
MATTERS

Subtitle A—Space Activities

- Sec. 1601. National Security Space Launch program.
- Sec. 1602. Requirement to buy certain satellite component from national technology and industrial base.
- Sec. 1603. Commercial space domain awareness capabilities.
- Sec. 1604. Responsive satellite infrastructure.
- Sec. 1605. Policy to ensure launch of small-class payloads.
- Sec. 1606. Tactically responsive space launch operations.
- Sec. 1607. Limitation on availability of funds for prototype program for multi-global navigation satellite system receiver development.
- Sec. 1608. Limitation on awarding contracts to entities operating commercial terrestrial communication networks that cause interference with the Global Positioning System.
- Sec. 1609. Prohibition on availability of funds for certain purposes relating to the Global Positioning System.
- Sec. 1610. Report on resilient protected communications satellites.
- Sec. 1610A. Permanent personnel management authority for Space Development Agency for experts in science and engineering.

- Sec. 1610B. Report on effect of COVID–19 on space industrial base and space programs of Department of Defense.
- Sec. 1610C. Satellite ground network frequency licensing.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1611. Validation of capability requirements of National Geospatial-Intelligence Agency.
- Sec. 1612. Safety of navigation mission of the National Geospatial-Intelligence Agency.
- Sec. 1613. National Academies Climate Security Roundtable.
- Sec. 1614. Report on risk to national security posed by quantum computing technologies.

Subtitle C—Cyberspace-Related Matters

- Sec. 1621. Cyber mission forces and cyberspace operations forces.
- Sec. 1622. Cyberspace solarium commission.
- Sec. 1623. Tailored cyberspace operations organizations.
- Sec. 1624. Responsibility for the Sector Risk Management Agency function of the Department of Defense.
- Sec. 1625. Department of Defense Cyber Workforce Efforts.
- Sec. 1626. Reporting requirements for cross domain compromises and exemptions to policies for information technology.
- Sec. 1627. Assessing private-public collaboration in cybersecurity.
- Sec. 1628. Cyber capabilities and interoperability of the National Guard.
- Sec. 1629. Evaluation of non-traditional cyber support to the Department of Defense.
- Sec. 1630. Establishment of integrated cyber center.
- Sec. 1631. Cyber threat information collaboration environment.
- Sec. 1632. Defense industrial base participation in a threat intelligence sharing program.
- Sec. 1633. Assistance for small manufacturers in the defense industrial supply chain on matters relating to cybersecurity.
- Sec. 1634. Defense industrial base cybersecurity threat hunting and sensing, discovery, and mitigation.
- Sec. 1635. Defense Digital Service.
- Sec. 1636. Limitation of funding for National Defense University.
- Sec. 1637. Critical infrastructure cyber incident reporting procedures.
- Sec. 1638. Funding for National Center for Hardware and Embedded Systems Security and Trust.
- Sec. 1639. Strengthening Federal networks.
- Sec. 1640. DOD Cyber Hygiene and Cybersecurity Maturity Model Certification Framework.
- Sec. 1640A. Subpoena authority.
- Sec. 1640B. Extension of sunset for pilot program on regional cybersecurity training center for the Army National Guard.
- Sec. 1640C. CISA Cybersecurity Support to Agencies.
- Sec. 1640D. Establishment in DHS of joint cyber planning office.
- Sec. 1640E. Implementation of certain cybersecurity recommendations; cyber hygiene and Cybersecurity Maturity Model Certification Framework.
- Sec. 1640F. Biennial national cyber exercise.

Subtitle D—Nuclear Forces

- Sec. 1641. Coordination in transfer of funds by Department of Defense to National Nuclear Security Administration.
- Sec. 1642. Exercises of nuclear command, control, and communications system.
- Sec. 1643. Independent studies on nuclear weapons programs of certain foreign states.
- Sec. 1644. Role of Secretary of Defense and Secretary of Energy on Nuclear Weapons Council.
- Sec. 1645. Limitation on availability of funds relating to updates on meetings held by Nuclear Weapons Council.
- Sec. 1646. Briefing on nuclear weapons storage and maintenance facilities of the Air Force.

Subtitle E—Missile Defense Programs

- Sec. 1651. Extension and modification of requirement for Comptroller General of the United States review and assessment of missile defense acquisition programs.
- Sec. 1652. Extension of transition of ballistic missile defense programs to military departments.
- Sec. 1653. Development of hypersonic and ballistic missile tracking space sensor payload.
- Sec. 1654. Annual certification on hypersonic and ballistic missile tracking space sensor payload.
- Sec. 1655. Alignment of the Missile Defense Agency within the Department of Defense.
- Sec. 1656. Analysis of alternatives for homeland missile defense missions.
- Sec. 1657. Next generation interceptors.
- Sec. 1658. Oversight of next generation interceptor program.
- Sec. 1659. Missile defense cooperation between the United States and Israel.
- Sec. 1660. Report on defense of Guam from integrated air and missile threats.
- Sec. 1661. Report on cruise missile defense.

Subtitle F—Other Matters

- Sec. 1671. Conventional prompt global strike.
- Sec. 1672. Submission of reports under Missile Defense Review and Nuclear Posture Review.
- Sec. 1673. Report on consideration of risks of inadvertent escalation to nuclear war.
- Sec. 1674. Limitation on availability of funds relating to reports on missile systems and arms control treaties.
- Sec. 1675. Cybersecurity and Infrastructure Security Agency review.

TITLE XVII—REPORTS AND OTHER MATTERS

Subtitle A—Studies and Reports

- Sec. 1701. Review of support of special operations to combat terrorism.
- Sec. 1702. FFRDC study of explosive ordnance disposal agencies.
- Sec. 1703. Report on the Human Rights Office at United States Southern Command.
- Sec. 1704. Report on joint training range exercises for the Pacific region.
- Sec. 1705. Study on Chinese policies and influence in the development of international standards for emerging technologies.
- Sec. 1706. Sense of Congress and strategy on catastrophic critical infrastructure failure response.
- Sec. 1707. GAO study on the school-to-prison pipeline.

- Sec. 1708. Department of Veterans Affairs report on unclaimed property.
- Sec. 1709. Report regarding veterans who receive benefits under laws administered by the Secretary of Veterans Affairs.
- Sec. 1710. GAO report on ZTE compliance with settlement agreement.
- Sec. 1710A. GAO study of cybersecurity insurance.
- Sec. 1710B. Report on recognition of African American servicemembers in Department of Defense naming practices.
- Sec. 1710C. Report on Government police training and equipping programs.
- Sec. 1710D. Deepfake report.
- Sec. 1710E. Study on unemployment rate of women veterans who served on active duty in the Armed Forces after September 11, 2001.
- Sec. 1710F. Report on the Oklahoma City National Memorial.
- Sec. 1710G. Reports on military service academies.
- Sec. 1710H. Independent study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.
- Sec. 1710I. Maritime security and domain awareness.
- Sec. 1710J. Comptroller General report on Department of Defense processes for responding to congressional reporting requirements.
- Sec. 1710K. Report on predatory social media and the military community.
- Sec. 1710L. Report on transforming business processes for revolutionary change.
- Sec. 1710M. Review and Report of experimentation with ticks and insects.
- Sec. 1710N. Report on agile program and project management.

Subtitle B—Electronic Message Preservation

- Sec. 1711. Short title.
- Sec. 1712. Preservation of electronic messages and other records.
- Sec. 1713. Presidential records.

Subtitle C—Space Technology Advancement Report (STAR) Act of 2020

- Sec. 1721. Short title.
- Sec. 1722. Findings.
- Sec. 1723. Report; strategy.

Subtitle D—AMBER Alert Nationwide

- Sec. 1731. Cooperation with Department of Homeland Security.
- Sec. 1732. AMBER Alerts along major transportation routes.
- Sec. 1733. AMBER Alert communication plans in the territories.
- Sec. 1734. Government Accountability Office report.

Subtitle E—Other Matters

- Sec. 1741. Technical, conforming, and clerical amendments.
- Sec. 1742. Addition of Chief of the National Guard Bureau to the list of officers providing reports of unfunded priorities.
- Sec. 1743. Acceptance of property by military academies and museums.
- Sec. 1744. Reauthorization of National Oceanographic Partnership Program.
- Sec. 1745. Requirements relating to program and project management.
- Sec. 1746. Quarterly briefings on Joint All Domain Command and Control concept.
- Sec. 1747. Resources to implement a Department of Defense policy on civilian casualties in connection with United States military operations.

- Sec. 1748. Sense of Congress regarding reporting of civilian casualties resulting from United States military operations.
- Sec. 1749. Prohibition of public display of Confederate battle flag on Department of Defense property.
- Sec. 1750. Deployment of real-time status of special use airspace.
- Sec. 1751. Duties of Secretary under Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 1752. Publicly available database of casualties of members of the Armed Forces.
- Sec. 1753. Notice and comment for proposed actions of the Secretary of Defense relating to food and beverage ingredients.
- Sec. 1754. Space strategies and assessment.
- Sec. 1755. Nonimmigrant status for certain nationals of Portugal.
- Sec. 1756. Sense of Congress on extension of limitations on importation of uranium from Russian Federation.
- Sec. 1757. Authority to establish a movement coordination center pacific in the Indopacific region.
- Sec. 1758. Establishment of vetting procedures and monitoring requirements for certain military training.
- Sec. 1759. Women, Peace, and Security Act implementation.
- Sec. 1760. Developing crisis capabilities to meet needs for homeland security-critical supplies.
- Sec. 1761. Establishment of western emergency refined petroleum products reserve.
- Sec. 1762. Foreign state computer intrusions.
- Sec. 1763. Online and distance education classes and nonimmigrant visas.
- Sec. 1764. Transfer of Mare Island Naval Cemetery to Secretary of Veterans Affairs for maintenance by National Cemetery Administration.
- Sec. 1765. Mitigation of helicopter noise.
- Sec. 1766. Department of Defense support for certain sporting events.
- Sec. 1767. Pilot program for online real estate inventory tool.
- Sec. 1768. Establishment of Southern New England Regional Commission.
- Sec. 1769. FedRamp Authorization Act.
- Sec. 1770. Taxpayers Right-To-Know Act.
- Sec. 1771. Building United States capacity for verification and manufacturing of advanced microelectronics.
- Sec. 1772. Threshold for reporting additions to toxics release inventory.
- Sec. 1773. Hemp products.
- Sec. 1774. Exemption from Paperwork Reduction Act.
- Sec. 1775. Support for the designation of National Borinqueneers Day.
- Sec. 1776. Temporary relief for private student loan borrowers.
- Sec. 1777. Support for national maritime heritage grants program.
- Sec. 1778. Extension of time to review World War I Valor Medals.
- Sec. 1779. Ensuring Chinese debt transparency.
- Sec. 1780. Strategy to secure email.
- Sec. 1781. Report on threat posed by domestic terrorists.
- Sec. 1782. Domestic procurement of tungsten and tungsten powder.
- Sec. 1783. Department of defense mechanism for provision of dissenting views.
- Sec. 1784. Sector Risk Management Agencies.
- Sec. 1785. Integration of members of the Armed Forces who are minorities.
- Sec. 1786. Policy on conscious and unconscious gender bias.
- Sec. 1787. Protections for pregnant members of the Armed Forces.
- Sec. 1788. Release of Department of Defense documents on the 1981 El Mozote massacre in El Salvador.

- Sec. 1789. Study and establishment of the Assistant Deputy Secretary for Environment and Resilience.
- Sec. 1790. Expansion of eligibility for HUD–VASH.
- Sec. 1791. Waiver authority with respect to institutions located in an area affected by Hurricane Maria.
- Sec. 1792. Credit monitoring.
- Sec. 1793. Department of Homeland Security CISA Director term limitation.
- Sec. 1794. Workforce issues for military realignments in the Pacific.
- Sec. 1795. Inclusion on the Vietnam Veterans Memorial Wall of the names of the lost crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.
- Sec. 1796. Study on viability of seawater mining for critical minerals.
- Sec. 1797. Restrictions on Confucius Institutes.
- Sec. 1798. Disclosure requirement.
- Sec. 1799. Increased realism and training effectiveness for airborne anti-submarine warfare training at offshore training ranges.
- Sec. 1800. Review of use of innovative wood product technology.
- Sec. 1801. Strategy to increase participation in international military education and training programs.
- Sec. 1802. Establishment of Office of Cyber Engagement of the Department of Veterans Affairs.
- Sec. 1803. Certified notice at completion of an assessment.
- Sec. 1804. Department of Homeland Security acquisition documentation.
- Sec. 1805. Large-scale non-intrusive inspection scanning plan.
- Sec. 1806. National supply chain database.
- Sec. 1807. Coordination with Hollings Manufacturing Extension Partnership Centers.
- Sec. 1808. COVID–19 Emergency Medical Supplies Enhancement.
- Sec. 1809. Prohibition on provision of grant funds to entities that have violated intellectual property rights of United States entities.
- Sec. 1810. Disclosure of imports from the Xinjiang Uyghur Autonomous Region.
- Sec. 1811. Ted Stevens Center for Arctic Security Studies.
- Sec. 1812. Payments for private education loan borrowers, as a result of COVID–19.

Subtitle F—Semiconductor Manufacturing Incentives

- Sec. 1821. Semiconductor incentive grants.
- Sec. 1822. Department of Commerce study on status of semiconductors technologies in the United States industrial base.
- Sec. 1823. Funding for development and adoption of secure semiconductor and secure semiconductor supply chains.
- Sec. 1824. Advanced semiconductor research and design.
- Sec. 1825. Prohibition relating to foreign entities of concern.

Subtitle G—Biliteracy Education Seal and Teaching Act

- Sec. 1831. Short title.
- Sec. 1832. Findings.
- Sec. 1833. Definitions.
- Sec. 1834. Grants for State Seal of Biliteracy programs.

Subtitle H—Accountability for World Bank Loans to China

- Sec. 1841. Short title.

- Sec. 1842. Findings.
- Sec. 1843. United States support for graduation of China from World Bank assistance.
- Sec. 1844. Accountability for World Bank loans to the People's Republic of China.
- Sec. 1845. Ensuring debt transparency with respect to the Belt and Road Initiative.

Subtitle I—Employment Fairness for Taiwan

- Sec. 1851. Short title.
- Sec. 1852. Sense of the Congress.
- Sec. 1853. Fairness for Taiwan nationals regarding employment at international financial institutions.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Authorization of appropriations, Army.
- Sec. 2104. Limitation on military construction project at Kwajalein Atoll.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2017 project.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing and improvements to military family housing units.
- Sec. 2203. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing and improvements to military family housing units.
- Sec. 2303. Authorization of appropriations, Air Force.
- Sec. 2304. Modification of authority to carry out certain fiscal year 2018 project.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2019 projects.
- Sec. 2306. Modification of authority to carry out certain fiscal year 2020 projects.
- Sec. 2307. Technical corrections related to authority to carry out certain fiscal year 2020 family housing projects.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Authorized Energy Resilience and Conservation Investment Program projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Military construction infrastructure and weapon system synchronization for Ground Based Strategic Deterrent.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

Sec. 2512. State of Qatar funded construction projects.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Modification of authority to carry out certain fiscal year 2020 project.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense base closure account.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program Changes

Sec. 2801. Modification and clarification of construction authority in the event of a declaration of war or national emergency.

Sec. 2802. Extension of sunset for annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.

Sec. 2803. Modification of reporting requirement regarding cost increases associated with certain military construction projects and military family housing projects.

Sec. 2804. Expansion of Department of Defense land exchange authority.

Sec. 2805. Congressional project authorization required for military construction projects for energy resilience, energy security, and energy conservation.

Sec. 2806. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.

Sec. 2807. Pilot Program to support combatant command military construction priorities.

- Sec. 2808. Biannual report regarding military installations supported by disaster relief appropriations.

Subtitle B—Military Family Housing Reforms

- Sec. 2811. Expenditure priorities in using Department of Defense Family Housing Improvement Fund.
- Sec. 2812. Promulgation of guidance to facilitate return of military families displaced from privatized military housing.
- Sec. 2813. Promulgation of guidance on mold mitigation in privatized military housing.
- Sec. 2814. Expansion of uniform code of basic standards for privatized military housing and hazard and habitability inspection and assessment requirements to Government-owned and Government-controlled military family housing.
- Sec. 2815. Establishment of Exceptional Family Member Program housing liaison.
- Sec. 2816. Department of Defense report on criteria and metrics used to evaluate performance of landlords of privatized military housing that receive incentive fees.
- Sec. 2817. Report on Department of Defense efforts regarding oversight and role in management of privatized military housing.
- Sec. 2818. Improved Department of Defense and landlord response to identification and remediation of severe environmental health hazards in military housing.
- Sec. 2819. Inclusion of assessment of performance metrics in annual publication on use of incentive fees for privatized military housing projects.

Subtitle C—Real Property and Facilities Administration

- Sec. 2821. Codification of reporting requirements regarding United States overseas military enduring locations and contingency locations.
- Sec. 2822. Limitations on renewal of utility privatization contracts.
- Sec. 2823. Vesting exercise of discretion with Service Secretaries regarding entering into longer-term contracts for utility services.
- Sec. 2824. Use of on-site energy production to promote military installation energy resilience and energy security.
- Sec. 2825. Availability of Energy Resilience and Conservation Investment Program funds for certain activities related to privatized utility systems.
- Sec. 2826. Improving water management and security on military installations.
- Sec. 2827. Pilot program to test use of emergency diesel generators in a microgrid configuration at certain military installations.
- Sec. 2828. Improved electrical metering of Department of Defense infrastructure supporting critical missions.
- Sec. 2829. Renaming certain military installations and other defense property.

Subtitle D—Land Conveyances

- Sec. 2831. Land conveyance, Camp Navajo, Arizona.
- Sec. 2832. Modification of land exchange involving Naval Industrial Reserve Ordnance Plant, Sunnyvale, California.
- Sec. 2833. Land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 2834. Land exchange, San Bernardino County, California.

- Sec. 2835. Land conveyance, Over-the-Horizon Backscatter Radar System receiving station, Modoc County, California.
- Sec. 2836. Transfer of administrative jurisdiction, Naval Support Activity Panama City, Florida, parcel.
- Sec. 2837. Land conveyance, Milan Army Ammunition Plant, Tennessee.

Subtitle E—Military Land Withdrawals

- Sec. 2841. Renewal of land withdrawal and reservation to benefit Naval Air Facility, El Centro, California.
- Sec. 2842. Renewal of Fallon Range Training Complex land withdrawal and reservation.
- Sec. 2843. Renewal of Nevada Test and Training Range land withdrawal and reservation.
- Sec. 2844. Additional requirements regarding Nevada Test and Training Range.
- Sec. 2845. Specified duration of White Sands Missile Range land withdrawal and reservation and establishment of special reservation area for northern and western extension areas.
- Sec. 2846. Grand Canyon Centennial Protection Act.

Subtitle F—Asia-Pacific and Indo-Pacific Issues

- Sec. 2851. Change to biennial reporting requirement for Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2852. Additional exception to restriction on development of public infrastructure in connection with realignment of Marine Corps forces in Asia-Pacific region.
- Sec. 2853. Development of master plan for infrastructure to support rotational Armed Forces in Australia.
- Sec. 2854. Study and strategy regarding bulk fuels management in United States Indo-Pacific Command Area of Responsibility.
- Sec. 2855. Department of Defense report on easements and leased lands in Hawai'i.

Subtitle G—Other Matters

- Sec. 2861. Defense Community Infrastructure Program.
- Sec. 2862. Pilot program on reduction of effects of military aviation noise on certain covered property.
- Sec. 2863. Department of Defense policy for regulation of dangerous dogs in military communities.
- Sec. 2864. Responsibility of Navy for military construction requirements for certain Fleet Readiness Centers.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

- Sec. 2901. Authorized Navy construction and land acquisition projects.
- Sec. 2902. Authorized Air Force construction and land acquisition projects.
- Sec. 2903. Authorization of appropriations.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, Limitations, and Other Matters

- Sec. 3111. Nuclear warhead acquisition processes.
- Sec. 3112. Uncosted and unobligated amounts of National Nuclear Security Administration.
- Sec. 3113. Extension of limitation relating to reclassification of high-level waste.
- Sec. 3114. Extension of pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development.
- Sec. 3115. Plutonium pit production.
- Sec. 3116. Program for research and development of advanced naval nuclear fuel system based on low-enriched uranium.
- Sec. 3117. Independent study on effects of use of nuclear weapons.
- Sec. 3118. Reports on diversity of certain contractor employees of National Nuclear Security Administration.
- Sec. 3119. Findings, purpose, and apology relating to fallout emitted during the Government's atmospheric nuclear tests.
- Sec. 3120. Sense of Congress regarding uranium mining and nuclear testing.
- Sec. 3121. Prohibition on use of funds for nuclear weapons test explosions.
- Sec. 3122. Sense of Congress on the Energy Employees Occupational Illness Compensation Program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME MATTERS

Subtitle A—Maritime Administration

- Sec. 3501. Authorization of the Maritime Administration.
- Sec. 3502. Sense of Congress regarding role of domestic maritime industry in national security.
- Sec. 3503. Nonapplicability of requirement relating to minimum number of operating days for vessels operating under MSP Operating Agreements.
- Sec. 3504. Improvements to process for waiving navigation and vessel-inspection laws.
- Sec. 3505. Maritime transportation system emergency relief program.
- Sec. 3506. Centers of excellence for domestic maritime workforce training and education: technical amendments.
- Sec. 3507. Merchant mariner education loan program.
- Sec. 3508. Assistance for inland and small coastal ports and terminals.
- Sec. 3509. National Shipper Advisory Committee.

- Sec. 3510. Sea year cadets on cable security fleet and tanker security fleet vessels.
- Sec. 3510A. Superintendent of the United States Merchant Marine Academy.
- Sec. 3510B. Maritime academy information.
- Sec. 3510C. Mariner licensing and credentialing.
- Sec. 3510D. National Shipper Advisory Committee.

Subtitle B—Tanker Security Fleet

- Sec. 3511. Tanker Security Fleet.

TITLE XXXVI—FARM AND RANCH MENTAL HEALTH

- Sec. 3601. Public service announcement campaign to address farm and ranch mental health.
- Sec. 3602. Employee training program to manage farmer and rancher stress.
- Sec. 3603. Task force for assessment of causes of mental stress and best practices for response.

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.
- Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 4201. Research, development, test, and evaluation.
- Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.
- Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

- Sec. 4401. Military personnel.
- Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

- Sec. 4501. Other authorizations.
- Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. Military construction.
- Sec. 4602. Military construction for overseas contingency operations.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

- Sec. 4701. Department of energy national security programs.

DIVISION E—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE
ACT OF 2020

- Sec. 5001. Short title.
- Sec. 5002. Findings.
- Sec. 5003. Definitions.

TITLE I—NATIONAL ARTIFICIAL INTELLIGENCE INITIATIVE

- Sec. 5101. National Artificial Intelligence Initiative.
- Sec. 5102. National Artificial Intelligence Initiative Office.
- Sec. 5103. Coordination by Interagency Committee.
- Sec. 5104. National Artificial Intelligence Advisory Committee.
- Sec. 5105. National Academies artificial intelligence impact study on workforce.
- Sec. 5106. GAO report on computational needs.
- Sec. 5107. National AI Research Resource Task Force.
- Sec. 5108. Sense of Congress.
- Sec. 5109. Rule of construction regarding ethical artificial intelligence.

TITLE II—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH
INSTITUTES

- Sec. 5201. National Artificial Intelligence Research Institutes.

TITLE III—DEPARTMENT OF COMMERCE

- Sec. 5301. National Institute of Standards and Technology activities.
- Sec. 5302. National Oceanic and Atmospheric Administration Artificial Intelligence Center.

TITLE IV—NATIONAL SCIENCE FOUNDATION ARTIFICIAL
INTELLIGENCE ACTIVITIES

- Sec. 5401. Artificial intelligence research and education.

TITLE V—DEPARTMENT OF ENERGY ARTIFICIAL INTELLIGENCE
RESEARCH PROGRAM

- Sec. 5501. Department of Energy Artificial Intelligence Research Program.
- Sec. 5502. Department of Energy Veterans' Health Initiative.

DIVISION F—CORPORATE TRANSPARENCY ACT OF 2019

- Sec. 6001. Short title.
- Sec. 6002. Findings.
- Sec. 6003. Transparent incorporation practices.
- Sec. 6004. Studies and reports.
- Sec. 6005. Definitions.

DIVISION G—COUNTER ACT OF 2019

- Sec. 7001. Short title.
- Sec. 7002. Bank Secrecy Act definition.

TITLE I—STRENGTHENING TREASURY

- Sec. 7101. Improving the definition and purpose of the Bank Secrecy Act.
- Sec. 7102. Special hiring authority.
- Sec. 7103. Civil Liberties and Privacy Officer.

- Sec. 7104. Civil Liberties and Privacy Council.
- Sec. 7105. International coordination.
- Sec. 7106. Treasury Attachés Program.
- Sec. 7107. Increasing technical assistance for international cooperation.
- Sec. 7108. FinCEN Domestic Liaisons.
- Sec. 7109. FinCEN Exchange.
- Sec. 7110. Study and strategy on trade-based money laundering.
- Sec. 7111. Study and strategy on de-risking.
- Sec. 7112. AML examination authority delegation study.
- Sec. 7113. Study and strategy on Chinese money laundering.

TITLE II—IMPROVING AML/CFT OVERSIGHT

- Sec. 7201. Pilot program on sharing of suspicious activity reports within a financial group.
- Sec. 7202. Sharing of compliance resources.
- Sec. 7203. GAO Study on feedback loops.
- Sec. 7204. FinCEN study on BSA value.
- Sec. 7205. Sharing of threat pattern and trend information.
- Sec. 7206. Modernization and upgrading whistleblower protections.
- Sec. 7207. Certain violators barred from serving on boards of United States financial institutions.
- Sec. 7208. Additional damages for repeat Bank Secrecy Act violators.
- Sec. 7209. Justice annual report on deferred and non-prosecution agreements.
- Sec. 7210. Return of profits and bonuses.
- Sec. 7211. Application of Bank Secrecy Act to dealers in antiquities.
- Sec. 7212. Geographic targeting order.
- Sec. 7213. Study and revisions to currency transaction reports and suspicious activity reports.
- Sec. 7214. Streamlining requirements for currency transaction reports and suspicious activity reports.

TITLE III—MODERNIZING THE AML SYSTEM

- Sec. 7301. Encouraging innovation in BSA compliance.
- Sec. 7302. Innovation Labs.
- Sec. 7303. Innovation Council.
- Sec. 7304. Testing methods rulemaking.
- Sec. 7305. FinCEN study on use of emerging technologies.
- Sec. 7306. Discretionary surplus funds.

DIVISION H—ELIJAH E. CUMMINGS COAST GUARD AUTHORIZATION ACT OF 2020

- Sec. 101. Short title.
- Sec. 102. Definition of Commandant.

TITLE I—AUTHORIZATIONS

- Sec. 8001. Authorizations of appropriations.
- Sec. 8002. Authorized levels of military strength and training.
- Sec. 8003. Determination of budgetary effects.
- Sec. 8004. Availability of amounts for acquisition of additional National Security Cutter.
- Sec. 8005. Procurement authority for Polar Security Cutters.
- Sec. 8006. Sense of the Congress on need for new Great Lakes icebreaker.
- Sec. 8007. Procurement authority for Great Lakes icebreaker.

- Sec. 8008. Polar Security Cutter acquisition report.
- Sec. 8009. Shoreside infrastructure.
- Sec. 8010. Major acquisition systems infrastructure.
- Sec. 8011. Polar icebreakers.
- Sec. 8012. Acquisition of fast response cutter.

TITLE II—COAST GUARD

Subtitle A—Military Personnel Matters

- Sec. 9101. Grade on retirement.
- Sec. 9102. Authority for officers to opt out of promotion board consideration.
- Sec. 9103. Temporary promotion authority for officers in certain grades with critical skills.
- Sec. 9104. Career intermission program.
- Sec. 9105. Direct commissioning authority for individuals with critical skills.
- Sec. 9106. Employment assistance.

Subtitle B—Organization and Management Matters

- Sec. 9201. Congressional affairs; Director.
- Sec. 9202. Limitations on claims.
- Sec. 9203. Renewal of temporary early retirement authority.
- Sec. 9204. Major acquisitions; operation and sustainment costs.
- Sec. 9205. Support of women serving in the Coast Guard.
- Sec. 9206. Disposition of infrastructure related to E–LORAN.
- Sec. 9207. Positions of importance and responsibility.
- Sec. 9208. Research projects; transactions other than contracts and grants.
- Sec. 9209. Acquisition workforce authorities.
- Sec. 9210. Vessel conversion, alteration, and repair projects.
- Sec. 9211. Modification of acquisition process and procedures.
- Sec. 9212. Establishment and purpose of Fund; definition.
- Sec. 9213. Payments from Fund.
- Sec. 9214. Determination of contributions to Fund.
- Sec. 9215. Payments into Fund.

Subtitle C—Access to Child Care for Coast Guard Families

- Sec. 9301. Report on child care and school-age care assistance for qualified families.
- Sec. 9302. Review of family support services website and online tracking system.
- Sec. 9303. Study and survey on Coast Guard child care needs.
- Sec. 9304. Pilot program to expand access to child care.
- Sec. 9305. Improvements to Coast Guard-owned family housing.
- Sec. 9306. Briefing on transfer of family child care provider qualifications and certifications.
- Sec. 9307. Inspections of Coast Guard child development centers and family child care providers.
- Sec. 9308. Expanding opportunities for family child care.
- Sec. 9309. Definitions.

Subtitle D—Reports

- Sec. 9401. Modifications of certain reporting requirements.
- Sec. 9402. Report on cybersecurity workforce.
- Sec. 9403. Report on navigation and bridge resource management.

- Sec. 9404. Report on helicopter life-cycle support and recapitalization.
- Sec. 9405. Report on Coast Guard response capabilities for cyber incidents on vessels entering ports or waters of the United States.
- Sec. 9406. Study and report on Coast Guard interdiction of illicit drugs in transit zones.
- Sec. 9407. Report on liability limits set in section 1004 of the Oil Pollution Act of 1990.
- Sec. 9408. Report on Coast Guard defense readiness resources allocation.
- Sec. 9409. Report on the feasibility of liquefied natural gas fueled vessels.
- Sec. 9410. Coast Guard authorities study.
- Sec. 9411. Report on effects of climate change on Coast Guard.
- Sec. 9412. Shore infrastructure.
- Sec. 9413. Coast Guard housing; status and authorities briefing.
- Sec. 9414. Physical access control system report.
- Sec. 9415. Study on Certificate of Compliance inspection program with respect to vessels that carry bulk liquefied gases as cargo and liquefied natural gas tank vessels.
- Sec. 9416. Comptroller General of the United States review and report on Coast Guard's International Port Security Program.
- Sec. 9417. Comptroller General of the United States review and report on surge capacity of the Coast Guard.
- Sec. 9418. Comptroller General of the United States review and report on marine inspections program of Coast Guard.
- Sec. 9419. Comptroller General of the United States review and report on information technology program of Coast Guard.
- Sec. 9420. Comptroller General of the United States study and report on access to health care by members of Coast Guard and dependents.
- Sec. 9421. Comptroller General of the United States study and report on medical staffing standards and needs for Coast Guard.
- Sec. 9422. Report on fast response cutters, offshore patrol cutters, and national security cutters.

Subtitle E—Coast Guard Academy Improvement Act

- Sec. 9501. Short title.
- Sec. 9502. Coast Guard Academy study.
- Sec. 9503. Annual report.
- Sec. 9504. Assessment of Coast Guard Academy admission processes.
- Sec. 9505. Coast Guard Academy minority outreach team program.
- Sec. 9506. Coast Guard college student pre-commissioning initiative.
- Sec. 9507. Annual board of visitors.
- Sec. 9508. Homeland Security rotational cybersecurity research program at Coast Guard Academy.

Subtitle F—Other Matters

- Sec. 9601. Strategy on leadership of Coast Guard.
- Sec. 9602. Expedited transfer in cases of sexual assault; dependents of members of the Coast Guard.
- Sec. 9603. Access to resources during creosote-related building closures at Coast Guard Base Seattle, Washington.
- Sec. 9604. Southern resident orca conservation and enforcement.
- Sec. 9605. Sense of Congress and report on implementation of policy on issuance of warrants and subpoenas and whistleblower protections by agents of the Coast Guard Investigative Service.

- Sec. 9606. Inspector General report on access to Equal Opportunity Advisors and Equal Employment Opportunity Specialists.
- Sec. 9607. Insider Threat Program.

TITLE III—MARITIME

Subtitle A—Navigation

- Sec. 10101. Electronic charts; equivalency.
- Sec. 10102. Subrogated claims.
- Sec. 10103. Loan provisions under Oil Pollution Act of 1990.
- Sec. 10104. Oil pollution research and development program.
- Sec. 10105. Limited indemnity provisions in standby oil spill response contracts.

Subtitle B—Shipping

- Sec. 10201. Passenger vessel security and safety requirements; application.
- Sec. 10202. Small passenger vessels and uninspected passenger vessels.
- Sec. 10203. Non-operating individual.
- Sec. 10204. Conforming amendments: training; public safety personnel.
- Sec. 10205. Maritime transportation assessment.
- Sec. 10206. Engine cut-off switches; use requirement.
- Sec. 10207. Authority to waive operator of self-propelled uninspected passenger vessel requirements.
- Sec. 10208. Exemptions and equivalents.
- Sec. 10209. Waiver of navigation and vessel inspection laws.
- Sec. 10210. Renewal of merchant mariner licenses and documents.
- Sec. 10211. Certificate extensions.
- Sec. 10212. Vessel safety standards.
- Sec. 10213. Medical standards.

Subtitle C—Advisory Committees

- Sec. 10301. Advisory committees.
- Sec. 10302. Maritime Transportation System National Advisory Committee.
- Sec. 10303. Expired maritime liens.
- Sec. 10304. Great Lakes Pilotage Advisory Committee.
- Sec. 10305. National Commercial Fishing Safety Advisory Committee.
- Sec. 10306. Exemption of commercial fishing vessels operating in Alaskan Region from Global Maritime Distress and Safety System requirements of Federal Communications Commission.

Subtitle D—Ports

- Sec. 10401. Port, harbor, and coastal facility security.
- Sec. 10402. Aiming laser pointer at vessel.
- Sec. 10403. Safety of special activities.
- Sec. 10404. Security plans; reviews.
- Sec. 10405. Vessel traffic service.
- Sec. 10406. Transportation work identification card pilot program.

TITLE IV—MISCELLANEOUS

Subtitle A—Navigation and Shipping

- Sec. 11101. Coastwise trade.
- Sec. 11102. Towing vessels operating outside boundary line.

- Sec. 11103. Sense of Congress regarding the maritime industry of the United States.
- Sec. 11104. Cargo preference study.
- Sec. 11105. Towing vessel inspection fees.

Subtitle B—Maritime Domain Awareness

- Sec. 11201. Unmanned maritime systems and satellite vessel tracking technologies.
- Sec. 11202. Unmanned aircraft systems testing.
- Sec. 11203. Land-based unmanned aircraft system program of Coast Guard.
- Sec. 11204. Prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 11205. United States commercial space-based radio frequency maritime domain awareness testing and evaluation program.
- Sec. 11206. Authorization of use of automatic identification systems devices to mark fishing equipment.

Subtitle C—Arctic

- Sec. 11301. Coast Guard Arctic prioritization.
- Sec. 11302. Arctic PARS Native engagement.
- Sec. 11303. Voting requirement.
- Sec. 11304. Report on the Arctic capabilities of the Armed Forces.
- Sec. 11305. Report on Arctic search and rescue.
- Sec. 11306. Arctic Shipping Federal Advisory Committee.

Subtitle D—Other Matters

- Sec. 11401. Plan for wing-in-ground demonstration plan.
- Sec. 11402. Northern Michigan oil spill response planning.
- Sec. 11403. Documentation of LNG tankers.
- Sec. 11404. Replacement vessel.
- Sec. 11405. Educational vessel.
- Sec. 11406. Waters deemed not navigable waters of the United States for certain purposes.
- Sec. 11407. Anchorages.
- Sec. 11408. Comptroller General of the United States study and report on vertical evacuation for tsunamis at Coast Guard Stations in Washington and Oregon.
- Sec. 11409. Authority to enter into agreements with National Coast Guard Museum Association.
- Sec. 11410. Formal sexual assault policies for passenger vessels.
- Sec. 11411. Regulations for covered small passenger vessels.

TITLE V—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

- Sec. 12001. Transfers.
- Sec. 12002. Additional transfers.
- Sec. 12003. License exemptions; repeal of obsolete provisions.
- Sec. 12004. Maritime transportation system.
- Sec. 12005. References to “persons” and “seamen”.
- Sec. 12006. References to “himself” and “his”.
- Sec. 12007. Miscellaneous technical corrections.
- Sec. 12008. Technical corrections relating to codification of Ports and Waterways Safety Act.

- Sec. 12009. Aids to navigation.
- Sec. 12010. Transfers related to employees of Lighthouse Service.
- Sec. 12011. Transfers related to surviving spouses of Lighthouse Service employees.
- Sec. 12012. Repeals related to lighthouse statutes.

TITLE VI—FEDERAL MARITIME COMMISSION

- Sec. 13001. Short title.
- Sec. 13002. Authorization of appropriations.
- Sec. 13003. Unfinished proceedings.
- Sec. 13004. Transfer of Federal Maritime Commission provisions.

DIVISION I—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

- Sec. 14001. Short title.

TITLE I—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

- Sec. 14101. Sense of Congress on importance of Department of State's work.
- Sec. 14102. Bureau of Democracy, Human Rights, and Labor.
- Sec. 14103. Assistant Secretary for International Narcotics and Law Enforcement Affairs.
- Sec. 14104. Bureau of Consular Affairs; Bureau of Population, Refugees, and Migration.
- Sec. 14105. Office of International Disability Rights.
- Sec. 14106. Office of Global Women's Issues.
- Sec. 14107. Special appointments.
- Sec. 14108. Anti-piracy information sharing.
- Sec. 14109. Importance of foreign affairs training to national security.
- Sec. 14110. Classification and assignment of Foreign Service officers.
- Sec. 14111. Energy diplomacy and security within the Department of State.
- Sec. 14112. The National Museum of American Diplomacy.
- Sec. 14113. Extension of period for reimbursement of fishermen for costs incurred from the illegal seizure and detention of U.S.-flag fishing vessels by foreign governments.
- Sec. 14114. Art in embassies.
- Sec. 14115. Amendment or repeal of reporting requirements.
- Sec. 14116. Reporting on implementation of GAO recommendations.
- Sec. 14117. Office of Global Criminal Justice.

TITLE II—EMBASSY CONSTRUCTION

- Sec. 14201. Embassy security, construction, and maintenance.
- Sec. 14202. Standard design in capital construction.
- Sec. 14203. Capital construction transparency.
- Sec. 14204. Contractor performance information.
- Sec. 14205. Growth projections for new embassies and consulates.
- Sec. 14206. Long-range planning process.
- Sec. 14207. Value engineering and risk assessment.
- Sec. 14208. Business volume.
- Sec. 14209. Embassy security requests and deficiencies.
- Sec. 14210. Overseas security briefings.
- Sec. 14211. Contracting methods in capital construction.
- Sec. 14212. Competition in embassy construction.

- Sec. 14213. Statement of policy.
- Sec. 14214. Definitions.

TITLE III—PERSONNEL ISSUES

- Sec. 14301. Defense Base Act insurance waivers.
- Sec. 14302. Study on Foreign Service allowances.
- Sec. 14303. Science and technology fellowships.
- Sec. 14304. Travel for separated families.
- Sec. 14305. Home leave travel for separated families.
- Sec. 14306. Sense of Congress regarding certain fellowship programs.
- Sec. 14307. Technical correction.
- Sec. 14308. Foreign Service awards.
- Sec. 14309. Diplomatic programs.
- Sec. 14310. Sense of Congress regarding veterans employment at the Department of State.
- Sec. 14311. Employee assignment restrictions and preclusions.
- Sec. 14312. Recall and reemployment of career members.
- Sec. 14313. Strategic staffing plan for the department.
- Sec. 14314. Consulting services.
- Sec. 14315. Incentives for critical posts.
- Sec. 14316. Extension of authority for certain accountability review boards.
- Sec. 14317. Foreign Service suspension without pay.
- Sec. 14318. Foreign Affairs Manual and Foreign Affairs Handbook changes.
- Sec. 14319. Waiver authority for individual occupational requirements of certain positions.
- Sec. 14320. Appointment of employees to the Global Engagement Center.
- Sec. 14321. Rest and recuperation and overseas operations leave for Federal employees.

TITLE IV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION

- Sec. 14401. Definitions.
- Sec. 14402. Collection, analysis, and dissemination of workforce data.
- Sec. 14403. Exit interviews for workforce.
- Sec. 14404. Recruitment and retention.
- Sec. 14405. Leadership engagement and accountability.
- Sec. 14406. Professional development opportunities and tools.
- Sec. 14407. Examination and oral assessment for the Foreign Service.
- Sec. 14408. Payne fellowship authorization.
- Sec. 14409. Voluntary participation.

TITLE V—INFORMATION SECURITY

- Sec. 14501. Definitions.
- Sec. 14502. Information system security.
- Sec. 14503. Prohibition on contracting with certain telecommunications providers.
- Sec. 14504. Preserving records of electronic communications conducted related to official duties of positions in the public trust of the American people.
- Sec. 14505. Foreign Relations of the United States (FRUS) series and declassification.
- Sec. 14506. Vulnerability Disclosure Policy and Bug Bounty Pilot Program.

TITLE VI—PUBLIC DIPLOMACY

- Sec. 14601. Short title.
- Sec. 14602. Avoiding duplication of programs and efforts.
- Sec. 14603. Improving research and evaluation of public diplomacy.
- Sec. 14604. Permanent reauthorization of the united states advisory commission on public diplomacy.
- Sec. 14605. Streamlining of support functions.
- Sec. 14606. Guidance for closure of public diplomacy facilities.
- Sec. 14607. Definitions.

TITLE VII—COMBATING PUBLIC CORRUPTION

- Sec. 14701. Sense of congress.
- Sec. 14702. Annual assessment.
- Sec. 14703. Transparency and accountability.
- Sec. 14704. Designation of embassy anti-corruption points of contact.
- Sec. 14705. Reporting requirements.
- Sec. 14706. Foreign investments and national security.

TITLE VIII—MISCELLANEOUS

- Sec. 14801. Case-Zablocki Act Reform.
- Sec. 14802. Limitation on assistance to countries in default.
- Sec. 14803. Prohibition on assistance to governments supporting international terrorism.
- Sec. 14804. Sean and David Goldman Child Abduction Prevention and Return Act of 2014 amendment.
- Sec. 14805. Modification of authorities of Commission for the Preservation of America’s Heritage Abroad.
- Sec. 14806. Chief of mission concurrence.

DIVISION J—COMBATING RUSSIAN MONEY LAUNDERING

- Sec. 15001. Short title.
- Sec. 15002. Statement of policy.
- Sec. 15003. Sense of Congress.
- Sec. 15004. Determination with respect to primary money laundering concern of Russian illicit finance.

DIVISION K—KLEPTOCRACY ASSET RECOVERY REWARDS ACT

- Sec. 16001. Short title.
- Sec. 16002. Findings; sense of Congress.
- Sec. 16003. In general.

DIVISION L—STOPPING TRAFFICKING, ILLICIT FLOWS, LAUNDERING, AND EXPLOITATION

- Sec. 17001. Short title.
- Sec. 17002. Findings.
- Sec. 17003. GAO Study.

DIVISION M—IMPROVING CORPORATE GOVERNANCE THROUGH DIVERSITY

- Sec. 18001. Short title.
- Sec. 18002. Submission of data relating to diversity by issuers.
- Sec. 18003. Diversity advisory group.

DIVISION N—BANKING TRANSPARENCY FOR SANCTIONED
PERSONS ACT OF 2019

- Sec. 19001. Short title.
- Sec. 19002. Report on financial services benefitting state sponsors of terrorism,
human rights abusers, and corrupt officials.
- Sec. 19003. Waiver.
- Sec. 19004. Definitions.
- Sec. 19005. Sunset.

DIVISION O—PUBLIC LANDS

- Sec. 20001. Short title.

TITLE I—COLORADO WILDERNESS

- Sec. 20101. Short title; definition.
- Sec. 20102. Additions to National Wilderness Preservation System in the State
of Colorado.
- Sec. 20103. Administrative provisions.
- Sec. 20104. Water.
- Sec. 20105. Sense of Congress.
- Sec. 20106. Department of defense study on impacts that the expansion of wil-
derness designations in the western united states would have
on the readiness of the armed forces of the united states with
respect to aviation training.

TITLE II—NORTHWEST CALIFORNIA WILDERNESS, RECREATION,
AND WORKING FORESTS

- Sec. 20201. Short title.
- Sec. 20202. Definitions.

Subtitle A—Restoration and Economic Development

- Sec. 20211. South Fork Trinity-Mad River Restoration Area.
- Sec. 20212. Redwood National and State Parks restoration.
- Sec. 20213. California Public Lands Remediation Partnership.
- Sec. 20214. Trinity Lake visitor center.
- Sec. 20215. Del Norte County visitor center.
- Sec. 20216. Management plans.
- Sec. 20217. Study; partnerships related to overnight accommodations.

Subtitle B—Recreation

- Sec. 20221. Horse Mountain Special Management Area.
- Sec. 20222. Bigfoot National Recreation Trail.
- Sec. 20223. Elk Camp Ridge Recreation Trail.
- Sec. 20224. Trinity Lake Trail.
- Sec. 20225. Trails study.
- Sec. 20226. Construction of mountain bicycling routes.
- Sec. 20227. Partnerships.

Subtitle C—Conservation

- Sec. 20231. Designation of wilderness.
- Sec. 20232. Administration of wilderness.
- Sec. 20233. Designation of potential wilderness.

- Sec. 20234. Designation of wild and scenic rivers.
- Sec. 20235. Sanhedrin Special Conservation Management Area.

Subtitle D—Miscellaneous

- Sec. 20241. Maps and legal descriptions.
- Sec. 20242. Updates to land and resource management plans.
- Sec. 20243. Pacific Gas and Electric Company Utility facilities and rights-of-way.

TITLE III—CENTRAL COAST HERITAGE PROTECTION

- Sec. 20301. Short title.
- Sec. 20302. Definitions.
- Sec. 20303. Designation of wilderness.
- Sec. 20304. Designation of the Machesna Mountain Potential Wilderness.
- Sec. 20305. Administration of wilderness.
- Sec. 20306. Designation of Wild and Scenic Rivers.
- Sec. 20307. Designation of the Fox Mountain Potential Wilderness.
- Sec. 20308. Designation of scenic areas.
- Sec. 20309. Condor National Scenic Trail.
- Sec. 20310. Forest service study.
- Sec. 20311. Nonmotorized recreation opportunities.
- Sec. 20312. Use by members of Tribes.

TITLE IV—SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION

- Sec. 20401. Short title.
- Sec. 20402. Definition of State.

Subtitle A—San Gabriel National Recreation Area

- Sec. 20411. Purposes.
- Sec. 20412. Definitions.
- Sec. 20413. San Gabriel National Recreation Area.
- Sec. 20414. Management.
- Sec. 20415. Acquisition of non-Federal land within Recreation Area.
- Sec. 20416. Water rights; water resource facilities; public roads; utility facilities.
- Sec. 20417. San Gabriel National Recreation Area Public Advisory Council.
- Sec. 20418. San Gabriel National Recreation Area Partnership.
- Sec. 20419. Visitor services and facilities.

Subtitle B—San Gabriel Mountains

- Sec. 20421. Definitions.
- Sec. 20422. National monument boundary modification.
- Sec. 20423. Designation of Wilderness Areas and Additions.
- Sec. 20424. Administration of Wilderness Areas and Additions.
- Sec. 20425. Designation of Wild and Scenic Rivers.
- Sec. 20426. Water rights.

TITLE V—RIM OF THE VALLEY CORRIDOR PRESERVATION

- Sec. 20501. Short title.
- Sec. 20502. Boundary adjustment; land acquisition; administration.

TITLE VI—WILD OLYMPICS WILDERNESS AND WILD AND SCENIC
RIVERS

- Sec. 20601. Short title.
- Sec. 20602. Designation of olympic national forest wilderness areas.
- Sec. 20603. Wild and scenic river designations.
- Sec. 20604. Existing rights and withdrawal.
- Sec. 20605. Treaty rights.

TITLE VII—STUDY ON FLOOD RISK MITIGATION

- Sec. 20701. Study on Flood Risk Mitigation.

TITLE VIII—MISCELLANEOUS

- Sec. 20801. Promoting health and wellness for veterans and servicemembers.
- Sec. 20802. Fire, insects, and diseases.
- Sec. 20803. Military activities.

DIVISION P—COLORADO OUTDOOR RECREATION AND ECONOMY
ACT

- Sec. 21001. Short title.
- Sec. 21002. Definition of State.

TITLE I—CONTINENTAL DIVIDE

- Sec. 21101. Definitions.
- Sec. 21102. Colorado Wilderness additions.
- Sec. 21103. Williams Fork Mountains Wilderness.
- Sec. 21104. Tenmile Recreation Management Area.
- Sec. 21105. Poreupine Gulch Wildlife Conservation Area.
- Sec. 21106. Williams Fork Mountains Wildlife Conservation Area.
- Sec. 21107. Camp Hale National Historic Landscape.
- Sec. 21108. White River National Forest Boundary modification.
- Sec. 21109. Rocky Mountain National Park Potential Wilderness Boundary adjustment.
- Sec. 21110. Administrative provisions.

TITLE II—SAN JUAN MOUNTAINS

- Sec. 21201. Definitions.
- Sec. 21202. Additions to National Wilderness Preservation System.
- Sec. 21203. Special management areas.
- Sec. 21204. Release of wilderness study areas.
- Sec. 21205. Administrative provisions.

TITLE III—THOMPSON DIVIDE

- Sec. 21301. Purposes.
- Sec. 21302. Definitions.
- Sec. 21303. Thompson Divide Withdrawal and Protection Area.
- Sec. 21304. Thompson Divide lease exchange.
- Sec. 21305. Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program.
- Sec. 21306. Effect.

TITLE IV—CURECANTI NATIONAL RECREATION AREA

Sec. 21401. Definitions.
 Sec. 21402. Curecanti National Recreation Area.
 Sec. 21403. Acquisition of land; boundary management.
 Sec. 21404. General management plan.
 Sec. 21405. Boundary survey.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 In this Act, the term “congressional defense commit-
 3 tees” has the meaning given that term in section
 4 101(a)(16) of title 10, United States Code.

5 **DIVISION A—DEPARTMENT OF**
 6 **DEFENSE AUTHORIZATIONS**
 7 **TITLE I—PROCUREMENT**
 8 **Subtitle A—Authorization Of**
 9 **Appropriations**

10 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

11 Funds are hereby authorized to be appropriated for
 12 fiscal year 2021 for procurement for the Army, the Navy
 13 and the Marine Corps, the Air Force, and Defense-wide
 14 activities, as specified in the funding table in section 4101.

15 **Subtitle B—Navy Programs**

16 **SEC. 111. INDEPENDENT COST ESTIMATE OF FFG(X) FRIG-**
 17 **ATE PROGRAM.**

18 In accordance with section 2334(b) of title 10, United
 19 States Code, the Secretary of Defense shall ensure that
 20 an independent cost estimate of the full life-cycle cost of
 21 the FFG(X) frigate program of the Navy has been com-
 22 pleted before the conclusion of milestone B of such pro-
 23 gram.

1 **SEC. 112. LIQUIFIED NATURAL GAS PILOT PROGRAM.**

2 The Secretary of the Navy shall carry out a pilot pro-
 3 gram under which the Secretary shall experiment and in-
 4 novate within the fleet using liquified natural gas tech-
 5 nology to retrofit, modify, or build vessels capable of dual
 6 fueling (diesel and liquified natural gas) or powered by
 7 liquified natural gas alone.

8 **Subtitle C—Air Force Programs**

9 **SEC. 121. MODIFICATION OF FORCE STRUCTURE OBJEC-**
 10 **TIVES FOR B-1 BOMBER AIRCRAFT.**

11 (a) MODIFICATION OF MINIMUM INVENTORY RE-
 12 QUIREMENT.—Section 9062(h)(2) of title 10, United
 13 States Code, is amended by striking “36” and inserting
 14 “24”.

15 (b) TEMPORARY AUTHORITY TO RETIRE AIR-
 16 CRAFT.—

17 (1) IN GENERAL.—Notwithstanding section
 18 9062(h)(1) of title 10, United States Code, the Sec-
 19 retary of the Air Force may retire up to seventeen
 20 B-1 aircraft.

21 (2) TERMINATION OF AUTHORITY.—The au-
 22 thority of the Secretary of the Air Force to retire
 23 aircraft under paragraph (1) shall terminate on Jan-
 24 uary 1, 2023.

25 (c) PRESERVATION OF CERTAIN AIRCRAFT AND
 26 MAINTENANCE PERSONNEL.—Until the date on which the

1 Secretary of the Air Force determines that the B–21 air-
 2 craft has attained initial operating capability, the Sec-
 3 retary—

4 (1) shall preserve each B–1 aircraft that is re-
 5 tired under subsection (b), in a manner that ensures
 6 the components and parts of such aircraft are main-
 7 tained in reclaimable condition that is consistent
 8 with type 2000 recallable storage, or better; and

9 (2) may not reduce the number of billets as-
 10 signed to maintenance of B–1 aircraft in effect on
 11 January 1, 2020.

12 **SEC. 122. EXTENSION OF LIMITATION ON AVAILABILITY OF**
 13 **FUNDS FOR RETIREMENT OF RC-135 AIR-**
 14 **CRAFT.**

15 Section 148(a) of the National Defense Authorization
 16 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
 17 1243) is amended by striking “for fiscal year 2020” and
 18 inserting “for any of fiscal years 2020 through 2025”.

19 **SEC. 123. MODIFICATION OF LIMITATION ON AVAILABILITY**
 20 **OF FUNDS FOR RETIREMENT OF E-8 JSTARS**
 21 **AIRCRAFT.**

22 Section 147(a) of the John S. McCain National De-
 23 fense Authorization Act for Fiscal Year 2019 (Public Law
 24 115–232; 132 Stat. 1669) is amended by striking “cer-
 25 tifies to the congressional defense committees that Incre-

1 ment 2 of the Advanced Battle-Management System of the
 2 Air Force has declared initial operational capability as de-
 3 fined in the Capability Development Document for the
 4 System” and inserting “certifies to the congressional de-
 5 fense committees that—

6 “(1) the Secretary has identified a replacement
 7 capability and capacity for the current fleet of 16
 8 E-8 Joint Surveillance Target Attack Radar System
 9 aircraft to meet global combatant command require-
 10 ments; and

11 “(2) such replacement delivers capabilities that
 12 are comparable or superior to the capabilities deliv-
 13 ered by such aircraft.”.

14 **SEC. 124. LIMITATION ON AVAILABILITY OF FUNDS FOR**
 15 **THE ADVANCED BATTLE MANAGEMENT SYS-**
 16 **TEM PENDING CERTIFICATION RELATING TO**
 17 **RQ-4 AIRCRAFT.**

18 (a) LIMITATION.—Of the funds authorized to be ap-
 19 propriated by this Act or otherwise made available for fis-
 20 cal year 2021 for the Department of the Air Force for
 21 the Advanced Battle Management System, not more than
 22 50 percent may be obligated or expended until—

23 (1) the Secretary of the Air Force certifies, in
 24 writing, to the Committees on Armed Services of the
 25 Senate and the House of Representatives that the

1 Secretary will not retire, or prepare to retire, any
2 RQ-4 aircraft during fiscal year 2021;

3 (2)(A) the Under Secretary of Defense for Ac-
4 quisition and Sustainment certifies, in writing, to
5 such Committees that, with respect to the RQ-4 air-
6 craft, the validated operating and sustainment costs
7 of any capability developed to replace the RQ-4 air-
8 craft are less than the validated operating and
9 sustainment costs for the RQ-4 aircraft on a com-
10 parable flight-hour cost basis; and

11 (B) the Chairman of the Joint Requirements
12 Oversight Council certifies, in writing, to such Com-
13 mittees that any such capability to be fielded at the
14 same time or before the retirement of the RQ-4 air-
15 craft would result in equal or greater capability
16 available to the commanders of the combatant com-
17 mands and would not result in less capacity avail-
18 able to the commanders of the combatant com-
19 mands; or

20 (3) the Secretary of Defense—

21 (A) certifies, in writing, to such Commit-
22 tees that the Secretary has determined, after
23 analyzing sufficient and relevant data, that a
24 capability superior to the RQ-4 aircraft is

1 worth increased operating and sustainment
2 costs; and

3 (B) provides to such Committees analysis
4 supporting such determination.

5 (b) CONSULTATION REQUIREMENT.—Before issuing
6 a certification under subsection (a), the official responsible
7 for issuing such certification shall consult with the com-
8 batant commanders on the matters covered by the certifi-
9 cation.

10 (c) ADVANCED BATTLE MANAGEMENT SYSTEM DE-
11 FINED.—In this section, the term “Advanced Battle Man-
12 agement System” has the meaning given that term in sec-
13 tion 236(c) of the National Defense Authorization Act for
14 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).

15 **SEC. 125. INVENTORY REQUIREMENTS FOR CERTAIN AIR**
16 **REFUELING TANKER AIRCRAFT.**

17 (a) MINIMUM INVENTORY REQUIREMENTS FOR KC–
18 10A AIRCRAFT.—

19 (1) FISCAL YEAR 2021.—During the period be-
20 ginning on the date of the enactment of this Act and
21 ending on October 1, 2021, the Secretary of the Air
22 Force shall maintain a minimum of 50 KC–10A air-
23 craft designated as primary mission aircraft inven-
24 tory.

1 (2) FISCAL YEAR 2022.—During the period be-
2 ginning on October 1, 2021, and ending on October
3 1, 2022, the Secretary of the Air Force shall main-
4 tain a minimum of 38 KC-10A aircraft designated
5 as primary mission aircraft inventory.

6 (3) FISCAL YEAR 2023.—During the period be-
7 ginning on October 1, 2022, and ending on October
8 1, 2023, the Secretary of the Air Force shall main-
9 tain a minimum of 26 KC-10A aircraft designated
10 as primary mission aircraft inventory.

11 (b) PROHIBITION ON RETIREMENT OF KC-135 AIR-
12 CRAFT.—

13 (1) PROHIBITION.—Except as provided in para-
14 graph (2), during the period beginning on the date
15 of the enactment of this Act and ending on October
16 1, 2023, the Secretary of the Air Force may not re-
17 tire, or prepare to retire, any KC-135 aircraft.

18 (2) EXCEPTION.—The prohibition in paragraph
19 (1) shall not apply to individual KC-135 aircraft
20 that the Secretary of the Air Force determines, on
21 a case-by-case basis, to be no longer mission capable
22 because of mishaps, other damage, or being uneco-
23 nomical to repair.

24 (c) KC-135 AIRCRAFT FLEET MANAGEMENT.—
25 None of the funds authorized to be appropriated by this

1 Act or otherwise made available for fiscal year 2021 for
2 the Air Force may be obligated or expended to reduce the
3 number of KC-135 aircraft designated as primary mission
4 aircraft inventory.

5 (d) PRIMARY MISSION AIRCRAFT INVENTORY DE-
6 FINED.—In this section, the term “primary mission air-
7 craft inventory” has the meaning given that term in sec-
8 tion 9062(i)(2)(B) of title 10, United States Code.

9 **SEC. 126. LIMITATION ON PRODUCTION OF KC-46A AIR-**
10 **CRAFT.**

11 (a) LIMITATION.—None of the funds authorized to
12 be appropriated by this Act or otherwise made available
13 for fiscal year 2021 for the Air Force may be used to ap-
14 prove the full-rate production of KC-46A aircraft or enter
15 into a contract for the production of more than twelve
16 KC-46A aircraft until the date on which the Secretary
17 of the Air Force certifies to the congressional defense com-
18 mittees that all category-one deficiencies in the systems
19 of the aircraft have been corrected, including the defi-
20 ciencies affecting the aircraft’s remote visioning system,
21 telescoping actuator in the boom system, and primary fuel
22 containment system.

23 (b) REPORT.—Not later than February 1, 2021, the
24 Secretary of the Air Force shall submit to the congres-

1 sional defense committees a report on the KC-46A air-
2 craft. The report shall include—

3 (1) a schedule for the correction of each cat-
4 egory-one deficiency described in subsection (a);

5 (2) a plan to engage an independent test orga-
6 nization to verify the effectiveness of any proposed
7 solutions to such category-one deficiencies; and

8 (3) an acquisition strategy for the aircraft
9 that—

10 (A) identifies principal acquisition mile-
11 stones; and

12 (B) will ensure that there is sufficient com-
13 petition for the procurement of a nondevelop-
14 mental tanker aircraft at the conclusion of the
15 KC-46A production contract in effect as of the
16 date of the enactment of this Act.

17 (c) CATEGORY-ONE DEFICIENCY DEFINED.—The
18 term “category-one deficiency” means a deficiency that
19 may cause—

20 (1) death or severe injury to personnel; or

21 (2) major loss or damage to critical aircraft ca-
22 pabilities.

1 **SEC. 127. ASSESSMENT AND CERTIFICATION RELATING TO**
2 **OC-135 AIRCRAFT.**

3 (a) LIMITATION.—Except as provided in subsection
4 (b), none of the funds authorized to be appropriated by
5 this Act or otherwise made available for fiscal year 2021
6 for the Air Force may be obligated or expended to retire,
7 divest, realign, or place in storage or on backup aircraft
8 inventory status, or prepare to retire, divest, realign, or
9 place in storage or backup inventory status, any OC-135
10 aircraft until a period of 90 days has elapsed following
11 the date on which the Secretary of the Air Force submits
12 to the congressional defense committees—

- 13 (1) the report required under subsection (c);
14 and
15 (2) the certification required under subsection
16 (d).

17 (b) EXCEPTION.—The limitation in subsection (a)
18 shall not apply to—

- 19 (1) individual OC-135 aircraft that the Sec-
20 retary of the Air Force determines, on a case-by-
21 case basis, to be no longer mission capable because
22 of mishaps or other damage; or
23 (2) funds obligated or expended—
24 (A) for the preparation of the report re-
25 quired under subsection (c); or

1 (B) for the Air Force to assess options to
2 repurpose the OC-135 aircraft to support other
3 mission requirements.

4 (c) REPORT REQUIRED.—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 of the Air Force shall submit to the congressional defense
7 committees a report that includes the following:

8 (1) Identification of any unclassified aerial im-
9 agery requirements that the Air Force or Air Na-
10 tional Guard can meet using the OC-135 aircraft, a
11 version of the aircraft that is expected to replace the
12 OC-135, or similar aerial imagery collection and
13 processing capabilities.

14 (2) An assessment of the extent to which it is
15 more appropriate for the Air Force or the Air Na-
16 tional Guard to fulfill such requirements.

17 (3) A comparison of the costs and effectiveness
18 of alternative means of meeting unclassified aerial
19 imagery requirements.

20 (4) An assessment of the utility and cost dif-
21 ferential of performing international treaty moni-
22 toring missions such as Olive Harvest with the OC-
23 135 aircraft, a version of the aircraft that is ex-
24 pected to replace the OC-135, or similar aerial im-
25 agery collection and processing capabilities.

1 (d) CERTIFICATION REQUIRED.—Together with the
2 report required under subsection (c), the Secretary of the
3 Air Force shall certify to the congressional defense com-
4 mittees—

5 (1) whether there are unclassified aerial im-
6 agery requirements that the Air Force can meet with
7 the OC-135 aircraft or a version of the aircraft that
8 is expected to replace the OC-135; and

9 (2) whether the Secretary has identified meth-
10 ods of meeting such requirements that are more ef-
11 fective and more efficient than meeting such require-
12 ments through the use of the OC-135 aircraft or a
13 version of the aircraft that is expected to replace the
14 OC-135.

15 (e) UNCLASSIFIED AERIAL IMAGERY REQUIREMENTS
16 DEFINED.—In this section, the term “unclassified aerial
17 imagery requirements” means requirements for the Air
18 Force to provide responsive unclassified aerial imagery
19 support to military forces, domestic civil authorities, other
20 departments and agencies of the Federal Government, and
21 foreign partners of the United States, including any re-
22 quirements to provide unclassified aerial imagery in sup-
23 port of overseas contingency operations, humanitarian as-
24 sistance and disaster relief missions, defense support to

1 domestic civil authorities, and international treaty moni-
2 toring missions.

3 **SEC. 128. MODERNIZATION PLAN FOR AIRBORNE INTEL-**
4 **LIGENCE, SURVEILLANCE, AND RECONNAIS-**
5 **SANCE.**

6 (a) MODERNIZATION PLAN.—

7 (1) IN GENERAL.—The Secretary of the Air
8 Force shall develop a comprehensive plan for the
9 modernization of airborne intelligence, surveillance,
10 and reconnaissance, which shall—

11 (A) ensure the alignment between require-
12 ments, both current and future, and Air Force
13 budget submissions to meet such requirements;
14 and

15 (B) inform the preparation of future de-
16 fense program and budget requests by the Sec-
17 retary, and the consideration of such requests
18 by Congress.

19 (2) ELEMENTS.—The plan required by para-
20 graph (1) shall include the following:

21 (A) An assessment of all airborne intel-
22 ligence, surveillance, and reconnaissance mis-
23 sions, both current missions and those missions
24 necessary to support the national defense strat-
25 egy.

1 (B) An analysis of platforms, capabilities,
2 and capacities necessary to fulfill such current
3 and future missions.

4 (C) The anticipated life-cycle budget asso-
5 ciated with each platform, capability, and ca-
6 pacity requirement for both current and future
7 requirements.

8 (D) An analysis showing operational, budg-
9 et, and schedule trade-offs between sustainment
10 of currently fielded capabilities, modernization
11 of currently fielded capabilities, and develop-
12 ment and production of new capabilities.

13 (b) REPORT TO CONGRESS.—

14 (1) IN GENERAL.—Not later than March 30,
15 2021, the Secretary of the Air Force shall submit to
16 the congressional defense committees a report that
17 includes—

18 (A) the comprehensive modernization plan
19 required by subsection (a); and

20 (B) a strategy for carrying out such plan
21 through fiscal year 2030.

22 (2) FORM.—The report required under para-
23 graph (1) shall be submitted in unclassified form but
24 may include a classified annex.

1 **SEC. 129. MINIMUM BOMBER AIRCRAFT FORCE LEVEL.**

2 (a) IN GENERAL.—Not later than February 1, 2021,
3 the Secretary of the Air Force shall submit to the congres-
4 sional defense committees a report with recommendations
5 for the bomber aircraft force structure that enables the
6 Air Force to meet the requirements of its long-range strike
7 mission under the National Defense Strategy.

8 (b) ELEMENTS.—The report required under sub-
9 section (a) shall include each of the following elements:

10 (1) The bomber force structure necessary to
11 meet the requirements of the Air Force’s long-range
12 strike mission under the National Defense Strategy,
13 including—

14 (A) the total minimum number of bomber
15 aircraft; and

16 (B) the minimum number of primary mis-
17 sion aircraft.

18 (2) The penetrating bomber force structure nec-
19 essary to meet the requirements of the Air Force’s
20 long-range strike mission in contested or denied en-
21 vironments under the National Defense Strategy, to
22 include—

23 (A) the total minimum number of pene-
24 trating bomber aircraft; and

25 (B) the minimum number of primary mis-
26 sion penetrating bomber aircraft.

1 (3) A roadmap outlining how the Air Force
2 plans to reach the force structure identified under
3 paragraphs (1) and (2), including an established
4 goal date for achieving the minimum number of
5 bomber aircraft.

6 (c) FORM.—The report submitted under subsection
7 (a) shall be submitted in unclassified form, but may in-
8 clude a classified annex.

9 (d) PUBLICATION.—The Secretary shall make avail-
10 able to the public the unclassified form of the report sub-
11 mitted under subsection (a).

12 (e) BOMBER AIRCRAFT.—In this section, the term
13 “bomber aircraft” includes penetrating bombers in addi-
14 tion to B-52H aircraft.

15 **SEC. 130. PROVISIONS RELATING TO RC-26B MANNED IN-**
16 **TELLIGENCE, SURVEILLANCE, AND RECON-**
17 **NAISSANCE AIRCRAFT.**

18 (a) LIMITATION.—Except as provided in subsection
19 (b), none of the funds authorized to be appropriated by
20 this Act or otherwise made available for fiscal year 2021
21 for the Air Force may be obligated or expended to retire,
22 divest, realign, or placed in storage or on backup aircraft
23 inventory status, or prepare to retire, divest, realign, or
24 place in storage or on backup aircraft inventory status,
25 any RC-26B aircraft.

1 (b) EXCEPTION.—The limitation in subsection (a)
2 shall not apply to individual RC-26B aircraft that the
3 Secretary of the Air Force determines, on a case-by-case
4 basis, to be no longer mission capable because of mishaps
5 other damage.

6 (c) FUNDING FOR RC-26B MANNED INTELLIGENCE,
7 SURVEILLANCE, AND RECONNAISSANCE PLATFORM.—

8 (1) Of the amount authorized to be appro-
9 priated in section 301 for operation and mainte-
10 nance, as specified in the corresponding funding
11 table in 4301, for operation and maintenance, Air
12 National Guard, the Secretary of the Air Force may
13 transfer up to \$18,500,000 to be used in support of
14 the RC-26B manned intelligence, surveillance, and
15 reconnaissance platform.

16 (2) Of the amount authorized to be appro-
17 priated in section 421 for military personnel, as
18 specified in the corresponding funding table in sec-
19 tion 4401, the Secretary of the Air Force may trans-
20 fer up to \$13,000,000 from military personnel, Air
21 National Guard to be used in support of personnel
22 who operate and maintain the RC-26B manned in-
23 telligence, surveillance, and reconnaissance platform.

24 (d) MEMORANDA OF AGREEMENT.—Notwithstanding
25 any other provision of law, the Secretary of Defense may

1 enter into one or more memoranda of agreement or cost
2 sharing agreements with other departments and agencies
3 of the Federal Government under which the RC-26B air-
4 craft may be used to assist with the missions and activities
5 of such departments and agencies.

6 **SEC. 130A. BRIEFING ON PAYLOAD HOSTING ON MODULAR**
7 **SUPERSONIC AIRCRAFT.**

8 (a) BRIEFING REQUIRED.—Not later than 120 days
9 after the date of the enactment of this Act, the Secretary
10 of the Air Force shall provide to the Committees on Armed
11 Services of the Senate and the House of Representatives
12 a briefing on the potential use of a modular civil super-
13 sonic aircraft to host multiple mission payloads.

14 (b) ELEMENTS.—The briefing under subsection (a)
15 shall include an assessment of the potential of a
16 repurposed civil supersonic aircraft with a military-engi-
17 neered front section as a long-range, high-speed platform
18 for the following uses:

19 (1) As a multi-payload disaggregated node in
20 the Joint All-Domain Command & Control architec-
21 ture.

22 (2) As a host for a multi-mission directed en-
23 ergy system.

24 (3) As an embedded or separated electronic
25 warfare escort.

1 (4) As a quick-response vehicle for missions ne-
2 cessitating large and diverse payloads that preclude
3 fighter aircraft due to size, range or altitude.

4 (c) LIMITATION.—The briefing under subsection (a)
5 shall not affect, modify, or address any matter set forth
6 in section 122 of the Report of the Committee on Armed
7 Services of the House of Representatives that accompanies
8 this Act.

9 **Subtitle D—Defense-wide, Joint,**
10 **and Multiservice Matters**

11 **SEC. 131. DOCUMENTATION RELATING TO THE F-35 AIR-**
12 **CRAFT PROGRAM.**

13 (a) LIMITATION.—The Secretary of Defense may not
14 grant Milestone C approval for the F-35 aircraft program
15 pursuant to section 2366c of title 10, United States Code,
16 or enter into a contract for the full-rate production of F-
17 35 aircraft, until a period of 30 days has elapsed following
18 the date on which the Secretary has submitted to the con-
19 gressional defense committees all of the documentation re-
20 quired under subsection (b).

21 (b) DOCUMENTATION REQUIRED.—The Secretary of
22 Defense shall submit to the congressional defense commit-
23 tees the following documentation with respect to the F-
24 35 aircraft program:

1 (1) A certification from the Under Secretary of
2 Defense for Acquisition and Sustainment that all al-
3 ternative supply contractors for parts, required for
4 the airframe and propulsion prime contractors of the
5 F-35 program as a result of the removal of the Re-
6 public of Turkey from the program—

7 (A) have been identified and all related
8 undefinitized contract actions have been defini-
9 tized (as described in section 7401 of part 217
10 of the Defense Federal Acquisition Regulation
11 Supplement);

12 (B) the parts produced by each such con-
13 tractor have been qualified and certified as
14 meeting applicable technical design and use
15 specifications; and

16 (C) each such contractor has reached the
17 required rate of production to meet supply re-
18 quirements for parts under the F-35 aircraft
19 program.

20 (2) A cost analysis, prepared by the joint pro-
21 gram office for the F-35 aircraft program, that as-
22 sesses and defines—

23 (A) how the full integration of Block 4 and
24 Technical Refresh 3 capabilities for each lot of
25 Block 4 production aircraft beginning after lot

1 14 will affect the average procurement unit cost
2 of United States variants of the F-35A, F-
3 35B, and F-35C aircraft; and

4 (B) how the establishment of alternate
5 sources of production and sustainment supply
6 and repair parts due to the removal of the Re-
7 public of Turkey from the F-35 program will
8 affect such unit cost.

9 (3) All reports required under section 167 of
10 the National Defense Authorization Act for Fiscal
11 Year 2020 (Public Law 116–92; 133 Stat. 1250).

12 (4) An independent cost estimate, prepared by
13 Director of Cost Assessment and Program Evalua-
14 tion, that defines, for each phase of the F-35 air-
15 craft program, the cost to develop, procure, inte-
16 grate, and retrofit F-35 aircraft with all Block 4 ca-
17 pability requirements that are specified in the most
18 recent Block 4 capabilities development document.

19 (5) A plan to correct or mitigate any deficiency
20 in the aircraft, identified as of the date of enactment
21 of this Act—

22 (A) that may cause death, severe injury or
23 occupational illness, or major loss or damage to
24 equipment or a system, and for which there is

1 no identified workaround (commonly known as
2 a “category 1A deficiency”); or

3 (B) that critically restricts combat readi-
4 ness capabilities or results in the inability to at-
5 tain adequate performance to accomplish mis-
6 sion requirements (commonly known as a “cat-
7 egory 1B deficiency”).

8 (6) A software and hardware capability, up-
9 grade, and aircraft modification plan that defines
10 the cost and schedule for retrofitting F-35 aircraft
11 that currently have Technical Refresh 2 capabilities
12 installed to ensure compatibility with Block 4 and
13 Technical Refresh 3 aircraft capabilities.

14 (7) The following reports for the F-35 aircraft
15 program, as prepared by the Director of Operational
16 Test and Evaluation:

17 (A) A report on the results of the realistic
18 survivability testing of the aircraft, as described
19 in section 2366(d) of title 10, United States
20 Code.

21 (B) A report on the results of the initial
22 operational test and evaluation conducted for
23 program, as described in section 2399(b)(2) of
24 such title.

1 (8) A mitigation strategy and implementation
2 plan to address each critical deficiency in the F-35
3 autonomic logistics information system that has been
4 identified as of the date of enactment of this Act.

5 (9) A certification that the F-35A meets the
6 required mission reliability performance using an av-
7 erage sortie duration of 2 and one-half hours.

8 (10) A certification that the Secretary has de-
9 veloped and validated a fully integrated and realistic
10 schedule for the development, production and inte-
11 gration of Block 4 Technical Refresh 3 capabilities,
12 that includes a strategy for resolving all software
13 technical debt that has accumulated within the F-
14 35 operational flight program source code during de-
15 velopment, production, and integration of Technical
16 Refresh 1 and Technical Refresh 2 capabilities.

17 (11)(A) A complete list of hardware modifica-
18 tions that will be required to integrate Block 4 capa-
19 bilities into lot 16 and lot 17 production aircraft.

20 (B) An estimate of the costs of any engineering
21 changes required as a result of such modifications.

22 (C) A comparison of those engineering changes
23 and costs with the engineering changes and costs for
24 lot 15 production aircraft.

1 **SEC. 132. NOTIFICATION ON SOFTWARE REGRESSION TEST-**
2 **ING FOR F-35 AIRCRAFT.**

3 (a) NOTIFICATION REQUIRED.—The Under Sec-
4 retary of Defense for Acquisition and Sustainment, in con-
5 sultation with the Director of Operational Test and Eval-
6 uation, shall notify the congressional defense committees,
7 in writing, not later than 30 days after the date on which
8 mission systems production software for the F-35 aircraft
9 is released to units operating such aircraft under the F-
10 35 continuous capability development and delivery pro-
11 gram.

12 (b) ELEMENTS.—The notification required under
13 subsection (a) shall include, with respect to the mission
14 systems production software for the F-35 aircraft, the fol-
15 lowing:

16 (1) An explanation of the types and methods of
17 regression testing that were completed for the pro-
18 duction release of the software to ensure compat-
19 ibility and proper functionality with—

20 (A) the fire control radar system of each
21 variant of the F-35 aircraft; and

22 (B) all weapons certified for carriage and
23 employment on each variant of the F-35 air-
24 craft.

25 (2) Identification of any entities that conducted
26 regression testing of the software, including any de-

1 velopment facilities of the Federal Government or
2 contractors that conducted such testing.

3 (3) A list of deficiencies identified during re-
4 gression testing of the software or by operational
5 units after fielding of the software, and an expla-
6 nation of—

7 (A) any software modifications, including
8 quick-reaction capability, that were completed
9 to resolve or mitigate the deficiencies;

10 (B) with respect to any deficiencies that
11 were not resolved or mitigated, whether the de-
12 ficiencies will be corrected in later releases of
13 the software; and

14 (C) any effects resulting from such defi-
15 ciencies, including—

16 (i) any effects on the cost and sched-
17 ule for delivery of the software; and

18 (ii) in cases in which the deficiencies
19 resulted in additional, unplanned, software
20 releases, any effects on the ongoing testing
21 of software capability releases.

1 **SEC. 133. NOTIFICATION ON EFFORTS TO REPLACE INOP-**
2 **ERABLE EJECTION SEAT AIRCRAFT LOCATOR**
3 **BEACONS.**

4 (a) NOTIFICATION.—Not later than 180 days after
5 the date of the enactment of this Act and on a semi-annual
6 basis thereafter until the date specified in subsection (b),
7 the Under Secretary of Defense for Acquisition and
8 Sustainment shall submit to the congressional defense
9 committees a written notification that describes, with re-
10 spect to the period covered by the notification—

11 (1) the efforts of the service acquisition execu-
12 tives of the Department of the Air Force and the
13 Department of the Navy to replace ejection seat air-
14 craft locator beacons that are—

15 (A) installed on covered aircraft; and

16 (B) inoperable in water or in wet condi-
17 tions; and

18 (2) the funding allocated for such efforts.

19 (b) DATE SPECIFIED.—The date specified in this
20 subsection is the earlier of—

21 (1) the date on which the Under Secretary of
22 Defense for Acquisition and Sustainment determines
23 that all ejection seat aircraft locator beacons in-
24 stalled on covered aircraft are operable in water and
25 wet conditions; or

1 (2) the date that is 5 years after the date of the
2 enactment of this Act.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “covered aircraft” means aircraft
5 of the Air Force, the Navy, and the Marine Corps
6 that are equipped with ejection seats.

7 (2) The term “service acquisition executive of
8 the Department of the Air Force” does not include
9 the Service Acquisition Executive of the Department
10 of the Air Force for Space Systems and Programs
11 described in section 957 of the National Defense Au-
12 thorization Act for Fiscal Year 2020 (Public Law
13 116–92; 10 U.S.C. 9016 note).

14 **SEC. 134. LIMITATION ON USE OF FUNDS FOR THE ARMED**
15 **OVERWATCH PROGRAM.**

16 None of the funds authorized to be appropriated by
17 this Act or otherwise made available for fiscal year 2021
18 for procurement for the Armed Overwatch Program of the
19 United States Special Operations Command may be obli-
20 gated or expended until the date on which—

21 (1) the Secretary of Defense certifies to the
22 congressional defense committees that—

23 (A) the Secretary has completed a require-
24 ments review of the Armed Overwatch Pro-
25 gram; and

1 (B) the Secretary has conducted a review
2 of the roles and responsibilities of the United
3 States Air Force and the United States Special
4 Operations Command with respect to close air
5 support and armed intelligence, surveillance,
6 and reconnaissance and, as a result of such re-
7 view, the Secretary has identified the Armed
8 Overwatch Program as a special operations
9 forces-peculiar requirement; and

10 (2) the Commander of United States Special
11 Operations Command submits to the congressional
12 defense committees—

13 (A) certification that the Commander or
14 Deputy Commander has approved the docu-
15 mentation of the Special Operations Command
16 Requirements Evaluation Board; and

17 (B) a requirements plan for the Armed
18 Overwatch program that includes—

19 (i) an analysis of alternatives;

20 (ii) a procurement plan over the pe-
21 riod covered by the most recent future-
22 years defense program submitted under
23 section 221 of title 10, United States
24 Code;

- 1 (iii) a sustainment plan with projected
2 costs;
3 (iv) a phase out plan of existing
4 armed intelligence, surveillance, and recon-
5 naissance platforms;
6 (v) a manpower and training analysis,
7 and;
8 (vi) doctrinal considerations for em-
9 ployment; and
10 (C) a roadmap analyzing whether the near-
11 term to mid-term multi-mission responsibilities
12 of the Armed Overwatch Program are con-
13 sistent with the intelligence, surveillance, and
14 reconnaissance requirements of the various spe-
15 cial operations forces units and missions, and
16 the geographic combatant commands.

17 **SEC. 135. INVESTMENT AND SUSTAINMENT PLAN FOR PRO-**
18 **CUREMENT OF CANNON TUBES.**

19 (a) STRATEGY REQUIRED.—The Secretary of the
20 Army shall develop a comprehensive, long-term strategy,
21 which shall include a risk assessment, gap analysis, pro-
22 posed courses of action, investment options, and a
23 sustainment plan, for the development, production, pro-
24 curement and modernization of cannon and large caliber

1 weapons tubes that mitigates identified risks and gaps to
2 the Army and the defense industrial base.

3 (b) ELEMENTS.—The strategy under subsection (a)
4 shall include the following:

5 (1) An assessment of the sufficiency of the can-
6 non tube industrial base to meet near and long-term
7 development and production requirements, including
8 an analysis of any capability or capacity gaps that
9 may exist currently or into the future given current
10 and planned program demands.

11 (2) An analysis of the resources required and
12 planned for the cannon tube industrial base across
13 the future years defense program.

14 (3) A detailed analysis and explanation of the
15 courses of action necessary to mitigate any existing
16 or projected future capability gaps and deficiencies,
17 including the establishment of a permanent or tem-
18 porary second source for cannon and large caliber
19 weapons tubes if advisable, feasible, suitable, and af-
20 fordable.

21 (4) Funding and timelines associated with the
22 identification, qualification and sustainment of a
23 permanent or temporary second source for cannon
24 and large caliber weapons tubes through full and
25 open competition that would be required to mitigate

1 significant development, production, procurement,
2 and modernization risk in the cannon tube industrial
3 base.

4 (5) Such other information as the Secretary of
5 the Army determines to be appropriate.

6 (c) SUBMITTAL TO CONGRESS.—Not later than 90
7 days after the date of the enactment of this Act, the Sec-
8 retary of the Army shall submit to the congressional de-
9 fense committees a copy of the strategy developed under
10 subsection (a).

11 **TITLE II—RESEARCH, DEVELOP-**
12 **MENT, TEST, AND EVALUA-**
13 **TION**

14 **Subtitle A—Authorization of**
15 **Appropriations**

16 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2021 for the use of the Department of Defense
19 for research, development, test, and evaluation, as speci-
20 fied in the funding table in section 4201.

1 **Subtitle B—Program Require-**
 2 **ments, Restrictions, and Limita-**
 3 **tions**

4 **SEC. 211. MODIFICATION OF SCIENCE, MATHEMATICS, AND**
 5 **RESEARCH FOR TRANSFORMATION (SMART)**
 6 **DEFENSE EDUCATION PROGRAM.**

7 (a) PILOT SUBPROGRAM.—Section 2192a of title 10,
 8 United States Code, is amended—

9 (1) by redesignating subsections (b) through (h)
 10 as subsections (c) through (i);

11 (2) by inserting after subsection (a) the fol-
 12 lowing new subsection:

13 “(b) REQUIREMENT FOR PILOT SUBPROGRAM.—

14 “(1) IN GENERAL.—As a subprogram of the
 15 program under subsection (a), the Secretary of De-
 16 fense shall carry out a pilot program to be known
 17 as the ‘National Security Pipeline Pilot Program’
 18 (referred to in this section as the ‘Pilot Program’)
 19 under which the Secretary shall seek to enter into
 20 partnerships with minority institutions to diversify
 21 the participants in the program under subsection
 22 (a).

23 “(2) ELEMENTS.—Under the Pilot Program,
 24 the Secretary of Defense shall—

1 “(A) provide an appropriate amount of fi-
2 nancial assistance under subsection (c) to an in-
3 dividual who is pursuing an associate’s degree,
4 undergraduate degree, or advanced degree at a
5 minority institution;

6 “(B) provide such financial assistance to
7 recipients in conjunction with summer intern-
8 ship opportunities or other meaningful tem-
9 porary appointments within the Department;
10 and

11 “(C) periodically evaluate the success of
12 recruiting individuals for scholarships under
13 this subsection and on hiring and retaining
14 those individuals in the public sector workforce.

15 “(3) REPORTS.—

16 “(A) INITIAL REPORT.—Not later than
17 December 31, 2022, the Secretary of Defense
18 shall submit to the congressional defense com-
19 mittees a report on the establishment of the
20 Pilot Program. At a minimum, the report shall
21 identify the number of students participating in
22 the pilot program as of the date of the report,
23 the fields of study pursued by such students,
24 and the minority institutions at which such stu-
25 dents are enrolled.

1 “(B) FINAL REPORT.—Not later than Sep-
2 tember 30, 2024, the Secretary of Defense shall
3 submit to the congressional defense committees
4 a report that evaluates the success of the pilot
5 program in recruiting individuals for scholar-
6 ships under this section and hiring and retain-
7 ing those individuals in the public sector work-
8 force.

9 “(4) TERMINATION.—The Pilot Program shall
10 terminate on December 31, 2026.”;

11 (3) in subsection (c)(1), as so redesignated—

12 (A) in subparagraph (A), by striking “sub-
13 section (g)” and inserting “subsection (h)”; and

14 (B) in subparagraph (C), by striking “sub-
15 section (c)” and inserting “subsection (d)”; and

16 (4) in subsection (d), as so redesignated—

17 (A) by redesignating paragraph (3) as
18 paragraph (4); and

19 (B) by inserting after paragraph (2) the
20 following new paragraph:

21 “(3) Pursuant to regulations prescribed by the
22 Secretary of Defense for such purpose, a scholarship
23 recipient who is not serving in the Armed Forces at
24 the time the scholarship is received may fulfill the

1 condition described in paragraph (1) by serving on
2 active duty in the Armed Forces.”; and

3 (5) by amending subsection (i), as so redesign-
4 nated, to read as follows:

5 “(i) DEFINITIONS.—In this section:

6 “(1) The term ‘institution of higher education’
7 has the meaning given such term in section 101 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1001).

10 “(2) The term ‘minority institution’ means an
11 institution of higher education at which not less
12 than 50 percent of the total student enrollment con-
13 sists of students from ethnic groups that are under-
14 represented in the fields of science and engineer-
15 ing.”.

16 (b) ADDITIONAL MODIFICATIONS.—Section 2192a of
17 title 10, United States Code, as amended by subsection
18 (a), is further amended—

19 (1) in subsection (d), by adding at the end the
20 following new paragraph:

21 “(5) In employing participants during the pe-
22 riod of obligated service, the Secretary shall ensure
23 that participants are compensated at a rate that is
24 comparable to the rate of compensation for employ-
25 ment in a similar position in the private sector.”.

1 (2) by redesignating subsections (e) through (i)
2 as subsections (f) through (j), respectively;

3 (3) by inserting after subsection (d) the fol-
4 lowing new subsection:

5 “(e) INTERNSHIP REQUIREMENT.—In addition to the
6 period of obligated service required under subsection (d),
7 before completing a degree program for which a scholar-
8 ship was awarded under this section, each participant
9 shall participate in a paid internship for a period of not
10 less than eight weeks with a defense industry sponsor. The
11 Secretary shall work with each defense industry sponsor
12 to ensure there are sufficient paid internships available for
13 all participants, and that each such defense industry spon-
14 sor—

15 “(1)(A) may be a potential employer for pur-
16 pose of the participant’s period of obligated service
17 as described subsection (d)(1)(B)(ii); or

18 “(B) may offer full time employment for a par-
19 ticipant’s last year of obligated service after the par-
20 ticipant completes remaining years owed; and

21 “(2) has agreed to be a defense industry spon-
22 sor making a minimum contribution for each partici-
23 pant who receives an internship, which shall be a
24 minimum amount determined by the Secretary, but

1 not less than an amount equal to 50 percent of the
2 cost of an average scholarship under this section.”;

3 (4) in subsection (h), as so redesignated—

4 (A) by striking “The Secretary of Defense
5 shall” and inserting:

6 “(1) The Secretary of Defense shall”; and

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

9 “(2)(A) The Secretary of Defense shall estab-
10 lish or designate an organization within the Depart-
11 ment of Defense which shall have primary responsi-
12 bility for building cohesion and collaboration across
13 the various scholarship and employment programs of
14 the Department.

15 “(B) The organization described in subpara-
16 graph (A) shall have the following duties—

17 “(i) establish an interconnected network
18 and database across the scholarship and em-
19 ployment programs of the Department, includ-
20 ing, at a minimum the SMART Defense Edu-
21 cation Program, the Defense Civilian Training
22 Corps, the National Defense Science and Engi-
23 neering Graduate Fellowship, the Army AEOP
24 apprenticeship program, and the Consortium
25 Research Fellows Program;

1 “(ii) aid in matching scholarships to indi-
2 viduals pursuing courses of study in in-demand
3 skill areas; and

4 “(iii) build a network of program partici-
5 pants, past, present, and future whom DOD de-
6 partments can draw on to fill skills gaps.

7 “(C) On an annual basis, the organization de-
8 scribed in subparagraph (A) shall publish, on a pub-
9 licly accessible website of the Department of De-
10 fense, an annual report on the workforce require-
11 ments and expected future needs of the civilian
12 workforce of the Department of Defense.”;

13 (5) by redesignating subsection (j), as so redes-
14 ignated, as subsection (k);

15 (6) by inserting after subsection (i) the fol-
16 lowing new subsection:

17 “(j) SPECIAL RULE.—In each year of the program
18 under this section, not less than 20 percent of the appli-
19 cants who are awarded scholarships shall be individuals
20 pursuing degrees in computer science or a related field of
21 study.”; and

22 (7) in subsection (k), as so redesignated, by
23 adding at the end the following new paragraph:

24 “(3) The term ‘defense industry sponsor’
25 means—

1 “(A) a defense contractor with an active
 2 government contract that makes the required
 3 minimum contribution described in subsection
 4 (e)(2); or

5 “(B) a company deemed critical to the na-
 6 tional security infrastructure that makes such a
 7 contribution.”.

8 **SEC. 212. ENHANCED PARTICIPATION OF DEPARTMENT OF**
 9 **DEFENSE CONTRACTORS IN SCIENCE, TECH-**
 10 **NOLOGY, ENGINEERING, AND MATHEMATICS**
 11 **ACTIVITIES.**

12 (a) IN GENERAL.—

13 (1) PROGRAM REQUIRED.—Chapter 111 of title
 14 10, United States Code, is amended by inserting
 15 after section 2192b the following new section:

16 **“§ 2192c. Program to enhance contractor participa-**
 17 **tion in science, technology, engineering,**
 18 **and mathematics activities**

19 “(a) IN GENERAL.—The Secretary of Defense shall
 20 carry out a program under which the Secretary shall seek
 21 to enter into partnerships with Department of Defense
 22 contractors to promote interest in careers in STEM dis-
 23 ciplines.

24 “(b) OBJECTIVES.—The objectives of the program
 25 under subsection (a) are—

1 “(1) to maximize strategic partnerships between
2 institutions of higher education and private sector
3 organizations to build and strengthen communities
4 involved in STEM disciplines;

5 “(2) to increase diversity, equity, and inclusion
6 by providing access to career paths in STEM in his-
7 torically underserved and underrepresented commu-
8 nities;

9 “(3) to encourage employers in STEM dis-
10 ciplines to establish work-based learning experiences
11 such as internships and apprenticeships; and

12 “(4) to build partnerships with minority and
13 woman-owned Department of Defense contractors to
14 establish work-based learning experiences such as in-
15 ternships and apprenticeships.

16 “(c) ACTIVITIES.—As part of the program under sub-
17 section (a), the Secretary of Defense shall seek to encour-
18 age and provide support to Department of Defense con-
19 tractors to enable such contractors to carry out activities
20 to promote interest in careers in STEM disciplines. Such
21 activities may include—

22 “(1) aiding in the development of educational
23 programs and curriculum in STEM disciplines for
24 students of elementary schools and secondary
25 schools;

1 “(2) establishing volunteer programs in elemen-
2 tary schools and secondary schools receiving assist-
3 ance under part A of title I of the Elementary and
4 Secondary Education Act of 1965 (20 U.S.C. 6311
5 et seq.) to enhance education in STEM disciplines;

6 “(3) enhancing education in STEM disciplines
7 at institutions of higher education by—

8 “(A) making personnel available to advise
9 and assist faculty at such institutions in the
10 performance of research and instruction in
11 STEM disciplines that are determined to be
12 critical to the functions of the Department of
13 Defense;

14 “(B) awarding scholarships and fellowships
15 to students pursuing courses of study in STEM
16 disciplines; or

17 “(C) establishing cooperative work-edu-
18 cation programs in STEM disciplines for stu-
19 dents; or

20 “(4) enhancing education in STEM disciplines
21 at minority institutions by—

22 “(A) establishing partnerships between
23 offerors and such institutions for the purpose of
24 training students in STEM disciplines;

1 “(B) conducting recruitment activities at
2 such institutions; or

3 “(C) making internships or apprenticeships
4 available to students of such institutions.

5 “(d) ALLOWABILITY OF COSTS.—Activities described
6 in subsection (c) shall be considered as allowable commu-
7 nity service activities for the purposes of determining al-
8 lowability of cost on a government contract.

9 “(e) DEFINITIONS.—In this section:

10 “(1) The terms ‘elementary school’ and ‘sec-
11 ondary school’ have the meanings given those terms
12 in section 8101 of the Higher Education Act of
13 1965 (20 U.S.C. 7801).

14 “(2) The term ‘institution of higher education’
15 has the meaning given that term in section 101 of
16 the Higher Education Act of 1965 (20 U.S.C.
17 1001).

18 “(3) The term ‘minority institution’ means—

19 “(A) a part B institution (as that term is
20 defined in section 322(2) of the Higher Edu-
21 cation Act of 1965 (20 U.S.C. 1061(2)); or

22 “(B) any other institution of higher edu-
23 cation (as that term is defined in section 101
24 of such Act (20 U.S.C. 1001)) at which not less
25 than 50 percent of the total student enrollment

1 consists of students from ethnic groups that are
 2 underrepresented in the fields of science and
 3 engineering.

4 “(4) The term ‘STEM disciplines’ means dis-
 5 ciplines relating to science, technology, engineering
 6 and mathematics, including disciplines that are crit-
 7 ical to the national security functions of the Depart-
 8 ment of Defense and that are needed in the Depart-
 9 ment of Defense workforce (as determined by the
 10 Secretary of Defense under section 2192a(a)).”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of such chapter is amended
 13 by inserting after the item relating to section 2192b
 14 the following new item:

“2192c. Program to enhance contractor participation in science, technology, en-
 gineering, and math activities.”.

15 (b) CONFORMING REPEAL.—Section 862 of the Na-
 16 tional Defense Authorization Act for Fiscal Year 2012
 17 (Public Law 112–81; 10 U.S.C. note prec. 2191) is re-
 18 pealed.

19 **SEC. 213. MODIFICATION OF REQUIREMENTS RELATING TO**
 20 **CERTAIN COOPERATIVE RESEARCH AND DE-**
 21 **VELOPMENT AGREEMENTS.**

22 Section 2350a of title 10, United States Code, is
 23 amended—

1 (1) in subsection (b)(2), by striking “and the
2 Under Secretary” and inserting “or the Under Sec-
3 retary”;

4 (2) in subsection (c)—

5 (A) by striking “Each cooperative” and in-
6 serting “(1) Except as provided in paragraph
7 (2), each cooperative”; and

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

10 “(2) A cooperative research and development project
11 may be entered into under this section under which costs
12 are shared between the participants on an unequal basis
13 if the Secretary of Defense, or an official specified in sub-
14 section (b)(2) to whom the Secretary delegates authority
15 under this paragraph, makes a written determination that
16 unequal cost sharing provides strategic value to the United
17 States or another participant in the project.

18 “(3) For purposes of this subsection, the term ‘cost’
19 means the total value of cash and non-cash contribu-
20 tions.”;

21 (3) in subsection (d)—

22 (A) in paragraph (1), by striking “In order
23 to” and inserting “Except as provided in para-
24 graph (2), in order to”;

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (C) by inserting after paragraph (1) the
4 following new paragraph:

5 “(2)(A) The Secretary of Defense, or an official spec-
6 ified in subsection (b)(2) to whom the Secretary delegates
7 authority under this paragraph, may waive the prohibition
8 under paragraph (1) to allow the procurement of qualified
9 services from a foreign government, foreign research orga-
10 nization, or other foreign entity on a case-by-case basis.

11 “(B) Not later than 30 days before issuing a waiver
12 under subparagraph (A), the Secretary of Defense or the
13 official specified in subsection (b)(2) to whom the Sec-
14 retary delegates authority under this paragraph (as the
15 case may be) shall submit to the congressional defense
16 committees, the Committee on Foreign Affairs of the
17 House of Representatives, and the Committee on Foreign
18 Relations of the Senate written notice of the intent to
19 issue such a waiver.

20 “(C) For purposes of this paragraph, the term ‘quali-
21 fied services’ means engineering support services and local
22 management services, including launch support services,
23 test configuration support services, test range support
24 services, and development support services, that are not
25 covered by a memorandum of understanding (or other for-

mal agreement) to conduct a cooperative research and development project under this section.”.

SEC. 214. PILOT PROGRAM ON TALENT OPTIMIZATION.

Section 2358b of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) PILOT PROGRAM ON TALENT OPTIMIZATION.—

“(1) IN GENERAL.—The Under Secretary of Defense for Research and Engineering, acting through the Director of the Defense Innovation Unit, shall carry out a pilot program to develop a software-based system that enables active duty military units to identify, access, and request support from members of the reserve components who have the skills and expertise necessary to carry out one or more functions required of such units.

“(2) ELEMENTS.—In carrying out the pilot program, the Director of the Defense Innovation Unit shall—

“(A) ensure that the system developed under paragraph (1)—

“(i) enables active duty units, in near real-time, to identify members of the reserve components who have the qualifica-

1 tions necessary to meet certain require-
2 ments applicable to the units;

3 “(ii) improves the ability of the mili-
4 tary departments to access, on-demand,
5 members of the reserve components who
6 possess relevant experience; and

7 “(iii) prioritizes access to members of
8 the reserve components who have private-
9 sector experience in the fields identified in
10 section (b);

11 “(iv) leverages commercial best prac-
12 tices for similar software systems;

13 “(B) recommend policies and legislation to
14 streamline the use of members of the reserve
15 components by active duty units; and

16 “(C) carry out such other activities as the
17 Director determines appropriate.

18 “(3) TERMINATION.—The authority to carry
19 out the pilot program under this subsection shall
20 terminate on September 30, 2025.”.

21 **SEC. 215. CODIFICATION OF THE NATIONAL SECURITY IN-**
22 **NOVATION NETWORK.**

23 (a) CODIFICATION.—

1 (1) IN GENERAL.—Chapter 139 of title 10,
2 United States Code, is amended by inserting after
3 section 2358b the following new section:

4 **“§ 2358c. National Security Innovation Network**

5 “(a) ESTABLISHMENT.—The Secretary of Defense
6 shall establish a program office to be known as the ‘Na-
7 tional Security Innovation Network’ (referred to in this
8 section as the ‘Network’). The Secretary shall establish
9 the Network within the Office of the Under Secretary of
10 Defense for Research and Engineering or within the office
11 of another principal staff assistant to the Secretary.

12 “(b) RESPONSIBILITIES.—The responsibilities of the
13 Network shall be—

14 “(1) to create a network throughout the United
15 States that connects the Department of Defense to
16 academic institutions, commercial accelerators and
17 incubators, commercial innovation hubs, and non-
18 profit entities with missions relating to national se-
19 curity innovation;

20 “(2) to expand the national security innovation
21 base through integrated, project-based problem solv-
22 ing that leads to novel concept and solution develop-
23 ment for the Department and facilitates dual-use
24 venture creation;

1 “(3) to accelerate the adoption of novel con-
2 cepts and solutions by facilitating dual-use tech-
3 nology advancement to improve acquisition and pro-
4 curement outcomes;

5 “(4) to work in coordination with the Under
6 Secretary of Defense for Personnel and Readiness,
7 other principal staff assistants within the Office of
8 the Secretary, and the Armed Forces to create new
9 pathways and models of national security service
10 that facilitate term, temporary, and permanent em-
11 ployment within the Department for—

12 “(A) students and graduates in the fields
13 of science, technology, arts, engineering, and
14 mathematics;

15 “(B) early-career and mid-career tech-
16 nologists; and

17 “(C) entrepreneurs for purposes of project-
18 based work;

19 “(5) to generate novel concepts and solutions to
20 problems and requirements articulated by entities
21 within the Department through programs, such as
22 the Hacking for Defense program, that combine end
23 users from the Department, students and faculty
24 from academic institutions, and the early-stage dual-
25 use venture community;

1 “(6) to establish physical locations throughout
2 the United States through which the Network will
3 connect with academic and private sector partners
4 for the purposes of carrying the responsibilities de-
5 scribed in paragraphs (1) through (5);

6 “(7) to leverage commercial software platforms
7 and databases that enable the Department of De-
8 fense to—

9 “(A) source and map user problems to
10 markets and suppliers across venture capital,
11 government innovation, and technology port-
12 folios;

13 “(B) collaboratively identify potential com-
14 panies and technologies that can solve unclassi-
15 fied and classified Department of Defense user
16 problems;

17 “(C) integrate expertise from the venture
18 capital community and private sector subject
19 matter experts;

20 “(D) evaluate companies and solutions
21 against existing datasets for cyber and foreign
22 ownership risk; and

23 “(E) access commercial technologies
24 through an accredited and cloud-based develop-

1 ment environment, consistent with Department
2 standards; and

3 “(8) to carry out such other activities as the
4 Secretary of Defense, in consultation with the head
5 of the Network, determines to be relevant to such
6 responsibilities.

7 “(c) AUTHORITIES.—In addition to the authorities
8 provided under this section, in carrying out this section,
9 the Secretary of Defense may use the following authori-
10 ties:

11 “(1) Section 1599g of this title relating to pub-
12 lic-private talent exchanges.

13 “(2) Section 2368 of this title, relating to Cen-
14 ters for Science, Technology, and Engineering Part-
15 nerships.

16 “(3) Section 2374a of this title, relating to
17 prizes for advanced technology achievements.

18 “(4) Section 2474 of this title, relating to Cen-
19 ters of Industrial and Technical Excellence.

20 “(5) Section 2521 of this title, relating to the
21 Manufacturing Technology Program.

22 “(6) Subchapter VI of chapter 33 of title 5, re-
23 lating to assignments to and from States.

1 “(7) Chapter 47 of such title, relating to per-
2 sonnel research programs and demonstration
3 projects.

4 “(8) Section 12 of the Stevenson-Wydler Tech-
5 nology Innovation Act of 1980 (15 U.S.C. 3710a)
6 and section 6305 of title 31 relating to cooperative
7 research and development agreements.

8 “(9) Such other authorities as the Secretary
9 considers appropriate.

10 “(d) DEFINITIONS.—In this section:

11 “(1) The term ‘dual-use venture’ means a busi-
12 ness that provides products or services that are ca-
13 pable of meeting requirements for military and non-
14 military applications.

15 “(2) The term ‘early-stage dual-use venture’
16 means a business that provides products or services
17 that are capable of meeting requirements for mili-
18 tary and nonmilitary applications that has raised not
19 more than \$20,000,000 in private venture capital,
20 and whose principal product or service does not sup-
21 port, either directly or indirectly, a current Depart-
22 ment of Defense program of record.”.

23 “(2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 2358b
2 the following new item:

“2358c. National Security Innovation Network.”.

3 (b) IMPLEMENTATION.—

4 (1) TRANSFERS FROM OTHER DOD ELE-
5 MENTS.—The Secretary of Defense may transfer to
6 the National Security Innovation Network estab-
7 lished under section 2358c of title 10, United States
8 Code (as added by subsection (a)) such personnel,
9 resources, and functions of other organizations and
10 elements of the Department of Defense as the Sec-
11 retary considers appropriate to carry out such sec-
12 tion.

13 (2) INTEGRATION WITH EXISTING NSIN.—Ef-
14 fective on the date of the enactment of this Act, the
15 National Security Innovation Network of the De-
16 partment of Defense (as in existence on the day be-
17 fore such date of enactment) shall be transferred to
18 and merged with the National Security Innovation
19 Network established under section 2358c of title 10,
20 United States Code (as added by subsection (a)).

21 (3) IMPLEMENTATION PLAN.—

22 (A) IN GENERAL.—Not later than 180
23 days after the date of the enactment of this
24 Act, the Secretary of Defense shall submit to
25 the congressional defense committees a plan for

1 implementing the National Security Innovation
2 Network under section 2358c of title 10, United
3 States Code (as added by subsection (a)).

4 (B) ELEMENTS.—The plan required under
5 paragraph (1) shall include the following:

6 (i) Plans for any transfers the Sec-
7 retary intends to carry out under para-
8 graph (1).

9 (ii) Plans for the funding, integration,
10 and evaluation of the Network, including
11 plans for—

12 (I) future funding and adminis-
13 trative support of the Network;

14 (II) integration of the Network
15 into the programming, planning,
16 budgeting, and execution process of
17 the Department of Defense;

18 (III) integration of the Network
19 with the other programs and initia-
20 tives within the Department that have
21 missions relating to innovation and
22 outreach to the academic and the pri-
23 vate sector early-stage dual-use ven-
24 ture community (as defined in section

1 2358c of title 10, United States Code
2 (as added by subsection (a)); and

3 (IV) performance indicators by
4 which the Network will be assessed
5 and evaluated.

6 (iii) A description of any additional
7 authorities the Secretary may require to
8 ensure that the Network is able to effec-
9 tively carry out the responsibilities speci-
10 fied in section 2358c(e) of title 10, United
11 States Code (as added by subsection (a)).

12 (c) COMPTROLLER GENERAL REVIEWS AND RE-
13 PORTS.—

14 (1) REVIEW AND REPORT ON IMPLEMENTATION
15 PLAN.—Not later than 180 days after the date on
16 which the implementation plan is submitted under
17 subsection (b)(3), the Comptroller General of the
18 United States shall—

19 (A) complete a review of the implementa-
20 tion plan;

21 (B) submit to the congressional defense
22 committees a report on the results of the re-
23 view.

24 (2) PROGRAM EVALUATION AND REPORT.—

1 (A) IN GENERAL.—Not later than 3 years
2 after the date of the enactment of this Act, the
3 Comptroller General of the United States
4 shall—

5 (i) complete an evaluation of the Na-
6 tional Security Innovation Network under
7 section 2358c of title 10, United States
8 Code (as added by subsection (a)); and

9 (ii) submit to the appropriate congres-
10 sional committees a report on the results
11 of the evaluation.

12 (B) APPROPRIATE CONGRESSIONAL COM-
13 MITTEES DEFINED.—In this paragraph, the
14 term “appropriate congressional committees”
15 means—

16 (i) the congressional defense commit-
17 tees;

18 (ii) the Committee on Homeland Se-
19 curity and Governmental Affairs of the
20 Senate; and

21 (iii) the Committee on Oversight and
22 Reform of the House of Representatives.

1 **SEC. 216. MODIFICATION OF PILOT PROGRAM ON EN-**
2 **HANCED CIVICS EDUCATION.**

3 (a) IN GENERAL.—Section 234 of the National De-
4 fense Authorization Act for Fiscal Year 2020 (Public Law
5 116–92; 10 U.S.C. 2164 note) is amended—

6 (1) in subsection (e)(1)—

7 (A) in subparagraph (H), by striking
8 “and” at the end; and

9 (B) by adding at the end the following new
10 subparagraph:

11 “(J) the improvement of critical thinking
12 and media literacy among students, including
13 the improvement of students’ abilities with re-
14 spect to—

15 “(i) research and information fluency;

16 “(ii) critical thinking and problem
17 solving skills;

18 “(iii) technology operations and con-
19 cepts;

20 “(iv) information and technological lit-
21 eracy;

22 “(v) understanding of the importance
23 of obtaining information from multiple
24 media sources and evaluating sources for
25 quality; and

1 “(vi) understanding how information
2 on digital platforms can be altered through
3 algorithms, editing, and augmented reality;
4 and”; and

5 (2) in subsection (g), by adding at the end the
6 following new paragraph:

7 “(3) The term ‘media literacy’ means the ability
8 to—

9 “(A) access relevant and accurate informa-
10 tion through media in a variety of forms;

11 “(B) critically analyze media content and
12 the influences of different forms of media;

13 “(C) evaluate the comprehensiveness, rel-
14 evance, credibility, authority, and accuracy of
15 information;

16 “(D) make educated decisions based on in-
17 formation obtained from media and digital
18 sources;”.

19 (b) DEADLINE FOR IMPLEMENTATION.—Not later
20 than 90 days after the date of the enactment of this Act,
21 the Secretary of Defense shall implement the pilot pro-
22 gram under section 234 of the National Defense Author-
23 ization Act for Fiscal Year 2020 (Public Law 116–92; 10
24 U.S.C. 2164 note), as amended by subsection (a).

1 (c) PROGRESS REPORT.—Not later than 30 days
 2 after the date of the enactment of this Act, the Secretary
 3 of Defense shall submit to the congressional defense com-
 4 mittees a report on the efforts of Secretary to implement
 5 the pilot program under section 234 of the National De-
 6 fense Authorization Act for Fiscal Year 2020 (Public Law
 7 116–92; 10 U.S.C. 2164 note), as amended by subsection
 8 (a).

9 **SEC. 217. MODIFICATION OF JOINT ARTIFICIAL INTEL-**
 10 **LIGENCE RESEARCH, DEVELOPMENT, AND**
 11 **TRANSITION ACTIVITIES.**

12 Section 238 of the John S. McCain National Defense
 13 Authorization Act for Fiscal Year 2019 (Public Law 115–
 14 232; 10 U.S.C. 2358 note) is amended—

15 (1) in the section heading, by inserting “**AND**
 16 **IMPROVEMENT OF THE JOINT ARTIFICIAL IN-**
 17 **TELLIGENCE CENTER**” before the period at the
 18 end;

19 (2) in subsection (a)—

20 (A) in paragraph (1), by inserting “ac-
 21 quire,” before “develop”; and

22 (B) by amending paragraph (2) to read as
 23 follows:

24 “(2) EMPHASIS.—The set of activities estab-
 25 lished under paragraph (1) shall include—

1 “(A) acquisition and development of ma-
2 ture artificial intelligence technology;

3 “(B) applying artificial intelligence and
4 machine learning solutions to operational prob-
5 lems by directly delivering artificial intelligence
6 capabilities to the Armed Forces and other or-
7 ganizations and elements of the Department;

8 “(C) accelerating the development, testing,
9 and fielding of new artificial intelligence and ar-
10 tificial intelligence-enabling capabilities; and

11 “(D) coordinating and deconflicting activi-
12 ties involving artificial intelligence and artificial
13 intelligence-enabled capabilities within the De-
14 partment.”;

15 (3) by amending subsection (b) to read as fol-
16 lows:

17 “(b) RESPONSIBLE OFFICIAL.—The Deputy Sec-
18 retary of Defense shall be the official within the Depart-
19 ment of Defense with principal responsibility for the co-
20 ordination of activities relating to the acquisition, develop-
21 ment, and demonstration of artificial intelligence and ma-
22 chine learning for the Department.”;

23 (4) by redesignating subsections (c) through (g)
24 as subsections (d) through (h), respectively;

1 (5) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) ORGANIZATION.—

4 “(1) ROLE OF JOINT ARTIFICIAL INTEL-
5 LIGENCE CENTER.—The set of activities established
6 under subsection (a)(1) shall be established within
7 the Joint Artificial Intelligence Center.

8 “(2) AUTHORITY OF DEPUTY SECRETARY OF
9 DEFENSE.—The Deputy Secretary of Defense shall
10 exercise authority and direction over the Joint Arti-
11 ficial Intelligence Center.

12 “(3) AUTHORITY OF DIRECTOR.—The Director
13 of the Joint Artificial Intelligence Center shall re-
14 port directly to the Deputy Secretary of Defense.

15 “(4) DELEGATION.—In exercising authority
16 and direction over the Joint Artificial Intelligence
17 Center under subsection (a), the Deputy Secretary
18 of Defense may delegate administrative and ancillary
19 management duties to the Chief Information Officer
20 of the Department of Defense, as needed, to effec-
21 tively and efficiently execute the mission of the Cen-
22 ter.”;

23 (6) in subsection (d), as so redesignated—

24 (A) in the matter preceding paragraph (1),
25 by striking “official designated under sub-

1 section (b)” and inserting “Deputy Secretary of
2 Defense”;

3 (B) in paragraph (1), in the matter pre-
4 ceding subparagraph (A), by inserting “ac-
5 quire,” before “develop”;

6 (C) in the heading of paragraph (2), by
7 striking “DEVELOPMENT” and inserting “AC-
8 QUISSION, DEVELOPMENT,”; and

9 (D) in paragraph (2)—

10 (i) in the matter preceding subpara-
11 graph (A), by striking “To the degree
12 practicable, the designated official” and in-
13 serting “The Deputy Secretary of De-
14 fense”;

15 (ii) in subparagraph (A), by striking
16 “development” and inserting “acquisition,
17 development,”;

18 (iii) by redesignating subparagraphs
19 (H) and (I) as subparagraphs (J) and (K),
20 respectively; and

21 (iv) by inserting after subparagraph
22 (G), the following new subparagraphs:

23 “(H) develop standard data formats for
24 the Department that—

1 “(i) aid in defining the relative matu-
2 rity of datasets; and

3 “(ii) inform best practices for cost
4 and schedule computation, data collection
5 strategies aligned to mission outcomes, and
6 dataset maintenance practices;

7 “(I) establish data and model usage agree-
8 ments and collaborative partnership agreements
9 for artificial intelligence product development
10 with each organization and element of the De-
11 partment, including each of the Armed
12 Forces;”;

13 (7) in subsection (e), as so redesignated—

14 (A) by striking “the official designated
15 under subsection (b)” and inserting “the Direc-
16 tor of the Joint Artificial Intelligence Center”;

17 (B) by striking “subsection (c)” and in-
18 serting “subsection (d)”; and

19 (C) by adding at the end the following: “At
20 a minimum, such access shall ensure that the
21 Director has the ability to discover, access,
22 share, and reuse data and models of the Armed
23 Forces and other organizations and elements of
24 the Department of Defense and to build and
25 maintain data for the Department.”;

1 (8) in subsection (f), as so redesignated—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A), by striking “official designated
5 under subsection (b)” and inserting “Dep-
6 uty Secretary of Defense”; and

7 (ii) in subparagraph (B), by striking
8 “designated official” and inserting “Dep-
9 uty Secretary of defense”; and

10 (B) in paragraph (2), by striking “des-
11 igned official” and inserting “Deputy Sec-
12 retary of Defense”; and

13 (9) by adding at the end the following new sub-
14 section:

15 “(i) JOINT ARTIFICIAL INTELLIGENCE CENTER DE-
16 FINED.—The term ‘Joint Artificial Intelligence Center’
17 means the Joint Artificial Intelligence Center of the De-
18 partment of Defense established pursuant to the memo-
19 randum of the Secretary of Defense dated June 27, 2018,
20 and titled ‘Establishment of the Joint Artificial Intel-
21 ligence Center’, or any successor to such Center.”.

1 **SEC. 218. MODIFICATION OF NATIONAL SECURITY INNOVA-**
2 **TION ACTIVITIES AND MANUFACTURING**
3 **PILOT PROGRAM.**

4 (a) NATIONAL SECURITY INNOVATION ACTIVITIES.—
5 Section 230 of the John S. McCain National Defense Au-
6 thorization Act for Fiscal Year 2019 (10 U.S.C. 2358
7 note) is amended—

8 (1) in subsection (a), by striking “The Under
9 Secretary of Defense for Research and Engineering
10 shall establish” and inserting “The Under Secretary
11 of Defense for Research and Engineering, acting
12 through the Director of the Defense Innovation
13 Unit, shall establish”;

14 (2) by redesignating subsections (e) through (h)
15 as subsections (f) through (i), respectively;

16 (3) by inserting after subsection (d) the fol-
17 lowing new subsection:

18 “(e) ESTABLISHMENT OF ADVISORY BOARD.—

19 “(1) IN GENERAL.—Not earlier than the date
20 specified in paragraph (5), but no later than 180
21 days after such date, the Under Secretary shall es-
22 tablish an advisory board within the Defense Innova-
23 tion Unit to advise the Under Secretary and the Di-
24 rector of the Unit with respect to the establishment
25 and prioritization of activities under such subsection
26 (a).

1 “(2) DUTIES.—The advisory board established
2 under paragraph (1) shall—

3 “(A) identify activities that should be
4 prioritized for establishment under subsection
5 (a);

6 “(B) not less frequently than semiannually,
7 reevaluate and update such priorities; and

8 “(C) ensure continuing alignment of the
9 activities established under subsection (a), in-
10 cluding all elements of such activities described
11 in subsection (b), with the overall technology
12 strategy of the Department of Defense.

13 “(3) MEMBERSHIP.—The advisory board estab-
14 lished under paragraph (1) shall be composed of one
15 or more representatives from each of the following:

16 “(A) Each science and technology reinven-
17 tion laboratory of the Department of Defense.

18 “(B) The primary procurement organiza-
19 tion of each Armed Force.

20 “(C) The Defense Innovation Board.

21 “(D) Such other organizations and ele-
22 ments of the Department of Defense as the
23 Under Secretary, in consultation with the Di-
24 rector of the Defense Innovation Unit, deter-
25 mines appropriate.

1 “(4) PLAN.—Not later than 90 days before the
2 date on which the advisory board is established
3 under paragraph (1), the Under Secretary shall sub-
4 mit to the congressional defense committees a plan
5 for establishing the advisory board, including a de-
6 scription of the expected roles, responsibilities, and
7 membership of the advisory board.

8 “(5) DATE SPECIFIED.—The date specified in
9 this paragraph is the date on which funds are first
10 appropriated or otherwise made available to carry
11 out subsection (a).”; and

12 (4) in subsection (h), as so redesignated, by
13 striking “subsection (h)” and inserting “subsection
14 (i)”.

15 (b) PILOT PROGRAM ON DEFENSE MANUFAC-
16 TURING.—Section 1711 of the National Defense Author-
17 ization Act for Fiscal Year 2018 (Public Law 115–91; 10
18 U.S.C. 2505 note) is amended—

19 (1) in subsection (d), by striking “the date that
20 is four years after the date of the enactment of this
21 Act” and inserting “December 31, 2026”; and

22 (2) in subsection (e), by striking “January 31,
23 2022” and inserting “January 31, 2027”.

1 **SEC. 219. EXTENSION OF PILOT PROGRAM FOR THE EN-**
2 **HANCEMENT OF THE RESEARCH, DEVELOP-**
3 **MENT, TEST, AND EVALUATION CENTERS OF**
4 **THE DEPARTMENT OF DEFENSE.**

5 (a) IN GENERAL.—Section 233 of the National De-
6 fense Authorization Act for Fiscal Year 2017 (Public Law
7 114–328; 10 U.S.C. 2358 note) is amended—

8 (1) in subsection (e), by striking “2022” and
9 inserting “2027”; and

10 (2) in subsection (f)—

11 (A) by amending paragraph (1) to read as
12 follows:

13 “(1) IN GENERAL.—Not later than one year
14 after the date of the enactment of the National De-
15 fense Authorization Act for Fiscal Year 2021, the
16 Secretary of Defense shall submit to the congres-
17 sional defense committees a report on the status of
18 the pilot program.”; and

19 (B) in paragraph (2), by adding at the end
20 the following new subparagraph:

21 “(F) With respect to any military depart-
22 ment not participating in the pilot program, an
23 explanation for such nonparticipation, including
24 identification of—

25 “(i) any issues that may be preventing
26 such participation; and

1 “(ii) any offices or other elements of
2 the department that may be responsible for
3 the delay in participation.”.

4 (b) TECHNICAL AMENDMENT.—Effective as of De-
5 cember 23, 2016, and as if included therein as enacted,
6 section 233(c)(2)(C)(ii) of the National Defense Author-
7 ization Act for Fiscal Year 2017 (Public Law 114–328;
8 10 U.S.C. 2358 note) is amended by striking “Assistant
9 Secretary of the Army for Acquisition, Technology, and
10 Logistics” and inserting “Assistant Secretary of the Army
11 for Acquisition, Logistics, and Technology”.

12 **SEC. 220. DIGITAL DATA MANAGEMENT AND ANALYTICS CA-**
13 **PABILITY.**

14 (a) DIGITAL DATA MANAGEMENT AND ANALYTICS
15 CAPABILITY.—

16 (1) IN GENERAL.—The Secretary of Defense
17 shall develop and implement an advanced digital
18 data management and analytics capability to be
19 used—

20 (A) to digitally integrate all elements of
21 the acquisition process of the Department of
22 Defense;

23 (B) to digitally record and track all rel-
24 evant data generated during the research, devel-
25 opment, testing, and evaluation of systems; and

1 (C) to maximize the use of such data to in-
2 form—

3 (i) the further development and im-
4 provement of such systems; and

5 (ii) the acquisition process for such
6 systems.

7 (2) REQUIREMENTS.—The capability developed
8 under paragraph (1) shall meet the following re-
9 quirements:

10 (A) The capability will be accessible to,
11 and useable by, individuals throughout the De-
12 partment of Defense who have responsibilities
13 relating to capability requirements, research,
14 design, development, testing, evaluation, acqui-
15 sition, management, operations, and
16 sustainment of systems.

17 (B) The capability will provide for the de-
18 velopment, use, curation, and maintenance of
19 authoritative and technically accurate digital
20 systems—

21 (i) to reduce the burden of reporting
22 by officials responsible for executing pro-
23 grams;

24 (ii) to ensure shared access to data
25 within the Department;

1 (iii) to supply data to digital engineer-
2 ing models for use in the defense acquisi-
3 tion process;

4 (iv) to supply data to testing infra-
5 structure and software to support auto-
6 mated approaches for testing, evaluation,
7 and deployment throughout the defense ac-
8 quisition process; and

9 (v) to provide timely analyses to De-
10 partment leadership.

11 (C) The capability will be designed—

12 (i) to improve data management proc-
13 esses in the research, development, acquisi-
14 tion, and sustainment activities of the De-
15 partment;

16 (ii) to provide decision makers in the
17 Department with timely, high-quality,
18 transparent, and actionable analyses for
19 optimal development, acquisition, and
20 sustainment decision making and execu-
21 tion;

22 (iii) to facilitate productivity, dis-
23 covery, access, knowledge sharing, and
24 analysis of acquisition-related data across
25 organizational boundaries at all levels of

1 the Department, including through the de-
2 velopment of acquisition documentation;
3 and

4 (iv) to build and improve analytical
5 models and simulations to enhance the de-
6 velopment, test, and use of weapon sys-
7 tems.

8 (3) SOFTWARE REQUIREMENT.—

9 (A) IN GENERAL.—The capability devel-
10 oped under paragraph (1) shall include software
11 to collect, organize, manage, make available,
12 and analyze relevant data throughout the life
13 cycle of defense acquisition programs, including
14 any data needed to satisfy milestone require-
15 ments and reviews.

16 (B) PROCUREMENT AUTHORITY.—The
17 software described in subparagraph (A) may be
18 developed or procured using the authorities pro-
19 vided under section 800 of the National De-
20 fense Authorization Act for Fiscal Year 2020
21 (Public Law 116–92; 133 Stat. 1478).

22 (4) REVIEW.—In developing the capability re-
23 quired under paragraph (1) the Secretary of Defense
24 shall—

1 (A) review data content and requirements
2 to support planning and reporting of functions
3 and remove redundant data requests across
4 functions; and

5 (B) based on such review, develop rec-
6 ommended approaches for—

7 (i) moving supporting processes from
8 analog to digital format, including plan-
9 ning and reporting processes;

10 (ii) making new data active through
11 digitalization;

12 (iii) making legacy data, including
13 data currently residing in program docu-
14 mentation, active through digitalization;
15 and

16 (iv) modernizing the storage, retrieval,
17 and reporting capabilities for stakeholders
18 within the Department, including research
19 entities, Program Management Offices,
20 analytic organizations, enterprise oversight,
21 and decision makers.

22 (b) DEMONSTRATION ACTIVITIES.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall carry out demonstration activities to test var-

1 ious approaches to building the capability required
2 under subsection (a).

3 (2) PROGRAM SELECTION.—Not later than 180
4 days after the date of the enactment of this Act, the
5 Secretary of Defense shall assess and select not
6 fewer than two and not more than five programs of
7 the Department of Defense to participate in the
8 demonstration activities under paragraph (1), in-
9 cluding—

10 (A) one or more acquisition data manage-
11 ment test cases; and

12 (B) one or more development and test
13 modeling and simulation test cases to dem-
14 onstrate the ability to collect data from tests
15 and operations in the field, and feed the data
16 back into models and simulations for better
17 software development and testing.

18 (3) ADDITIONAL REQUIREMENTS.—As part of
19 the demonstration activities under paragraph (1),
20 the Secretary shall—

21 (A) conduct a comparative analysis that
22 assesses the risks and benefits of the digital
23 management and analytics capability used in
24 each of the programs participating in the dem-
25 onstration activities relative to the Depart-

1 ment’s traditional data collection, reporting, ex-
2 posing, and analysis approaches;

3 (B) ensure that the intellectual property
4 strategy for each of the programs participating
5 in the demonstration activities is best aligned to
6 meet the goals of the program; and

7 (C) develop a workforce and infrastructure
8 plan to support any new policies and guidance
9 implemented in connection with the demonstra-
10 tion activities, including any policies and guid-
11 ance implemented after the completion of such
12 activities.

13 (c) POLICIES AND GUIDANCE REQUIRED.—Not later
14 than 18 months after the date of the enactment of this
15 Act, based on the results of the demonstration activities
16 carried out under subsection (b), the Secretary of Defense
17 shall issue or modify policies and guidance to—

18 (1) promote the use of digital management and
19 analytics capabilities; and

20 (2) address roles, responsibilities, and proce-
21 dures relating to such capabilities.

22 (d) STEERING COMMITTEE.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall establish a steering committee to assist the

1 Secretary in carrying out subsections (a) through
2 (c).

3 (2) MEMBERSHIP.—The steering committee
4 shall be composed of the following members or their
5 designees:

6 (A) The Chief Management Officer.

7 (B) The Chief Information Officer.

8 (C) The Director of Cost Assessment and
9 Program Evaluation.

10 (D) The Under Secretary of Defense for
11 Research and Engineering.

12 (E) The Under Secretary of Defense for
13 Acquisition and Sustainment.

14 (F) The Director of Operational Test and
15 Evaluation.

16 (G) The Service Acquisition Executives.

17 (H) The Director for Force Structure, Re-
18 sources, and Assessment of the Joint Staff.

19 (I) The Director of the Defense Digital
20 Service.

21 (e) INDEPENDENT ASSESSMENTS.—

22 (1) INITIAL ASSESSMENT.—

23 (A) IN GENERAL.—The Defense Innova-
24 tion Board, in consultation with the Defense
25 Digital Service, shall conduct an independent

1 assessment to identify recommended approaches
2 for the implementation of subsections (a)
3 through (c).

4 (B) ELEMENTS.—The assessment under
5 subparagraph (A) shall include the following:

6 (i) A plan for the development and
7 implementation of the capability required
8 under subsection (a), including a plan for
9 any procurement that may be required as
10 part of such development and implementa-
11 tion.

12 (ii) An independent cost assessment of
13 the total estimated cost of developing and
14 implementing the capability.

15 (iii) An independent estimate of the
16 schedule for the development and imple-
17 mentation of the capability, including a
18 reasonable estimate of the dates on which
19 the capability can be expected to achieve
20 initial operational capability and full oper-
21 ational capability, respectively.

22 (iv) A recommendation identifying the
23 office or other organization of the Depart-
24 ment of Defense that would be most ap-

1 appropriate to manage and execute the capa-
2 bility.

3 (C) REPORT.—Not later than 180 days
4 after the date of the enactment of this Act, the
5 Defense Innovation Board, in consultation with
6 the Defense Digital Service, shall submit to the
7 Secretary of Defense and the congressional de-
8 fense committees a report on the findings of the
9 assessment under subparagraph (A), including
10 the findings of the assessment with respect to
11 each element specified in subparagraph (B).

12 (2) FINAL ASSESSMENT.—

13 (A) IN GENERAL.—Not later than March
14 15, 2022, the Defense Innovation Board and
15 the Defense Science Board shall jointly com-
16 plete an independent assessment of the progress
17 of the Secretary in implementing subsections
18 (a) through (c). The Secretary of Defense shall
19 ensure that the Defense Innovation Board and
20 the Defense Science Board have access to the
21 resources, data, and information necessary to
22 complete the assessment.

23 (B) INFORMATION TO CONGRESS.—Not
24 later than 30 days after the date on which the
25 assessment under subparagraph (A) is com-

1 pleted, the Defense Innovation Board and the
2 Defense Science Board shall jointly provide to
3 the congressional defense committees—

4 (i) a report summarizing the assess-
5 ment; and

6 (ii) a briefing on the findings of the
7 assessment.

8 (f) REPORT AND BRIEFING.—

9 (1) REPORT ON IMPLEMENTATION.—Not later
10 than 90 days after the date on which the report de-
11 scribed in subsection (e)(1)(C) is submitted to the
12 congressional defense committees, the Secretary of
13 Defense shall submit to the congressional defense
14 committees a report on the progress of the Secretary
15 in implementing subsections (a) through (c). The re-
16 port shall include an explanation of how the results
17 of the demonstration activities carried out under
18 subsection (b) will be incorporated into the policy
19 and guidance required under subsection (c), particu-
20 larly the policy and guidance of the members of the
21 steering committee established under subsection (d).

22 (2) BRIEFING ON LEGISLATIVE RECOMMENDA-
23 TIONS.—Not later than October 15, 2021, the Sec-
24 retary of Defense shall provide to the Committee on
25 Armed Services of the House of Representatives a

1 briefing that identifies any changes to existing law
2 that may be necessary to facilitate the implementa-
3 tion of subsections (a) through (c).

4 **SEC. 221. SOCIAL SCIENCE, MANAGEMENT SCIENCE, AND**
5 **INFORMATION SCIENCE RESEARCH ACTIVITIES.**
6 **TIES.**

7 (a) ESTABLISHMENT.—The Secretary of Defense,
8 acting through the Under Secretary of Defense for Re-
9 search and Engineering, shall carry out a program of re-
10 search and development in social science, management
11 science, and information science.

12 (b) PURPOSES.—The purposes of the program re-
13 quired under subsection (a) are as follows:

14 (1) To ensure that the Department of Defense
15 has access to innovation and expertise in social
16 science, management science, and information
17 science to enable the Department to improve the ef-
18 fectiveness and efficiency of the Department's oper-
19 ational and management activities.

20 (2) To coordinate all research and development
21 within the Department in the fields of social science,
22 management science, and information science.

23 (3) To enhance cooperation and collaboration
24 on research and development in the fields of social
25 science, management science, and information

1 science among the Department of Defense and ap-
2 propriate private sector and international entities
3 that are involved in such research and development.

4 (4) To develop and manage a portfolio of re-
5 search initiatives in fundamental and applied social
6 science, management science, and information
7 science that is stable, consistent, and balanced
8 across relevant disciplines.

9 (5) To accelerate efforts to transition and de-
10 ploy technologies and concepts derived from research
11 and development in the fields of social science, man-
12 agement science, and information science into the
13 Department of Defense, and to establish policies,
14 procedures, and standards for measuring the success
15 of such efforts.

16 (6) To collect, synthesize, and disseminate crit-
17 ical information on research and development in the
18 fields of social science, management science, and in-
19 formation science.

20 (7) To support the missions and systems of the
21 Department by developing the fields of social
22 science, management science, and information
23 science, including by supporting—

24 (A) appropriate research and innovation in
25 such fields; and

1 (B) the development of an industrial base
2 in such fields, including development of the fa-
3 cilities, workforce, and infrastructure that com-
4 prise such industrial base.

5 (c) ADMINISTRATION.—The Under Secretary of De-
6 fense for Research and Engineering shall supervise the
7 planning, management, and coordination of the program
8 under subsection (a).

9 (d) ACTIVITIES.—The Under Secretary of Defense
10 for Research and Engineering, in consultation with the
11 Under Secretary of Defense for Policy, the Secretaries of
12 the military departments, and the heads of relevant De-
13 fense Agencies, shall—

14 (1) prescribe a set of long-term challenges and
15 a set of specific technical goals for the program, in-
16 cluding—

17 (A) optimization of analysis of national se-
18 curity data sets;

19 (B) development of defense-related man-
20 agement innovation activities;

21 (C) improving the operational use of social
22 science, management science, and information
23 science innovations by military commanders and
24 civilian leaders;

1 (D) improving understanding of the funda-
2 mental social, cultural, and behavioral forces
3 that shape the strategic interests of the United
4 States; and

5 (E) developing a Department of Defense
6 workforce capable of developing and leveraging
7 innovations and best practices in the fields of
8 social science, management science, and infor-
9 mation science to support defense missions;

10 (2) develop a coordinated and integrated re-
11 search and investment plan for meeting near-term,
12 mid-term, and long-term national security, defense-
13 related, and Department management challenges
14 that—

15 (A) includes definitive milestones;

16 (B) provides for achieving specific tech-
17 nical goals; and

18 (C) builds upon the investments of the De-
19 partment, other departments and agencies of
20 the Federal Government, and the commercial
21 sector in the fields of social science, manage-
22 ment science, and information science;

23 (3) develop plans for—

1 (A) the development of the Department's
2 workforce in social science, management
3 science, and information science; and

4 (B) enhancing awareness of social science,
5 management science, and information science
6 within the Department; and

7 (4) develop memoranda of agreement, joint
8 funding agreements, and such other cooperative ar-
9 rangements as the Under Secretary determines nec-
10 essary for carrying out the program under sub-
11 section (a).

12 (e) GUIDANCE REQUIRED.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the
15 Under Secretary of Defense for Research and Engi-
16 neering shall develop and issue guidance for defense-
17 related social science, management science, and in-
18 formation science activities, including—

19 (A) classification and data management
20 plans for such activities;

21 (B) policies for control of personnel par-
22 ticipating in such activities to minimize the ef-
23 fects of the loss of intellectual property in social
24 science, management science, and information

1 science considered sensitive to the Federal Gov-
2 ernment; and

3 (C) ensuring transition of social science,
4 management science, and information science
5 research findings into Department strategic
6 documents.

7 (2) UPDATES.—Under Secretary of Defense for
8 Research and Engineering shall regularly update the
9 guidance issued under paragraph (4).

10 (f) RESEARCH CENTERS.—

11 (1) IN GENERAL.—The Secretary of each mili-
12 tary department may establish or designate an enti-
13 ty or activity under the jurisdiction of such Sec-
14 retary, which may include a Department of Defense
15 Laboratory, to serve as a research center in the
16 fields of social science, management science, and in-
17 formation science. Each such research center shall
18 engage with appropriate public sector and private
19 sector organizations, including academic institutions,
20 to enhance and accelerate the research, development,
21 and deployment of social science, management
22 science, and information science within the Depart-
23 ment.

24 (2) MINIMUM NUMBER.—The Secretary of De-
25 fense shall ensure that not less than one research

center is established or designated under paragraph (1) by not later than 180 days after the date of the enactment of this Act.

(g) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2022, the Secretary shall submit to the congressional defense committees a report on the program.

(2) FORM OF REPORT.—The report required under paragraph (1) may be submitted in unclassified or classified form.

SEC. 222. MEASURING AND INCENTIVIZING PROGRAMMING PROFICIENCY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall carry out the following activities:

(1) Leverage existing civilian software development and software architecture certification programs to implement coding language proficiency and artificial intelligence competency tests within the Department of Defense that—

(A) measure an individual's competency in using machine learning tools, in a manner similar to the way the Defense Language Proficiency Test measures competency in foreign language skills;

1 (B) enable the identification of members of
2 the Armed Forces and civilian employees of the
3 Department of Defense who have varying levels
4 of quantified coding comprehension and skills
5 and a propensity to learn new programming
6 paradigms, algorithms, and data analytics; and

7 (C) include hands-on coding demonstra-
8 tions and challenges.

9 (2) Update existing record keeping systems to
10 track artificial intelligence and programming certifi-
11 cation testing results in a manner that is com-
12 parable to the system used for tracking and docu-
13 menting foreign language competency, and use that
14 record keeping system to ensure that workforce cod-
15 ing and artificial intelligence comprehension and
16 skills are taken into consideration when making as-
17 signments.

18 (3) Implement a system of rewards, including
19 appropriate incentive pay and retention incentives,
20 for members of the Armed Forces and civilian em-
21 ployees of the Department of Defense who perform
22 successfully on specific language coding proficiency
23 and artificial intelligence competency tests and make
24 their skills available to the Department.

1 (b) INFORMATION SHARING WITH OTHER FEDERAL
2 AGENCIES.—The Secretary of Defense shall share infor-
3 mation on the activities carried out under subsection (a)
4 with the Secretary of Homeland Security, the Attorney
5 General, the Director of National Intelligence, and the
6 heads of such other organizations of the intelligence com-
7 munity as the Secretary determines appropriate, for pur-
8 poses of—

9 (1) making information about the coding lan-
10 guage proficiency and artificial intelligence com-
11 petency tests developed under such subsection avail-
12 able to other Federal national security agencies; and

13 (2) encouraging the heads of such agencies to
14 implement tracking and reward systems that are
15 comparable to those implemented by the Department
16 of Defense pursuant to such subsection.

17 **SEC. 223. INFORMATION TECHNOLOGY MODERNIZATION**
18 **AND SECURITY EFFORTS.**

19 (a) MODERNIZATION EFFORT.—

20 (1) DEFINITIONS.—In this subsection—

21 (A) the term “Assistant Secretary” means
22 the Assistant Secretary of Commerce for Com-
23 munications and Information;

24 (B) the term “covered agency”—

1 (i) means any Federal entity that the
2 Assistant Secretary determines is appro-
3 priate; and

4 (ii) includes the Department of De-
5 fense;

6 (C) the term “Federal entity” has the
7 meaning given the term in section 113(l) of the
8 National Telecommunications and Information
9 Administration Organization Act (47 U.S.C.
10 923(l));

11 (D) the term “Federal spectrum” means
12 frequencies assigned on a primary basis to a
13 covered agency;

14 (E) the term “infrastructure” means infor-
15 mation technology systems and information
16 technologies, tools, and databases; and

17 (F) the term “NTIA” means the National
18 Telecommunications and Information Adminis-
19 tration.

20 (2) INITIAL INTERAGENCY SPECTRUM INFORMA-
21 TION TECHNOLOGY COORDINATION.—Not later than
22 90 days after the date of enactment of this Act, the
23 Assistant Secretary, in consultation with the Policy
24 and Plans Steering Group, shall identify a process to
25 establish goals, including parameters to measure the

1 achievement of those goals, for the modernization of
2 the infrastructure of covered agencies relating to
3 managing the use of Federal spectrum by those
4 agencies, which shall include—

5 (A) the standardization of data inputs,
6 modeling algorithms, modeling and simulation
7 processes, analysis tools with respect to Federal
8 spectrum, assumptions, and any other tool to
9 ensure interoperability and functionality with
10 respect to that infrastructure;

11 (B) other potential innovative technological
12 capabilities with respect to that infrastructure,
13 including cloud-based databases, artificial intel-
14 ligence technologies, automation, and improved
15 modeling and simulation capabilities;

16 (C) ways to improve the management of
17 covered agencies' use of Federal spectrum
18 through that infrastructure, including by—

19 (i) increasing the efficiency of that in-
20 frastructure;

21 (ii) addressing validation of usage
22 with respect to that infrastructure;

23 (iii) increasing the accuracy of that
24 infrastructure;

1 (iv) validating models used by that in-
2 frastructure; and

3 (v) monitoring and enforcing require-
4 ments that are imposed on covered agen-
5 cies with respect to the use of Federal
6 spectrum by covered agencies;

7 (D) ways to improve the ability of covered
8 agencies to meet mission requirements in con-
9 gested environments with respect to Federal
10 spectrum, including as part of automated ad-
11 justments to operations based on changing con-
12 ditions in those environments;

13 (E) the creation of a time-based automated
14 mechanism—

15 (i) to share Federal spectrum between
16 covered agencies to collaboratively and dy-
17 namically increase access to Federal spec-
18 trum by those agencies; and

19 (ii) that could be scaled across Fed-
20 eral spectrum; and

21 (F) the collaboration between covered
22 agencies necessary to ensure the interoperability
23 of Federal spectrum.

24 (3) SPECTRUM INFORMATION TECHNOLOGY
25 MODERNIZATION.—

1 (A) IN GENERAL.—Not later than 240
2 days after the date of enactment of this Act,
3 the Assistant Secretary shall submit to Con-
4 gress a report that contains the plan of the
5 NTIA to modernize and automate the infra-
6 structure of the NTIA relating to managing the
7 use of Federal spectrum by covered agencies so
8 as to more efficiently manage that use.

9 (B) CONTENTS.—The report required
10 under subparagraph (A) shall include—

11 (i) an assessment of the current, as of
12 the date on which the report is submitted,
13 infrastructure of the NTIA described in
14 that paragraph;

15 (ii) an acquisition strategy for the
16 modernized infrastructure of the NTIA de-
17 scribed in that paragraph, including how
18 that modernized infrastructure will enable
19 covered agencies to be more efficient and
20 effective in the use of Federal spectrum;

21 (iii) a timeline for the implementation
22 of the modernization efforts described in
23 that paragraph;

1 (iv) plans detailing how the modern-
2 ized infrastructure of the NTIA described
3 in that paragraph will—

4 (I) enhance the security and reli-
5 ability of that infrastructure so that
6 such infrastructure satisfies the re-
7 quirements of the Federal Information
8 Security Management Act of 2002
9 (Public Law 107–296; 116 Stat.
10 2135);

11 (II) improve data models and
12 analysis tools to increase the effi-
13 ciency of the spectrum use described
14 in that paragraph;

15 (III) enhance automation and
16 workflows, and reduce the scope and
17 level of manual effort, in order to—

18 (aa) administer the manage-
19 ment of the spectrum use de-
20 scribed in that paragraph; and

21 (bb) improve data quality
22 and processing time; and

23 (IV) improve the timeliness of
24 spectrum analyses and requests for in-
25 formation, including requests sub-

1 mitted pursuant to section 552 of title
2 5, United States Code;

3 (v) an operations and maintenance
4 plan with respect to the modernized infra-
5 structure of the NTIA described in that
6 paragraph;

7 (vi) a strategy for coordination be-
8 tween the covered agencies within the Pol-
9 icy and Plans Steering Group, which shall
10 include—

11 (I) a description of—

12 (aa) those coordination ef-
13 forts, as in effect on the date on
14 which the report is submitted;
15 and

16 (bb) a plan for coordination
17 of those efforts after the date on
18 which the report is submitted, in-
19 cluding with respect to the ef-
20 forts described in paragraph (4);

21 (II) a plan for standardizing—

22 (aa) electromagnetic spec-
23 trum analysis tools;

1 (bb) modeling and simula-
2 tion processes and technologies;
3 and

4 (cc) databases to provide
5 technical interference assess-
6 ments that are usable across the
7 Federal Government as part of a
8 common spectrum management
9 infrastructure for covered agen-
10 cies;

11 (III) a plan for each covered
12 agency to implement a modernization
13 plan described in paragraph (4)(A)
14 that is tailored to the particular
15 timeline of the agency;

16 (vii) identification of manually inten-
17 sive processes involved in managing Fed-
18 eral spectrum and proposed enhancements
19 to those processes;

20 (viii) metrics to evaluate the success
21 of the modernization efforts described in
22 that paragraph and any similar future ef-
23 forts; and

24 (ix) an estimate of the cost of the
25 modernization efforts described in that

1 paragraph and any future maintenance
2 with respect to the modernized infrastruc-
3 ture of the NTIA described in that para-
4 graph, including the cost of any personnel
5 and equipment relating to that mainte-
6 nance.

7 (4) INTERAGENCY INPUTS.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this Act, the
10 head of each covered agency shall submit to the
11 Assistant Secretary and the Policy and Plans
12 Steering Group a report that describes the plan
13 of the agency to modernize the infrastructure of
14 the agency with respect to the use of Federal
15 spectrum by the agency so that such modern-
16 ized infrastructure of the agency is interoper-
17 able with the modernized infrastructure of the
18 NTIA, as described in paragraph (3).

19 (B) CONTENTS.—Each report submitted
20 by the head of a covered agency under subpara-
21 graph (A) shall—

22 (i) include—

23 (I) an assessment of the current,
24 as of the date on which the report is
25 submitted, management capabilities of

1 the agency with respect to the use of
2 frequencies that are assigned to the
3 agency, which shall include a descrip-
4 tion of any challenges faced by the
5 agency with respect to that manage-
6 ment;

7 (II) a timeline for completion of
8 the modernization efforts described in
9 that paragraph; and

10 (III) a description of potential in-
11 novative technological capabilities for
12 the management of frequencies that
13 are assigned to the agency, as deter-
14 mined under paragraph (2);

15 (IV) identification of agency-spe-
16 cific requirements or constraints relat-
17 ing to the infrastructure of the agen-
18 cy;

19 (V) identification of any existing,
20 as of the date on which the report is
21 submitted, systems of the agency that
22 are duplicative of the modernized in-
23 frastructure of the NTIA, as proposed
24 under paragraph (3); and

1 (VI) with respect to the report
2 submitted by the Secretary of De-
3 fense—

4 (aa) a strategy for the inte-
5 gration of systems or the flow of
6 data among the Armed Forces,
7 the military departments, the De-
8 fense Agencies and Department
9 of Defense Field Activities, and
10 other components of the Depart-
11 ment of Defense;

12 (bb) a plan for the imple-
13 mentation of solutions to the use
14 of Federal spectrum by the De-
15 partment of Defense involving in-
16 formation at multiple levels of
17 classification; and

18 (cc) a strategy for address-
19 ing, within the modernized infra-
20 structure of the Department of
21 Defense described in that para-
22 graph, the exchange of informa-
23 tion between the Department of
24 Defense and the NTIA in order
25 to accomplish required processing

1 of all Department of Defense do-
2 mestic spectrum coordination and
3 management activities; and

4 (ii) be submitted in an unclassified
5 format, with a classified annex, as appro-
6 priate.

7 (C) NOTIFICATION OF CONGRESS.—Upon
8 submission of the report required under sub-
9 paragraph (A), the head of each covered agency
10 shall notify Congress that the head of the cov-
11 ered agency has submitted the report.

12 (5) GAO OVERSIGHT.—The Comptroller Gen-
13 eral of the United States shall—

14 (A) not later than 90 days after the date
15 of enactment of this Act, conduct a review of
16 the infrastructure of covered agencies, as that
17 infrastructure exists on the date of enactment
18 of this Act;

19 (B) after all of the reports required under
20 paragraph (4) have been submitted, conduct
21 oversight of the implementation of the mod-
22 ernization plans submitted by the NTIA and
23 covered agencies under paragraphs (3) and (4),
24 respectively;

1 (C) not later than 1 year after the date on
2 which the Comptroller General begins con-
3 ducting oversight under subparagraph (B), and
4 annually thereafter, submit a report regarding
5 that oversight to—

6 (i) with respect to the implementation
7 of the modernization plan of the Depart-
8 ment of Defense, the Committee on Armed
9 Services of the Senate and the Committee
10 on Armed Services of the House of Rep-
11 resentatives; and

12 (ii) with respect to the implementation
13 of the modernization plans of all covered
14 agencies, including the Department of De-
15 fense, the Committee on Commerce,
16 Science, and Transportation of the Senate
17 and the Committee on Energy and Com-
18 merce of the House of Representatives;
19 and

20 (D) provide regular briefings to—

21 (i) with respect to the application of
22 this section to the Department of Defense,
23 the Committee on Armed Services of the
24 Senate and the Committee on Armed Serv-
25 ices of the House of Representatives; and

1 (ii) with respect to the application of
2 this section to all covered agencies, includ-
3 ing the Department of Defense, the Com-
4 mittee on Commerce, Science, and Trans-
5 portation of the Senate and the Committee
6 on Energy and Commerce of the House of
7 Representatives.

8 (b) TELECOMMUNICATIONS SECURITY PROGRAM.—

9 (1) PROGRAM REQUIRED.—The Secretary of
10 Defense shall carry out a program to identify and
11 mitigate vulnerabilities in the telecommunications in-
12 frastructure of the Department of Defense.

13 (2) ELEMENTS.—In carrying out the program
14 under paragraph (1), the Secretary shall—

15 (A) develop a capability to communicate
16 clearly and authoritatively about threats by for-
17 eign adversaries;

18 (B) conduct independent red-team security
19 analysis of Department of Defense systems,
20 subsystems, devices, and components including
21 no-knowledge testing and testing with limited or
22 full knowledge of expected functionalities;

23 (C) verify the integrity of personnel who
24 are tasked with design fabrication, integration,
25 configuration, storage, test, and documentation

1 of noncommercial 5G technology to be used by
2 the Department of Defense;

3 (D) verify the efficacy of the physical secu-
4 rity measures used at Department of Defense
5 locations where system design, fabrication, inte-
6 gration, configuration, storage, test, and docu-
7 mentation of 5G technology occurs;

8 (E) direct the Chief Information Officer of
9 the Department of Defense to use the Federal
10 Risk and Authorization Management Program
11 (commonly known as “FedRAMP”) moderate
12 or high cloud standard baselines, supplemented
13 with the Department’s FedRAMP cloud stand-
14 ard controls and control enhancements, to as-
15 sess 5G core service providers whose services
16 will be used by the Department of Defense
17 through the Department’s provisional author-
18 ization process; and

19 (F) direct the Defense Information Sys-
20 tems Agency and the United States Cyber Com-
21 mand to Develop a capability for continuous,
22 independent monitoring of packet streams for
23 5G data on frequencies assigned to the Depart-
24 ment of Defense to validate availability, con-

1 fidentiality, and integrity of Department of De-
2 fense communications systems.

3 (3) IMPLEMENTATION PLAN.—Not later than
4 90 days after the date of the enactment of this Act,
5 the Secretary of Defense shall submit to Congress a
6 plan for the implementation of the program under
7 paragraph (1).

8 (4) REPORT REQUIRED.—Not later than 270
9 days after submitting the plan under paragraph (3),
10 the Secretary of Defense shall submit to Congress a
11 report that includes—

12 (A) a comprehensive assessment of the
13 findings and conclusions of the program under
14 paragraph (1);

15 (B) recommendations on how to mitigate
16 vulnerabilities in the Department of Defense
17 telecommunications infrastructure; and

18 (C) an explanation of how the Department
19 of Defense plans to implement such rec-
20 ommendations.

21 **SEC. 224. BOARD OF DIRECTORS FOR THE JOINT ARTIFI-**
22 **CIAL INTELLIGENCE CENTER.**

23 (a) ESTABLISHMENT.—The Secretary of Defense
24 shall establish a Board of Directors for the Joint Artificial
25 Intelligence Center.

1 (b) DUTIES.—The duties of the Board of Directors
2 shall be the following:

3 (1) Provide strategic guidance to the Director
4 of the Joint Artificial Intelligence Center.

5 (2) Advise the Secretary on matters relating to
6 the development and use of artificial intelligence by
7 the Department of Defense.

8 (3) Evaluate and advise the Secretary on eth-
9 ical matters relating to the development and use of
10 artificial intelligence by the Department.

11 (4) Conduct long-term and long-range studies
12 on matters relating to artificial intelligence.

13 (5) Evaluate and provide recommendations to
14 the Secretary regarding the Department's develop-
15 ment of a robust workforce proficient in artificial in-
16 telligence.

17 (6) Assist the Secretary in developing strategic
18 level guidance on artificial intelligence-related hard-
19 ware procurement and supply-chain matters.

20 (7) Monitor and provide recommendations to
21 the Secretary on computing power, usage, storage,
22 and other technical matters relating to artificial in-
23 telligence.

24 (c) MEMBERSHIP.—The Board of Directors shall be
25 composed of the following members:

1 (1) The official within the Department of De-
2 fense to whom the Director of the Joint Artificial in-
3 telligence center directly reports.

4 (2) The Under Secretary of Defense for Policy.

5 (3) The Under Secretary of Defense for Re-
6 search and Engineering.

7 (4) The Under Secretary of Defense for Acqui-
8 sition and Sustainment.

9 (5) The Under Secretary of Defense for Intel-
10 ligence and Security.

11 (6) The Under Secretary of Defense for Per-
12 sonnel and Readiness.

13 (7) Not more than five members from academic
14 or private sector organizations outside the Depart-
15 ment of Defense, who shall be appointed by the Sec-
16 retary.

17 (d) CHAIRPERSON.—The chairperson of the Board of
18 Directors shall be the official described in subsection
19 (c)(1).

20 (e) MEETINGS.—The Board of Directors shall meet
21 not less than once each fiscal quarter and may meet at
22 other times at the call of the chairperson or a majority
23 of the Board's members.

24 (f) REPORTS.—Not later than September 30 of each
25 year through September 30, 2024, the Board of Directors

1 shall submit to the congressional defense committees a re-
2 port that summarizes the activities of the Board over the
3 preceding year.

4 (g) DEFINITIONS.—In this section:

5 (1) The term “artificial intelligence” has the
6 meaning given that term in section 238(g) of the
7 John S. McCain National Defense Authorization Act
8 for Fiscal Year 2019 (Public Law 115–232; 10
9 U.S.C. 2358 note).

10 (2) The term “Board of Directors” means the
11 Board of Directors established under subsection (a).

12 (3) The term “Joint Artificial Intelligence Cen-
13 ter” means the Joint Artificial Intelligence Center of
14 the Department of Defense established pursuant to
15 the memorandum of the Secretary of Defense dated
16 June 27, 2018, and titled “Establishment of the
17 Joint Artificial Intelligence Center”, or any suc-
18 cessor to such Center.

19 (4) The term “Secretary” means the Secretary
20 of Defense.

21 **SEC. 225. DIRECTED ENERGY WORKING GROUP.**

22 (a) IN GENERAL.—The Secretary of Defense shall es-
23 tablish a working group, to be known as the “Directed
24 Energy Working Group”.

25 (b) RESPONSIBILITIES.—The working group shall—

1 (1) discuss the current and planned directed en-
2 ergy programs of each of the military departments;

3 (2) make recommendations to the Secretary of
4 Defense about establishing memoranda of under-
5 standing among the organizations and elements of
6 the Department of Defense to coordinate directed
7 energy activities using amounts authorized to be ap-
8 propriated for research, development, test, and eval-
9 uation;

10 (3) identify methods of quickly fielding directed
11 energy capabilities and programs; and

12 (4) develop a compendium on the effectiveness
13 of directed energy weapon systems and integrate the
14 compendium into an overall Joint Effectiveness
15 Manual under the guidance from the Joint Technical
16 Coordination Group for Munitions Effectiveness.

17 (c) HEAD OF WORKING GROUP.—The head of the
18 working group shall be the Assistant Director of Directed
19 Energy of the Office of the Under Secretary of Defense
20 for Research and Engineering.

21 (d) MEMBERSHIP.—The members of the working
22 group shall be appointed by not later than 60 days after
23 the date of the enactment of this Act, as follows:

1 (1) One member from each military depart-
2 ment, appointed by the Secretary of the military de-
3 partment concerned.

4 (2) One member appointed by the Under Sec-
5 retary of Defense for Research and Engineering.

6 (3) One member appointed by the Under Sec-
7 retary of Defense for Acquisition and Sustainment.

8 (4) One member appointed by the Director of
9 the Strategic Capabilities Office of the Department
10 of Defense.

11 (5) One member appointed by the Director of
12 the Defense Advanced Research Projects Agency.

13 (e) REPORTS TO CONGRESS.—Not later than 180
14 days after the date of the enactment of this Act, and not
15 less frequently than once every 180 days thereafter, the
16 working group shall submit to the congressional defense
17 committees a report on the progress of each directed en-
18 ergy program being developed or fielded by the Depart-
19 ment of Defense.

20 (f) TERMINATION.—The working group under this
21 section shall terminate 4 years after the date of the enact-
22 ment of this Act.

23 **SEC. 226. PROGRAM EXECUTIVE OFFICER FOR AUTONOMY.**

24 (a) IN GENERAL.—Not later than February 1, 2022,
25 the Secretary of the Navy shall designate a program exec-

1 utive officer for autonomy who shall be the official within
2 the Department of the Navy with primary responsibility
3 for the development and integration of autonomous tech-
4 nology into weapon systems.

5 (b) PROGRAM EXECUTIVE OFFICER DEFINED.—In
6 this section, the term “program executive officer” has the
7 meaning given that term in section 1737(a)(4) of title 10,
8 United States Code.

9 **SEC. 227. ACCOUNTABILITY MEASURES RELATING TO THE**
10 **ADVANCED BATTLE MANAGEMENT SYSTEM.**

11 (a) INDEPENDENT COST ESTIMATE.—

12 (1) IN GENERAL.—The Director of Cost Assess-
13 ment and Program Evaluation shall—

14 (A) review any cost estimate of the Ad-
15 vanced Battle Management System prepared by
16 the Department of the Air Force; and

17 (B) conduct an independent cost estimate
18 of the full life-cycle cost of the Advanced Battle
19 Management System.

20 (2) SUBMITTAL TO CONGRESS.—At the same
21 time as the budget of the President for fiscal year
22 2022 is submitted to Congress pursuant to section
23 1105(a) of title 31, United States Code, the Director
24 of Cost Assessment and Program Evaluation shall
25 submit to the congressional defense committees a re-

1 port on the results of the review and independent
2 cost estimate conducted under paragraph (1).

3 (b) AIR FORCE BRIEFING REQUIREMENT.—Section
4 147(g) of the John S. McCain National Defense Author-
5 ization Act for Fiscal Year 2019 (Public Law 115–232;
6 132 Stat. 1670) is amended by adding at the end the fol-
7 lowing: “Each briefing shall include a detailed explanation
8 of any on-ramp exercise of the Advanced Battle Manage-
9 ment System conducted during the quarter covered by the
10 report, including an explanation of—

11 “(1) the objectives achieved by the exercise;

12 “(2) the realism of the exercise, including iden-
13 tification of the portions of the exercise that were
14 scripted and unscripted and any technical
15 workarounds or substitutes used for purposes of the
16 exercise;

17 “(3) the interim capabilities provided to com-
18 batant commanders after the conclusion of the exer-
19 cise (commonly known as ‘leave behind’ capabilities)
20 and a plan for the sustainment or upgrade of such
21 capabilities; and

22 “(4) the total cost of the exercise and a break-
23 down of the costs with respect to technology, range
24 and demonstration resources, personnel, and logis-
25 tics.”.

1 (c) REPORTS.—Not later than December 20, 2020,
2 the Secretary of the Air Force shall submit to the congres-
3 sional defense committees the following reports on the Ad-
4 vanced Battle Management System:

5 (1) REPORT ON PLANNED CAPABILITIES.—A
6 report on the planned product line capabilities of the
7 Advanced Battle Management System, including—

8 (A) a description of the technologies need-
9 ed to implement and achieve such product line
10 capabilities;

11 (B) a timeline for the technical maturation
12 of such product line capabilities; and

13 (C) a notional schedule for fielding such
14 product line capabilities over the period covered
15 by the current future-years defense program
16 under section 221 of title 10, United States
17 Code.

18 (2) REPORT ON ACQUISITION AUTHORITIES.—A
19 report on the allocation of responsibilities among the
20 individuals and entities responsible for acquisition
21 for the Advanced Battle Management System, in-
22 cluding an explanation of how decision-making and
23 governance of the acquisition process is allocated
24 among the Chief Architect Integration Office and

1 other entities that are expected provide capabilities
2 for the System.

3 (3) REPORT ON ALIGNMENT WITH COMMON
4 MISSION CONTROL CENTER.—A report, which may
5 be submitted in classified or unclassified form, that
6 explains how, and to what extent, the Advanced Bat-
7 tle Management System will be aligned and coordi-
8 nated with the Common Mission Control Center of
9 the Air Force.

10 (d) REPORT ON SECURITY MEASURES.—At the same
11 time as the budget of the President for fiscal year 2022
12 is submitted to Congress pursuant to section 1105(a) of
13 title 31, United States Code, the Secretary of the Air
14 Force shall submit to the congressional defense commit-
15 tees a report that describes how the Secretary plans to
16 ensure the security of the Advanced Battle Management
17 System, including a description of any information assur-
18 ance and anti-tamper requirements for the System.

19 (e) ADVANCED BATTLE MANAGEMENT SYSTEM DE-
20 FINED.—In this section, the term “Advanced Battle Man-
21 agement System” has the meaning given that term in sec-
22 tion 236(c) of the National Defense Authorization Act for
23 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1281).

1 **SEC. 228. MEASURES TO ADDRESS FOREIGN TALENT PRO-**
2 **GRAMS.**

3 (a) LIST OF PROGRAMS.—The Secretary of Defense
4 shall develop and maintain a list of foreign talent pro-
5 grams that pose a threat to the national security interests
6 of the United States, as determined by the Secretary.

7 (b) CRITERIA.—In developing the list under sub-
8 section (a), the Secretary of Defense shall consider—

9 (1) the extent to which a foreign talent pro-
10 gram—

11 (A) poses a threat to research funded by
12 the Department of Defense; and

13 (B) engages in, or facilitates, cyber at-
14 tacks, theft, espionage, or otherwise interferes
15 in the affairs of the United States; and

16 (2) any other factors the Secretary determines
17 appropriate.

18 (c) INFORMATION TO CONGRESS.—Not later than 90
19 days after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives a copy of the list developed under subsection (a).

23 (d) PUBLICATION IN FEDERAL REGISTER.—Not
24 later than 30 days after making the submission required
25 under subsection (c), the Secretary of Defense shall pub-

lish the list developed under subsection (a) in the Federal Register.

(e) NOTICE AND COMMENT PERIOD.—The list developed under subsection (a), and any guidance, rules, updates, or other requirements relating to such list, shall not take effect until such list, or any such guidance, rules, updates, or other requirements (as the case may be) have been—

(1) published in the Federal Register; and

(2) open for public comment for a period of not less than 60 days.

(f) FOREIGN TALENT PROGRAM DEFINED.—In this section, the term “foreign talent program” has the meaning given that term for purposes of section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

SEC. 229. DISCLOSURE OF FOREIGN FUNDING SOURCES IN APPLICATIONS FOR FEDERAL RESEARCH AWARDS.

(a) DISCLOSURE REQUIREMENT.—Each Federal research agency shall require—

(1) any individual applying for funds from that agency as a principal investigator or co-principal investigator under a grant or cooperative agreement to

1 disclose all current and pending support and the
2 sources of such support at the time of the applica-
3 tion for funds; and

4 (2) any institution of higher education applying
5 for funds from that agency to certify that every
6 principal investigator or co-principal investigator
7 who is employed by the institution of higher edu-
8 cation and is applying for such funds has been made
9 aware of the requirement under paragraph (1).

10 (b) CONSISTENCY.—The Director of the Office of
11 Science and Technology Policy, acting through the Na-
12 tional Science and Technology Council and in accordance
13 with the authority provided under section 1746 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2020
15 (Public Law 116–92; 42 U.S.C. 6601 note) shall ensure
16 that the requirements issued by Federal research agencies
17 under subsection (a) are consistent.

18 (c) ENFORCEMENT.—

19 (1) IN GENERAL.—In the event that an indi-
20 vidual or entity violates the disclosure requirements
21 under subsection (a), a Federal research agency may
22 take one or more of the following actions against
23 such individual or entity:

24 (A) Reject an application for a grant or co-
25 operative agreement because the disclosed cur-

1 rent and pending support violates agency terms
2 and conditions.

3 (B) Reject an application for a grant or
4 cooperative agreement because current and
5 pending support have not been disclosed as re-
6 quired under subsection (a).

7 (C) Temporarily or permanently dis-
8 continue any or all funding from that agency
9 for any principal investigator or co-principal in-
10 vestigator who has failed to properly disclose
11 current and pending support pursuant to sub-
12 section (a).

13 (D) Temporarily or permanently suspend
14 or debar a researcher, in accordance with part
15 180 of title 2, Code of Federal Regulations,
16 from receiving funding from that agency when
17 failure to disclose current and pending support
18 pursuant to subsection (a) as done knowingly
19 and willfully.

20 (E) Refer a failure to disclose under sub-
21 section (a) to Federal law enforcement authori-
22 ties to determine whether any criminal statutes
23 have been violated.

24 (2) NOTICE.—A Federal research agency in-
25 tending to take action under any of subparagraph

1 (A), (B), (C), or (D) of paragraph (1) shall notify
2 the institution of higher education, principal investi-
3 gator and any co-principal investigators subject to
4 such action about the specific reason for the action,
5 and shall provide the institution, principal investi-
6 gator, and co-principal investigator, as applicable,
7 with the opportunity and a process by which to con-
8 test the proposed action.

9 (3) EVIDENTIARY STANDARDS.—A Federal re-
10 search agency seeking suspension or debarment
11 under paragraph (1)(D) shall abide by the proce-
12 dures and evidentiary standards set forth in part
13 180 of title 2, Code of Federal Regulations.

14 (d) DEFINITIONS.—In this section:

15 (1) CURRENT AND PENDING SUPPORT.—The
16 term “current and pending support” means all re-
17 sources made available to an individual in direct
18 support of the individual’s research efforts, regard-
19 less of whether such resources have monetary value,
20 and includes in-kind contributions requiring a com-
21 mitment of time and directly supporting the individ-
22 ual’s research efforts, such as the provision of office
23 or laboratory space, equipment, supplies, employees,
24 and students.

1 (2) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given that term in section 101 of the High-
4 er Education Act of 1965 (20 U.S.C. 1001).

5 (3) FEDERAL RESEARCH AGENCY.—The term
6 “Federal research agency” includes the following
7 and any organizations and elements thereof:

8 (A) The Department of Agriculture.

9 (B) The Department of Commerce.

10 (C) The Department of Defense.

11 (D) The Department of Education.

12 (E) The Department of Energy.

13 (F) The Department of Health and
14 Human Services.

15 (G) The Department of Homeland Secu-
16 rity.

17 (H) The Department of Transportation.

18 (I) The Environmental Protection Agency.

19 (J) The National Aeronautics and Space
20 Administration.

21 (K) The National Science Foundation.

1 **SEC. 230. LIMITATIONS RELATING TO LARGE UNMANNED**
2 **SURFACE VESSELS AND ASSOCIATED OFFEN-**
3 **SIVE WEAPON SYSTEMS.**

4 (a) LIMITATION ON AVAILABILITY OF FUNDS FOR
5 LUSV.—

6 (1) LIMITATION.—None of the funds authorized
7 to be appropriated by this Act or otherwise made
8 available for fiscal year 2021 for the Department of
9 the Navy for the procurement of a large unmanned
10 surface vessel may be obligated or expended until a
11 period of 60 days has elapsed following the date on
12 which the Secretary of the Navy submits to the con-
13 gressional defense committees the certification de-
14 scribed in paragraph (2).

15 (2) CERTIFICATION DESCRIBED.—The certifi-
16 cation described in this paragraph is a written state-
17 ment of the Secretary of the Navy certifying, with
18 respect to any large unmanned surface vessel to be
19 procured by the Secretary, the following:

20 (A) A hull system, a mechanical system,
21 and an electrical system have been developed
22 for the vessel and each system—

23 (i) has attained a technology readiness
24 level of seven or greater; and

25 (ii) can be operated autonomously for
26 a minimum of 30 days.

1 (B) A command control system has been
2 developed for the vessel and the system—

3 (i) can be operated autonomously;

4 (ii) includes autonomous detection;

5 and

6 (iii) has attained a technology readi-
7 ness level of seven or greater.

8 (C) A detailed plan has been developed for
9 measuring and demonstrating the reliability of
10 the vessel.

11 (D) All payloads expected to be carried on
12 the vessel have attained a technology readiness
13 level of seven or greater.

14 (b) LIMITATION ON LUSV WEAPON INTEGRATION.—

15 The Secretary of the Navy may not integrate any offensive
16 weapon system into a large unmanned surface vessel until
17 the date on which the Secretary of the Defense certifies
18 to the congressional defense committees that any large un-
19 manned surface vessel that employs offensive weapons will
20 comply with the law of armed conflict. Such certification
21 shall include a detailed explanation of how such compli-
22 ance will be achieved.

1 **SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS PEND-**
2 **ING REVIEW AND REPORT ON NEXT GENERA-**
3 **TION AIR DOMINANCE CAPABILITIES.**

4 (a) **LIMITATION ON AIR FORCE FUNDS.**—Of the
5 funds authorized to be appropriated by this Act or other-
6 wise made available for fiscal year 2021 for the next gen-
7 eration air dominance initiative of the Air Force, not more
8 than 85 percent may be obligated or expended until the
9 date on which the Director of Cost Assessment and Pro-
10 gram Evaluation submits the report required under sub-
11 section (d)(1).

12 (b) **LIMITATION ON NAVY FUNDS.**—Of the funds au-
13 thorized to be appropriated by this Act or otherwise made
14 available for fiscal year 2021 for the next generation air
15 dominance initiative of the Navy, not more than 85 per-
16 cent may be obligated or expended until the date on which
17 the Director of Cost Assessment and Program Evaluation
18 submits the report required under subsection (d)(2).

19 (c) **REVIEWS.**—

20 (1) **IN GENERAL.**—The Director of Cost Assess-
21 ment and Program Evaluation shall conduct—

22 (A) a non-advocate review of the next gen-
23 eration air dominance initiative of the Air
24 Force; and

25 (B) a non-advocate review of the next gen-
26 eration air dominance initiative of the Navy.

1 (2) ELEMENTS.—Each review under paragraph

2 (1) shall include an assessment of—

3 (A) all risks associated with cost, schedule,
4 development, integration, production, fielding,
5 and sustainment of next generation air domi-
6 nance capabilities;

7 (B) the technological maturity of signifi-
8 cant hardware and software efforts planned or
9 carried out as part of the development of such
10 capabilities; and

11 (C) affordability goals that the Air Force
12 and the Navy (as the case may be) will be re-
13 quired to achieve during development, produc-
14 tion, and sustainment activities for such capa-
15 bilities that will not jeopardize or otherwise be
16 detrimental to other high-priority future capa-
17 bilities being developed and procured to support
18 and execute other primary core competencies
19 and missions.

20 (d) REPORTS.—The Director of Cost Assessment and
21 Program Evaluation shall submit to the congressional de-
22 fense committees—

23 (1) a report on the results of the review con-
24 ducted under subsection (c)(1)(A) with respect to
25 the Air Force; and

1 (2) a report on the results of the review con-
2 ducted under subsection (c)(1)(B) with respect to
3 the Navy.

4 **SEC. 232. MODIFICATION OF MECHANISMS FOR EXPEDITED**
5 **ACCESS TO TECHNICAL TALENT AND EXPER-**
6 **TISE AT ACADEMIC INSTITUTIONS.**

7 Section 217 of the National Defense Authorization
8 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
9 2358 note) is amended—

10 (1) in subsection (a)(2), by inserting “train-
11 ing,” after “management,”;

12 (2) in subsection (e)—

13 (A) in paragraph (28) by striking “Infra-
14 structure resilience” and inserting “Additive
15 manufacturing”;

16 (B) by redesignating paragraph (30) as
17 paragraph (33); and

18 (C) by inserting after paragraph (29) the
19 following new paragraphs:

20 “(30) Corrosion prevention and control.

21 “(31) Advanced manufacturing for metal cast-
22 ing.

23 “(32) 3D and virtual technology training plat-
24 forms.”;

1 (3) by redesignating subsections (f) and (g) as
2 subsection (g) and (h), respectively;

3 (4) by inserting after subsection (e) the fol-
4 lowing new subsection:

5 “(f) REQUIREMENT TO ESTABLISH CONSORTIA.—

6 “(1) IN GENERAL.—In carrying out subsection
7 (a)(1)—

8 “(A) the Secretary of Defense shall seek to
9 establish at least one multi-institution consor-
10 tium through the Office of the Secretary of De-
11 fense;

12 “(B) the Secretary of the Army shall seek
13 to establish at least one multi-institution con-
14 sortium through the Army;

15 “(C) the Secretary of the Navy shall seek
16 to establish at least one multi-institution con-
17 sortium through the Navy; and

18 “(D) the Secretary of the Air Force shall
19 seek to establish at least one multi-institution
20 consortium through the Air Force.

21 “(2) REPORT REQUIRED.—Not later than Sep-
22 tember 30, 2022, the Secretary of Defense shall sub-
23 mit to the congressional defense committees a report
24 on the status of the efforts to establish consortia
25 under paragraph (1).”; and

1 (5) in subsection (g), as so redesignated, by
2 striking “2022” and inserting “2026”.

3 **SEC. 233. DESIGNATION OF ACADEMIC LIAISON TO PRO-**
4 **TECT AGAINST EMERGING THREATS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of De-
7 fense, acting through the Under Secretary of Defense for
8 Research and Engineering, shall do the following:

9 (1) Designate an official serving within the Of-
10 fice of the Under Secretary of Defense for Research
11 and Engineering to work with the academic and re-
12 search communities to protect academic research
13 funded by the Department of Defense from undue
14 foreign influences and threats.

15 (2) Set forth the responsibilities of the official
16 designated under paragraph (1), including—

17 (A) serving as the liaison of the Depart-
18 ment of Defense with the academic and re-
19 search communities;

20 (B) carrying out initiatives of the Depart-
21 ment related to the protection of academic re-
22 search funded by the Department from undue
23 foreign influences and threats, including the ini-
24 tiatives established under section 1286 of the

1 National Defense Authorization Act for Fiscal
2 Year 2019 (10 U.S.C. 2358 note);

3 (C) not less frequently than once a year,
4 conducting outreach and education activities for
5 the academic and research community about
6 undue foreign influences and threats to aca-
7 demic research that is funded by the Depart-
8 ment;

9 (D) coordinating and aligning the policies
10 relating to academic research security of—

11 (i) the elements of the Department
12 specified in section 111(b) of title 10,
13 United States Code;

14 (ii) the intelligence community;

15 (iii) Federal science agencies;

16 (iv) the Office of Science and Tech-
17 nology Policy; and

18 (v) Federal regulatory agencies; and

19 (E) working with the intelligence commu-
20 nity to the maximum extent practicable to share
21 with the academic and research communities, at
22 least annually, unclassified information, includ-
23 ing counterintelligence information, on threats
24 from undue foreign influences.

1 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed as authorizing the official des-
3 ignated under subsection (a)(1) to classify academic re-
4 search in a manner that is inconsistent with the policies
5 of the Department of Defense or the National Security
6 Decision Directive Numbered 189 of September 21, 1985,
7 titled “National Policy on the Transfer of Scientific, Tech-
8 nical and Engineering Information”, or any successor di-
9 rective.

10 (c) DEFINITIONS.—In this section:

11 (1) FEDERAL REGULATORY AGENCIES.—The
12 term “Federal regulatory agencies” means the De-
13 partment of Defense, the Department of Commerce,
14 the Department of State, the Department of Justice,
15 the Department of Energy, the Department of the
16 Treasury, the Department of Homeland Security,
17 and the National Archives and Records Administra-
18 tion.

19 (2) FEDERAL SCIENCE AGENCIES.—The term
20 “Federal science agencies” means each agency (as
21 such term is defined in section 551 of title 5, United
22 States Code) that obligated or expended not less
23 than \$100,000,000 in the previous fiscal year for re-
24 search and development.

1 (3) INTELLIGENCE COMMUNITY.—the term “in-
2 telligence community” has the meaning given such
3 term in section 3 of the National Security Act of
4 1947 (50 U.S.C. 3003).

5 **Subtitle C—Emerging Technology**
6 **and Artificial Intelligence Matters**

7 **SEC. 241. STEERING COMMITTEE ON EMERGING TECH-**
8 **NOLOGY.**

9 (a) ESTABLISHMENT.—There is established in the ex-
10 ecutive branch a steering committee on emerging tech-
11 nology and national security threats (referred to in this
12 section as the “Steering Committee”).

13 (b) MEMBERSHIP.—The Steering Committee shall be
14 composed of the following:

15 (1) The Deputy Secretary of Defense.

16 (2) The Vice Chairman of the Joint Chiefs of
17 Staff.

18 (3) The Under Secretary of Defense for Intel-
19 ligence and Security.

20 (4) Such other officials of the Department of
21 Defense as are jointly appointed to Steering Com-
22 mittee by the officials specified in paragraphs (1)
23 through (3).

1 (c) CO-CHAIRS.—The officials specified in para-
2 graphs (1) through (3) of subsection (b) shall serve as co-
3 chairs of the Steering Committee.

4 (d) STAFF AND SUPPORT SERVICES.—Upon request
5 of the co-chairs, the Department of Defense shall provide
6 to the Steering Committee, on a reimbursable basis, such
7 staff and administrative support services as are necessary
8 for the Committee to carry out its responsibilities under
9 this section.

10 (e) RESPONSIBILITIES.—The Steering Committee
11 shall be responsible for—

12 (1) developing a strategic vision for the organi-
13 zational change, concept and capability development,
14 and technology investments in emerging technologies
15 that are needed to maintain the technological edge
16 of the military and intelligence community of the
17 United States;

18 (2) providing credible assessments of emerging
19 threats and identifying investments and advances in
20 emerging technology undertaken by adversaries of
21 the United States;

22 (3) making recommendations to the Secretary
23 of Defense on—

24 (A) the implementation of the strategy de-
25 veloped under to paragraph (1); and

1 (B) steps that may be taken to address the
2 threats identified under to paragraph (2);

3 (4) coordinating with the Joint Committee on
4 Research Environments of the National Science and
5 Technology Council;

6 (5) ensuring emerging technologies procured
7 and used by the military will be tested for algo-
8 rithmic bias and discriminatory outcomes; and

9 (6) carrying out such other activities as are as-
10 signed to the Steering Committee by the Secretary
11 of Defense.

12 (f) COORDINATION WITH JAIC.—The co-chairs shall
13 coordinate the activities of the Steering Committee with
14 the activities of the Board of Directors of the Joint Artifi-
15 cial Intelligence Center established under section 224, as
16 appropriate.

17 (g) DEEPFAKE WORKING GROUP.—

18 (1) IN GENERAL.—The co-chairs shall establish
19 a working group, in coordination with the Defense
20 Advanced Research Project Agency and such other
21 departments and agencies of the Federal Govern-
22 ment as the co-chairs deem appropriate, to—

23 (A) inform the Steering Committee’s ac-
24 tivities with respect to the national security im-

1 plications of machine-manipulated media (com-
2 monly known as “deepfakes”);

3 (B) assess the Federal Government’s capa-
4 bilities with respect to technologies to detect, or
5 otherwise counter and combat, machine-manip-
6 ulated media and other advanced image manip-
7 ulation methods;

8 (C) assess the machine-manipulated media
9 capabilities of foreign countries and non-state
10 actors, with particular emphasis on the People’s
11 Republic of China and the Russian Federation;
12 and

13 (D) provide recommendations to the Steer-
14 ing Committee on the matters described in sub-
15 paragraphs (A) through (C).

16 (2) MACHINE-MANIPULATED MEDIA DE-
17 FINED.—In this subsection, the term “machine-ma-
18 nipulated media” has the meaning given that term
19 in section 5724(d) of the National Defense Author-
20 ization Act for Fiscal Year 2020 (Public Law 116–
21 92).

22 (h) EMERGING TECHNOLOGY DEFINED.—In this sec-
23 tion, the term “emerging technology” means technology
24 determined to be in an emerging phase of development by
25 the Secretary of Defense, including quantum computing,

1 technology for the analysis of large and diverse sets of
2 data (commonly known as “big data analytics”), artificial
3 intelligence (including deepfake videos and related tech-
4 nologies), autonomous technology, robotics, directed en-
5 ergy, hypersonics, biotechnology, distributed ledger tech-
6 nology, and such other technology as may be identified by
7 the Secretary.

8 **SEC. 242. TRAINING FOR HUMAN RESOURCES PERSONNEL**
9 **IN ARTIFICIAL INTELLIGENCE AND RELATED**
10 **TOPICS.**

11 (a) DEPARTMENT OF DEFENSE.—

12 (1) TRAINING PROGRAM.—Not later than 1
13 year after the date of the enactment of this Act, the
14 Secretary of Defense shall develop and implement a
15 program to provide covered human resources per-
16 sonnel with training in the fields of software devel-
17 opment, data science, and artificial intelligence, as
18 such fields related to the duties of such personnel.

19 (2) ELEMENTS.—The training provided under
20 paragraph (1) shall include—

21 (A) a generalist’s introduction to—

22 (i) software development and business
23 processes;

24 (ii) data management practices re-
25 lated to machine learning;

1 (iii) machine learning, deep learning,
2 and artificial intelligence;

3 (iv) artificial intelligence workforce
4 roles; and

5 (v) cybersecurity and secure software
6 development; and

7 (B) training in the authorities and proce-
8 dures that may be used to recruit software de-
9 velopers, data scientists, and artificial intel-
10 ligence professionals, including direct hiring au-
11 thorities, excepted service authorities, the Inter-
12 governmental Personnel Act of 1970 (42 U.S.C.
13 4701 et seq.), and authorities for hiring special
14 government employees and highly qualified ex-
15 perts.

16 (3) CERTIFICATE OF COMPLETION.—The Sec-
17 retary of Defense shall issue a certificate of comple-
18 tion to each individual who successfully completes
19 the training provided under paragraph (1), as deter-
20 mined by the Secretary.

21 (4) IMPLEMENTATION.—The Secretary of De-
22 fense shall implement the training program under
23 paragraph (1) as follows:

24 (A) In the first year in which the training
25 program is carried out, the Secretary shall en-

1 sure that not less than 20 percent of covered
2 human resource personnel complete the pro-
3 gram.

4 (B) In each year of the training program
5 after the first year, the Secretary shall ensure
6 that not less than an additional 10 percent of
7 covered human resources personnel complete
8 the program until 80 percent of such personnel
9 have completed the program.

10 (C) After achieving the 80 percent comple-
11 tion rate specified in subparagraph (B), the
12 Secretary shall ensure, in each year, that not
13 less than 80 percent of covered human re-
14 sources personnel have completed the training
15 program.

16 (b) COVERED HUMAN RESOURCES PERSONNEL DE-
17 FINED.—In this section, the term “covered human re-
18 sources personnel” means members of the Armed Forces
19 and civilian employees of the Department of Defense, in-
20 cluding human resources professionals, hiring managers,
21 and recruiters, who are responsible for hiring software de-
22 velopers, data scientists, or artificial intelligence profes-
23 sionals for the Department.

1 **SEC. 243. UNCLASSIFIED WORKSPACES FOR PERSONNEL**
2 **WITH PENDING SECURITY CLEARANCES.**

3 (a) GUIDANCE REQUIRED.—Not later than 180 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall issue guidance to ensure, to the extent
6 practicable, that all facilities the Department of Defense
7 at which covered personnel perform work functions have
8 unclassified workspaces.

9 (b) USE OF WORKSPACES BY OTHER PERSONNEL.—
10 The guidance issued under subsection (a) shall include
11 guidelines under which appropriately screened individuals
12 other than covered personnel, such as interns and visiting
13 experts, may use unclassified workspaces on a space-avail-
14 able basis.

15 (c) REPORT REQUIRED.—Not later than 90 days
16 after the issuance of the guidance under subsection (a),
17 the Secretary of Defense shall submit to the congressional
18 defense committees a report that includes—

- 19 (1) a plan for implementing the guidance;
20 (2) a description of how existing facilities may
21 be modified to accommodate unclassified workspaces;
22 and
23 (3) identification of any impediments to making
24 unclassified workspace available as described in sub-
25 section (a).

26 (d) DEFINITIONS.—

1 (1) In this section, the term “unclassified work-
2 space” means a workspace at which unclassified
3 work may be performed.

4 (2) The term “covered personnel” means a
5 member of the Armed Forces or a civilian employee
6 of the Department of Defense who has applied for,
7 but who has not yet received, a security clearance.

8 **SEC. 244. PILOT PROGRAM ON THE USE OF ELECTRONIC**
9 **PORTFOLIOS TO EVALUATE APPLICANTS FOR**
10 **CERTAIN TECHNICAL POSITIONS.**

11 (a) PILOT PROGRAM.—Beginning not later than 1
12 year after the date of the enactment of this Act, the Sec-
13 retary of Defense shall carry out a pilot program under
14 which applicants for technical positions within the Depart-
15 ment of Defense will be evaluated, in part, based on elec-
16 tronic portfolios of the applicant’s work, as described in
17 subsection (b).

18 (b) ACTIVITIES.—Under the pilot program, the
19 human resources manager of an organization of the De-
20 partment of Defense participating in the program, in con-
21 sultation with relevant subject matter experts, shall assess
22 each applicant for a technical position in the organization
23 by reviewing an electronic portfolio of the applicant’s best
24 work, as selected by the applicant.

1 (c) SCOPE OF PROGRAM.—The Secretary of Defense
2 shall carry out the pilot program under subsection (a) in
3 at least one major command of each military department.

4 (d) REPORT.—Not later than 2 years after the com-
5 mencement of the pilot program under subsection (a), the
6 Secretary of Defense shall submit to the congressional de-
7 fense committees a report on the results of the program.
8 At a minimum, the report shall describe—

9 (1) how the use of electronic portfolios in the
10 hiring process affected the timeliness of the hiring
11 process for technical positions in organizations of
12 the Department of Defense participating in the pro-
13 gram; and

14 (2) the level of satisfaction of organization lead-
15 ers, hiring authorities, and subject matter experts
16 with the quality of applicants that were hired based
17 on evaluations of electronic portfolios.

18 (e) TECHNICAL POSITION DEFINED.—In this section,
19 the term “technical position” means a position in the De-
20 partment of Defense requiring expertise in artificial intel-
21 ligence, data science, or software development.

22 (f) TERMINATION.—The authority to carry out the
23 pilot program under subsection (a) shall terminate 5 years
24 after the date of the enactment of this Act.

1 **SEC. 245. SELF-DIRECTED TRAINING IN ARTIFICIAL INTEL-**
2 **LIGENCE.**

3 (a) **ONLINE ARTIFICIAL INTELLIGENCE COURSES.—**

4 The Secretary of Defense shall make available a list of
5 approved online courses relating to artificial intelligence
6 that may be taken by civilian employees of the Department
7 of Defense and members of the Armed Forces on a vol-
8 untary basis while not engaged in the performance of their
9 duties.

10 (b) **DOCUMENTATION OF COMPLETION.—**The Sec-
11 retary of Defense shall develop and implement a system—

12 (1) to confirm whether a civilian employee of
13 the Department of Defense or member of the Armed
14 Forces has completed an online course approved by
15 the Secretary under paragraph (1); and

16 (2) to document the completion of such course
17 in the personnel file of such employee or member.

18 (c) **REWARD SYSTEM.—**The Secretary of Defense
19 shall develop and implement a system to reward civilian
20 employees of the Department of Defense and members of
21 the Armed Forces who complete an online course approved
22 by the Secretary under paragraph (1), which may in-
23 clude—

24 (1) for a member of the Armed Forces, a 24-
25 hour pass which may be used on a stand-alone basis

1 or in conjunction with other leave, holiday, or week-
2 end periods; and

3 (2) for a civilian employees of the Department,
4 up to 8 hours of additional leave.

5 (d) DEADLINE.—The Secretary of Defense shall
6 carry out the activities described in subparagraphs (a)
7 through (c) not later than 180 days after the date of the
8 enactment of this Act.

9 **SEC. 246. PART-TIME AND TERM EMPLOYMENT OF UNIVER-**
10 **SITY PROFESSORS AND STUDENTS IN THE**
11 **DEFENSE SCIENCE AND TECHNOLOGY EN-**
12 **TERPRISE.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary of De-
15 fense, jointly with the Secretaries of the military depart-
16 ments, and in consultation with the Under Secretary of
17 Defense for Research and Engineering and the Under Sec-
18 retary of Defense for Personnel and Readiness, shall es-
19 tablish a program under which qualified professors and
20 students may be employed on a part-time or term basis
21 in an organization of the Defense science and technology
22 enterprise for the purpose of conducting a research
23 project.

24 (b) SELECTION.—

1 (1) SELECTION AND HIRING.—The head of an
2 organization in the Defense science and technology
3 enterprise at which positions are made available
4 under subsection (a) shall be responsible for select-
5 ing qualified professors and students to fill such po-
6 sitions.

7 (2) SELECTION CRITERIA.—A qualified pro-
8 fessor or student shall be selected for participation
9 in the program under subsection (a) based on the
10 following criteria:

11 (A) In the case of a qualified professor—

12 (i) the academic credentials and re-
13 search experience of the professor; and

14 (ii) the extent to which the research
15 proposed to be carried out by the professor
16 will contribute to the objectives of the De-
17 partment of Defense.

18 (B) In the case of qualified student assist-
19 ing a professor with a research project under
20 the program—

21 (i) the academic credentials and other
22 qualifications of the student; and

23 (ii) the ability of the student to carry
24 out the responsibilities assigned to the stu-
25 dent as part of the project.

1 (c) IMPLEMENTATION.—

2 (1) MINIMUM NUMBER OF POSITIONS.—In the
3 first year of the program under subsection (a), the
4 Secretary of Defense shall establish not fewer than
5 10 positions for qualified professors. Not fewer than
6 five of such positions shall be reserved for qualified
7 professors to conduct research in the fields of artifi-
8 cial intelligence and machine learning.

9 (2) AUTHORITIES.—In carrying out the pro-
10 gram under subsection (a), the Secretary of Defense
11 and the heads of organizations in the Defense
12 science and technology enterprise may—

13 (A) use any hiring authority available to
14 the Secretary or the head of such an organiza-
15 tion;

16 (B) enter into cooperative research and de-
17 velopment agreements under section 12 of the
18 Stevenson-Wydler Technology Innovation Act of
19 1980 (15 U.S.C. 3710a); and

20 (C) pay referral bonuses to professors or
21 students participating in the program who iden-
22 tify—

23 (i) students to assist in a research
24 project under the program; or

1 (ii) students or recent graduates to
2 participate in other programs in the De-
3 fense science and technology enterprise, in-
4 cluding internships at Department of De-
5 fense Laboratories and in the Pathways
6 Program of the Department.

7 (d) REPORTS TO CONGRESS.—

8 (1) INITIAL REPORT.—Not later than 30 days
9 after the conclusion of the first year of the program
10 under subsection (a), the Secretary of Defense shall
11 submit to the congressional defense committees a re-
12 port on the status of the program. The report shall
13 include—

14 (A) identification of the number of quali-
15 fied professors and students employed under
16 the program;

17 (B) identification of the organizations in
18 the Defense science and technology enterprise
19 that employed such individuals; and

20 (C) a description of the types of research
21 conducted by such individuals.

22 (2) SUBSEQUENT REPORTS.—Not later than 30
23 days after the conclusion of the second and third
24 years of the program under subsection (a), the Sec-
25 retary of Defense shall submit to the congressional

1 defense committees a report on the progress of the
2 program. Each report shall include—

3 (A) the information described in subpara-
4 graphs (A) through (C) of paragraph (1);

5 (B) the results of any research projects
6 conducted under the program; and

7 (C) the number of students and recent
8 graduates who, pursuant to a reference from a
9 professor or student participating in the pro-
10 gram as described in subsection (c)(2)(C), were
11 hired by the Department of Defense or selected
12 for participation in another program in the De-
13 fense science and technology enterprise.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “Defense science and technology
16 enterprise” means—

17 (A) the research organizations of the mili-
18 tary departments;

19 (B) the science and technology reinvention
20 laboratories (as designated under section 1105
21 of the National Defense Authorization Act for
22 Fiscal Year 2010 (Public Law 111–84; 10
23 U.S.C. 2358 note));

1 (C) the facilities of the Major Range and
2 Test Facility Base (as defined in section
3 2358a(f)(3) of title 10, United States Code);

4 (D) the Defense Advanced Research
5 Projects Agency; and

6 (E) such other organizations as the Sec-
7 retary of Defense determines appropriate for in-
8 clusion in the enterprise.

9 (2) The term “institution of higher education”
10 has the meaning given that term in section 101 of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1001).

13 (3) The term “qualified professor” means a
14 professor of an institution of higher education who
15 has expertise in science, technology, engineering, and
16 mathematics.

17 (4) The term “qualified student” means a stu-
18 dent of an institution of higher education selected by
19 a qualified professor to assist the professor in con-
20 ducting research.

21 **SEC. 247. MICROELECTRONICS AND NATIONAL SECURITY.**

22 (a) MODIFICATION OF STRATEGY FOR ASSURED AC-
23 CESS TO TRUSTED MICROELECTRONICS.—Section 231 of
24 the National Defense Authorization Act for Fiscal Year

1 2017 (Public Law 114–328; 10 U.S.C. 2302 note) is
2 amended—

3 (1) in subsection (a), by striking “September
4 30, 2019” and inserting “December 30, 2020”;

5 (2) in subsection (b), by adding at the end the
6 following new paragraphs:

7 “(10) An approach to ensuring the continuing
8 production of cutting-edge microelectronics for na-
9 tional security needs, including state-of-the-art node
10 sizes, heterogeneous integration, advantaged sensor
11 manufacturing, boutique chip designs, and variable
12 volume production capabilities.

13 “(11) An assessment of current microelec-
14 tronics supply chain management practices, existing
15 risks, and actions that may be carried out to miti-
16 gate such risks by organizations in the defense in-
17 dustrial base.

18 “(12) A plan for increasing commercialization
19 of intellectual property developed by the Department
20 of Defense for commercial microelectronics research
21 and development.

22 “(13) An assessment of the feasibility, useful-
23 ness, efficacy, and cost of—

24 “(A) developing a national laboratory ex-
25 clusively focused on the research and develop-

ment of microelectronics to serve as a center for Federal Government expertise in high-performing, trusted microelectronics and as a hub for Federal Government research into breakthrough microelectronics-related technologies; and

“(B) incorporating into such national laboratory a commercial incubator to provide early-stage microelectronics startups, which face difficulties scaling due to the high costs of microelectronics design and fabrication, with access to funding resources, fabrication facilities, design tools, and shared intellectual property.

“(14) Such other matters as the Secretary of Defense determines to be relevant.”;

(3) in subsection (d), by striking “September 30, 2019” and inserting “December 30, 2020”; and

(4) in subsection (e), by striking “September 30, 2019” and inserting “December 30, 2020”.

(b) ADVISORY PANEL ON MICROELECTRONICS LEADERSHIP AND COMPETITIVENESS.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the President, in consultation with the National Security Council, the National Economic Council, and the Of-

1 fice of Science and Technology Policy, shall establish
2 an advisory panel on microelectronics leadership and
3 competitiveness (referred to in this subsection as the
4 “Advisory Panel”).

5 (2) MEMBERSHIP.—The Advisory Panel shall
6 be composed of the following members:

7 (A) The Secretary of Defense.

8 (B) The Secretary of Energy.

9 (C) The Director of the National Science
10 Foundation.

11 (D) The Director of the National Institute
12 of Standards and Technology.

13 (E) The heads of such other departments
14 and agencies of the Federal Government as the
15 President, in consultation with the National Se-
16 curity Council, determines appropriate.

17 (3) NATIONAL STRATEGY.—

18 (A) IN GENERAL.—Not later than 180
19 days after the date on which the Advisory Panel
20 is established, the Panel shall develop a na-
21 tional strategy to—

22 (i) accelerate the development and de-
23 ployment of state-of-the-art microelec-
24 tronics; and

1 (ii) ensure that the United States is a
2 global leader in the field of microelec-
3 tronics.

4 (B) ELEMENTS.—The strategy developed
5 under subparagraph (A) shall address the fol-
6 lowing:

7 (i) Activities that may be carried out
8 to strengthen engagement and outreach be-
9 tween the Department of Defense and in-
10 dustry, academia, international partners of
11 the United States, and other departments
12 and agencies of the Federal Government
13 on issues relating to microelectronics.

14 (ii) Science, technology, research, and
15 development efforts to facilitate the ad-
16 vancement and adoption of microelec-
17 tronics and new uses of microelectronics
18 and components, including efforts to—

19 (I) accelerate leap-ahead re-
20 search, development, and innovation
21 in microelectronics; and

22 (II) deploy heterogeneously inte-
23 grated microelectronics for machine
24 learning and other applications.

1 (iii) The role of diplomacy and trade
2 in maintaining the position of the United
3 States as a global leader in the field of
4 microelectronics, including the feasibility
5 and advisability of—

6 (I) implementing multilateral ex-
7 port controls tailored through direct
8 coordination with key allies of the
9 United States, including through the
10 Wassenaar Arrangement and other
11 multilateral fora, for specific semicon-
12 ductor manufacturing equipment such
13 as extreme ultraviolet photolithog-
14 raphy equipment and argon fluoride
15 immersion photolithography equip-
16 ment;

17 (II) additional trade enforcement
18 actions that may be initiated by the
19 United States to address any unfair
20 or excessive foreign semiconductor
21 subsidy programs or other unfair
22 microelectronics trade practices; and

23 (III) the elimination of any trade
24 barriers or unilateral export controls
25 that harm United States companies

1 without producing a substantial ben-
2 efit to the competitiveness or national
3 security of the United States.

4 (iv) The potential role of a national
5 laboratory and incubator exclusively fo-
6 cused on the research and development of
7 microelectronics, as described in section
8 231(b)(13) of the National Defense Au-
9 thorization Act for Fiscal Year 2017 (Pub-
10 lic Law 114–328; 10 U.S.C. 2302 note)
11 (as added by subsection (a)) in carrying
12 out the strategy and plan required sub-
13 paragraph (A).

14 (v) Such other activities as the Panel
15 determines may be appropriate to over-
16 come looming challenges to the innovation,
17 competitiveness, and supply chain integrity
18 of the United States in the area of
19 microelectronics.

20 (c) BRIEFINGS.—Not later than 90 days after the
21 date of the enactment of this Act—

22 (1) the Secretary of Defense shall provide to
23 the congressional defense committees a briefing on
24 the progress of the Secretary in developing the strat-
25 egy and implementation plan required under section

1 231(a) of the National Defense Authorization Act
2 for Fiscal Year 2017 (Public Law 114–328; 10
3 U.S.C. 2302 note); and

4 (2) the Assistant to the President for National
5 Security Affairs shall provide to the congressional
6 defense committees a briefing on the progress of the
7 Advisory Panel in developing the strategy required
8 under subsection (b)(3).

9 (d) ADVANCED MANUFACTURING INCENTIVES.—

10 (1) IN GENERAL.—The Secretary of Defense
11 shall, in consultation with the Secretary of Com-
12 merce, the Secretary of Homeland Security, and the
13 Director of National Intelligence, work with the pri-
14 vate sector through a public-private partnership, in-
15 cluding by incentivizing the formation of a consor-
16 tium of United States companies, to ensure the de-
17 velopment and production of advanced, measurably
18 secure microelectronics. Such work may include pro-
19 viding incentives for the creation, expansion, or mod-
20 ernization of one or more commercially competitive
21 and sustainable semiconductors manufacturing or
22 advanced research and development facilities.

23 (2) RISK MITIGATION REQUIREMENTS.—A par-
24 ticipant in a consortium formed with incentives
25 under paragraph (1) shall—

1 (A) have the potential to perform fabrica-
2 tion, assembly, package, or test functions for
3 semiconductors deemed critical to national secu-
4 rity as defined by export control regulatory
5 agencies in consultation with the National Secu-
6 rity Adviser and the Secretary of Defense;

7 (B) demonstrate management processes to
8 identify and mitigate supply chain security
9 risks; and

10 (C) be able to produce semiconductors con-
11 sistent with applicable measurably secure sup-
12 ply chain and operational security standards es-
13 tablished under section 224(b) of the National
14 Defense Authorization Act for Fiscal Year 2020
15 (Public Law 116–92).

16 (3) NATIONAL SECURITY CONSIDERATIONS.—

17 The Secretary of Defense and the Director of Na-
18 tional Intelligence shall select participants for the
19 consortium formed with incentives under paragraph
20 (1). In selecting such participants, the Secretary and
21 the Director may jointly consider whether the
22 United States companies—

23 (A) have participated in previous programs
24 and projects of the Department of Defense, De-

1 partment of Energy, or the intelligence commu-
2 nity, including—

3 (i) the Trusted Integrated Circuit pro-
4 gram of the Intelligence Advanced Re-
5 search Projects Activity;

6 (ii) trusted and assured semiconduc-
7 tors projects, as administered by the De-
8 partment of Defense;

9 (iii) the Electronics Resurgence Initia-
10 tive (ERI) program of the Defense Ad-
11 vanced Research Projects Agency; or

12 (iv) relevant semiconductor research
13 programs of Advanced Research Projects
14 Agency–Energy;

15 (B) have demonstrated an ongoing com-
16 mitment to performing contracts for the De-
17 partment of Defense and the intelligence com-
18 munity;

19 (C) are approved by the Defense Counter-
20 intelligence and Security Agency or the Office
21 of the Director of National Intelligence as pre-
22 senting an acceptable security risk, taking into
23 account supply chain assurance vulnerabilities,
24 counterintelligence risks, and any risks pre-

1 sented by companies whose owners are located
2 outside the United States; and

3 (D) are evaluated periodically for foreign
4 ownership, control, or influence by foreign enti-
5 ties of concern.

6 (4) NONTRADITIONAL DEFENSE CONTRACTORS
7 AND COMMERCIAL ENTITIES.—Arrangements en-
8 tered into to carry out paragraph (1) shall be in
9 such form as the Secretary of Defense determines
10 appropriate to encourage industry participation of
11 nontraditional defense contractors or commercial en-
12 tities and may include a contract, a grant, a cooper-
13 ative agreement, a commercial agreement, the use of
14 other transaction authority under section 2371 of
15 title 10, United States Code, or another such ar-
16 rangement.

17 (5) DISCHARGE.—The Secretary of Defense
18 shall carry out paragraph (1) jointly through the Of-
19 fice of the Under Secretary of Defense for Research
20 and Engineering and the Office of the Under Sec-
21 retary of Defense for Acquisition and Sustainment,
22 or such other component of the Department of De-
23 fense as the Secretary considers appropriate.

24 (6) OTHER INITIATIVES.—The Secretary of De-
25 fense shall dedicate initiatives within the Depart-

1 ment of Defense to advance radio frequency, mixed
2 signal, radiation tolerant, and radiation hardened
3 semiconductors that support national security and
4 dual-use applications.

5 (7) REPORTS.—

6 (A) REPORT BY SECRETARY OF DE-
7 FENSE.—Not later than 90 days after the date
8 of the enactment of this Act, the Secretary of
9 Defense shall submit to Congress a report on
10 the plans of the Secretary to carry out para-
11 graph (1).

12 (B) BIENNIAL REPORTS BY COMPTROLLER
13 GENERAL OF THE UNITED STATES.—Not later
14 than 1 year after the date on which the Sec-
15 retary submits the report required by subpara-
16 graph (A) and not less frequently than once
17 every 2 years thereafter for a period of 10
18 years, the Comptroller General of the United
19 States shall submit to Congress a report on the
20 activities carried out under this subsection.

21 (e) REPORT UNDER THE DEFENSE PRODUCTION
22 ACT OF 1950.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the date of the enactment of this Act, the
25 President shall submit to Congress a report on a

1 plan for any use of authorities available in title III
2 of the Defense Production Act of 1950 (50 U.S.C.
3 4531 et seq.) to establish or enhance a domestic pro-
4 duction capability for microelectronic technologies
5 and related technologies, subject to—

6 (A) the availability of appropriations for
7 that purpose; and

8 (B) a determination made under the plan
9 pursuant to such title III that such technologies
10 are essential to the national defense.

11 (2) CONSULTATION.—The President shall de-
12 velop the plan required by paragraph (1) in con-
13 sultation with any relevant head of a Federal agen-
14 cy, any advisory committee established under section
15 708(a) of the Defense Production Act of 1950 (50
16 U.S.C. 4558), and appropriate stakeholders in the
17 private sector.

18 **SEC. 248. ACQUISITION OF ETHICALLY AND RESPONSIBLY**
19 **DEVELOPED ARTIFICIAL INTELLIGENCE**
20 **TECHNOLOGY.**

21 (a) ASSESSMENT REQUIRED.—Not later than 180
22 days after the date of the enactment of this Act, the Sec-
23 retary of Defense, acting through the Board of Directors
24 of the Joint Artificial Intelligence Center established
25 under section 224, shall conduct an assessment to deter-

1 mine whether the Department of Defense has the ability
2 to ensure that any artificial intelligence technology ac-
3 quired by the Department is ethically and responsibly de-
4 veloped.

5 (b) ELEMENTS.—The assessment conducted under
6 subsection (a) shall address the following:

7 (1) Whether the Department of Defense has
8 personnel with sufficient expertise, across multiple
9 disciplines, to ensure the acquisition of ethically and
10 responsibly developed artificial intelligence tech-
11 nology, including personnel with sufficient ethical,
12 legal, and technical expertise to advise on the acqui-
13 sition of such technology.

14 (2) The feasibility and advisability of retaining
15 outside experts as consultants to assist the Depart-
16 ment in filling any gaps in expertise identified under
17 paragraph (1).

18 (3) The extent to which existing acquisition
19 processes encourage or require consultation with rel-
20 evant experts across multiple disciplines within the
21 Department to ensure that artificial intelligence
22 technology acquired by the Department is ethically
23 and responsibly developed.

24 (4) Quantitative and qualitative standards for
25 assessing the extent to which experts across multiple

1 disciplines are engaged in the acquisition of artificial
2 intelligence technology by the Department.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date on which the Secretary completes the as-
6 sessment under subsection (a), the Secretary shall
7 submit to the congressional defense committees a re-
8 port on the results of the assessment.

9 (2) ELEMENTS.—The report under paragraph
10 (1) shall include, based on the results of the assess-
11 ment—

12 (A) an explanation of whether the Depart-
13 ment of Defense has personnel with sufficient
14 expertise, across multiple disciplines, to ensure
15 the acquisition of ethically and responsibly de-
16 veloped artificial intelligence technology;

17 (B) an explanation of whether the Depart-
18 ment has adequate procedures to encourage or
19 require the consultation of such experts as part
20 of the acquisition process for artificial intel-
21 ligence technology; and

22 (C) with respect to any deficiencies identi-
23 fied under subparagraph (A) or subparagraph
24 (B), a description of any measures that have

1 been taken, and any additional resources that
2 may be needed, to mitigate such deficiencies.

3 **SEC. 249. ENHANCEMENT OF PUBLIC-PRIVATE TALENT EX-**
4 **CHANGE PROGRAMS IN THE DEPARTMENT**
5 **OF DEFENSE.**

6 (a) PUBLIC-PRIVATE TALENT EXCHANGE.—Section
7 1599g of title 10, United States Code is amended—

8 (1) in subsection (b)(1), by amending subpara-
9 graph (C) to read as follows:

10 “(C) shall contain language ensuring that
11 such employee of the Department does not im-
12 properly use information that such employee
13 knows relates to a Department acquisition, or
14 procurement for the benefit or advantage of the
15 private-sector organization.”.

16 (2) in subsection (f)—

17 (A) in paragraph (2)—

18 (i) by striking “is deemed to be an
19 employee of the Department of Defense for
20 the purposes of” and inserting “is subject
21 to”;

22 (ii) by striking subparagraph (D); and

23 (iii) by redesignating subparagraphs
24 (E) and (F) as subparagraphs (D) and
25 (E), respectively;

1 (B) by striking paragraph (4);

2 (C) by redesignating paragraph (5) as
3 paragraph (4); and

4 (D) by adding at the end the following new
5 paragraph:

6 “(5) shall be required to file a Public Financial
7 Disclosure Report (OGE Form 278) and the Public
8 Financial Disclosure Report for a such a person and
9 a description of any waivers provided to such person
10 shall be made available on a publicly accessible
11 website of the Department of Defense.”.

12 (b) APPLICATION OF EXCHANGE AUTHORITY TO AR-
13 TIFICIAL INTELLIGENCE.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary of
15 Defense shall take steps to ensure that the authority for
16 the Department of Defense to operate a public-private tal-
17 ent exchange program pursuant to section 1599g of title
18 10, United States Code, is used to exchange personnel
19 with private sector entities working on artificial intel-
20 ligence applications. Such application of the authority of
21 section 1599g shall be in addition to, not in lieu of, any
22 other application of such authority by the Department of
23 Defense.

1 (c) GOALS FOR PROGRAM PARTICIPATION.—In car-
2 rying out the requirement of subsection (b), the Secretary
3 shall seek to achieve the following objectives:

4 (1) In the Secretary of Defense Executive Fel-
5 lows program, the nomination of an additional five
6 uniformed service members and three government ci-
7 vilians by each service and by the Office of the Sec-
8 retary of Defense, for sponsorship by private sector
9 entities working on artificial intelligence applica-
10 tions.

11 (2) For the public-private talent exchange pro-
12 gram of the Under Secretary of Defense for Acquisi-
13 tion and Sustainment—

14 (A) an additional ten government employ-
15 ees to work with private sector entities working
16 on artificial intelligence applications; and

17 (B) an additional ten employees of private
18 sector entities working on artificial intelligence
19 applications to work in the Department.

20 (3) The establishment of the following new pub-
21 lic-private talent exchange programs in the Office of
22 the Secretary of Defense, comparable to the pro-
23 gram referred to in paragraph (2)—

24 (A) in the office of the Undersecretary of
25 Defense for Research and Engineering, a pro-

1 gram with twenty participants, focused on ex-
2 changes with private sector entities working on
3 artificial intelligence applications.

4 (B) in the office of the Chief Information
5 Officer of the Department of Defense, a pro-
6 gram with twenty participants, focused on ex-
7 changes with private sector entities working on
8 artificial intelligence applications.

9 (4) In the Army, Navy, and Marine Corps, the
10 establishment of new public-private exchange pro-
11 grams, comparable to the Air Force Education with
12 Industry Program, each with twenty program par-
13 ticipants, focused on private sector entities working
14 on artificial intelligence applications.

15 (d) TREATMENT OF PROGRAM PARTICIPANTS.—

16 (1) The Army, Navy, and Marine Corps shall
17 take steps to ensure that participation by a service
18 member in a program described in subsection (c)(4)
19 is treated, for purposes of promotion boards and
20 subsequent assignments, as equivalent to attending
21 resident professional military education.

22 (2) The Secretary of Defense shall establish a
23 public-private exchange program billet office to tem-
24 porarily hold billets for civilian employees who par-
25 ticipate in programs described in subsection (b), to

1 ensure that participating Department of Defense of-
2 fices are able to retain their staffing levels during
3 the period of participation.

4 (e) BRIEFING ON EXPANSION OF EXISTING EX-
5 CHANGE PROGRAMS.—Not later than 180 days after the
6 date of the enactment of this Act, and annually thereafter,
7 the Secretary of Defense shall provide to the Committees
8 on Armed Services of the Senate and the House of Rep-
9 resentatives a briefing on the efforts undertaken to expand
10 existing public-private exchange programs of the Depart-
11 ment of Defense and to ensure that such programs seek
12 opportunities for exchanges with private sector entities
13 working on artificial intelligence applications, in accord-
14 ance with the requirements of this section.

15 **SEC. 250. REPORTING ON CONTRIBUTION OF DEVELOP-**
16 **MENT OF ARTIFICIAL INTELLIGENCE STAND-**
17 **ARDS.**

18 Subsection (b) of section 260 of the National Defense
19 Authorization Act for Fiscal Year 2020 (Public Law 116–
20 92) is amended by adding at the end the following para-
21 graph:

22 “(11) A description of efforts of the Center and
23 the Department of Defense to develop or contribute
24 to the development of artificial intelligence stand-
25 ards, including—

1 “(A) the participation of the Center and
2 the Department of Defense in international and
3 multistakeholder standard-setting bodies; and

4 “(B) collaboration between the Center and
5 Department of Defense and—

6 “(i) other organizations and elements
7 of the Department of Defense (including
8 the Defense Agencies and the military de-
9 partments);

10 “(ii) agencies of the Federal Govern-
11 ment; and

12 “(iii) private industry (including the
13 defense industrial base).”.

14 **Subtitle D—Sustainable Chemistry**
15 **Research and Development**

16 **SEC. 251. SHORT TITLE.**

17 This subtitle may be cited as the “Sustainable Chem-
18 istry Research and Development Act of 2020”.

19 **SEC. 252. FINDINGS.**

20 Congress finds that—

21 (1) Congress recognized the importance and
22 value of sustainable chemistry in section 114 of the
23 American Innovation and Competitiveness Act (Pub-
24 lic Law 114–329);

1 (2) sustainable chemistry and materials trans-
2 formation is a key value contributor to business
3 competitiveness across many industrial and con-
4 sumer sectors;

5 (3) companies across hundreds of supply chains
6 critical to the American economy are seeking to re-
7 duce costs and open new markets through innova-
8 tions in manufacturing and materials, and are in
9 need of new innovations in chemistry, including sus-
10 tainable chemistry;

11 (4) sustainable chemistry can improve the effi-
12 ciency with which natural resources are used to meet
13 human needs for chemical products while avoiding
14 environmental harm, reduce or eliminate the emis-
15 sions of and exposures to hazardous substances,
16 minimize the use of resources, and benefit the econ-
17 omy, people, and the environment; and

18 (5) a recent report by the Government Account-
19 ability Office (GAO–18–307) found that the Federal
20 Government could play an important role in helping
21 realize the full innovation and market potential of
22 sustainable chemistry technologies, including
23 through a coordinated national effort on sustainable
24 chemistry and standardized tools and definitions to

1 support sustainable chemistry research, development,
2 demonstration, and commercialization.

3 **SEC. 253. NATIONAL COORDINATING ENTITY FOR SUSTAIN-**
4 **ABLE CHEMISTRY.**

5 (a) ESTABLISHMENT.—Not later than 180 days after
6 the date of enactment of this Act, the Director of the Of-
7 fice of Science and Technology Policy shall convene an
8 interagency entity (referred to in this subtitle as the “En-
9 tity”) under the National Science and Technology Council
10 with the responsibility to coordinate Federal programs and
11 activities in support of sustainable chemistry, including
12 those described in sections 255 and 256.

13 (b) COORDINATION WITH EXISTING GROUPS.—In
14 convening the Entity, the Director of the Office of Science
15 and Technology Policy shall consider overlap and possible
16 coordination with existing committees, subcommittees, or
17 other groups of the National Science and Technology
18 Council, such as—

- 19 (1) the Committee on Environment;
20 (2) the Committee on Technology;
21 (3) the Committee on Science; or
22 (4) related groups or subcommittees.

23 (c) CO-CHAIRS.—The Entity shall be co-chaired by
24 the Director of the Office of Science and Technology Pol-
25 icy and a representative from the Environmental Protec-

tion Agency, the National Institute of Standards and Technology, the National Science Foundation, or the Department of Energy, as selected by the Director of the Office of Science and Technology Policy.

(d) AGENCY PARTICIPATION.—The Entity shall include representatives, including subject matter experts, from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, the Department of Energy, the Department of Agriculture, the Department of Defense, the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, and other related Federal agencies, as appropriate.

(e) TERMINATION.—The Entity shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 254. STRATEGIC PLAN FOR SUSTAINABLE CHEMISTRY.

(a) STRATEGIC PLAN.—Not later than 2 years after the date of enactment of this Act, the Entity shall—

(1) consult with relevant stakeholders, including representatives from industry, academia, national labs, the Federal Government, and international entities, to develop and update, as needed, a consensus definition of “sustainable chemistry” to guide the activities under this subtitle;

1 (2) develop a working framework of attributes
2 characterizing and metrics for assessing sustainable
3 chemistry, as described in subsection (b);

4 (3) assess the state of sustainable chemistry in
5 the United States as a key benchmark from which
6 progress under the activities described in this sub-
7 title can be measured, including assessing key sec-
8 tors of the United States economy, key technology
9 platforms, commercial priorities, and barriers to in-
10 novation;

11 (4) coordinate and support Federal research,
12 development, demonstration, technology transfer,
13 commercialization, education, and training efforts in
14 sustainable chemistry, including budget coordination
15 and support for public-private partnerships, as ap-
16 propriate;

17 (5) identify any Federal regulatory barriers to,
18 and opportunities for, Federal agencies facilitating
19 the development of incentives for development, con-
20 sideration, and use of sustainable chemistry proc-
21 esses and products;

22 (6) identify major scientific challenges, road-
23 blocks, or hurdles to transformational progress in
24 improving the sustainability of the chemical sciences;

1 (7) identify other opportunities for expanding
2 Federal efforts in support of sustainable chemistry;
3 and

4 (8) review, identify, and make efforts to elimi-
5 nate duplicative Federal funding and duplicative
6 Federal research in sustainable chemistry.

7 (b) CHARACTERIZING AND ASSESSING SUSTAINABLE
8 CHEMISTRY.—The Entity shall develop a working frame-
9 work of attributes characterizing and metrics for assessing
10 sustainable chemistry for the purposes of carrying out the
11 Act. In developing this framework, the Entity shall—

12 (1) seek advice and input from stakeholders as
13 described in subsection (c);

14 (2) consider existing definitions of, or frame-
15 works characterizing and metrics for assessing, sus-
16 tainable chemistry already in use at Federal agen-
17 cies;

18 (3) consider existing definitions of, or frame-
19 works characterizing and metrics for assessing, sus-
20 tainable chemistry already in use by international
21 organizations of which the United States is a mem-
22 ber, such as the Organisation for Economic Co-oper-
23 ation and Development; and

1 (4) consider any other appropriate existing defi-
2 nitions of, or frameworks characterizing and metrics
3 for assessing, sustainable chemistry.

4 (c) CONSULTATION.—In carrying out the duties de-
5 scribed in subsections (a) and (b), the Entity shall consult
6 with stakeholders qualified to provide advice and informa-
7 tion to guide Federal activities related to sustainable
8 chemistry through workshops, requests for information, or
9 other mechanisms as necessary. The stakeholders shall in-
10 clude representatives from—

11 (1) business and industry (including trade asso-
12 ciations and small- and medium-sized enterprises
13 from across the value chain);

14 (2) the scientific community (including the Na-
15 tional Academies of Sciences, Engineering, and Med-
16 icine, scientific professional societies, national labs,
17 and academia);

18 (3) the defense community;

19 (4) State, Tribal, and local governments, in-
20 cluding nonregulatory State or regional sustainable
21 chemistry programs, as appropriate;

22 (5) nongovernmental organizations; and

23 (6) other appropriate organizations.

24 (d) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this subtitle, the Entity
3 shall submit a report to the Committee on Environ-
4 ment and Public Works, the Committee on Com-
5 merce, Science, and Transportation, and the Com-
6 mittee on Appropriations of the Senate, and the
7 Committee on Science, Space, and Technology, the
8 Committee on Energy and Commerce, and the Com-
9 mittee on Appropriations of the House of Represent-
10 atives. In addition to the elements described in sub-
11 sections (a) and (b), the report shall include—

12 (A) a summary of federally funded, sus-
13 tainable chemistry research, development, dem-
14 onstration, technology transfer, commercializa-
15 tion, education, and training activities;

16 (B) a summary of the financial resources
17 allocated to sustainable chemistry initiatives by
18 each participating agency;

19 (C) an assessment of the current state of
20 sustainable chemistry in the United States, in-
21 cluding the role that Federal agencies are play-
22 ing in supporting it;

23 (D) an analysis of the progress made to-
24 ward achieving the goals and priorities of this

1 subtitle, and recommendations for future pro-
2 gram activities;

3 (E) an evaluation of steps taken and fu-
4 ture strategies to avoid duplication of efforts,
5 streamline interagency coordination, facilitate
6 information sharing, and spread best practices
7 among participating agencies; and

8 (F) an evaluation of duplicative Federal
9 funding and duplicative Federal research in
10 sustainable chemistry, efforts undertaken by the
11 Entity to eliminate duplicative funding and re-
12 search, and recommendations on how to achieve
13 these goals.

14 (2) SUBMISSION TO GAO.—The Entity shall
15 also submit the report described in paragraph (1) to
16 the Comptroller General of the United States for
17 consideration in future Congressional inquiries.

18 (3) ADDITIONAL REPORTS.—The Entity shall
19 submit a report to Congress and the Comptroller
20 General of the United States that incorporates the
21 information described in subparagraphs (a), (b), (d),
22 (e), and (f) every 3 years, commencing after the ini-
23 tial report is submitted until the Entity terminates.

1 **SEC. 255. AGENCY ACTIVITIES IN SUPPORT OF SUSTAIN-**
2 **ABLE CHEMISTRY.**

3 (a) IN GENERAL.—The agencies participating in the
4 Entity shall carry out activities in support of sustainable
5 chemistry, as appropriate to the specific mission and pro-
6 grams of each agency.

7 (b) ACTIVITIES.—The activities described in sub-
8 section (a) shall—

9 (1) incorporate sustainable chemistry into exist-
10 ing research, development, demonstration, tech-
11 nology transfer, commercialization, education, and
12 training programs, that the agency determines to be
13 relevant, including consideration of—

14 (A) merit-based competitive grants to indi-
15 vidual investigators and teams of investigators,
16 including, to the extent practicable, early career
17 investigators for research and development;

18 (B) grants to fund collaborative research
19 and development partnerships among univer-
20 sities, industry, and nonprofit organizations;

21 (C) coordination of sustainable chemistry
22 research, development, demonstration, and tech-
23 nology transfer conducted at Federal labora-
24 tories and agencies;

1 (D) incentive prize competitions and chal-
2 lenges in coordination with such existing Fed-
3 eral agency programs; and

4 (E) grants, loans, and loan guarantees to
5 aid in the technology transfer and commer-
6 cialization of sustainable chemicals, materials,
7 processes, and products;

8 (2) collect and disseminate information on sus-
9 tainable chemistry research, development, technology
10 transfer, and commercialization, including informa-
11 tion on accomplishments and best practices;

12 (3) expand the education and training of stu-
13 dents at appropriate levels of education, professional
14 scientists and engineers, and other professionals in-
15 volved in all aspects of sustainable chemistry and en-
16 gineering appropriate to that level of education and
17 training, including through—

18 (A) partnerships with industry as de-
19 scribed in section 256;

20 (B) support for the integration of sustain-
21 able chemistry principles into chemistry and
22 chemical engineering curriculum and research
23 training, as appropriate to that level of edu-
24 cation and training; and

1 (C) support for integration of sustainable
2 chemistry principles into existing or new profes-
3 sional development opportunities for profes-
4 sionals including teachers, faculty, and individ-
5 uals involved in laboratory research (product
6 development, materials specification and test-
7 ing, life cycle analysis, and management);

8 (4) as relevant to an agency's programs, exam-
9 ine methods by which the Federal agencies, in col-
10 laboration and consultation with the National Insti-
11 tute of Standards and Technology, may facilitate the
12 development or recognition of validated, standard-
13 ized tools for performing sustainability assessments
14 of chemistry processes or products;

15 (5) through programs identified by an agency,
16 support (including through technical assistance, par-
17 ticipation, financial support, communications tools,
18 awards, or other forms of support) outreach and dis-
19 semination of sustainable chemistry advances such
20 as non-Federal symposia, forums, conferences, and
21 publications in collaboration with, as appropriate, in-
22 dustry, academia, scientific and professional soci-
23 eties, and other relevant groups;

24 (6) provide for public input and outreach to be
25 integrated into the activities described in this section

1 by the convening of public discussions, through
2 mechanisms such as public meetings, consensus con-
3 ferences, and educational events, as appropriate;

4 (7) within each agency, develop or adapt
5 metrics to track the outputs and outcomes of the
6 programs supported by that agency; and

7 (8) incentivize or recognize actions that advance
8 sustainable chemistry products, processes, or initia-
9 tives, including through the establishment of a na-
10 tionally recognized awards program through the En-
11 vironmental Protection Agency to identify, publicize,
12 and celebrate innovations in sustainable chemistry
13 and chemical technologies.

14 (d) LIMITATIONS.—Financial support provided under
15 this section shall—

16 (1) be available only for pre-competitive activi-
17 ties; and

18 (2) not be used to promote the sale of a specific
19 product, process, or technology, or to disparage a
20 specific product, process, or technology.

21 **SEC. 256. PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.**

22 (a) IN GENERAL.—The agencies participating in the
23 Entity may facilitate and support, through financial, tech-
24 nical, or other assistance, the creation of partnerships be-
25 tween institutions of higher education, nongovernmental

1 organizations, consortia, or companies across the value
2 chain in the chemical industry, including small- and me-
3 dium-sized enterprises, to—

4 (1) create collaborative sustainable chemistry
5 research, development, demonstration, technology
6 transfer, and commercialization programs; and

7 (2) train students and retrain professional sci-
8 entists, engineers, and others involved in materials
9 specification on the use of sustainable chemistry con-
10 cepts and strategies by methods, including—

11 (A) developing or recognizing curricular
12 materials and courses for undergraduate and
13 graduate levels and for the professional develop-
14 ment of scientists, engineers, and others in-
15 volved in materials specification; and

16 (B) publicizing the availability of profes-
17 sional development courses in sustainable chem-
18 istry and recruiting professionals to pursue
19 such courses.

20 (b) PRIVATE SECTOR PARTICIPATION.—To be eligi-
21 ble for support under this section, a partnership in sus-
22 tainable chemistry shall include at least one private sector
23 organization.

24 (c) SELECTION OF PARTNERSHIPS.—In selecting
25 partnerships for support under this section, the agencies

1 participating in the Entity shall also consider the extent
2 to which the applicants are willing and able to dem-
3 onstrate evidence of support for, and commitment to, the
4 goals outlined in the strategic plan and report described
5 in section 254.

6 (d) PROHIBITED USE OF FUNDS.—Financial support
7 provided under this section may not be used—

8 (1) to support or expand a regulatory chemical
9 management program at an implementing agency
10 under a State law;

11 (2) to construct or renovate a building or struc-
12 ture; or

13 (3) to promote the sale of a specific product,
14 process, or technology, or to disparage a specific
15 product, process, or technology.

16 **SEC. 257. PRIORITIZATION.**

17 In carrying out this subtitle, the Entity shall focus
18 its support for sustainable chemistry activities on those
19 that achieve, to the highest extent practicable, the goals
20 outlined in the Act.

21 **SEC. 258. RULE OF CONSTRUCTION.**

22 Nothing in this subtitle shall be construed to alter
23 or amend any State law or action with regard to sustain-
24 able chemistry, as defined by the State.

1 **SEC. 259. MAJOR MULTI-USER RESEARCH FACILITY**
2 **PROJECT.**

3 Section 110 of the American Innovation and Com-
4 petitiveness Act (42 U.S.C. 1862s–2) is amended by strik-
5 ing (g)(2) and inserting the following:

6 “(2) MAJOR MULTI-USER RESEARCH FACILITY
7 PROJECT.—The term ‘major multi-user research fa-
8 cility project’ means a science and engineering facil-
9 ity project that exceeds \$100,000,000 in total con-
10 struction, acquisition, or upgrade costs to the Foun-
11 dation.”.

12 **Subtitle E—Plans, Reports, and**
13 **Other Matters**

14 **SEC. 261. MODIFICATION TO ANNUAL REPORT OF THE DI-**
15 **RECTOR OF OPERATIONAL TEST AND EVAL-**
16 **UATION.**

17 Section 139(h)(2) of title 10, United States Code, is
18 amended—

19 (1) by striking “Engineering,,” and inserting
20 “Engineering,”; and

21 (2) by striking “, through January 31, 2025”.

1 **SEC. 262. REPEAL OF QUARTERLY UPDATES ON THE OP-**
2 **TIONALLY MANNED FIGHTING VEHICLE PRO-**
3 **GRAM.**

4 Section 261 of the National Defense Authorization
5 Act for Fiscal Year 2020 (Public law 116–92; 133 Stat.
6 1294) is repealed.

7 **SEC. 263. INDEPENDENT EVALUATION OF PERSONAL PRO-**
8 **TECTIVE AND DIAGNOSTIC TESTING EQUIP-**
9 **MENT.**

10 (a) INDEPENDENT EVALUATION REQUIRED.—The
11 Director of Operational Test and Evaluation shall conduct
12 an independent evaluation of—

13 (1) any processes used to test the effectiveness
14 of covered personal protective and diagnostic testing
15 equipment; and

16 (2) the results of such tests.

17 (b) AVAILABILITY OF INFORMATION.—The Secretary
18 of Defense shall provide the Director of Operational Test
19 and Evaluation with such information as may be necessary
20 for the Director to conduct the evaluations required under
21 subsection (a), including any relevant documentation re-
22 lating to testing processes and test results for covered per-
23 sonal protective and diagnostic testing equipment.

24 (c) REPORT TO CONGRESS.—Not later than 30 days
25 after the completion of each evaluation under subsection
26 (a), the Director of Operational Test and Evaluation shall

1 submit to the congressional defense committees a report
2 on the results of the evaluation.

3 (d) COVERED PERSONAL PROTECTIVE AND DIAG-
4 NOSTIC TESTING EQUIPMENT DEFINED.—In this section,
5 the term “covered personal protective and diagnostic test-
6 ing equipment” means any personal protective equipment
7 or diagnostic testing equipment developed, acquired, or
8 used by the Department of Defense—

9 (1) in response to COVID–19; or

10 (2) as part of any follow-on, long-term acquisi-
11 tion and distribution program for such equipment.

12 **SEC. 264. REPORTS ON F-35 PHYSIOLOGICAL EPISODES**
13 **AND MITIGATION EFFORTS.**

14 (a) STUDY AND REPORT.—

15 (1) IN GENERAL.—The Under Secretary of De-
16 fense for Acquisition and Sustainment shall conduct
17 a study to determine the underlying causes of phys-
18 iological episodes affecting crewmembers of F–35
19 aircraft.

20 (2) ELEMENTS.—The study under subsection

21 (a) shall include—

22 (A) an examination of each physiological
23 episode reported by a crewmember of an F–35
24 aircraft as of the date of the enactment of this
25 Act;

1 (B) a determination as to the underlying
2 cause of the episode; and

3 (C) an examination of—

4 (i) any long-term effects, including po-
5 tential long-term effects, of the episode;
6 and

7 (ii) any additional care an affected
8 crewmember may need.

9 (3) REPORT.—Not later than 180 days after
10 the date of the enactment of this Act, the Under
11 Secretary of Defense for Acquisition and
12 Sustainment shall submit to the congressional de-
13 fense committees a report that includes—

14 (A) the results the study conducted under
15 subsection (a), including a description of each
16 physiological episode examined under the study
17 and an explanation of the underlying cause of
18 the episode;

19 (B) a description of any actions that may
20 be taken to address the underlying causes of
21 such episodes, including any resources that may
22 be required to carry out such actions; and

23 (C) any other findings and recommenda-
24 tions of the study.

1 (b) ANNUAL REPORTS ON MITIGATION EFFORTS.—

2 The Secretary of Defense, in consultation with the Under
3 Secretary of Defense for Acquisition and Sustainment,
4 shall include with the annual report required by section
5 224(d) of the National Defense Authorization Act for Fis-
6 cal Year 2017 (Public Law 114–328; 130 Stat. 2059), a
7 detailed description of—

8 (1) the efforts of the Department of Defense to
9 address physiological episodes affecting crew-
10 members of F–35 aircraft; and

11 (2) the funding allocated for such efforts.

12 **SEC. 265. STUDY ON MECHANISMS FOR ATTRACTING AND**
13 **RETAINING HIGH QUALITY TALENT IN THE**
14 **NATIONAL SECURITY INNOVATION BASE.**

15 (a) STUDY REQUIRED.—The Secretary of Defense
16 shall conduct a study to determine the feasibility of estab-
17 lishing a program to attract and retain covered individuals
18 for employment in the national security innovation base.

19 (b) ELEMENTS.—The study required under sub-
20 section (a) shall include an analysis of—

21 (1) mechanisms the Department of Defense
22 may use to engage institutions of higher education
23 to assist in the identification and recruitment of cov-
24 ered individuals for employment in the national se-
25 curity innovation base;

1 (2) monetary and nonmonetary incentives that
2 may be provided to retain covered individuals in po-
3 sitions in the national security innovation base;

4 (3) methods that may be implemented to ensure
5 the proper vetting of covered individuals;

6 (4) the number of covered individuals needed to
7 advance the competitiveness of the research, develop-
8 ment, test, and evaluation efforts of the Department
9 of Defense in the critical technologies identified in
10 the National Defense Strategy; and

11 (5) the type and amount of resources required
12 to implement the program described in subsection
13 (a).

14 (c) REPORT.—Not later than February 1, 2021, the
15 Secretary of Defense shall submit to the congressional de-
16 fense committees a report on the results of the study con-
17 ducted under subsection (a).

18 (d) DEFINITIONS.—In this section:

19 (1) The term “national security innovation
20 base” the means the network of persons and organi-
21 zations, including Federal agencies, institutions of
22 higher education, federally funded research and de-
23 velopment centers, defense industrial base entities,
24 nonprofit organizations, commercial entities, and
25 venture capital firms that are engaged in the mili-

1 tary and nonmilitary research, development, funding,
2 and production of innovative technologies that sup-
3 port the national security of the United States.

4 (2) The term “institution of higher education”
5 has the meaning given that term in section 101 of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1001).

8 (3) The term “covered individual” means an in-
9 dividual who—

10 (A) is employed by a United States em-
11 ployer and engaged in work to promote and
12 protect the national security innovation base;

13 (B) is engaged in basic or applied re-
14 search, funded by the Department of Defense,
15 through an institution of higher education in
16 the United States; and

17 (C) possesses scientific or technical exper-
18 tise that will advance the development of crit-
19 ical technologies identified in the National De-
20 fense Strategy or the National Defense Science
21 and Technology Strategy, required by section
22 218 of the John S. McCain National Defense
23 Authorization Act for Fiscal Year 2019 (Public
24 Law 115–232; 132 Stat. 1679).

1 **SEC. 266. FUNDING FOR FORCE PROTECTION APPLIED RE-**
2 **SEARCH.**

3 (a) INCREASE.—Notwithstanding the amounts set
4 forth in the funding tables in division D, the amount au-
5 thorized to be appropriated in section 201 for research,
6 development, test, and evaluation, as specified in the cor-
7 responding funding table in section 4201, for research, de-
8 velopment, test, and evaluation, Navy, applied research,
9 force protection applied research, line 005 (PE
10 0602123N) is hereby increased by \$9,000,000 (to be used
11 in support of the Direct Air Capture and Blue Carbon
12 Removal Technology Program authorized under section
13 223 of the National Defense Authorization Act for Fiscal
14 Year 2020 (Public Law 116–92; 10 U.S.C. 2358 note)).

15 (b) OFFSETS.—

16 (1) Notwithstanding the amounts set forth in
17 the funding tables in division D, the amount author-
18 ized to be appropriated in section 301 for operation
19 and maintenance, as specified in the corresponding
20 funding table in section 4301, for operation and
21 maintenance, Air Force, admin & servicewide activi-
22 ties, servicewide communications, line 410 is hereby
23 reduced by \$4,000,000.

24 (2) Notwithstanding the amounts set forth in
25 the funding tables in division D, the amount author-
26 ized to be appropriated in section 301 for operation

1 and maintenance, as specified in the corresponding
2 funding table in section 4301, for operation and
3 maintenance, Army, admin & servicewide activities,
4 servicewide communications, line 440 is hereby re-
5 duced by \$5,000,000.

6 **SEC. 267. FUNDING FOR HYPERSONICS PROTOTYPING.**

7 (a) INCREASE.—Notwithstanding the amounts set
8 forth in the funding tables in division D, the amount au-
9 thorized to be appropriated in section 201 for research,
10 development, test, and evaluation, as specified in the cor-
11 responding funding table in section 4201, for research, de-
12 velopment, test, and evaluation, Air Force, advanced com-
13 ponent development & prototypes, line 048, hypersonics
14 prototyping (PE 0604033F) is hereby increased by
15 \$5,000,000 (to be used in support of the Air-launched
16 Rapid Response Weapon Program).

17 (b) OFFSET.—Notwithstanding the amounts set forth
18 in the funding tables in division D, the amount authorized
19 to be appropriated in section 301 for operation and main-
20 tenance, as specified in the corresponding funding table
21 in section 4301, for operation and maintenance, Space
22 Force, operating forces, contractor logistics & system sup-
23 port, line 080 is hereby reduced by \$5,000,000.

1 **SEC. 268. FUNDING FOR UNIDIRECTIONAL BODY ARMOR.**

2 (a) INCREASE.—Notwithstanding the amounts set
3 forth in the funding tables in division D, the amount au-
4 thorized to be appropriated in section 201 for research,
5 development, test, and evaluation, as specified in the cor-
6 responding funding table in section 4201, for research, de-
7 velopment, test, and evaluation, Army, advanced compo-
8 nent development & prototypes, line 093, soldier sys-
9 tems—advanced development (PE 0603827A) is hereby
10 increased by \$7,000,000 (to be used for the development
11 of lightweight body armor fabrics).

12 (b) OFFSET.—Notwithstanding the amounts set forth
13 in the funding tables in division D, the amount authorized
14 to be appropriated in section 201 for research, develop-
15 ment, test, and evaluation, as specified in the cor-
16 responding funding table in section 4201, for research, de-
17 velopment, test, and evaluation, Army, advanced compo-
18 nent development & prototypes, line 102, technology matu-
19 ration initiatives (PE 0604115A) is hereby reduced by
20 \$7,000,000.

21 **SEC. 269. ASSESSMENTS OF INTELLIGENCE, DEFENSE, AND**
22 **MILITARY IMPLICATIONS OF DEEPFAKE VID-**
23 **EOS AND RELATED TECHNOLOGIES.**

24 (a) INTELLIGENCE THREAT ASSESSMENT.—

25 (1) IN GENERAL.—In conjunction with each an-
26 nual report required under section 5709(d) of the

1 National Defense Authorization Act for Fiscal Year
2 2020 (Public Law 116–92) (relating to deepfake
3 technology and the foreign weaponization of
4 deepfakes), the Director of National Intelligence
5 shall submit to the Secretary of Defense and the ap-
6 propriate congressional committees a supplemental
7 report on the intelligence, defense, and military im-
8 plications of deepfake videos and related tech-
9 nologies.

10 (2) ELEMENTS.—Each supplemental report
11 under paragraph (1) shall include—

12 (A) a description of new developments with
13 respect to the national security implications of
14 machine-manipulated media, and intelligence
15 community responses to such developments, as
16 it pertains to those matters described in section
17 5709(a) of the National Defense Authorization
18 Act for Fiscal Year 2020 (Public Law 116–92);

19 (B) a description of any known efforts by
20 the militaries of the People’s Republic of China
21 or the Russian Federation or any governmental
22 elements that provide intelligence support to
23 such militaries, to deploy machine-manipulated
24 media in the context of any ongoing geopolitical

1 disputes, armed conflicts, or related operations;
2 and

3 (C) an assessment of additional future se-
4 curity risks posed by artificial intelligence tech-
5 nologies that facilitate the creation of machine-
6 manipulated media, including security risks in
7 contexts other than influence or information op-
8 erations (including the potential subversion of
9 biometric authentication systems).

10 (3) INTERIM REPORT.—Not later than 120
11 days after the date of the enactment of this Act, the
12 Director of National Intelligence shall submit to the
13 Secretary of Defense and the appropriate congres-
14 sional committees a report on the preliminary find-
15 ings of the Director with respect to each element de-
16 scribed in subsection (2).

17 (4) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES DEFINED.—In this section, the term “appro-
19 priate congressional committees” means—

20 (A) the congressional defense committees;

21 (B) the Select Committee on Intelligence
22 of the Senate; and

23 (C) the Permanent Select Committee on
24 Intelligence of the House of Representatives.

25 (b) MILITARY RISK ASSESSMENT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after date on which the report under subsection
3 (a)(3) is submitted to the Secretary of Defense, the
4 Secretary shall submit to the congressional defense
5 committees an assessment, based on the results of
6 such report, of the risks posed by machine-manipu-
7 lated media to the operations, personnel, and activi-
8 ties of the Department of Defense and the Armed
9 Forces.

10 (2) ELEMENTS.—The report under paragraph
11 (1) shall include the following:

12 (A) An assessment of the risks posed by
13 machine-manipulated media in the contexts of
14 military planning, defense intelligence collec-
15 tion, operational decision-making, and such
16 other contexts as the Secretary of Defense
17 deems appropriate.

18 (B) A description of how the Department
19 of Defense would assess, particularly under lim-
20 ited time constraints, the legitimacy of ma-
21 chine-manipulated media purporting to depict
22 activities relevant to ongoing military operations
23 (such as a deepfake video purporting to depict
24 a foreign government official announcing an im-

1 pending military strike, retreat, or other tactical action).

2
3 (C) A description of any efforts of the Department of Defense to combat the actual or
4 potential creation of machine-manipulated
5 media that falsely depicts or replicates biometric identifiers of Federal Government officials,
6 and an assessment of the feasibility of adopting
7 or developing technologies to reduce the likelihood of video, audio, or visual content produced
8 or distributed by the Department of Defense
9 from being manipulated or exploited in such
10 manner.

11
12 (D) An assessment of the Department of
13 Defense's current machine-manipulated media
14 detection capabilities, and recommendations
15 with respect to improving such capabilities.

16
17 (c) FORM.—The reports required under subsections
18 (a) and (b) may be submitted in classified form, but if
19 so submitted, shall be accompanied by unclassified annexes.

20
21 (d) MACHINE-MANIPULATED MEDIA DEFINED.—In
22 this section, the term “machine-manipulated media” has
23 the meaning given that term in section 5724(d) of the Na-

1 tional Defense Authorization Act for Fiscal Year 2020 1
2 (Public Law 116–92).

3 **SEC. 270. FUNDING FOR AIR FORCE UNIVERSITY RE-**
4 **SEARCH INITIATIVES.**

5 (a) INCREASE.—Notwithstanding the amounts set
6 forth in the funding tables in division D, the amount au-
7 thorized to be appropriated in section 201 for research,
8 development, test, and evaluation, as specified in the cor-
9 responding funding table in section 4201, for research, de-
10 velopment, test, and evaluation, Air Force, basic research,
11 university research initiatives (PE 0601103F), line 002
12 is hereby increased by \$5,000,000.

13 (b) OFFSET.—Notwithstanding the amounts set forth
14 in the funding tables in division D, the amount authorized
15 to be appropriated in section 301 for operation and main-
16 tenance, as specified in the corresponding funding table
17 in section 4301, for operation and maintenance, Army,
18 admin & servicewide activities, servicewide communica-
19 tions, line 440 is hereby reduced by \$5,000,000.

20 **SEC. 271. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2020 PROJECTS.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) The Department of Defense is encouraging
24 the liberal use of fifth generation (commonly known
25 as “5G”) information and communications tech-

1 nology testbeds to develop useful, mission-oriented
2 applications for 5G technology.

3 (2) Barksdale Air Force Base, Louisiana, has
4 the ability to serve as a large-scale test facility to
5 enable rapid experimentation and dual-use applica-
6 tion prototyping.

7 (3) Barksdale Air Force Base, Louisiana, has
8 streamlined access to spectrum bands, mature fiber
9 and wireless infrastructure, and prototyping and test
10 area range access, all of which are ideal characteris-
11 tics for use as a 5G test bed location.

12 (b) CONSIDERATION REQUIRED.—The Secretary of
13 Defense shall consider using Barksdale Air Force Base,
14 Louisiana, as 5G test bed installation for purposes of the
15 activities carried out under section 254(b)(2)(A) of the
16 National Defense Authorization Act for Fiscal Year 2020
17 (Public Law 116–92; 10 U.S.C. 2223 note).

18 **SEC. 272. SENSE OF CONGRESS ON THE ROLE OF THE NA-**
19 **TIONAL SCIENCE FOUNDATION.**

20 It is the sense of Congress that the National Science
21 Foundation is critical to the expansion of the frontiers of
22 scientific knowledge and advancing American techno-
23 logical leadership in key technologies, and that in order
24 to continue to achieve its mission in the face of rising chal-
25 lenges from strategic competitors, the National Science

1 Foundation should receive a significant increase in fund-
2 ing, expand its use of its existing authorities to carry out
3 new and innovative types of activities, consider new au-
4 thorities that it may need, and increase existing activities
5 such as the convergence accelerators aimed at accelerating
6 the translation of fundamental research for the economic
7 and national security benefit of the United States.

8 **SEC. 273. FUNDING FOR NAVY UNIVERSITY RESEARCH INI-**
9 **TIATIVES.**

10 (a) INCREASE.—Notwithstanding the amounts set
11 forth in the funding tables in division D, the amount au-
12 thorized to be appropriated in section 201 for research,
13 development, test, and evaluation, as specified in the cor-
14 responding funding table in section 4201, for research, de-
15 velopment, test, and evaluation, Navy, basic research, uni-
16 versity research initiatives (PE 0601103N), line 001 is
17 hereby increased by \$5,000,000.

18 (b) OFFSET.—Notwithstanding the amounts set forth
19 in the funding tables in division D, the amount authorized
20 to be appropriated in section 301 for operation and main-
21 tenance, as specified in the corresponding funding table
22 in section 4301, for operation and maintenance, Army,
23 admin & servicewide activities, servicewide communica-
24 tions, line 440 is hereby reduced by \$5,000,000.

1 **SEC. 274. FUNDING FOR ARMY UNIVERSITY RESEARCH INI-**
2 **TIATIVES.**

3 (a) INCREASE.—Notwithstanding the amounts set
4 forth in the funding tables in division D, the amount au-
5 thorized to be appropriated in section 201 for research,
6 development, test, and evaluation, as specified in the cor-
7 responding funding table in section 4201, for research, de-
8 velopment, test, and evaluation, Army, basic research, uni-
9 versity research initiatives (PE 0601103A), line 003 is
10 hereby increased by \$5,000,000.

11 (b) OFFSET.—Notwithstanding the amounts set forth
12 in the funding tables in division D, the amount authorized
13 to be appropriated in section 301 for operation and main-
14 tenance, as specified in the corresponding funding table
15 in section 4301, for operation and maintenance, Army,
16 admin & servicewide activities, servicewide communica-
17 tions, line 440 is hereby reduced by \$5,000,000.

18 **SEC. 275. REPORT ON CERTAIN AWARDS BY THE AIR FORCE**
19 **UNDER THE SMALL BUSINESS INNOVATION**
20 **RESEARCH PROGRAM AND THE SMALL BUSI-**
21 **NESS TECHNOLOGY TRANSFER PROGRAM.**

22 The Assistant Secretary of the Air Force for Acquisi-
23 tion Technology and Logistics shall submit to the Commit-
24 tees on Armed Services of the House of Representatives
25 and the Senate a report containing a list of all selections
26 made by the Assistant Secretary during the preceding 5-

1 year period under the Small Business Innovation Research
2 Program or the Small Business Technology Transfer Pro-
3 gram (as defined under section 9(e) of the Small Business
4 Act (15 U.S.C. 638(e)) that were not followed with fund-
5 ing awards. The report shall include, for each such selec-
6 tion—

7 (1) the name and contact information of the
8 company selected; and

9 (2) the reason the funding award did not follow
10 the selection.

11 **SEC. 276. FUNDING FOR BACKPACKABLE COMMUNICA-**
12 **TIONS INTELLIGENCE SYSTEM.**

13 (a) INCREASE.—Notwithstanding the amounts set
14 forth in the funding tables in division D, the amount au-
15 thorized to be appropriated in section 201 for research,
16 development, test, and evaluation, Army, as specified in
17 the corresponding funding table in section 4201, Network
18 C3I Technology, Line 17, for the Backpackable Commu-
19 nications Intelligence System is hereby increased by
20 \$5,000,000.

21 (b) OFFSET.—Notwithstanding the amounts set forth
22 in the funding tables in division D, the amount authorized
23 to be appropriated in section 301 for operation and main-
24 tenance, Defense-wide, as specified in the corresponding
25 funding table in section 4301, for Admin & Srvwide Activi-

1 ties, Line 360, Defense Personnel Accounting Agency is
2 hereby reduced by \$5,000,000.

3 **SEC. 277. FUNDING FOR ARMY UNIVERSITY AND INDUSTRY**
4 **RESEARCH CENTERS.**

5 (a) INCREASE.—Notwithstanding the amounts set
6 forth in the funding tables in division D, the amount au-
7 thorized to be appropriated in section 201 for research,
8 development, test, and evaluation, as specified in the cor-
9 responding funding table in section 4201, for research, de-
10 velopment, test, and evaluation, Army, basic research, uni-
11 versity and industry research centers (PE 0601104A), line
12 004 is hereby increased by \$5,000,000.

13 (b) OFFSET.—Notwithstanding the amounts set forth
14 in the funding tables in division D, the amount authorized
15 to be appropriated in section 301 for operation and main-
16 tenance, as specified in the corresponding funding table
17 in section 4301, for operation and maintenance, Army,
18 admin & servicewide activities, servicewide communica-
19 tions, line 440 is hereby reduced by \$5,000,000.

20 **SEC. 278. SENSE OF CONGRESS ON THE ADDITIVE MANU-**
21 **FACTURING AND MACHINE LEARNING INITIA-**
22 **TIVE OF THE ARMY.**

23 It is the sense of Congress that—

24 (1) the additive manufacturing and machine
25 learning initiative of the Army has the potential to

1 accelerate the ability to deploy additive manufac-
2 turing capabilities in expeditionary settings and
3 strengthen the United States defense industrial sup-
4 ply chain; and

5 (2) Congress and the Department of Defense
6 should continue to support the additive manufac-
7 turing and machine learning initiative of the Army.

8 **SEC. 279. TRAINEESHIPS FOR AMERICAN LEADERS TO**
9 **EXCEL IN NATIONAL TECHNOLOGY AND**
10 **SCIENCE.**

11 (a) IN GENERAL.—The Secretary of Defense, acting
12 through the Under Secretary of Defense for Research and
13 Engineering, shall establish a traineeship program to ex-
14 pand Department of Defense access to domestic scientific
15 and technological talent in areas of strategic importance
16 to national security.

17 (b) DESIGNATION.—The traineeship program estab-
18 lished under subsection (a) shall be known as the
19 “Traineeships for American Leaders to Excel in National
20 Technology and Science” or “TALENTS program” (re-
21 ferred to in this section as the “traineeship program”).

22 (c) PROGRAM PRIORITIES.—The Secretary, in con-
23 sultation with the Defense Science Board and the Defense
24 Innovation Board, shall determine the multidisciplinary
25 fields of study on which the traineeship program will focus

1 and, in making such determination, shall consider the core
2 modernization priorities derived from the most recent na-
3 tional defense strategy provided under section 113(g) of
4 title 10, United States Code.

5 (d) PARTICIPATING INSTITUTIONS.—The Secretary
6 shall establish partnerships with not fewer than ten eligi-
7 ble institutions selected by the Secretary for the purposes
8 of the program under subsection (a).

9 (e) PARTNERSHIP ACTIVITIES.—The activities con-
10 ducted under the partnerships under subsection (d) be-
11 tween an eligible institution and the Department of De-
12 fense shall include—

13 (1) providing traineeships led by faculty for eli-
14 gible students described in subsection (h); and

15 (2) establishing scientific or technical internship
16 programs for such students.

17 (f) PREFERENCE IN SELECTION OF INSTITUTIONS.—
18 In establishing partnerships under subsection (d), the Sec-
19 retary shall consider—

20 (1) the relevance of the eligible institution's
21 proposed partnership to existing and anticipated
22 strategic national needs, as determined under sub-
23 section (c);

24 (2) the ability of the eligible institution to effec-
25 tively carry out the proposed partnership;

1 (3) the geographic location of an eligible insti-
2 tution as it relates to the need of the Department
3 of Defense to develop specific workforce capacity and
4 skills within a particular region of the country;

5 (4) whether the eligible institution is a covered
6 minority institution;

7 (5) the extent to which the eligible institution's
8 proposal would—

9 (A) include students underrepresented in
10 the fields of science, technology, engineering,
11 and mathematics; or

12 (B) involve partnering with one or more
13 covered minority institutions; and

14 (6) the integration of internship opportunities
15 into the program provided by the eligible institution,
16 including internships with government laboratories,
17 non-profit research organizations, and for-profit
18 commercial entities.

19 (g) GRANTS.—

20 (1) IN GENERAL.—The Secretary may provide
21 grants to individuals who are eligible students de-
22 scribed in subsection (h) to—

23 (A) participate in activities under sub-
24 section (e);

1 (B) pay tuition, fees, and other costs asso-
2 ciated with participating in such activities;

3 (C) pay other costs associated with partici-
4 pating in the traineeship program; and

5 (D) pay costs associated with other sci-
6 entific or technical internship or fellowship pro-
7 grams.

8 (2) AWARD TOTALS.—The total amount of
9 grants awarded to individuals at an eligible institu-
10 tion under this section in each fiscal year shall not
11 exceed \$1,000,000.

12 (3) DURATION.—The duration of each grant
13 under this section shall not exceed 4 years.

14 (h) ELIGIBLE STUDENTS.—In order to receive any
15 grant under this section, a student shall—

16 (1) be a citizen or national of the United States
17 or a permanent resident of the United States;

18 (2) be enrolled or accepted for enrollment at an
19 eligible institution in a masters or doctoral degree
20 program in a field of study determined under sub-
21 section (c); and

22 (3) if the student is presently enrolled at an in-
23 stitution, be maintaining satisfactory progress in the
24 course of study the student is pursuing in accord-

1 ance section 484(c) of the Higher Education Act of
2 1965 (20 U.S.C. 1091(c)).

3 (i) PREFERENTIAL FEDERAL GOVERNMENT HIR-
4 ING.—The Secretary, in coordination with the Director of
5 the Office of Personnel Management, shall develop and
6 implement a process by which traineeship program partici-
7 pants shall receive preferred consideration in hiring activi-
8 ties conducted by the Department of Defense and each
9 Department of Defense Laboratory.

10 (j) DEFINITIONS.—In this section:

11 (1) The term “eligible institution” means an in-
12 stitution of higher education (as defined in section
13 101 of the Higher Education Act of 1965 (20
14 U.S.C. 1001)).

15 (2) The term “covered minority institution” has
16 the meaning given the term “covered institution” in
17 section 262(g)(2) of the National Defense Author-
18 ization Act for Fiscal Year 2020 (Public Law 116–
19 92; 10 U.S.C. 2362 note).

20 (3) The term “Department of Defense Labora-
21 tory” means—

22 (A) a laboratory operated by the Depart-
23 ment of Defense or owned by the Department
24 of Defense and operated by a contractor; or

1 (B) a facility of a Defense Agency (as de-
2 fined in section 101(a) of title 10, United
3 States Code) at which research and develop-
4 ment activities are conducted.

5 **SEC. 280. BRIEFING AND REPORT ON USE OF DISTRIBUTED**
6 **LEDGER TECHNOLOGY FOR DEFENSE PUR-**
7 **POSES.**

8 (a) BRIEFING REQUIRED.—

9 (1) IN GENERAL.—Not later than 30 days after
10 the date of the enactment of this Act, Under Sec-
11 retary of Defense for Research and Engineering
12 shall provide to the congressional defense commit-
13 tees a briefing on the potential use of distributed
14 ledger technology for defense purposes.

15 (2) ELEMENTS.—This briefing under para-
16 graph (1) shall include—

17 (A) an explanation of how distributed ledg-
18 er technology may be used by the Department
19 of Defense to—

20 (i) improve cybersecurity, beginning at
21 the hardware level, of vulnerable assets
22 such as energy, water, and transport grids
23 through distributed versus centralized com-
24 puting;

1 (ii) reduce single points of failure in
2 emergency and catastrophe decision-mak-
3 ing by subjecting decisions to consensus
4 validation through distributed ledger tech-
5 nologies;

6 (iii) improve the efficiency of defense
7 logistics and supply chain operations;

8 (iv) enhance the transparency of pro-
9 curement auditing; and

10 (v) allow innovations to be adapted by
11 the private sector for ancillary uses; and

12 (B) any other information that the Under
13 Secretary of Defense for Research and Engi-
14 neering determines to be appropriate.

15 (b) REPORT REQUIRED.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the
18 Under Secretary of Defense for Research and Engi-
19 neering shall submit to the congressional defense
20 committees a report on the research, development,
21 and use of distributed ledger technologies for de-
22 fense purposes.

23 (2) ELEMENTS.—The report under paragraph
24 (1) shall include—

1 (A) a summary of the key points from the
2 briefing provided under subsection (a);

3 (B) an analysis of activities that other
4 countries, including the People's Republic of
5 China and the Russian Federation, are carrying
6 out with respect to the research and develop-
7 ment of distributed ledger technologies, includ-
8 ing estimates of the types and amounts of re-
9 sources directed by such countries to such ac-
10 tivities;

11 (C) recommendations identifying additional
12 research and development activities relating to
13 distributed ledger technologies that should be
14 carried out by the Department of Defense and
15 cost estimates for such activities; and

16 (D) an analysis of the potential benefits
17 of—

18 (i) consolidating research on distrib-
19 uted ledger technologies within the Depart-
20 ment; and

21 (ii) developing within the Department
22 a single hub or center of excellence for re-
23 search on distributed ledger technologies;
24 and

1 (E) any other information that the Under
2 Secretary of Defense for Research and Engi-
3 neering determines to be appropriate.

4 **SEC. 281. ADMISSION OF ESSENTIAL SCIENTISTS AND**
5 **TECHNICAL EXPERTS TO PROMOTE AND PRO-**
6 **TECT THE NATIONAL SECURITY INNOVATION**
7 **BASE.**

8 (a) SPECIAL IMMIGRANT STATUS.—In accordance
9 with the procedures established under subsection (f)(1),
10 and subject to subsection (c)(1), the Secretary of Home-
11 land Security may provide an alien described in subsection
12 (b) (and the spouse and children of the alien if accom-
13 panying or following to join the alien) with the status of
14 a special immigrant under section 101(a)(27) of the Immi-
15 gration and Nationality Act (8 U.S.C. 1101(a)(27)), if the
16 alien—

17 (1) submits a classification petition under sec-
18 tion 204(a)(1)(G)(i) of such Act (8 U.S.C.
19 1154(a)(1)(G)(i)); and

20 (2) is otherwise eligible to receive an immigrant
21 visa and is otherwise admissible to the United States
22 for permanent residence.

23 (b) ALIENS DESCRIBED.—An alien is described in
24 this subsection if—

25 (1) the alien—

1 (A) is employed by a United States em-
2 ployer and engaged in work to promote and
3 protect the National Security Innovation Base;

4 (B) is engaged in basic or applied re-
5 search, funded by the Department of Defense,
6 through a United States institution of higher
7 education (as defined in section 101 of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1001)); or

10 (C) possesses scientific or technical exper-
11 tise that will advance the development of crit-
12 ical technologies identified in the National De-
13 fense Strategy or the National Defense Science
14 and Technology Strategy, required by section
15 218 of the John S. McCain National Defense
16 Authorization Act for Fiscal Year 2019 (Public
17 Law 115–232; 132 Stat. 1679); and

18 (2) the Secretary of Defense issues a written
19 statement to the Secretary of Homeland Security
20 confirming that the admission of the alien is essen-
21 tial to advancing the research, development, testing,
22 or evaluation of critical technologies described in
23 paragraph (1)(C) or otherwise serves national secu-
24 rity interests.

25 (c) NUMERICAL LIMITATIONS.—

1 (1) IN GENERAL.—The total number of prin-
2 cipal aliens who may be provided special immigrant
3 status under this section may not exceed—

4 (A) 10 in each of fiscal years 2021
5 through 2030; and

6 (B) 100 in fiscal year 2031 and each fiscal
7 year thereafter.

8 (2) EXCLUSION FROM NUMERICAL LIMITA-
9 TIONS.—Aliens provided special immigrant status
10 under this section shall not be counted against the
11 numerical limitations under sections 201(d), 202(a),
12 and 203(b)(4) of the Immigration and Nationality
13 Act (8 U.S.C. 1151(d), 1152(a), and 1153(b(4))).

14 (d) DEFENSE COMPETITION FOR SCIENTISTS AND
15 TECHNICAL EXPERTS.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of Defense
17 shall develop and implement a process to select, on a com-
18 petitive basis from among individuals described in section
19 (b), individuals for recommendation to the Secretary of
20 Homeland Security for special immigrant status described
21 in subsection (a).

22 (e) AUTHORITIES.—In carrying out this section, the
23 Secretary of Defense shall authorize appropriate personnel
24 of the Department of Defense to use all personnel and
25 management authorities available to the Department, in-

1 cluding the personnel and management authorities pro-
2 vided to the science and technology reinvention labora-
3 tories, the Major Range and Test Facility Base (as de-
4 fined in 196(i) of title 10, United States Code), and the
5 Defense Advanced Research Projects Agency.

6 (f) PROCEDURES.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Home-
8 land Security and Secretary of Defense shall jointly estab-
9 lish policies and procedures implementing the provisions
10 in this section, which shall include procedures for—

11 (1) processing of petitions for classification sub-
12 mitted under subsection (a)(1) and applications for
13 an immigrant visa or adjustment of status, as appli-
14 cable; and

15 (2) thorough processing of any required secu-
16 rity clearances.

17 (g) FEES.—The Secretary of Homeland Security
18 shall establish a fee to—

19 (1) be charged and collected to process an ap-
20 plication filed under this section; and

21 (2) that is set at a level that will ensure recov-
22 ery of the full costs of such processing and any addi-
23 tional costs associated with the administration of the
24 fees collected.

1 (h) IMPLEMENTATION REPORT REQUIRED.—Not
2 later than 360 days after the date of the enactment of
3 this Act, the Secretary of Homeland Security and Sec-
4 retary of Defense shall jointly submit to the appropriate
5 congressional committees a report that includes—

6 (1) a plan for implementing the authorities pro-
7 vided under this section; and

8 (2) identification of any additional authorities
9 that may be required to assist the Secretaries in
10 fully implementing section.

11 (i) PROGRAM EVALUATION AND REPORT.—

12 (1) EVALUATION.—The Comptroller General of
13 the United States shall conduct an evaluation of the
14 competitive program and special immigrant program
15 described in subsections (a) through (g).

16 (2) REPORT.—Not later than October 1, 2025,
17 the Comptroller General shall submit to the appro-
18 priate congressional committees a report on the re-
19 sults of the evaluation conducted under paragraph
20 (1).

21 (j) DEFINITIONS.—In this section:

22 (1) The term “appropriate congressional com-
23 mittees” means—

1 (A) the Committee on Armed Services and
2 the Committee on the Judiciary of the House of
3 Representatives; and

4 (B) the Committee on Armed Services and
5 the Committee on the Judiciary of the Senate.

6 (2) The term “National Security Innovation
7 Base” means the network of persons and organiza-
8 tions, including Federal agencies, institutions of
9 higher education, federally funded research and de-
10 velopment centers, defense industrial base entities,
11 nonprofit organizations, commercial entities, and
12 venture capital firms that are engaged in the mili-
13 tary and non-military research, development, fund-
14 ing, and production of innovative technologies that
15 support the national security of the United States.

16 **TITLE III—OPERATION AND**
17 **MAINTENANCE**

18 **Subtitle A—Authorization of**
19 **Appropriations**

20 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2021 for the use of the Armed Forces and other
23 activities and agencies of the Department of Defense for
24 expenses, not otherwise provided for, for operation and

1 maintenance, as specified in the funding table in section
2 4301.

3 **SEC. 302. FUNDING FOR ARMY COMMUNITY SERVICES.**

4 (a) INCREASE.—Notwithstanding the amounts set
5 forth in the funding tables in division D, the amount au-
6 thorized to be appropriated in section 301 for operation
7 and maintenance for Army base operations support, line
8 100, as specified in the corresponding funding table in sec-
9 tion 4301, for Army Community Services is hereby in-
10 creased by \$30,000,000.

11 (b) OFFSET.—Notwithstanding the amounts set forth
12 in the funding tables in division D, the amount authorized
13 to be appropriated in section 301 for operation and main-
14 tenance, for Army Force Readiness Operations Support,
15 line 070, as specified in the corresponding funding table
16 in section 4301, is hereby reduced by \$15,000,000.

17 (c) OFFSET.—Notwithstanding the amounts set forth
18 in the funding tables in division D, the amount authorized
19 to be appropriated in section 301 for operation and main-
20 tenance, for Army Land Forces Operations Support, as
21 specified in the corresponding funding table in section
22 4301, line 050, is hereby reduced by \$15,000,000.

1 **SEC. 303. INCREASE IN FUNDING FOR AIR FORCE RESERVE**

2 **CONTRACTOR SYSTEMS SUPPORT.**

3 (a) INCREASE.—Notwithstanding the amounts set
4 forth in the funding tables in division D, the amount au-
5 thorized to be appropriated for operation and mainte-
6 nance, Defense-wide Operating Forces, as specified in the
7 corresponding funding table in section 4301, for Special
8 Operations Command maintenance, Line 70, is hereby in-
9 creased by \$22,000,000.

10 (b) OFFSET.—Notwithstanding the amounts set forth
11 in the funding tables in division D, the amount authorized
12 to be appropriated for operation and maintenance, Air
13 Force Operating Forces, as specified in the corresponding
14 funding table in section 4301, Administration and Service-
15 Wide Activities, Line 400, is hereby reduced by
16 \$22,000,000.

17 **Subtitle B—Energy and**
18 **Environment**

19 **SEC. 311. MILITARY AVIATION AND INSTALLATION ASSUR-**
20 **ANCE CLEARINGHOUSE FOR REVIEW OF MIS-**
21 **SION OBSTRUCTIONS.**

22 Section 183a(c) of title 10, United States Code, is
23 amended—

24 (1) by redesignating paragraphs (4) through
25 (6) as paragraphs (5) through (7), respectively;

1 (2) by inserting after paragraph (3) the fol-
 2 lowing new paragraph (4):

3 “(4) If, after issuing the notices of presumed risk re-
 4 quired by paragraphs (2) and (3), the Secretary of De-
 5 fense later concludes for any reason that the energy
 6 project will not have an adverse impact on military readi-
 7 ness, the Clearinghouse shall notify the applicant and the
 8 governor in writing of that conclusion.”; and

9 (3) in paragraph (7), as so redesignated, by
 10 striking “Any setback for a project pursuant to the
 11 previous sentence shall not be more than what is de-
 12 termined to be necessary by a technical analysis con-
 13 ducted by the Lincoln Laboratory at the Massachu-
 14 setts Institute of Technology or any successor enti-
 15 ty.”.

16 **SEC. 312. MILITARY AVIATION AND INSTALLATION ASSUR-**
 17 **ANCE CLEARINGHOUSE FOR REVIEW OF MIS-**
 18 **SION OBSTRUCTIONS.**

19 Section 183a(c) of title 10, United States Code, is
 20 amended—

21 (1) by redesignating paragraphs (4) through
 22 (6) as paragraphs (5) through (7), respectively; and

23 (2) by inserting after paragraph (3) the fol-
 24 lowing new paragraph (4):

1 “(4) If, after issuing the notices of presumed risk re-
2 quired by paragraphs (2) and (3), the Secretary of De-
3 fense later concludes for any reason that the energy
4 project will not have an adverse impact on military readi-
5 ness, the Clearinghouse shall notify the applicant and the
6 governor in writing of that conclusion.”.

7 **SEC. 313. AGREEMENTS TO LIMIT ENCROACHMENTS AND**
8 **OTHER CONSTRAINTS ON MILITARY TRAIN-**
9 **ING, TESTING, AND OPERATIONS.**

10 Section 2684a of title 10, United States Code, is
11 amended—

12 (1) in subsection (b), by striking “An agree-
13 ment under this section may be entered into with”
14 and inserting “For purposes of this section, the term
15 ‘eligible entity’ means”; and

16 (2) in subsection (d)(1)(A), by striking “the en-
17 tity” and inserting “the eligible entity”.

18 **SEC. 314. MODIFICATION OF DEPARTMENT OF DEFENSE**
19 **ENVIRONMENTAL RESTORATION AUTHORI-**
20 **TIES TO INCLUDE FEDERAL GOVERNMENT**
21 **FACILITIES USED BY NATIONAL GUARD.**

22 Section 2707(e) of title 10, United States Code, as
23 added by section 316 of the National Defense Authoriza-
24 tion Act for Fiscal Year 2020 (Public Law 116–92, is
25 amended—

1 (1) by inserting “where military activities are
2 conducted by the state National Guard under title
3 32,” after “facility”; and

4 (2) by adding at the end the following new sen-
5 tence: “The Secretary concerned may also utilize the
6 authority in section 2701(d) of this title for these
7 environmental restoration projects.”.

8 **SEC. 315. INCREASED TRANSPARENCY THROUGH REPORT-**
9 **ING ON USAGE AND SPILLS OF AQUEOUS**
10 **FILM-FORMING FOAM AT MILITARY INSTAL-**
11 **LATIONS.**

12 (a) IN GENERAL.—Chapter 160 of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new section:

15 **“§ 2712. Reporting on usage and spills of aqueous**
16 **film-forming foam**

17 “(a) IN GENERAL.—Not later than 48 hours after
18 the Deputy Assistant Secretary of Defense for Environ-
19 ment receives notice of the usage or spill of aqueous film-
20 forming foam, either as concentrate or mixed foam, at any
21 military installation, the Deputy Assistant Secretary shall
22 submit to the Committees on Armed Services of the Sen-
23 ate and House of Representatives notice of such usage or
24 spill. Each such notice shall include each of the following:

1 “(1) The name of the installation where the
2 usage or spill occurred.

3 “(2) The date on which the usage or spill oc-
4 curred.

5 “(3) The amount, type, and specified concentra-
6 tion of aqueous film-forming foam that was used or
7 spilled.

8 “(4) The cause of the usage or spill.

9 “(5) A summary narrative of the usage or spill.

10 “(6) A description of what actions have been
11 taken to arrest and clean up the spill.

12 “(7) A description of coordination with relevant
13 local and State authorities and environmental pro-
14 tection agencies.

15 “(b) ACTION PLAN.—Not later than 30 days after
16 submitting notice of a usage or spill under subsection (a),
17 the Deputy Assistant Secretary shall submit to the Com-
18 mittees on Armed Services of the Senate and House of
19 Representatives an action plan for addressing such usage
20 or spill.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by adding
23 at the end the following new item:

“2712. Reporting on usage and spills of aqueous film-forming foam.”.

1 **SEC. 316. REPLACEMENT OF NON-TACTICAL MOTOR VEHI-**
2 **CLES AT THE END OF SERVICE LIFE WITH**
3 **ELECTRIC OR HYBRID MOTOR VEHICLES.**

4 Section 2922g of title 10, United States Code, is
5 amended—

6 (1) by redesignating subsections (b) and (c) as
7 subsections (c) and (d), respectively;

8 (2) by inserting after subsection (a) the fol-
9 lowing new subsection (b):

10 “(b) **END OF LIFE REPLACEMENT.**—Upon the end
11 of the lease or service life of a motor vehicle, the Secretary
12 of the military department or the head of the Defense
13 Agency shall, to the maximum extent possible, replace
14 such motor vehicle with a motor vehicle that uses an elec-
15 tric or hybrid propulsion system, including a plug-in hy-
16 brid system.”;

17 (3) in subsection (c), as so redesignated, by
18 striking “Subsection (a) does not” and inserting
19 “Subsections (a) and (b) do not”;

20 (4) in subsection (d), as so redesignated, by
21 striking “The preference required by subsection (a)
22 does not” and inserting “The preference under sub-
23 section (a) and the requirement under subsection (b)
24 do not”; and

25 (5) by inserting after subsection (d) the fol-
26 lowing new subsection:

1 “(e) INCLUSION OF OFF-ROAD VEHICLES.—In this
2 section, the term ‘motor vehicle’ includes off-road vehicles,
3 including construction or agricultural equipment.”.

4 **SEC. 317. BUDGETING OF DEPARTMENT OF DEFENSE RE-**
5 **LATING TO OPERATIONAL ENERGY IMPROVE-**
6 **MENT.**

7 The Secretary of Defense shall include in the annual
8 budget submission of the President under section 1105(a)
9 of title 31, United States Code, a dedicated budget line
10 item for fielding operational energy improvements, includ-
11 ing such improvements for which funds from the Oper-
12 ational Energy Capability Improvement Fund have been
13 expended to create the operational and business case for
14 broader employment.

15 **SEC. 318. ASSESSMENT OF DEPARTMENT OF DEFENSE**
16 **OPERATIONAL ENERGY USAGE.**

17 (a) IN GENERAL.—Not later than 60 days after the
18 date of the enactment of this Act, the Secretary of Defense
19 shall enter into an agreement with a federally funded re-
20 search and development center with relevant expertise
21 under which such center shall conduct an assessment of
22 Department of Defense operational energy usage, includ-
23 ing an agency-wide view and breakdowns of progress by
24 service branch.

1 (b) ELEMENTS.—The assessment required under
2 subsection (a) shall include—

3 (1) an analysis of the extent to which the De-
4 partment of Defense developed an integrated oper-
5 ational energy strategy and the extent to which each
6 of the military departments has implemented such
7 strategy;

8 (2) an analysis of the viability of implementing
9 net zero initiatives or meeting net zero goals within
10 the operational energy enterprise without negatively
11 impacting mission capability;

12 (3) an analysis of fossil fuel reduction regimes
13 that may maximize reduction of reliance on fossil
14 fuels, including impacts of lowering the reliance on
15 fossil fuels, decreasing the need for refueling con-
16 voys, overcoming the tyranny of distance within
17 United States Indo-Pacific Command through hybrid
18 or other fuel efficient propulsion systems, and en-
19 ergy production, storage, and distribution systems
20 that enhance logistics supply chain resiliency;

21 (4) a description of the options for achieving
22 fossil fuel reduction benchmarks with respect to
23 operational energy of 25 percent, 50 percent, 75 per-
24 cent, and 100 percent, using fiscal year 2020 as the
25 benchmark, including anticipated funding require-

1 ments, statutory requirements, infrastructure needs,
2 and timeframes; and

3 (5) an analysis of the integration between en-
4 ergy offices with program offices, budget, and oper-
5 ational planners within the Department of Defense
6 and military departments, and recommendations for
7 improving coordination.

8 (c) FORM OF REPORT.—The report required under
9 this section shall be submitted in unclassified form, but
10 may contain a classified annex.

11 **SEC. 319. IMPROVEMENT OF THE OPERATIONAL ENERGY**
12 **CAPABILITY IMPROVEMENT FUND OF THE**
13 **DEPARTMENT OF DEFENSE.**

14 (a) MANAGEMENT OF THE OPERATIONAL ENERGY
15 CAPABILITY IMPROVEMENT FUND.—The Under Secretary
16 of Defense for Acquisition and Sustainment shall exercise
17 authority, direction, and control over the Operational En-
18 ergy Capability Improvement Fund of the Department of
19 Defense (in this section referred to as the “OECIF”).

20 (b) ALIGNMENT AND COORDINATION WITH RELATED
21 PROGRAMS.—

22 (1) REALIGNMENT OF OECIF.—Not later than
23 60 days after the date of the enactment of this Act,
24 the Secretary of Defense shall realign the OECIF
25 under the Assistant Secretary of Defense for

1 Sustainment, with such realignment to include per-
2 sonnel positions adequate for the mission of the
3 OECIF.

4 (2) BETTER COORDINATION WITH RELATED
5 PROGRAMS.—The Assistant Secretary shall ensure
6 that this placement facilitates better alignment be-
7 tween OECIF, the Strategic Environmental Re-
8 search Program, the Environmental Security Tech-
9 nology Certification Program, and the Operational
10 Energy Prototyping Program is utilized to advance
11 common goals of the Department, promote organiza-
12 tional synergies, and avoid unnecessary duplication
13 of effort.

14 (c) PROGRAM FOR OPERATIONAL ENERGY PROTO-
15 TYPING.—

16 (1) IN GENERAL.—Commencing not later than
17 90 days after the date of the enactment of this Act,
18 the Secretary of Defense, through the Under Sec-
19 retary of Defense for Acquisition and Sustainment,
20 shall carry out a program for the demonstration of
21 technologies related to operational energy proto-
22 typing, including demonstration of operational en-
23 ergy technology and validation prototyping.

24 (2) OPERATION OF PROGRAM.—The Secretary
25 shall ensure that the program under paragraph (1)

operates in conjunction with the OECIF to promote the transfer of innovative technologies that have successfully established proof of concept for use in production or in the field.

(3) PROGRAM ELEMENTS.—In carrying out the program under paragraph (1) the Secretary shall—

(A) identify and demonstrate the most promising, innovative, and cost-effective technologies and methods that address high-priority operational energy requirements of the Department of Defense;

(B) in conducting demonstrations under subparagraph (A), the Secretary shall—

(i) collect cost and performance data to overcome barriers against employing an innovative technology because of concerns regarding technical or programmatic risk; and

(ii) ensure that components of the Department have time to establish new requirements where necessary and plan, program, and budget for technology transition to programs of record;

(C) utilize project structures similar to those of the OECIF to ensure transparency and

1 accountability throughout the efforts conducted
2 under the program; and

3 (D) give priority, in conjunction with the
4 OECIF, to the development and fielding of
5 clean technologies that reduce reliance on fossil
6 fuels.

7 (4) TOOL FOR ACCOUNTABILITY AND TRANSI-
8 TION.—

9 (A) IN GENERAL.—In carrying out the
10 program under paragraph (1), the Secretary
11 shall develop and utilize a tool to track relevant
12 investments in operational energy from applied
13 research to transition to use to ensure user or-
14 ganizations have the full picture of technology
15 maturation and development.

16 (B) TRANSITION.—The tool developed and
17 utilized under subparagraph (A) shall be de-
18 signed to overcome transition challenges with
19 rigorous and well-documented demonstrations
20 that provide the information needed by all
21 stakeholders for acceptance of the technology.

22 **SEC. 320. FIVE-YEAR REVIEWS OF CONTAINMENT TECH-**
23 **NOLOGIES RELATING TO RED HILL BULK**
24 **FUEL STORAGE FACILITY.**

25 (a) REVIEWS.—

1 (1) REVIEWS REQUIRED.—At least once every 5
2 years, the Secretary of the Navy shall conduct a re-
3 view of available technologies relating to the contain-
4 ment of fuel to determine whether any such tech-
5 nology may be used to improve the containment of
6 fuel with respect to storage tanks located at the Red
7 Hill Bulk Fuel Storage Facility, Hawaii.

8 (2) DEADLINE FOR INITIAL REVIEW.—The Sec-
9 retary shall begin the first review under paragraph
10 (1) by not later than the date that is 1 year after
11 the date of the enactment of this Act.

12 (b) BRIEFINGS.—Not later than 60 days after the
13 date on which a review conducted under subsection (a) is
14 completed, the Secretary shall provide to the congressional
15 defense committees a briefing on—

16 (1) any technology identified in such review
17 that the Secretary determines may be used to im-
18 prove the containment of fuel with respect to storage
19 tanks located at the Red Hill Bulk Fuel Storage Fa-
20 cility; and

21 (2) the feasibility and cost of implementing any
22 such technology at the Red Hill Bulk Fuel Storage
23 Facility.

24 (c) TERMINATION.—The requirements to conduct re-
25 views under subsection (a) and provide briefings under

1 subsection (b) shall terminate on the date on which the
2 Red Hill Bulk Fuel Storage Facility ceases operation, as
3 determined by the Secretary of the Navy.

4 **SEC. 321. LIMITATION ON USE OF FUNDS FOR ACQUISITION**
5 **OF FURNISHED ENERGY FOR RHINE ORD-**
6 **NANCE BARRACKS ARMY MEDICAL CENTER.**

7 None of the funds authorized to be appropriated by
8 this Act or otherwise made available for the Department
9 of Defense for fiscal year 2021 may be used to enter into
10 a contract for the acquisition of furnished energy for the
11 new Rhine Ordnance Barracks Army Medical Center
12 (hereafter referred to as the “Medical Center”) before the
13 date on which Secretary of Defense submits to the con-
14 gressional defense committees a written certification that
15 the Medical Center does not use any energy sourced from
16 inside the Russian Federation as a means of generating
17 the furnished energy.

18 **SEC. 322. REQUIREMENT TO UPDATE DEPARTMENT OF DE-**
19 **FENSE CLIMATE CHANGE ROADMAP.**

20 (a) IN GENERAL.—Not later than February 1, 2022,
21 the Secretary of Defense shall submit to the Committees
22 on Armed Services of the Senate and House of Represent-
23 atives an update to the Department of Defense 2014 Cli-
24 mate Change Adaptation Roadmap. Such update shall in-
25 clude an outline of the strategy and implementation plan

1 of the Department to address the current and foreseeable
2 effects of climate change on the mission of the Depart-
3 ment of Defense.

4 (b) ELEMENTS OF STRATEGY AND IMPLEMENTATION
5 PLAN.—The strategy and implementation plan required to
6 be included in the update under subsection (a) shall in-
7 clude—

8 (1) a description of the overarching approach of
9 the Department to climate adaptation and climate
10 mitigation measures;

11 (2) a discussion of the current and foreseeable
12 effects of climate change on—

13 (A) plans and operations, including—

14 (i) military readiness;

15 (ii) increased frequency of extreme
16 weather events, including flooding,
17 drought, desertification, wildfires, thawing
18 permafrost, hurricanes, and extreme heat;

19 (iii) conflicts or disputes, emerging
20 threats, and instability caused or exacer-
21 bated by climate change, including tensions
22 related to drought, famine, infectious dis-
23 ease, geoengineering, energy transitions,
24 extreme weather, migration, and competi-
25 tion for scarce resources;

1 (iv) increased demand for Defense
2 Support for Civil Authorities and disaster
3 or humanitarian relief operations;

4 (v) the operating environment of the
5 Arctic and of the strategic and geopolitical
6 implications of a progressively more ice-
7 free Arctic Ocean; and

8 (vi) alteration or limitation on oper-
9 ation environments;

10 (B) training and testing, including—

11 (i) changes in land carrying capacity;

12 (ii) increased maintenance and repair
13 requirements for equipment and infrastruc-
14 ture;

15 (iii) health of military personnel, in-
16 cluding mitigation of infectious diseases,
17 heat stress and heat-related illnesses re-
18 sulting from increasing temperatures;

19 (iv) increased dust generation, air pol-
20 lution, and fire hazards; and

21 (v) maintaining testing and training
22 capacity to support increased operations
23 and civil support missions;

24 (C) built and natural infrastructure, in-
25 cluding—

1 (i) military installation resilience, as
2 such term is defined in section 101(e)(8)
3 of title 10, United States Code, of installa-
4 tions both within and outside the United
5 States and its possessions and territories
6 and of the State-owned National Guard in-
7 stallations of the several States;

8 (ii) resilience of the air and sea ports
9 of our allies and partners that are critical
10 to the training, deployment, and operations
11 of the armed forces of the United States
12 and its allies and partners;

13 (iii) resilience of the deployment sys-
14 tem and structure of the Department of
15 Defense and of the United States, includ-
16 ing the strategic highway network, the
17 strategic rail network, and designated stra-
18 tegic air and sea ports;

19 (iv) best practices for modeling and
20 mitigating risks posed to military installa-
21 tions by increased inundation, erosion,
22 flood, wind, and fire damage;

23 (v) changing energy demand at mili-
24 tary installations to include heating and

1 cooling, particularly in communities experi-
2 encing grid stress;

3 (vi) disruption and competition for re-
4 liable energy and water resources;

5 (vii) geoengineering and energy tran-
6 sitions;

7 (viii) increased maintenance and
8 sustainment costs;

9 (ix) damage to natural and con-
10 structed infrastructure from thawing per-
11 mafrost and sea ice; and

12 (x) the effects of climate stress on
13 community support infrastructure, includ-
14 ing roads, transportation hubs, and med-
15 ical facilities;

16 (D) acquisition and supply chain, includ-
17 ing—

18 (i) measures to ensure that the cur-
19 rent and projected future scale and im-
20 pacts of climate change are fully consid-
21 ered in the research, development, testing,
22 and acquisition of major weapon systems
23 and of associated supplies and equipment;

24 (ii) required alterations of stockpiles;

1 (iii) reduced or changed availability
2 and access to materials, equipment, and
3 supplies, including water and food sources;

4 (iv) disruptions in fuel availability and
5 distribution;

6 (v) estimated climate security invest-
7 ments required to address foreseeable costs
8 incurred or influenced by climate change
9 for each of the lines of effort in this re-
10 port, including extreme weather response,
11 over the next 5, 10, and 20 years, with
12 topline estimates and a qualitative discus-
13 sion of cost drivers for each; and

14 (vi) equipment and infrastructure in-
15 vestments required to address a changing
16 Arctic environment; and

17 (E) such other matters as the Secretary
18 determines appropriate; and

19 (3) a list of the ten most concerning existing or
20 emerging conflicts or threats that pose a risk to the
21 security of the United States that may be exacer-
22 bated by climate change.

23 (c) ASSESSMENTS AND PROJECTIONS OF THE SCOPE
24 AND SCALE OF CLIMATE CHANGE.—In preparing the up-

1 date to the climate change roadmap as required under
2 subsection (a), the Secretary shall consider—

3 (1) climate projections from the Global Change
4 Research Office, National Climate Assessment, the
5 National Oceanic and Atmospheric Administration,
6 and other Federal agencies; and

7 (2) data on, and analysis of, the national secu-
8 rity effects of climate prepared by the Climate Secu-
9 rity Advisory Council of the Office of the Director
10 of National Intelligence established pursuant to sec-
11 tion 120 of the National Security Act of 1947 (50
12 U.S.C. 3060) and by other elements of the intel-
13 ligence community.

14 (d) FORM.—The update to the climate change road-
15 map required under subsection (a) shall be submitted in
16 an unclassified form, but may contain a classified annex.
17 If the Secretary determines that the inclusion of a classi-
18 fied annex is necessary, the Secretary shall conduct an in-
19 person briefing for Members of the Committees on Armed
20 Services of the Senate and House of Representatives by
21 not later than 90 days after date of the submission of the
22 update.

1 **SEC. 323. COMPTROLLER GENERAL REPORT ON DEPART-**
2 **MENT OF DEFENSE INSTALLATION ENERGY.**

3 (a) GAO REPORT.—Not later than 1 year after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committees on
6 Armed Services of the Senate and House of Representa-
7 tives a report on the progress of the Department of De-
8 fense toward reaching net zero goals, including an agency-
9 wide view and breakdowns of progress by service branch.

10 (b) CONTENTS OF REPORT.—The report required
11 under subsection (a) shall include—

12 (1) an analysis of the extent to which the De-
13 partment of Defense has implemented net zero ini-
14 tiatives to date and developed a forward-looking in-
15 tegrated net zero strategy for energy, emissions,
16 water, and waste management and the extent to
17 which each of the military departments has imple-
18 mented such strategy;

19 (2) a description of the current challenges to
20 implementing net zero initiatives or meeting net zero
21 goals and the degree to which the Department of
22 Defense and the military departments have ad-
23 dressed applied lessons learned;

24 (3) a cost-benefit analysis of net zero initiatives,
25 including a description of how such costs and bene-
26 fits are identified, tracked, and validated;

(c) FORM OF REPORT.—The report required under this section shall be submitted in unclassified form, but may contain a classified annex.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Department of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Comptroller General a report on the total level of emissions for each of the last 10 fiscal years. Such emissions levels shall include the agency-wide total, break-

1 downs by military department, and delineations between
2 installation and operational emissions.

3 (b) FORM OF REPORT.—The report required under
4 this section shall be submitted in unclassified form, but
5 may contain a classified annex.

6 **SEC. 325. OBJECTIVES, PERFORMANCE STANDARDS, AND**
7 **CRITERIA FOR USE OF WILDLIFE CONSERVA-**
8 **TION BANKING PROGRAMS.**

9 (a) IN GENERAL.—To ensure opportunities for De-
10 partment of Defense participation in wildlife conservation
11 banking programs pursuant to section 2694c of title 10,
12 United States Code, the Secretary of the Interior, acting
13 through the Director of the United States Fish and Wild-
14 life Service, shall issue regulations of general applicability
15 establishing objectives, measurable performance stand-
16 ards, and criteria for use, consistent with the Endangered
17 Species Act (16 U.S.C. 1531 et seq.), for mitigation bank-
18 ing offsetting effects on a species, or habitat of such spe-
19 cies, that is endangered, threatened, a candidate for list-
20 ing, or otherwise at risk under such Act. To the maximum
21 extent practicable, the regulatory standards and criteria
22 shall maximize available credits and opportunities for miti-
23 gation, provide flexibility for characteristics of various spe-
24 cies, and apply equivalent standards and criteria to all
25 mitigation banks.

1 (b) DEADLINE FOR REGULATIONS.—The Secretary
2 of the Interior, acting through the Director of the United
3 States Fish and Wildlife Service, shall publish an advance
4 notice of proposed rulemaking for the regulations required
5 by subsection (a) by not later than 1 year after the date
6 of the enactment of this Act.

7 **SEC. 326. OFFSHORE WIND ENERGY DEVELOPMENT,**
8 **MORRO BAY, CALIFORNIA.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) Since 2016, the Department of Defense and
12 Department of the Navy have been working with
13 State and Federal stakeholders to determine wheth-
14 er a commercial lease for the development of renew-
15 able energy off the coast of Morro Bay, California
16 could be developed in a manner that is compatible
17 with the training and readiness requirements of the
18 Department of Defense.

19 (2) Military readiness and the ability to conduct
20 realistic training are critical to our national security;
21 however, energy security and other ocean uses are
22 also important. These interests should be balanced
23 to the extent practicable when analyzing offshore en-
24 ergy proposals.

1 (3) In August 2019, Members of Congress, the
2 Assistant Secretary of Defense for Sustainment, sen-
3 ior officials from other Federal agencies, and state
4 and local elected representatives met to discuss a
5 path forward to accommodate wind energy develop-
6 ment off the Central Coast of California while ensur-
7 ing the Department of Defense was able to continue
8 meeting its testing, training, and operational re-
9 quirements.

10 (4) Following the initial meeting in August
11 2019, the stakeholder group continued meeting at
12 roughly monthly intervals through 2019 and into
13 2020 to discuss options and work towards a mutu-
14 ally agreeable solution for renewable energy develop-
15 ment and continued military testing, training, and
16 operational requirements off the Central Coast of
17 California.

18 (5) In May 2020, the Assistant Secretary of the
19 Navy for Energy, Installations, and Environment
20 notified stakeholders that despite the previous year
21 of negotiations, it was his view any wind energy de-
22 velopments off the Central Coast of California may
23 not be viewed as being compatible with military ac-
24 tivities. This unilateral decision was made abruptly,
25 without providing any supporting analysis or ac-

1 knowledge of the progress and commitments
2 made during previous negotiations, and was not in
3 the spirit of cooperation and collaboration that had
4 driven the previous 9 months of stakeholder engage-
5 ments.

6 (6) Stakeholder confidence in the Department
7 of Defense review process is paramount. Abrupt and
8 unilateral changes of course erode confidence and
9 undermine the State, local, and industry trust in a
10 fair, transparent, and predictable adjudication of po-
11 tential conflicts.

12 (7) In early 2019, in order to create continuity
13 between the offshore and terrestrial processes, the
14 Department of Defense consolidated its review of
15 proposed energy development projects so that off-
16 shore energy proposals were now included in the
17 Military Aviation and Installation Assurance Clear-
18 inghouse (the Clearinghouse). The Clearinghouse
19 has a proven record for reviewing proposed energy
20 development projects through a fair and transparent
21 process. The Morro Bay proposal pre-dates this con-
22 solidation but underwent a similar Department of
23 Defense led compatibility review.

24 (8) Congress has generally supported the trans-
25 parent and fair Clearinghouse review process, as well

1 as all efforts between the Department of Defense
2 and other stakeholders to reach solutions that allow
3 for the development of energy projects in a manner
4 that is compatible with military testing, training,
5 and operational requirements.

6 (9) Legislating a solution to a specific energy
7 development proposal should only be reserved for
8 rare occasions. Due to Navy's abrupt and unilateral
9 decision to walk away from productive negotiations,
10 after months of good-faith efforts by other stake-
11 holders and public engagement, the threshold for
12 congressional intervention has been reached.

13 (b) RESPONSIBILITY.—All interaction on behalf of
14 the Department of the Navy with the California Energy
15 Commission, Federal agencies, State and local govern-
16 ments, and potential energy developers regarding proposed
17 offshore wind energy off the central coast of California
18 shall be performed through the Office of the Under Sec-
19 retary of Defense for Acquisition and Sustainment.

20 (c) BRIEFING REQUIREMENT; LIMITATION.—

21 (1) BRIEFING.—Not later than 180 days after
22 the date of the enactment of this Act, the Secretary
23 of Defense shall provide to the Committees on
24 Armed Services and the Committee on Natural Re-
25 sources of the House of Representatives a briefing

1 on status of the review by the Offshore Energy
2 Working Group of the request to locate at least two
3 offshore wind lease areas proximate to and within
4 the Morro Bay Call Area. Such briefing shall in-
5 clude—

6 (A) a detailed map that shows any areas
7 identified;

8 (B) proposed mitigations that would enable
9 compatible development in the areas identified;

10 (C) any unresolved issues; and

11 (D) any other terms of the agreement
12 reached with the California Energy Commis-
13 sion, other Federal agencies, State and local
14 governments, and potential energy developers.

15 (2) LIMITATION.—The Secretary of Defense
16 may not issue a final offshore wind assessment that
17 proposes wind exclusion areas and may not object to
18 an offshore energy project in the Central Coast of
19 California that has filed for review by the Military
20 Aviation and Installation Assurance Clearinghouse
21 until the Secretary provides the briefing required
22 under paragraph (1).

23 (d) LIMITATION ON USE OF FUNDS.—Of the
24 amounts authorized to be appropriated by this Act or oth-
25 erwise made available for the Department of Defense for

1 fiscal year 2021, not more than 75 percent may be obli-
2 gated or expended for the Office of the Assistant Secretary
3 of the Navy for Energy, Installations, and Environment
4 until the date that is 30 days after the date on which the
5 briefing required under subsection (c)(1) is provided.

6 **SEC. 327. LONG-DURATION DEMONSTRATION INITIATIVE**
7 **AND JOINT PROGRAM.**

8 (a) ESTABLISHMENT OF INITIATIVE.—Not later than
9 January 15, 2021, the Director of the Environmental Se-
10 curity Technology Certification Program of the Depart-
11 ment of Defense (hereinafter in this section referred to
12 as the “Director”) may establish a demonstration initia-
13 tive composed of demonstration projects focused on the
14 development of long-duration energy storage technologies.

15 (b) SELECTION OF PROJECTS.—To the maximum ex-
16 tent practicable, in selecting demonstration projects to
17 participate in the demonstration initiative under sub-
18 section (a), the Director may—

- 19 (1) ensure a range of technology types;
20 (2) ensure regional diversity among projects;
21 and
22 (3) consider bulk power level, distribution power
23 level, behind-the-meter, microgrid (grid-connected or
24 islanded mode), and off-grid applications.

25 (c) JOINT PROGRAM.—

1 (1) ESTABLISHMENT.—As part of the dem-
2 onstration initiative under subsection (a), the Direc-
3 tor, in consultation with the Secretary of Energy,
4 may establish within the Department of Defense a
5 joint program to carry out projects—

6 (A) to demonstrate promising long-dura-
7 tion energy storage technologies at different
8 scales to promote energy resiliency; and

9 (B) to help new, innovative long-duration
10 energy storage technologies become commer-
11 cially viable.

12 (2) MEMORANDUM OF UNDERSTANDING.—Not
13 later than 200 days after the date of enactment of
14 this Act, the Director may enter into a memo-
15 randum of understanding with the Secretary of En-
16 ergy to administer the joint program.

17 (3) INFRASTRUCTURE.—In carrying out the
18 joint program, the Director and the Secretary of En-
19 ergy may—

20 (A) use existing test-bed infrastructure
21 at—

22 (i) installations of the Department of
23 Defense; and

24 (ii) facilities of the Department of En-
25 ergy; and

1 (B) develop new infrastructure for identi-
2 fied projects, if appropriate.

3 (4) GOALS AND METRICS.—The Director and
4 the Secretary of Energy may develop goals and
5 metrics for technological progress under the joint
6 program consistent with energy resilience and energy
7 security policies.

8 (5) SELECTION OF PROJECTS.—

9 (A) IN GENERAL.—To the maximum ex-
10 tent practicable, in selecting projects to partici-
11 pate in the joint program, the Director and the
12 Secretary of Energy may—

13 (i) ensure that projects are carried
14 out under conditions that represent a vari-
15 ety of environments with different physical
16 conditions and market constraints; and

17 (ii) ensure an appropriate balance
18 of—

19 (I) larger, operationally-scaled
20 projects, adapting commercially-prov-
21 en technology that meets military
22 service defined requirements; and

23 (II) smaller, lower-cost projects.

24 (B) PRIORITY.—In carrying out the joint
25 program, the Director and the Secretary of En-

ergy may give priority to demonstration projects that—

(i) make available to the public project information that will accelerate deployment of long-duration energy storage technologies that promote energy resiliency; and

(ii) will be carried out as field demonstrations fully integrated into the installation grid at an operational scale.

SEC. 328. PRIZES FOR DEVELOPMENT OF NON-PFAS-CONTAINING FIRE-FIGHTING AGENT.

(a) **AUTHORITY.**—The Secretary of Defense, acting through the Assistant Secretary of Defense for Sustainment and the Strategic Environmental Research and Development Program, may carry out a program to award cash prizes and other types of prizes that the Secretary determines are appropriate to recognize outstanding achievements in the development of a non-PFAS-containing fire-fighting agent to replace aqueous film-forming foam with the potential for application to the performance of the military missions of the Department of Defense.

(b) **COMPETITION REQUIREMENTS.**—A program under subsection (a) shall use a competitive process for

1 the selection of recipients of cash prizes. The process shall
2 include the widely-advertised solicitation of submissions of
3 research results, technology developments, and prototypes.

4 (c) LIMITATIONS.—The following limitations shall
5 apply to a program under subsection (a):

6 (1) No prize competition may result in the
7 award of a prize with a fair market value of more
8 than \$5,000,000.

9 (2) No prize competition may result in the
10 award of more than \$1,000,000 in cash prizes with-
11 out the approval of the Assistant Secretary of De-
12 fense for Sustainment.

13 (3) No prize competition may result in the
14 award of a solely nonmonetary prize with a fair mar-
15 ket value of more than \$10,000 without the approval
16 of the Assistant Secretary of Defense for
17 Sustainment.

18 (d) RELATIONSHIP TO OTHER AUTHORITY.—A pro-
19 gram under subsection (a) may be carried out in conjunc-
20 tion with or in addition to the exercise of any other author-
21 ity of the Department of Defense.

22 (e) USE OF PRIZE AUTHORITY.—Use of prize author-
23 ity under this section shall be considered the use of com-
24 petitive procedures for the purposes of section 2304 of
25 title 10, United States Code.

1 (f) PFAS.—In this section, the term “PFAS”
2 means—

3 (1) man-made chemicals of which all of the car-
4 bon atoms are fully fluorinated carbon atoms; and

5 (2) man-made chemicals containing a mix of
6 fully fluorinated carbon atoms, partially fluorinated
7 carbon atoms, and nonfluorinated carbon atoms.

8 (g) TERMINATION.—The authority to carry out a
9 program under this section shall terminate on October 1,
10 2024.

11 **SEC. 329. SURVEY OF TECHNOLOGIES FOR DEPARTMENT**
12 **OF DEFENSE APPLICATION IN PHASING OUT**
13 **THE USE OF FLUORINATED AQUEOUS FILM-**
14 **FORMING FOAM.**

15 (a) SURVEY OF TECHNOLOGIES.—The Secretary of
16 Defense shall conduct a survey of relevant technologies,
17 other than fire-fighting agent solutions, to determine
18 whether any such technologies are available and can be
19 adapted for use by the Department of Defense to facilitate
20 the phase-out of fluorinated aqueous film-forming foam.
21 The technologies surveyed under this subsection shall in-
22 clude hangar flooring systems, fire-fighting agent delivery
23 systems, containment systems, and other relevant tech-
24 nologies the Secretary determines appropriate.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall submit to
3 the congressional defense committees a report on the re-
4 sults of the survey conducted under subsection (a). Such
5 report shall include—

6 (1) a description of the technologies included in
7 the survey;

8 (2) a list of the technologies that were consid-
9 ered for further testing or analysis; and

10 (3) any technologies that are undergoing addi-
11 tional analysis for possible application within the
12 Department.

13 **SEC. 330. INTERAGENCY BODY ON RESEARCH RELATED TO**
14 **PER- AND POLYFLUOROALKYL SUBSTANCES.**

15 (a) ESTABLISHMENT.—The Director of the Office of
16 Science and Technology Policy, acting through the Na-
17 tional Science and Technology Council, shall establish an
18 interagency working group to coordinate Federal activities
19 to advance research and development needed to address
20 PFAS.

21 (b) AGENCY PARTICIPATION.—The interagency work-
22 ing group shall include a representative of each—

23 (1) the Environmental Protection Agency;

24 (2) the National Institute of Environmental
25 Health Sciences;

- 1 (3) the Agency for Toxic Substances and Dis-
- 2 ease Registry;
- 3 (4) the National Science Foundation;
- 4 (5) the Department of Defense;
- 5 (6) the National Institutes of Health;
- 6 (7) the National Institute of Standards and
- 7 Technology;
- 8 (8) the National Oceanic and Atmospheric Ad-
- 9 ministration;
- 10 (9) the Department of the Interior;
- 11 (10) the Department of Transportation;
- 12 (11) the Department of Homeland Security;
- 13 (12) the National Aeronautics and Space Ad-
- 14 ministration;
- 15 (13) the National Toxicology Program;
- 16 (14) the Department of Agriculture;
- 17 (15) the Geological Survey;
- 18 (16) the Department of Commerce;
- 19 (17) the Department of Energy;
- 20 (18) the Office of Information and Regulatory
- 21 Affairs;
- 22 (19) the Office of Management and Budget;
- 23 and
- 24 (20) any such other Federal department or
- 25 agency as the President considers appropriate.

1 (c) CO-CHAIRS.—The Interagency working group
2 shall be co-chaired by the Director of the Office of Science
3 and Technology Policy and, on an annual rotating basis,
4 a representative from a Member agency, as selected by the
5 Director of the Office of Science and Technology Policy.

6 (d) RESPONSIBILITIES OF THE WORKING GROUP.—
7 The interagency working group established under sub-
8 section (a) shall—

9 (1) provide for interagency coordination of Fed-
10 erally funded PFAS research and development; and

11 (2) not later than 12 months after the date of
12 enactment of this Act, develop a strategic plan for
13 Federal support for PFAS research and development
14 (to be updated not less than every 2 years) that—

15 (A) identifies all current Federally funded
16 PFAS research and development, including the
17 nature and scope of such research and develop-
18 ment and the amount of funding associated
19 with such research and development during the
20 current fiscal year, disaggregated by agency;

21 (B) identifies scientific and technological
22 challenges that must be addressed to under-
23 stand and to significantly reduce the environ-
24 mental and human health impacts of PFAS and
25 to identify cost-effective—

1 (i) alternatives to PFAS that are de-
2 signed to be safer and more environ-
3 mentally friendly;

4 (ii) methods for removal of PFAS
5 from the environment; and

6 (iii) methods to safely destroy or de-
7 grade PFAS;

8 (C) establishes goals, priorities, and
9 metrics for Federally funded PFAS research
10 and development that takes into account the
11 current state of research and development iden-
12 tified in paragraph (A) and the challenges iden-
13 tified in paragraph (B); and

14 (D) an implementation plan for Federal
15 agencies.

16 (e) CONSULTATION.—In developing the strategic plan
17 under subsection (d), the interagency working group shall
18 consult with states, tribes, territories, local governments,
19 appropriate industries, academic institutions and non-
20 governmental organizations with expertise in PFAS re-
21 search and development, treatment, management, and al-
22 ternative development.

23 (f) ANNUAL REPORT.—For each fiscal year begin-
24 ning with fiscal year 2022, not later than 90 days after
25 submission of the President’s annual budget request for

1 such fiscal year, the Interagency working group shall pre-
2 pare and submit to Congress a report that includes—

3 (1) a summary of Federally funded PFAS re-
4 search and development for such fiscal year and the
5 preceding fiscal year, including a disaggregation of
6 spending for each participating Federal agency; and

7 (2) a description of how Federal agencies are
8 implementing the strategic plan described in sub-
9 section (d).

10 (g) PFAS RESEARCH AND DEVELOPMENT.—The
11 term “PFAS research and development” includes any re-
12 search or project that has the goal of accomplishing the
13 following:

14 (1) The removal of PFAS from the environ-
15 ment.

16 (2) The safe destruction or degradation of
17 PFAS.

18 (3) The development and deployment of safer
19 and more environmentally friendly alternative sub-
20 stances that are functionally similar to those made
21 with PFAS.

22 (4) The understanding of sources of environ-
23 mental PFAS contamination and pathways to expo-
24 sure for the public.

1 (5) The understanding of the toxicity of PFAS
2 to humans and animals.

3 **SEC. 331. RESTRICTION ON PROCUREMENT BY DEFENSE**
4 **LOGISTICS AGENCY OF CERTAIN ITEMS CON-**
5 **TAINING PERFLUOROALKYL SUBSTANCES**
6 **AND POLYFLUOROALKYL SUBSTANCES.**

7 (a) PROHIBITION.—The Director of the Defense Lo-
8 gistics Agency may not procure any covered item con-
9 taining a perfluoroalkyl substance or polyfluoroalkyl sub-
10 stance.

11 (b) DEFINITIONS.—In this section:

12 (1) The term “covered item” means—

13 (A) non-stick cookware or food service
14 ware for use in galleys or dining facilities;

15 (B) food packaging materials;

16 (C) furniture or floor waxes;

17 (D) carpeting, rugs, or upholstered fur-
18 niture;

19 (E) personal care items;

20 (F) dental floss; and

21 (G) sunscreen.

22 (2) The term “perfluoroalkyl substance” means
23 a man-made chemical of which all of the carbon
24 atoms are fully fluorinated carbon atoms.

1 (3) The term “polyfluoroalkyl substance”
2 means a man-made chemical containing a mix of
3 fully fluorinated carbon atoms, partially fluorinated
4 carbon atoms, and nonfluorinated carbon atoms.

5 (c) EFFECTIVE DATE.—This section shall take effect
6 on the date that is one year after the date of the enact-
7 ment of this Act.

8 **SEC. 332. STANDARDS FOR REMOVAL OR REMEDIAL AC-**
9 **TIONS WITH RESPECT TO PFOS OR PFOA**
10 **CONTAMINATION.**

11 (a) IN GENERAL.—In conducting removal or reme-
12 dial actions pursuant to the Comprehensive Environ-
13 mental Response, Compensation, and Liability Act of
14 1980 (42 U.S.C. 9601 et seq.) or section 332 of the Na-
15 tional Defense Authorization Act for Fiscal Year 2020
16 (Public Law 116–92) of PFOS or PFOA contamination
17 from Department of Defense or National Guard activities
18 found in drinking water or in groundwater that is not cur-
19 rently used for drinking water, the Secretary of Defense
20 shall ensure that such actions result in a level that meets
21 or exceeds the most stringent of the following standards
22 for PFOS or PFOA in any environmental media:

23 (1) An enforceable State standard, in effect in
24 that State, for drinking, surface, or ground water, as
25 described in section 121(d)(2)(A)(ii) of the Com-

1 prehensive Environmental Response, Compensation,
2 and Liability Act of 1980 (42 U.S.C.
3 9621(d)(2)(A)(ii)).

4 (2) An enforceable Federal standard for drink-
5 ing, surface, or ground water, as described in section
6 121(d)(2)(A)(i) of the Comprehensive Environmental
7 Response, Compensation, and Liability Act of 1980
8 (42 U.S.C. 9621(d)(2)(A)(i)).

9 (3) A health advisory under section
10 1412(b)(1)(F) of the Safe Drinking Water Act (42
11 U.S.C. 300g–1(b)(1)(F)).

12 (b) DEFINITIONS.—In this section:

13 (1) The term “PFOA” means perfluorooctanoic
14 acid.

15 (2) The term “PFOS” means perfluorooctane
16 sulfonate.

17 (3) The terms “removal” and “remedial action”
18 have the meanings given those terms in section 101
19 of the Comprehensive Environmental Response,
20 Compensation, and Liability Act of 1980 (42 U.S.C.
21 9601).

22 (c) SAVINGS CLAUSE.—Except with respect to the
23 specific level required to be met under subsection (a),
24 nothing in this section affects the application of the Com-

1 prehensive Environmental Response, Compensation, and
2 Liability Act of 1980 (42 U.S.C. 9607).

3 **SEC. 333. RESEARCH AND DEVELOPMENT OF ALTERNATIVE**
4 **TO AQUEOUS FILM-FORMING FOAM.**

5 (a) IN GENERAL.—The Secretary of Defense, acting
6 through the National Institute of Standards and Tech-
7 nology and in consultation with appropriate stakeholders
8 and manufactures, research institutions, and other Fed-
9 eral agencies shall award grants and carry out other ac-
10 tivities to—

11 (1) promote and advance the research and de-
12 velopment of additional alternatives to aqueous film-
13 forming foam (in this section referred to as
14 “AFFF”) containing per- and polyfluoroalkyl sub-
15 stances (in this section referred to as “PFAS”) to
16 facilitate the development of a military specification
17 and subsequent fielding of a PFAS-free fire-fighting
18 foam;

19 (2) advance the use of green and sustainable
20 chemistry for a fluorine-free alternative to AFFF;

21 (3) increase opportunities for sharing best prac-
22 tices within the research and development sector
23 with respect to AFFF;

24 (4) assist in the testing of potential alternatives
25 to AFFF; and

1 (5) provide guidelines on priorities with respect
2 to an alternative to AFFF.

3 (b) ADDITIONAL REQUIREMENTS.—In carrying out
4 the program required under subsection (a), the Secretary
5 shall—

6 (1) take into consideration the different uses of
7 AFFF and the priorities of the Department of De-
8 fense in finding an alternative;

9 (2) prioritize green and sustainable chemicals
10 that do not pose a threat to public health or the en-
11 vironment; and

12 (3) use and leverage research from existing De-
13 partment of Defense programs.

14 (c) REPORT.—The Secretary shall submit to Con-
15 gress a report on—

16 (1) the priorities and actions taken with respect
17 to finding an alternative to AFFF and the imple-
18 mentation of such priorities; and

19 (2) any alternatives the Secretary has denied,
20 and the reason for any such denial.

21 (d) USE OF FUNDS.—This section shall be carried
22 out using amounts authorized to be available for the Stra-
23 tegic Environmental Research and Development Program.

1 **SEC. 334. NOTIFICATION TO AGRICULTURAL OPERATIONS**
2 **LOCATED IN AREAS EXPOSED TO DEPART-**
3 **MENT OF DEFENSE PFAS USE.**

4 (a) NOTIFICATION REQUIRED.—Not later than 60
5 days after the date of the enactment of this Act, the Sec-
6 retary of Defense, in consultation with the Secretary of
7 Agriculture, shall provide a notification described in sub-
8 section (b) to any agricultural operation located within 10
9 square miles of a location where covered PFAS—

10 (1) has been detected in groundwater;

11 (2) has been hydrologically linked to a local
12 water source, including a water well; and

13 (3) is suspected to be, or due to a positive test
14 known to be, the result of the use of PFAS at any
15 installation of the Department of Defense located in
16 the United States or any State-owned facility of the
17 National Guard.

18 (b) NOTIFICATION REQUIREMENTS.—The notifica-
19 tion required under subparagraph (a) shall include:

20 (1) The name of the Department of Defense or
21 National Guard installation from which the PFAS
22 contamination in groundwater originated.

23 (2) The specific type of PFAS detected in
24 groundwater.

25 (3) The detection levels of PFAS detected.

1 (4) Relevant governmental information regard-
2 ing the health and safety of the covered PFAS de-
3 tected, including relevant Federal or State standards
4 for PFAS in groundwater, livestock, food commod-
5 ities and drinking water, and any known restrictions
6 for sale of agricultural products that have been irri-
7 gated or watered with water containing PFAS.

8 (c) ADDITIONAL TESTING RESULTS.—The Secretary
9 of Defense shall provide to an agricultural operation that
10 receives a notice under subsection (a) any pertinent up-
11 dated information, including any results of new elevated
12 testing, by not later than 15 days after receiving such in-
13 formation.

14 (d) REPORT TO CONGRESS.—Not later than 90 days
15 after the date of the enactment of this Act, and annually
16 thereafter, the Secretary of Defense shall submit to the
17 Committee on Agriculture, Nutrition, and Forestry of the
18 Senate and the Committee on Agriculture of the House
19 of Representatives a report on the status of providing no-
20 tice under subsection (a). Such report shall include, for
21 the period covered by the report—

22 (1) the approximate locations of such oper-
23 ations relative to installations of the Department of
24 Defense located in the United States and State-
25 owned facilities of the National Guard;

1 (2) the PFAS substances detected in ground-
2 water; and

3 (3) the levels of PFAS detected.

4 (e) DEFINITIONS.—In this section:

5 (1) The term “covered PFAS” means each of
6 the following:

7 (A) Perfluorooctanoic acid (commonly re-
8 ferred to as “PFOA”) (Chemical Abstracts
9 Service No. 335–67–1).

10 (B) Perfluorooctane sulfonic acid (com-
11 monly referred to as “PFOS”) (Chemical Ab-
12 stracts Service No. 1763–23–1).

13 (C) Perfluorobutanesulfonic acid (com-
14 monly referred to as “PFBS”) (Chemical Ab-
15 stracts Service No. 375–73–5).

16 (D) Perfluorohexane sulfonate (commonly
17 referred to as “PFHxs”) (Chemical Abstracts
18 Service No. 108427–53–8).

19 (E) Perfluoroheptanoic acid (commonly re-
20 ferred to as “PFHpA”) (Chemical Abstracts
21 Service No. 375–85–9).

22 (F) Perfluorohexanoic acid (commonly re-
23 ferred to as “PFHxA”) (Chemical Abstracts
24 Service No. 307–24–4).

1 (G) Perfluorodecanoic acid (commonly re-
2 ferred to as “PFDA”) (Chemical Abstracts
3 Service No. 335–76–2).

4 (H) Perfluorononanoic acid (commonly re-
5 ferred to as “PFNA”) (Chemical Abstracts
6 Service No. 375–95–1).

7 (2) The term “PFAS” means a perfluoroalkyl
8 or polyfluoroalkyl substance with at least one fully
9 fluorinated carbon atom, including the chemical
10 GenX.

11 **SEC. 335. PUBLIC DISCLOSURE OF RESULTS OF DEPART-**
12 **MENT OF DEFENSE TESTING FOR**
13 **PERFLUOROALKYL OR POLYFLUOROALKYL**
14 **SUBSTANCES.**

15 (a) PUBLIC DISCLOSURE OF PFAS TESTING.—The
16 Secretary of Defense shall publicly disclose the results of
17 any testing for perfluoroalkyl or polyfluoroalkyl substances
18 (commonly referred to as “PFAS”) conducted on military
19 installations or formerly used defense sites, and any test-
20 ing for lead or copper at a Department education activity
21 facility, including—

22 (1) all such testing results conducted by the
23 Department of Defense; and

24 (2) all such testing results conducted by a non-
25 Department entity (including any Federal agency

1 and any public or private entity) under contract by
2 or pursuant to an agreement with the Department
3 of Defense.

4 (b) NATURE OF DISCLOSURE.—The Secretary of De-
5 fense may satisfy the disclosure requirement under sub-
6 section (a) by publishing the information, datasets, and
7 results relating to the testing referred to in such sub-
8 section—

9 (1) on the publicly available website established
10 under section 331(b) of the National Defense Au-
11 thorization Act of 2020 (Public Law 116–92) by not
12 later than 7 days after such information, datasets,
13 and results become available;

14 (2) on another publicly available website of the
15 Department of Defense by not later than 7 days
16 after such information, datasets, and results become
17 available; or

18 (3) in the Federal Register by not later than 30
19 days after such information, datasets, and results
20 become available.

21 (c) REQUIREMENTS.—The information required to be
22 disclosed by the Secretary of Defense under subsection (a)
23 and published under subsection (b) shall—

1 (1) constitute a record for the purposes of
2 chapters 21, 29, 31, and 33 of title 44, United
3 States Code; and

4 (2) include any underlying datasets or addi-
5 tional information of interest to the public, as deter-
6 mined by the Secretary of Defense.

7 (d) LOCAL NOTIFICATION.—Prior to conducting any
8 testing for perfluoroalkyl or polyfluoroalkyl substances,
9 the Secretary of Defense shall provide to the managers
10 of the public water system and the publicly owned treat-
11 ment works serving the areas located immediately adja-
12 cent to the military installation where such testing is to
13 occur notice in writing of the testing.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “formerly used defense site”
16 means any site formerly used by the Department of
17 Defense or National Guard eligible for environ-
18 mental restoration by the Secretary of Defense fund-
19 ed under the “Environmental Restoration Account,
20 Formerly Used Defense Sites” account established
21 under section 2703(a)(5) of title 10, United States
22 Code.

23 (2) The term “military installation” has the
24 meaning given such term in section 2801(c)(4) of
25 title 10, United States Code.

1 (3) The term “perfluoroalkyl or polyfluoroalkyl
2 substance” means any per or polyfluoroalkyl sub-
3 stance with at least one fully fluorinated carbon
4 atom.

5 (4) The term “public water system” has the
6 meaning given such term under section 1401(4) of
7 the Safe Drinking Water Act (42 U.S.C. 300f(4)).

8 (5) The term “treatment works” has the mean-
9 ing given such term in section 212(2) of the Federal
10 Water Pollution Control Act (33 U.S.C. 1292(2)).

11 **SEC. 336. BIOLOGICAL THREATS REPORT.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary of Defense,
14 in coordination with the Secretary of State, shall submit
15 to the appropriate congressional committees a report on
16 efforts to prevent, detect, and respond to biological
17 threats, including through cooperation with bilateral and
18 multilateral partners.

19 (b) ELEMENTS.—The report shall include the fol-
20 lowing:

21 (1) A description of actions taken by the De-
22 partment of Defense to improve proliferation preven-
23 tion regarding, detection of, and response to biologi-
24 cal threats of natural, accidental, or deliberate ori-
25 gin, including the following:

1 (A) Department of Defense policy guidance
2 to address the threat of naturally and acciden-
3 tally occurring diseases in addition to potential
4 deliberate biological events.

5 (B) Organizational chart describing those
6 responsible in each Department for coordi-
7 nating these activities, in accordance with the
8 report required by section 745 of the National
9 Defense Authorization Act for Fiscal Year 2020
10 (Public Law 116–92).

11 (C) A description of efforts to integrate
12 Department of Defense infectious disease re-
13 search, cooperative threat reduction programs,
14 and other activities designed to protect Depart-
15 ment of Defense personnel against infectious
16 disease threats.

17 (2) Programs and policies to address the threat
18 of accidental or deliberate misuse of emerging bio-
19 logical technologies, including synthetic biology, in-
20 cluding Cooperative Threat Reduction, efforts to co-
21 operate with other partners to establish international
22 norms and standards, consideration of new tech-
23 nologies in the Biological Threat Reduction Pro-
24 gram, and efforts to develop countermeasures.

1 **SEC. 337. REPORT ON ENERGY SAVINGS PERFORMANCE**

2 **CONTRACTS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to the appropriate congressional committees
6 a report on the use of energy savings performance con-
7 tracts (in this section referred to as “ESPCs”) by the De-
8 partment of Defense. Such report shall include—

9 (1) the total investment value of the total num-
10 ber of ESPCs per service for fiscal years 2016
11 through 2020;

12 (2) the location of facilities with ESPCs for fis-
13 cal years 2016 through 2020;

14 (3) any limitations on expanding ESPCs
15 throughout the Department of Defense;

16 (4) the effect ESPCs have on military readi-
17 ness; and

18 (5) any additional information the Secretary de-
19 termines relevant.

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
21 In this section, the appropriate congressional committees
22 are—

23 (1) the Committee on Armed Services and the
24 Committee on Energy and Commerce of the House
25 of Representatives; and

1 (2) the Committee on Armed Services, the
2 Committee on Energy and Natural Resources, and
3 the Committee on Environment and Public Works of
4 the Senate.

5 **SEC. 338. SENSE OF CONGRESS REGARDING AN INTE-**
6 **GRATED MASTER PLAN TOWARDS ACHIEVING**
7 **NET ZERO.**

8 It is the sense of Congress that the Department of
9 Defense should develop an integrated master plan for pur-
10 suing Net Zero initiatives and reductions in fossil fuels
11 using the findings of—

12 (1) the assessment of Department of Defense
13 operational energy usage required under section 318;

14 (2) the Comptroller General report on Depart-
15 ment of Defense installation energy required under
16 section 323; and

17 (3) the Department of Defense report on emis-
18 sions required under section 324.

19 **SEC. 339. INCREASE IN FUNDING FOR CENTERS FOR DIS-**
20 **EASE CONTROL STUDY ON HEALTH IMPLICA-**
21 **TIONS HEALTH IMPLICATIONS OF PER- AND**
22 **POLYFLUOROALKYL SUBSTANCES CONTAMI-**
23 **NATION IN DRINKING WATER.**

24 Section 316(a)(2)(B)(ii) of the National Defense Au-
25 thorization Act for Fiscal Year 2018 (Public Law 115–

1 91) is amended by striking “\$10,000,000” and inserting
2 “\$15,000,000”.

3 **SEC. 340. MORATORIUM ON INCINERATION BY DEPART-**
4 **MENT OF DEFENSE OF PERFLUOROALKYL**
5 **SUBSTANCES, POLYFLUOROALKYL SUB-**
6 **STANCES, AND AQUEOUS FILM FORMING**
7 **FOAM.**

8 (a) IN GENERAL.—Beginning on the date of the en-
9 actment of this Act, the Secretary of Defense shall pro-
10 hibit the incineration of materials containing per- and
11 polyfluoroalkyl substances or aqueous film forming foam
12 until regulations have been prescribed by the Secretary
13 that—

14 (1) implement the requirements of section 330
15 of the National Defense Authorization Act for Fiscal
16 Year 2020 (Public Law 116–92); and

17 (2) take into consideration the interim guidance
18 published by the Administrator of the Environ-
19 mental Protection Agency under section 7361 of the
20 National Defense Authorization Act for Fiscal Year
21 2020 (Public Law 116–92).

22 (b) REPORT.—Not later than 1 year after the publi-
23 cation of the final regulations described in subsection (a),
24 and annually thereafter, the Secretary shall submit to the
25 Administrator of the Environmental Protection Agency a

1 report on all incineration by the Department of Defense
2 of materials containing perfluoroalkyl substances,
3 polyfluoroalkyl substances, or aqueous film forming foam
4 during the year covered by the report, including—

5 (1) the total amount of such materials inciner-
6 ated;

7 (2) the temperature range at which such mate-
8 rials were incinerated; and

9 (3) the locations and facilities where such mate-
10 rials were incinerated.

11 **SEC. 341. GUARANTEEING EQUIPMENT SAFETY FOR FIRE-**
12 **FIGHTERS ACT OF 2020.**

13 (a) **SHORT TITLE.**—This section may be cited as the
14 “Guaranteeing Equipment Safety for Firefighters Act of
15 2020”.

16 (b) **NATIONAL INSTITUTE OF STANDARDS AND**
17 **TECHNOLOGY STUDY ON PER- AND POLYFLUOROALKYL**
18 **SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT**
19 **WORN BY FIREFIGHTERS.**—

20 (1) **IN GENERAL.**—Not later than 3 years after
21 the date of the enactment of this Act, the Director
22 of the National Institute of Standards and Tech-
23 nology shall, subject to availability of appropriations,
24 in consultation with the Director of the National In-
25 stitute for Occupational Safety and Health, complete

1 a study of the contents and composition of new and
2 unused personal protective equipment worn by fire-
3 fighters.

4 (2) CONTENTS OF STUDY.—In carrying out the
5 study required by paragraph (1), the Director of the
6 National Institute of Standards and Technology
7 shall examine—

8 (A) the identity, prevalence, and concentra-
9 tion of per- and polyfluoroalkyl substances
10 (commonly known as “PFAS”) in the personal
11 protective equipment worn by firefighters;

12 (B) the conditions and extent to which per-
13 and polyfluoroalkyl substances are released into
14 the environment over time from the degradation
15 of personal protective equipment from normal
16 use by firefighters; and

17 (C) the relative risk of exposure to per-
18 and polyfluoroalkyl substances faced by fire-
19 fighters from—

20 (i) their use of personal protective
21 equipment; and

22 (ii) degradation of personal protective
23 equipment from normal use by firefighters.

24 (3) REPORTS.—

1 (A) PROGRESS REPORTS.—Not less fre-
2 quently than once each year for the duration of
3 the study conducted under paragraph (1), the
4 Director shall submit to Congress a report on
5 the progress of the Director in conducting such
6 study.

7 (B) FINAL REPORT.—Not later than 90
8 days after the date on which the Director com-
9 pletes the study required by paragraph (1), the
10 Director shall submit to Congress a report de-
11 scribing—

12 (i) the findings of the Director with
13 respect to the study; and

14 (ii) recommendations on what addi-
15 tional research or technical improvements
16 to personal protective equipment materials
17 or components should be pursued to avoid
18 unnecessary occupational exposure among
19 firefighters to per- and polyfluoroalkyl sub-
20 stances through personal protective equip-
21 ment.

22 (c) RESEARCH ON PER- AND POLYFLUOROALKYL
23 SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT
24 WORN BY FIREFIGHTERS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the submittal of the report required
3 by subsection (b)(3)(B), the Director of the National
4 Institute of Standards and Technology shall—

5 (A) issue a solicitation for research pro-
6 posals to carry out the research recommenda-
7 tions identified in the report submitted under
8 subsection (b)(3); and

9 (B) award grants to applicants that submit
10 research proposals to develop safe alternatives
11 to per- and polyfluoroalkyl substances in per-
12 sonal protective equipment.

13 (2) CRITERIA.—The Director shall select re-
14 search proposals to receive a grant under paragraph
15 (1) on the basis of merit, using criteria identified by
16 the Director, including the likelihood that the re-
17 search results will address the findings of the Direc-
18 tor with respect to the study conducted under sub-
19 section (b)(1).

20 (3) ELIGIBLE ENTITIES.—Any entity or group
21 of 2 or more entities may submit to the Director a
22 research proposal in response to the solicitation for
23 research proposals under paragraph (1), including—

24 (A) State and local agencies;

1 (B) public institutions, including public in-
2 stitutions of higher education;

3 (C) private corporations; and

4 (D) nonprofit organizations.

5 (d) AUTHORITY FOR DIRECTOR OF THE NATIONAL
6 INSTITUTE OF STANDARDS AND TECHNOLOGY TO CON-
7 SULT WITH EXPERTS ON MATTERS RELATING TO PER-
8 AND POLYFLUOROALKYL SUBSTANCES.—In carrying out
9 this section, the Director of the National Institute of
10 Standards and Technology may consult with Federal
11 agencies, nongovernmental organizations, State and local
12 governments, and science and research institutions deter-
13 mined by the Director to have scientific or material inter-
14 est in reducing unnecessary occupational exposure to per-
15 and polyfluoroalkyl substances by firefighters.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to the Director \$2,500,000 to carry out
19 this section.

20 (2) SUPPLEMENT NOT SUPPLANT.—Funds
21 made available to carry out this section shall supple-
22 ment and not supplant funds made available to the
23 Director for other purposes.

1 **SEC. 342. ASSESSMENT OF DEPARTMENT OF DEFENSE EX-**
2 **CESS PROPERTY PROGRAMS WITH RESPECT**
3 **TO NEED AND WILDFIRE RISK.**

4 (a) ASSESSMENT OF PROGRAMS.—

5 (1) IN GENERAL.—The Secretary of Defense,
6 acting through the Director of the Defense Logistics
7 Agency, jointly with the Secretary of Agriculture,
8 acting through the Chief of the Forest Service, shall
9 assess the Firefighter Property Program (FFP) and
10 the Federal Excess Personal Property Program
11 (FEPP) implementation and best practices, taking
12 into account community need and risk, including
13 whether a community is an at-risk community (as
14 defined in section 101(1) of the Healthy Forests
15 Restoration Act of 2003 (16 U.S.C. 6511(1)).

16 (2) COLLABORATION.—In carrying out the as-
17 sessment required under paragraph (1), the Sec-
18 retary of Defense, acting through the Director of the
19 Defense Logistics Agency, and the Secretary of Ag-
20 riculture, acting through the Chief of the Forest
21 Service, shall consult with State foresters and par-
22 ticipants in the programs described in such para-
23 graph.

24 (b) REPORT.—Not later than 180 days after the date
25 of the enactment of this Act, the Secretary of Defense,
26 acting through the Director of the Defense Logistics

1 Agency, jointly with the Secretary of Agriculture, acting
 2 through the Chief of the Forest Service, shall submit to
 3 the Committee on Armed Services and the Committee on
 4 Agriculture of the House of Representatives and the Com-
 5 mittee on Armed Services and the Committee on Agri-
 6 culture, Forestry, and Nutrition of the Senate a report
 7 on the assessment required under paragraph (1) of sub-
 8 section (a) and any findings and recommendations with
 9 respect to the programs described in such paragraph.

10 **Subtitle C—Logistics and** 11 **Sustainment**

12 **SEC. 351. NATIONAL DEFENSE SUSTAINMENT AND LOGIS-** 13 **TICS REVIEW.**

14 (a) IN GENERAL.—Chapter 2 of title 10, United
 15 States Code, is amended by inserting after section 118 the
 16 following new section:

17 **“§ 118a. National Defense Sustainment and Logistics** 18 **Review**

19 “(a) QUADRENNIAL REVIEW REQUIRED.—Two years
 20 after the submittal of each national defense strategy under
 21 section 113(g) of this title, the Secretary of Defense shall
 22 conduct a comprehensive review of the sustainment and
 23 logistics requirements necessary to support the force
 24 structure, force modernization, infrastructure, and other
 25 elements of the defense program and policies of the United

1 States during the subsequent 5-, 10-, and 25-year periods.
2 Each such review shall be known as the ‘National Defense
3 Sustainment and Logistics Review’. Each such review
4 shall be conducted in consultation with the Secretaries of
5 the military departments, the chief of the armed services,
6 the Commander of United States Transportation Com-
7 mand, and the Commander of the Defense Logistics Agen-
8 cy.

9 “(b) REPORT TO CONGRESS.—(1) Not later than the
10 first Monday in February of the year following the fiscal
11 year during which the review required by subsection (a)
12 is submitted, the Secretary shall submit to the congres-
13 sional defense committees a report on the review. Each
14 such report shall include each of the following:

15 “(A) An assessment of the strategic and tac-
16 tical maritime logistics force (including non-military
17 assets provided by Military Sealift Command and
18 through the Voluntary Intermodal Sealift Agree-
19 ment) required to support sealift and at sea logistics
20 requirements of forces to meet steady state and con-
21 tingency requirements.

22 “(B) An assessment of the strategic and tac-
23 tical airlift and tankers (including non-military as-
24 sets provided by the Civil Reserve Air Fleet and
25 through the Voluntary Tanker Agreement) required

1 to support movement of forces to meet steady state
2 and contingency requirements.

3 “(C) An assessment of the location, configura-
4 tion, and inventory of prepositioned materiel and
5 equipment programs required to meet steady state
6 and contingency requirements.

7 “(D) An assessment of the location, infrastruc-
8 ture, and storage capacity for petroleum, oil, and lu-
9 bricant products, as well as the ability to distribute
10 such products from storage supply points to de-
11 ployed military forces, required to meet steady state
12 and contingency requirements.

13 “(E) An assessment of the capabilities, capaci-
14 ty, and infrastructure of the Department of Defense
15 organic industrial base and private sector industrial
16 base required to meet steady-state and surge soft-
17 ware and depot maintenance requirements.

18 “(F) An assessment of the production capa-
19 bility, capacity, and infrastructure, of the Depart-
20 ment of Defense organic industrial base and private
21 sector industrial base required to meet steady-state
22 and surge production requirements for ammunition
23 and other military munitions.

24 “(G) An assessment of the condition, capacity,
25 and location of military infrastructure required to

1 project military forces to meet steady-state and con-
2 tingency requirements.

3 “(H) An assessment of the cybersecurity risks
4 to military and commercial logistics networks and
5 information technology systems.

6 “(I) An assessment of the gaps between the re-
7 quirements identified under subparagraphs (A)
8 through (H) compared to the actual force structure
9 and infrastructure capabilities, capacity, and posture
10 and the risks associated with each gap as it relates
11 to the ability to meet the national defense strategy.

12 “(J) A discussion of the identified mitigations
13 being pursued to address each gap and risk identi-
14 fied under subparagraph (I) as well as the initiatives
15 and resources planned to address such gaps, as in-
16 cluded in the Department of Defense budget request
17 submitted during the same year as the report and
18 the applicable future-years defense program.

19 “(K) An assessment of the extent to which
20 wargames conducted by the Department of Defense,
21 Joint Staff, geographic combatant commands, and
22 military departments incorporate logistics capabili-
23 ties and threats and a description of the logistics
24 constraints to operations identified through such
25 wargames.

1 “(L) Such other matters the Secretary of De-
2 fense considers appropriate.

3 “(2) The report required under this subsection shall
4 be submitted in classified form and shall include an un-
5 classified summary.

6 “(c) COMPTROLLER GENERAL REVIEW.—Not later
7 than 180 days after the date on which Secretary submits
8 each report required under subsection (b), the Comptroller
9 General shall submit to the congressional defense commit-
10 tees a report that includes an assessment of each of the
11 following:

12 “(1) Whether the report includes each of the
13 elements referred to in subsection (b).

14 “(2) The strengths and weaknesses of the ap-
15 proach and methodology used in conducting the re-
16 view required under subsection (a) that is covered by
17 the report.

18 “(3) Any other matters relating to sustainment
19 that may arise from the report, as the Comptroller
20 General considers appropriate.

21 “(d) RELATIONSHIP TO BUDGET.—Nothing in this
22 section shall be construed to affect section 1105(a) of title
23 31.

24 “(e) TERMINATION.—The requirement to submit a
25 report under this section shall terminate on the date that

1 is 10 years after the date of the enactment of this sec-
 2 tion.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 at the beginning of such chapter is amended by inserting
 5 after the item relating to section 118 the following new
 6 item:

“118a. National Defense Sustainment and Logistics Review.”.

7 (c) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—
 8 Notwithstanding the deadline in subsection (b)(1) of sec-
 9 tion 118a of title 10, United States Code, the Secretary
 10 of Defense shall submit the first report under such section
 11 by no later than the date that is 18 months after the date
 12 of the enactment of this Act.

13 **SEC. 352. EXTENSION OF SUNSET RELATING TO CHARTER**
 14 **AIR TRANSPORTATION SERVICES.**

15 Section 9515(k) of title 10, United States Code, is
 16 amended by striking “2020” and inserting “2025”.

17 **SEC. 353. ADDITIONAL ELEMENTS FOR INCLUSION IN NAVY**
 18 **SHIP DEPOT MAINTENANCE BUDGET RE-**
 19 **PORT.**

20 Section 363(b) of the National Defense Authorization
 21 Act for Fiscal Year 2020 (Public Law 116–92) is amended
 22 by adding at the end the following new paragraphs:

23 “(6) The execution of the planned schedule,
 24 categorized by class of ship, for each of the three
 25 preceding fiscal years, including—

1 “(A) the actual contract award compared
2 to the milestone;

3 “(B) the planned completion date com-
4 pared to the actual completion date; and

5 “(C) each regional maintenance center’s
6 availability schedule performance for on-time
7 availability completion.

8 “(7) In accordance with the findings of the
9 Government Accountability Office (GAO 20–370)—

10 “(A) in 2021, an analysis plan for the
11 evaluation of pilot program availabilities funded
12 by the Other Procurement, Navy account; and

13 “(B) in 2022, a report on the Navy’s
14 progress implementing such analysis plan.”.

15 **SEC. 354. MODIFICATION TO LIMITATION ON LENGTH OF**
16 **OVERSEAS FORWARD DEPLOYMENT OF**
17 **NAVAL VESSELS.**

18 Section 323(b) of the National Defense Authorization
19 Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
20 8690 note) is amended by striking “In the case of any
21 naval vessel” and inserting “In the case of any aircraft
22 carrier, amphibious ship, cruiser, destroyer, frigate, or lit-
23 toral combat ship”.

1 **SEC. 355. INDEPENDENT ADVISORY PANEL ON WEAPON**
2 **SYSTEM SUSTAINMENT.**

3 (a) ESTABLISHMENT.—The Secretary of Defense
4 shall establish an independent advisory panel (in this sec-
5 tion referred to as the “panel”) on the weapon system
6 sustainment ecosystem. The National Defense University
7 and the Defense Acquisition University shall sponsor the
8 panel, including by providing administrative support.

9 (b) MEMBERSHIP.—

10 (1) COMPOSITION.—The panel shall be com-
11 prised of nine members, of whom—

12 (A) five shall be appointed by the Sec-
13 retary of Defense;

14 (B) one shall be appointed by the Chair-
15 man of the Committee on Armed Services of
16 the Senate;

17 (C) one shall be appointed by the Ranking
18 Member of the Committee on Armed Services of
19 the Senate;

20 (D) one shall be appointed by the Chair-
21 man of the Committee on Armed Services of
22 the House of Representatives; and

23 (E) one shall be appointed by the Ranking
24 Member of the Committee on Armed Services of
25 the House of Representatives.

1 (2) EXPERTISE.—In making appointments
2 under this subsection, consideration should be given
3 to individuals with expertise in public and private-
4 sector acquisition, sustainment, and logistics policy
5 in aviation, ground, maritime systems, and space
6 systems and their related components.

7 (3) APPOINTMENT DATE.—The appointment of
8 the members of the panel shall be made not later
9 than 120 days after the date of the enactment of
10 this Act.

11 (c) DUTIES.—The panel shall—

12 (1) review the weapon system sustainment eco-
13 system from development, production, and
14 sustainment of the weapon system through use in
15 the field, depot and field-level maintenance, modi-
16 fication, and disposal with a goal of—

17 (A) maximizing the availability and mis-
18 sion capabilities of weapon systems;

19 (B) reducing overall life-cycle costs of
20 weapon systems during fielding, operation and
21 sustainment; and

22 (C) aligning weapon system sustainment
23 functions to the most recent national defense
24 strategy submitted pursuant to section 113 of
25 title 10, United States Code; and

1 (2) using information from the review of the
2 weapon system sustainment ecosystem, make rec-
3 ommendations related to statutory, regulatory, pol-
4 icy, or operational best practices the panel considers
5 necessary.

6 (d) REPORT.—

7 (1) INTERIM REPORT.—Not later than 1 year
8 after the date on which all members of the panel
9 have been appointed, the panel shall provide to the
10 Secretary of Defense and the Committees on Armed
11 Services of the Senate and House of Representatives
12 a briefing on the interim findings and recommenda-
13 tions of the panel.

14 (2) FINAL REPORT.—Not later than 2 years
15 after the date on which all members of the panel
16 have been appointed, the panel shall submit to the
17 Secretary of Defense and the Committees on Armed
18 Services of the Senate and House of Representatives
19 a report setting for a detailed statement of the find-
20 ings and conclusions the panel as a result of the re-
21 view described in subsection (c), together with such
22 recommendations related to statutory, regulatory,
23 policy, or operational practices as the panel con-
24 siders appropriate in light of the results of the re-
25 view.

1 (e) ADMINISTRATIVE MATTERS.—

2 (1) IN GENERAL.—The Secretary of Defense
3 shall provide the panel with timely access to appro-
4 priate information, data, resources, analysis, and lo-
5 gistics support so that the panel may conduct a
6 thorough and independent assessment as required
7 under this section.

8 (2) EFFECT OF LACK OF APPOINTMENT BY AP-
9 POINTMENT DATE.—If any member has not been ap-
10 pointed by the date specified in subsection (b)(3),
11 the authority to appoint such member under sub-
12 section (b)(1) shall expire, and the number of mem-
13 bers of the panel shall be reduced by the number
14 equal to the number of appointments so not made.

15 (3) PERIOD OF APPOINTMENT; VACANCIES.—
16 Members of the panel shall be appointed for the du-
17 ration of the panel. Any vacancy in the panel shall
18 not affect its powers, but shall be filled in the same
19 manner as the original appointment.

20 (4) CHAIR.—The panel shall select a Chair
21 from among its members. The Chair may not be a
22 Federal officer or employee.

23 (f) TERMINATION.—The panel shall terminate 90
24 days after the date on which the panel submits the report
25 required under subsection (d)(2).

1 **SEC. 356. BIENNIAL BRIEFINGS ON STATUS OF SHIPYARD**
2 **INFRASTRUCTURE OPTIMIZATION PLAN.**

3 (a) BRIEFINGS REQUIRED.—During the period be-
4 ginning on July 1, 2020, and ending on July 1, 2025,
5 the Secretary of the Navy shall provide to the congres-
6 sional defense committees biannual briefings on the status
7 of the Shipyard Infrastructure Optimization Plan.

8 (b) ELEMENTS OF BRIEFINGS.—Each briefing under
9 subsection (a) shall include a discussion of the status of
10 each of the following elements:

11 (1) A master plan for infrastructure develop-
12 ment, including projected military construction and
13 capital equipment projects.

14 (2) A planning and design update for military
15 construction, minor military construction, and facil-
16 ity sustainment projects over the subsequent five-
17 year period.

18 (3) A human capital management and develop-
19 ment plan.

20 (4) A workload management plan that includes
21 synchronization requirements for each shipyard and
22 ship class.

23 (5) Performance metrics and an assessment
24 plan.

1 (6) A funding and authority plan that includes
2 funding lines across the future years defense pro-
3 gram.

4 **SEC. 357. MATERIEL READINESS METRICS AND OBJEC-**
5 **TIVES FOR MAJOR WEAPON SYSTEMS.**

6 (a) IN GENERAL.—Section 118 of title 10, United
7 States Code is amended—

8 (1) by amending the section heading to read as
9 follows: “**Materiel readiness metrics and**
10 **objectives for major weapon systems**”;

11 (2) by striking “Not later than five days” and
12 inserting the following:

13 “(d) BUDGET JUSTIFICATION.—Not later than five
14 days”;

15 (3) by inserting before subsection (d) (as des-
16 ignated by paragraph (2)) the following new sub-
17 sections:

18 “(a) MATERIEL READINESS METRICS.—Each head
19 of an element of the Department specified in paragraphs
20 (1) through (10) of section 111(b) of this title shall estab-
21 lish and maintain materiel readiness metrics to enable as-
22 sessment of the readiness of members of the armed forces
23 to carry out—

24 “(1) the strategic framework required by sec-
25 tion 113(g)(1)(B)(vii) of this title; and

1 “(2) guidance issued by the Secretary of De-
2 fense pursuant to section 113(g)(1)(B) of this title.

3 “(b) REQUIRED METRICS.—At a minimum, the ma-
4 teriel readiness metrics required by subsection (a) shall
5 address the materiel availability, operational availability,
6 operational capability, and materiel reliability of each
7 major weapon system by designated mission, design series,
8 variant, or class.

9 “(c) MATERIEL READINESS OBJECTIVES.—(1) Not
10 later than one year after the date of the enactment of this
11 Act, each head of an element described in subsection (a)
12 shall establish the metrics required by subsection (b) nec-
13 essary to support the strategic framework and guidance
14 referred to in paragraph (1) and (2) of subsection (a).

15 “(2) Annually, each head of an element described in
16 subsection (a) shall review and revise the metrics required
17 by subsection (b) and include any such revisions in the
18 materials submitted to Congress in support of the budget
19 of the President under section 1105 of title 31.”;

20 (4) in subsection (d) (as designated by para-
21 graph (2))—

22 (A) in paragraph (1)—

23 (i) by striking “materiel reliability,
24 and mean down time metrics for each
25 major weapons system” and inserting

1 “operational availability, and materiel reli-
2 ability for each major weapon system”;
3 and

4 (ii) by inserting “and” at the end;

5 (B) in paragraph (2), by striking “; and”
6 and inserting a period at the end; and

7 (C) by striking paragraph (3); and

8 (5) by adding at the end the following new sub-
9 section:

10 “(e) DEFINITIONS.—In this section:

11 “(1) The term ‘major weapon system’ has the
12 meaning given in section 2379(f) of this title.

13 “(2) The term ‘materiel availability’ means a
14 measure of the percentage of the total inventory of
15 a major weapon system that is operationally capable
16 of performing an assigned mission.

17 “(3) The term ‘materiel reliability’ means the
18 probability that a major weapon system will perform
19 without failure over a specified interval.

20 “(4) The term ‘operational availability’ means a
21 measure of the percentage of time a major weapon
22 system is operationally capable.

23 “(5) The term ‘operationally capable’ means a
24 materiel condition indicating that a major weapon
25 system is capable of performing its assigned mission

1 and has no discrepancies with a subsystem of a
2 major weapon system.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 2 of title 10, United States
5 Code, is amended by striking the item relating to section
6 118 and inserting the following new item:

“118. Materiel readiness metrics and objectives for major defense acquisition
programs.”.

7 (c) BRIEFING.—Not later than October 1, 2021, the
8 Secretary of Defense shall brief the congressional defense
9 committees regarding the implementation of the materiel
10 readiness metrics required under section 118 of title 10,
11 United States Code, as amended by subsection (a).

12 **Subtitle D—Munitions Safety and** 13 **Oversight**

14 **SEC. 361. CHAIR OF DEPARTMENT OF DEFENSE EXPLOSIVE** 15 **SAFETY BOARD.**

16 (a) RESPONSIBILITIES.—Section 172 of title 10,
17 United States Code, is amended by adding at the end the
18 following new subsections:

19 “(c) RESPONSIBILITIES OF CHAIR.—The chair of the
20 explosive safety board shall carry out the following respon-
21 sibilities:

22 “(1) To act as the principal executive represent-
23 ative and advisor of the Secretary on explosive and

1 chemical agent safety matters related to Department
2 of Defense military munitions.

3 “(2) To perform the hazard classification ap-
4 proval duties assigned to the chair.

5 “(3) To preside over meetings of the explosive
6 safety board.

7 “(4) To direct the staff of the explosive safety
8 board.

9 “(5) To performs other functions relating to ex-
10 plosives safety management, as directed by the As-
11 sistant Secretary of Defense for Sustainment.

12 “(6) To provide impartial and objective advice
13 related to explosives safety management to the Sec-
14 retary of Defense and the heads of the military de-
15 partments.

16 “(7) To serve as the principal representative
17 and advisor of the Department of Defense on mat-
18 ters relating to explosives safety management.

19 “(8) To provide assistance and advice to the
20 Under Secretary of Defense for Acquisition and
21 Sustainment and the Deputy Director of Land War-
22 fare and Munitions in munitions acquisition over-
23 sight and technology advancement for Department
24 of Defense military munitions, especially in the areas

1 of explosives and chemical agent safety and demili-
2 tarization.

3 “(9) To provide assistance and advice to the
4 Assistant Secretary of Defense for Logistics and
5 Material Readiness in sustainment oversight of De-
6 partment of Defense military munitions, especially in
7 the areas of explosives and chemical agent safety,
8 storage, transportation, and demilitarization.

9 “(10) To develop and recommend issuances to
10 define the functions of the explosive safety board.

11 “(11) To establishes joint hazard classification
12 procedures with covered components of the Depart-
13 ment.

14 “(12) To make recommendations to the Under
15 Secretary of Defense for Acquisition and
16 Sustainment with respect to explosives and chemical
17 agent safety tenets and requirements.

18 “(13) To conducts oversight of Department of
19 Defense explosive safety management programs.

20 “(14) To carry out such other responsibilities
21 as the Secretary of Defense determines appropriate.

22 “(d) RESPONSIBILITIES OF EXECUTIVE DIRECTOR
23 AND CIVILIAN MEMBERS.—The executive director and ci-
24 vilian members of the explosive safety board shall—

1 “(1) provide assistance to the chair in carrying
2 out the responsibilities specified in subsection (c);
3 and

4 “(2) carry out such other responsibilities as the
5 chair determines appropriate.

6 “(e) MEETINGS.—(1) The explosive safety board
7 shall meet not less frequently than quarterly.

8 “(2) The chair shall submit to the congressional de-
9 fense committees an annual report describing the activities
10 conducted at the meetings of the board.

11 “(f) EXCLUSIVE RESPONSIBILITIES.—The explosive
12 safety board shall have exclusive responsibility within the
13 Department of Defense for—

14 “(1) recommending new and updated explosive
15 and chemical agent safety regulations and standards
16 to the Assistant Secretary of Defense for Energy In-
17 stallations and Environment for submittal to the
18 Under Secretary of Defense for Acquisition and
19 Sustainment; and

20 “(2) acting as the primary forum for coordina-
21 tion among covered components of the Department
22 on all matters related to explosive safety manage-
23 ment.

1 “(g) COVERED COMPONENTS.—In this section, the
2 covered components of the Department are each of the fol-
3 lowing:

4 “(1) The Office of the Secretary of Defense.

5 “(2) The military departments.

6 “(3) The Office of the Chairman of the Joint
7 Chiefs of Staff and the Joint Staff, the Combatant
8 Commands.

9 “(4) The Office of the Inspector General of the
10 Department.

11 “(5) The Defense Agencies.

12 “(6) The Department of Defense field activities.

13 “(7) All other organizational entities within the
14 Department.”.

15 (b) DEADLINE FOR APPOINTMENT.—By not later
16 than 90 days after the date of the enactment of this Act,
17 the Secretary of Defense shall take such steps as may be
18 necessary to ensure that the explosive safety board of the
19 Department of Defense, as authorized under section 172
20 of title 10, United States Code, has a chair who is a mili-
21 tary officer and whose responsibilities include the day-to-
22 day management of the explosive safety board and the re-
23 sponsibilities provided in subsection (c) of such section.

24 (c) LIMITATION ON USE OF FUNDS.—Of the
25 amounts authorized to be appropriated or otherwise made

1 available in this Act for the Office of the Under Secretary
2 of Defense for Acquisition and Sustainment for fiscal year
3 2021, not more than 75 percent may be obligated or ex-
4 pended until the date on which the Under Secretary of
5 Defense certifies to the congressional defense committees
6 that all board member positions, including the chair, of
7 the Department of Defense explosive safety board, as au-
8 thorized under section 172 of title 10, United States Code,
9 as amended by this section, have been filled by military
10 officers as required by such section.

11 **SEC. 362. EXPLOSIVE ORDNANCE DISPOSAL DEFENSE PRO-**
12 **GRAM.**

13 (a) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—
14 Section 2284(b) of title 10, United States Code, as amend-
15 ed by section 1052 of the National Defense Authorization
16 Act for Fiscal Year 2020 (Public Law 116–92), is further
17 amended—

18 (1) in paragraph (1)(A)—

19 (A) by inserting “and” before “integra-
20 tion”; and

21 (B) by striking “an Assistant Secretary of
22 Defense” and inserting “the Assistant Sec-
23 retary of Defense for Special Operations and
24 Low Intensity Conflict”;

1 (2) in paragraph (2), by striking “to whom re-
2 responsibility is assigned under paragraph (1)(A)” and
3 inserting “for Special Operations and Low Intensity
4 Conflict”;

5 (3) by redesignating paragraphs (3) and (4) as
6 paragraphs (4) and (5), respectively; and

7 (4) by inserting after paragraph (2) the fol-
8 lowing new paragraph (3):

9 “(3) the Assistant Secretary of Defense for
10 Special Operations and Low Intensity Conflict shall
11 coordinate with—

12 “(A) the Under Secretary of Defense for
13 Intelligence on explosive ordnance technical in-
14 telligence;

15 “(B) the Under Secretary of Defense for
16 Acquisition and Sustainment on explosive ord-
17 nance disposal research, development, acquisi-
18 tion, and sustainment;

19 “(C) the Under Secretary of Defense for
20 Research and Engineering on explosive ord-
21 nance disposal research, development, test, and
22 evaluation;

23 “(D) the Assistant Secretary of Defense
24 for Homeland Security and Global Security on

1 explosive ordnance disposal on defense support
2 of civil authorities; and

3 “(E) the Assistant Secretary of Defense
4 for Nuclear, Chemical, and Biological Defense
5 programs on explosive ordnance disposal for
6 combating weapons of mass destruction;”.

7 (b) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to the Committees on Armed Services of the
10 Senate and House of Representatives a report of the Ex-
11 plosive Ordnance Disposal Defense Program under section
12 2284 of title 10, United States Code. Such report shall
13 include each of the following:

14 (1) The status of the establishment and organi-
15 zation of the Program and the compliance with the
16 requirements of such section, as amended by section
17 1052 of the National Defense Authorization Act for
18 Fiscal Year 2020.

19 (2) An assessment of the feasibility and advis-
20 ability of designating the Joint Program Executive
21 Officer for Armaments and Ammunition as the joint
22 program executive officer for the explosive ordnance
23 disposal program or establishing a rotation of the
24 role between an Army, Navy, and Air Force entity
25 on a periodic basis.

1 (3) An assessment of the feasibility and advis-
2 ability of designating the Director of the Defense
3 Threat Reduction Agency with management respon-
4 sibility for a Defense-wide program element for ex-
5 plosive ordnance disposal research, development,
6 test, and evaluation transactions other than con-
7 tracts, cooperative agreements, and grants related to
8 section 2371 of title 10, United States Code, during
9 research projects including rapid prototyping and
10 limited procurement urgent activities and acquisi-
11 tion.

12 **SEC. 363. ASSESSMENT OF RESILIENCE OF DEPARTMENT**
13 **OF DEFENSE MUNITIONS ENTERPRISE.**

14 (a) **ASSESSMENT.**—Not later than 60 days after the
15 date of the enactment of this Act, the Secretary of Defense
16 shall enter into an agreement with a federally-funded re-
17 search and development center with relevant expertise
18 under which such center shall conduct an assessment of
19 the resilience of the Department of Defense munitions en-
20 terprise.

21 (b) **ELEMENTS.**—The assessment required under
22 subsection (a) shall include the following elements:

23 (1) An identification of the points of failure
24 with respect to the munitions enterprise, including
25 physical locations, materials, suppliers, contractors,

1 and other relevant elements, that, if failure occurs,
2 would have the largest negative impact on the capac-
3 ity, resiliency, and safety of the enterprise.

4 (2) An evaluation of the efforts of the Depart-
5 ment of Defense to address the points of failure
6 identified under paragraph (1).

7 (3) Recommendation with respect to any addi-
8 tional efforts or actions that could be taken to pro-
9 vide for mitigation or solutions with respect to such
10 points of failure.

11 (4) An evaluation of the capacity of the muni-
12 tions enterprise to support a sudden surge in de-
13 mand to support a contingency.

14 (5) An evaluation of the capacity of the muni-
15 tions enterprise to withstand intentional disruption
16 during a conflict.

17 (c) REPORT AND BRIEFINGS.—The Secretary shall—

18 (1) submit to the congressional defense commit-
19 tees a report on the results of assessment conducted
20 under this section by not later than December 31,
21 2021; and

22 (2) provide for such committees interim brief-
23 ings on such assessment upon request.

24 (d) POINT OF FAILURE.—In this section, the term
25 “point of failure” means, with respect to the munitions

1 enterprise, an aspect of the enterprise, that, if it were to
2 fail or be significantly negatively impacted would cause the
3 portion of the enterprise it supports to either fail or be
4 significantly negatively impacted.

5 **SEC. 364. REPORT ON SAFETY WAIVERS AND MISHAPS IN**
6 **DEPARTMENT OF DEFENSE MUNITIONS EN-**
7 **TERPRISE.**

8 (a) REPORT REQUIRED.—The Secretary shall include
9 with the Department of Defense materials submitted to
10 Congress with the budget of the President for each of fis-
11 cal years 2022 through 2025 (as submitted to Congress
12 pursuant to section 1105 of title 31, United States Code),
13 a report on safety waivers provided in the Department of
14 Defense munitions enterprise. Each such report shall in-
15 clude each of the following for the year covered by the
16 report and each of the preceding 3 years:

17 (1) A list of each waiver, exemption, and secre-
18 tarial exemption or certification provided with re-
19 spect to any Department of Defense munitions safe-
20 ty standard.

21 (2) For each such waiver, exemption, or certifi-
22 cation provided—

23 (A) the location where the waiver, exemp-
24 tion, or certification was provided;

1 (B) a summary of the justification used for
2 providing the waiver, exemption, or certifi-
3 cation;

4 (C) the time period during which the waiv-
5 er, exemption, or certification applies and the
6 number of times such a waiver, exemption, or
7 certification has been provided at that location;
8 and

9 (D) a list of all safety-related mishaps that
10 occurred at locations where waivers, exemp-
11 tions, or certifications were in place, and for
12 each such mishap, whether or not a subsequent
13 investigation determined the waiver, exemption,
14 or certification was related or may have been
15 related to the mishap.

16 (3) A list and summary of all class A through
17 class E mishaps related to the construction, storage,
18 transportation, usage, and demilitarization of muni-
19 tions.

20 (4) Any mitigation efforts in place at any loca-
21 tion where a waiver, exemption, or certification has
22 been provided or where a safety-related mishap has
23 occurred.

24 (5) Such other matters as the Secretary deter-
25 mines appropriate.

1 (b) MUNITIONS DEFINED.—In this section, the term
2 “munitions” includes ammunition, explosives, and chem-
3 ical agents.

4 **Subtitle E—Other Matters**

5 **SEC. 371. PILOT PROGRAM FOR TEMPORARY ISSUANCE OF** 6 **MATERNITY-RELATED UNIFORM ITEMS.**

7 (a) PILOT PROGRAM.—The Director of the Defense
8 Logistics Agency, in coordination with the Secretaries con-
9 cerned, shall carry out a pilot program under which each
10 Secretary concerned shall establish an office for issuing
11 maternity-related uniform items to pregnant members of
12 the Armed Forces, on a temporary basis and at no cost
13 to such member. In carrying out the pilot program, the
14 Director shall take the following actions:

15 (1) The Director shall ensure that such offices
16 maintain a stock of each type of maternity-related
17 uniform item determined necessary by the Secretary
18 concerned, including service uniforms items, utility
19 uniform items, and other items relating to the com-
20 mand and duty assignment of the member requiring
21 issuance.

22 (2) The Director shall ensure that such items
23 have not been treated with the chemical permethrin.

24 (3) The Director, in coordination with the Sec-
25 retary concerned, shall determine a standard number

1 of maternity-related uniform items that may be
2 issued per member.

3 (4) The Secretary concerned shall ensure that
4 any member receiving a maternity-related uniform
5 item returns such item to the relevant office estab-
6 lished under paragraph (1) on the date on which the
7 Secretary concerned determines the member no
8 longer requires such item.

9 (5) The Secretary concerned shall inspect, proc-
10 ess, repair, clean, and re-stock items returned by a
11 member pursuant to paragraph (4) for re-issuance
12 from such relevant office.

13 (6) The Director, in coordination with the Sec-
14 retaries concerned, may issue such guidance and
15 regulations as necessary to carry out the pilot pro-
16 gram.

17 (b) TERMINATION.—No maternity-related uniform
18 items may be issued to a member of the Armed Forces
19 under the pilot program after September 30, 2026.

20 (c) REPORT.—Not later than September 30, 2025,
21 the Director of the Defense Logistics Agency, in coordina-
22 tion with the Secretaries concerned, shall submit to the
23 congressional defense committees a report on the pilot
24 program. Such report shall include each of the following:

1 (1) For each year during which the pilot pro-
2 gram was carried out, the number of members of the
3 Armed Forces who received a maternity-related uni-
4 form item under the pilot program.

5 (2) An overview of the costs associated with,
6 and any savings realized by, the pilot program, in-
7 cluding a comparison of the cost of maintaining a
8 stock of maternity-related uniform items for
9 issuance under the pilot program versus the cost of
10 providing allowances to members for purchasing
11 such items.

12 (3) A recommendation on whether the pilot pro-
13 gram should be extended after the date of termi-
14 nation under subsection (b) and whether legislation
15 is necessary for such extension.

16 (4) Any other matters that the Secretary of De-
17 fense determines appropriate.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
19 amounts authorized to be appropriated for operation and
20 maintenance, Defense-wide, for fiscal year 2021, as speci-
21 fied in the funding table in section 4301, \$10,000,000
22 shall be available for implementation of the pilot program.

1 **SEC. 372. SERVICEWOMEN'S COMMEMORATIVE PARTNER-**
2 **SHIPS.**

3 (a) IN GENERAL.—The Secretary of the Army may
4 enter into a contract, partnership, or grant with a non-
5 profit organization for the purpose of providing financial
6 support for the maintenance and sustainment of infra-
7 structure and facilities at military service memorials and
8 museums that highlight the role of women in the military.
9 Such a contract, partnership, or grant shall be referred
10 to as a “Servicewomen’s Commemorative Partnership”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
12 amounts authorized to be appropriated for fiscal year
13 2021, as identified in division D of this Act, \$3,000,000
14 shall be available for Servicewomen’s Commemorative
15 Partnerships under subsection (a).

16 **SEC. 373. BIODEFENSE ANALYSIS AND BUDGET SUBMIS-**
17 **SION.**

18 (a) ANNUAL ANALYSIS.—For each fiscal year, the
19 Director of the Office of Management and Budget shall—

20 (1) conduct a detailed and comprehensive anal-
21 ysis of Federal biodefense programs; and

22 (2) develop an integrated biodefense budget
23 submission.

24 (b) DEFINITION OF BIODEFENSE.—In accordance
25 with the National Biodefense Strategy, the Director shall
26 develop and disseminate to all Federal departments and

1 agencies a unified definition of the term “biodefense” to
2 identify which programs and activities are included in an-
3 nual budget submission referred to in subsection (a).

4 (c) REQUIREMENTS FOR ANALYSIS.—The analysis
5 required under subsection (a) shall include—

6 (1) the display of all funds requested for bio-
7 defense activities, both mandatory and discretionary,
8 by agency and categorized by biodefense enterprise
9 element, including threat awareness, prevention, de-
10 terrence, preparedness, surveillance and detection,
11 response, attribution (including bioforensic capabili-
12 ties), recovery, and mitigation; and

13 (2) detailed explanations of how each program
14 and activity included aligns with biodefense goals.

15 (d) SUBMITTAL TO CONGRESS.— The Director shall
16 submit to Congress the analysis required under subsection
17 (a) for a fiscal year concurrently with the President’s an-
18 nual budget request for that fiscal year.

19 **SEC. 374. CLARIFICATION OF NATIONAL BIODEFENSE**
20 **STRATEGY.**

21 (a) IN GENERAL.—The Secretary of Health and
22 Human Services, in cooperation with the Biodefense
23 Steering Committee, shall clarify the national biodefense
24 strategy and associated implementation plan developed
25 under section 1086 of the National Defense Authorization

1 Act for Fiscal Year 2017 (6 U.S.C. 104) to clearly docu-
2 ment agreed-upon processes, roles, and responsibilities for
3 making and enforcing enterprise-wide decisions.

4 (b) SPECIFIC CLARIFICATIONS.—In carrying out sub-
5 section (a), the Secretary of Health and Human Services
6 shall work with the head of each agency participating in
7 the Biodefense Steering Committee, including the Admin-
8 istrator of the Federal Emergency Management Agency,
9 to—

10 (1) enter into a memorandum of understanding,
11 or take such other action as is necessary, to describe
12 the roles and responsibilities of the Federal depart-
13 ments and agencies, including internal and external
14 coordination procedures, in identifying and sharing
15 information, as described in section 1086(b)(4) of
16 the National Defense Authorization Act for Fiscal
17 Year 2017 (6 U.S.C. 104(b)(4));

18 (2) clarify roles, responsibilities, and processes
19 for decisionmaking that involves shifting resources
20 across agency boundaries to more effectively or effi-
21 ciently address enterprise-wide risk;

22 (3) prepare an inventory and assessment of all
23 existing strategies, plans, policies, laws, and inter-
24 agency agreements with respect to biodefense;

1 (4) establish a resource plan to staff, support,
2 and sustain the efforts of the Biodefense Coordina-
3 tion Team;

4 (5) clearly document guidance and methods for
5 analyzing the data collected from agencies to include
6 non-Federal resources and capabilities; and

7 (6) not later than 90 days after the date of en-
8 actment of this Act, report to the appropriate con-
9 gressional committees on possible implementation
10 strategies, that will effectively and efficiently en-
11 hance information-sharing activities on biosurveil-
12 lance data integration as identified in the national
13 biodefense strategy and associated implementation
14 plan described in subsection (a).

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means the following:

18 (1) The Committees on Armed Services of the
19 House of Representatives and the Senate.

20 (2) The Committees on Appropriations of the
21 House of Representatives and the Senate.

22 (3) The Committee on Energy and Commerce
23 of the House of Representatives and the Committee
24 on Health, Education, Labor, and Pensions of the
25 Senate.

1 (4) The Committee on Homeland Security of
2 the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate.

5 (5) The Committee on Agriculture of the House
6 of Representatives and the Committee on Agri-
7 culture, Nutrition, and Forestry of the Senate.

8 **SEC. 375. REPORT ON BIODEFENSE.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of Defense shall submit
11 to the congressional defense committees a report that in-
12 cludes—

13 (1) a description of the roles and responsibil-
14 ities of Department of Defense entities with respon-
15 sibility for biodefense or pandemic preparedness and
16 response, including logistical support;

17 (2) an updated Department of Defense imple-
18 mentation plan for biodefense and pandemic re-
19 sponse operations that includes a separation of ac-
20 tivities conducted under title 10, United States
21 Code, and activities conducted under title 32, United
22 States Code; and

23 (3) recommendations for solving gaps in au-
24 thorities or organizational structures that have in-
25 hibited COVID–19 response efforts.

1 **SEC. 376. FACILITATING AGREEMENTS WITH OTHER FED-**
2 **ERAL AGENCIES TO LIMIT ENCROACHMENTS.**

3 Section 2684a(d)(5) of title 10, United States Code,
4 is amended—

5 (1) in the second sentence of subparagraph (A),
6 by inserting “or another Federal agency” after “to
7 a State” both places it appears; and

8 (2) by striking subparagraph (B) and inserting
9 the following:

10 “(B) Notwithstanding subparagraph (A), if all or a
11 portion of the property or interest acquired under the
12 agreement is initially or subsequently transferred to a
13 State or another Federal agency, before that State or
14 other Federal agency may declare the property or interest
15 in excess to its needs or propose to exchange the property
16 or interest, the State or other Federal agency shall give
17 the Secretary concerned reasonable advance notice of its
18 intent. If the Secretary concerned determines it necessary
19 to preserve the purposes of this section, the Secretary con-
20 cerned may request that administrative jurisdiction over
21 the property be transferred to the Secretary concerned at
22 no cost, and, upon such a request being made, the admin-
23 istrative jurisdiction over the property shall be transferred
24 accordingly. If the Secretary concerned does not make
25 such a request within a reasonable time period, all such
26 rights of the Secretary concerned to request transfer of

1 the property or interest shall remain available to the Sec-
 2 retary concerned with respect to future transfers or ex-
 3 changes of the property or interest and shall bind all sub-
 4 sequent transferees.”.

5 **TITLE IV—MILITARY**
 6 **PERSONNEL AUTHORIZATIONS**
 7 **Subtitle A—Active Forces**

8 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

9 The Armed Forces are authorized strengths for active
 10 duty personnel as of September 30, 2021, as follows:

- 11 (1) The Army, 485,900.
- 12 (2) The Navy, 347,800.
- 13 (3) The Marine Corps, 184,100.
- 14 (4) The Air Force, 327,266.
- 15 (5) The Space Force, 6,434.

16 **SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END**
 17 **STRENGTH MINIMUM LEVELS.**

18 Section 691(b) of title 10, United States Code, is
 19 amended by striking paragraphs (1) through (4) and in-
 20 serting the following new paragraphs:

- 21 “(1) For the Army, 485,900.
- 22 “(2) For the Navy, 347,800.
- 23 “(3) For the Marine Corps, 184,100.
- 24 “(4) For the Air Force, 327,266.
- 25 “(5) For the Space Force, 6,434.”.

1 **SEC. 403. MODIFICATION OF THE AUTHORIZED NUMBER**
2 **AND ACCOUNTING METHOD FOR SENIOR EN-**
3 **LISTED PERSONNEL.**

4 (a) IN GENERAL.—Section 517 of title 10, United
5 States Code, is amended—

6 (1) in the section heading, by striking “**daily**
7 **average**” and inserting “**enlisted end**
8 **strength**”; and

9 (2) in subsection (a)—

10 (A) by striking “daily average number of”
11 and inserting “end strength for”;

12 (B) by striking “in a fiscal year” and in-
13 serting “as of the last day of a fiscal year”;

14 (C) by striking “2.5 percent” and inserting
15 “3.0 percent”; and

16 (D) by striking “on the first day of that
17 fiscal year”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 31 of such title is amended
20 by striking the item relating to section 517 and inserting
21 the following new item:

“517. Authorized enlisted end strength: members in pay grades E–8 and E–9.”.

1 **Subtitle B—Reserve Forces**

2 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2021, as follows:

6 (1) The Army National Guard of the United
7 States, 336,500.

8 (2) The Army Reserve, 189,800.

9 (3) The Navy Reserve, 58,800.

10 (4) The Marine Corps Reserve, 38,500.

11 (5) The Air National Guard of the United
12 States, 108,100.

13 (6) The Air Force Reserve, 70,300.

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

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

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

23 (2) the total number of individual members not
24 in units organized to serve as units of the Selected
25 Reserve of such component who are on active duty

1 (other than for training or for unsatisfactory partici-
2 pation in training) without their consent at the end
3 of the fiscal year.

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

12 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
13 **DUTY IN SUPPORT OF THE RESERVES.**

14 Within the end strengths prescribed in section
15 411(a), the reserve components of the Armed Forces are
16 authorized, as of September 30, 2021, the following num-
17 ber of Reserves to be serving on full-time active duty or
18 full-time duty, in the case of members of the National
19 Guard, for the purpose of organizing, administering, re-
20 cruiting, instructing, or training the reserve components:

- 21 (1) The Army National Guard of the United
22 States, 30,595.
- 23 (2) The Army Reserve, 16,511.
- 24 (3) The Navy Reserve, 10,215.
- 25 (4) The Marine Corps Reserve, 2,386.

1 (5) The Air National Guard of the United
2 States, 25,333.

3 (6) The Air Force Reserve, 5,256.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2021 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

11 (1) For the Army National Guard of the United
12 States, 22,294.

13 (2) For the Army Reserve, 6,492.

14 (3) For the Air National Guard of the United
15 States, 10,994.

16 (4) For the Air Force Reserve, 7,947.

17 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
18 **THORIZED TO BE ON ACTIVE DUTY FOR**
19 **OPERATIONAL SUPPORT.**

20 During fiscal year 2021, the maximum number of
21 members of the reserve components of the Armed Forces
22 who may be serving at any time on full-time operational
23 support duty under section 115(b) of title 10, United
24 States Code, is the following:

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

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

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

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

6 (5) The Air National Guard of the United
7 States, 16,000.

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

9 **Subtitle C—Authorization of**
10 **Appropriations**

11 **SEC. 421. MILITARY PERSONNEL.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated for fiscal year
14 2021 for the use of the Armed Forces and other activities
15 and agencies of the Department of Defense for expenses,
16 not otherwise provided for, for military personnel, as spec-
17 ified in the funding table in section 4401.

18 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
19 thorization of appropriations in the subsection (a) super-
20 sedes any other authorization of appropriations (definite
21 or indefinite) for such purpose for fiscal year 2021.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy**

5 **SEC. 501. AUTHORIZED STRENGTH: EXCLUSION OF CER-**
6 **TAIN GENERAL AND FLAG OFFICERS OF THE**
7 **RESERVE COMPONENTS ON ACTIVE DUTY.**

8 Section 526a of title 10, United States Code, is
9 amended—

10 (1) by redesignating subsections (c) through (h)
11 as subsections (d) through (i), respectively; and

12 (2) by inserting after subsection (b) the fol-
13 lowing new subsection (c):

14 “(c) EXCLUSION OF CERTAIN OFFICERS OF THE RE-
15 SERVE COMPONENTS.—The limitations of this section do
16 not apply to the following:

17 “(1) A general or flag officer of a reserve com-
18 ponent who is on active duty—

19 “(A) for training; or

20 “(B) under a call or order specifying a pe-
21 riod of less than 180 days.

22 “(2)(A) A general or flag officer of a reserve
23 component who is authorized by the Secretary of the
24 military department concerned to serve on active

1 duty for a period of at least 180 days and not longer
2 than 365 days.

3 “(B) The Secretary of the military department
4 concerned may authorize a number, determined
5 under subparagraph (C), of officers in the reserve
6 component of each armed force under the jurisdic-
7 tion of that Secretary to serve as described in sub-
8 paragraph (A).

9 “(C) Each number described in subparagraph
10 (B) may not exceed 10 percent of the number of
11 general or flag officers, as the case may be, author-
12 ized to serve in the armed force concerned under
13 section 12004 of this title. In determining a number
14 under this subparagraph, any fraction shall be
15 rounded down to the next whole number that is
16 greater than zero.

17 “(3)(A) A general or flag officer of a reserve
18 component who is on active duty for a period longer
19 than 365 days and not longer than three years.

20 “(B) The number of officers described in sub-
21 paragraph (A) who do not serve in a position that
22 is a joint duty assignment for purposes of chapter
23 38 of this title may not exceed five per armed force,
24 unless authorized by the Secretary of Defense.”.

1 **SEC. 502. DIVERSITY IN SELECTION BOARDS.**

2 (a) REQUIREMENT FOR DIVERSE MEMBERSHIP OF
3 ACTIVE DUTY SELECTION BOARDS.—

4 (1) OFFICERS.—Section 612(a)(1) of title 10,
5 United States Code, is amended by adding at the
6 end the following new sentence: “The members of a
7 selection board shall represent the diversity of the
8 armed forces to the extent practicable.”.

9 (2) WARRANT OFFICERS.—Section 573(b) of
10 title 10, United States Code, is amended by adding
11 at the end the following new sentence: “The mem-
12 bers of a selection board shall represent the diversity
13 of the armed forces to the extent practicable.”.

14 (b) REQUIREMENT FOR DIVERSE MEMBERSHIP OF
15 RESERVE COMPONENTS SELECTION BOARDS.—Section
16 14102(b) of title 10, United States Code, is amended by
17 adding at the end the following new sentence: “The mem-
18 bers of a selection board shall represent the diversity of
19 the armed forces to the extent practicable.”.

20 (c) OTHER SELECTION BOARDS.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall ensure that the members of each selection
23 board described in paragraph (2) represent the di-
24 versity of the armed forces to the extent practicable.

25 (2) SELECTION BOARD DESCRIBED.—A selec-
26 tion board described in this paragraph (1) is any se-

1 lection board used with respect to the promotion,
2 education, or command assignments of members of
3 the Armed Forces that is not covered by the amend-
4 ments made by this section.

5 **SEC. 503. REDACTION OF PERSONALLY IDENTIFIABLE IN-**
6 **FORMATION FROM RECORDS FURNISHED TO**
7 **A PROMOTION BOARD.**

8 (a) ACTIVE-DUTY OFFICERS.—Section 615(b) of title
9 10, United States Code, is amended—

10 (1) by redesignating paragraphs (1) through
11 (6) as subparagraphs (A) through (F), respectively;

12 (2) in the matter preceding subparagraph (A),
13 as redesignated, by inserting “(1)” before “The Sec-
14 retary”;

15 (3) in subparagraph (C), as redesignated, by
16 striking “whose name is furnished to the board” and
17 inserting “under consideration by the board for pro-
18 motion”;

19 (4) by striking subparagraph (B), as redesign-
20 ated, and redesignating subparagraphs (C) through
21 (F) as subparagraphs (B) through (E), respectively;
22 and

23 (5) by adding at the end the following new
24 paragraph:

1 “(2) The Secretary of the military department con-
2 cerned shall redact any personally identifiable information
3 from the information furnished to a selection board under
4 this section.”.

5 (b) RESERVE OFFICERS.—Section 14107(b) of title
6 10, United States Code, is amended—

7 (1) by redesignating paragraphs (1) through
8 (5) as subparagraphs (A) through (E), respectively;

9 (2) in the matter preceding subparagraph (A),
10 as redesignated, by inserting “(1)” before “The Sec-
11 retary”;

12 (3) in subparagraph (C), as redesignated, by
13 striking “whose name is furnished to the board” and
14 inserting “under consideration by the board for pro-
15 motion”;

16 (4) by striking subparagraph (B), as redesign-
17 ated, and redesignating subparagraphs (C) through
18 (E) as subparagraphs (B) through (D), respectively;
19 and

20 (5) by adding at the end the following new
21 paragraph:

22 “(2) The Secretary of the military department con-
23 cerned shall redact any personally identifiable information
24 from the information furnished to a promotion board
25 under this section.”.

1 (c) ENLISTED MEMBERS.—Each Secretary of a mili-
2 tary department shall prescribe regulations that require
3 the redaction of any personally identifiable information
4 from the information furnished to a board that considers
5 for promotion an enlisted member of an Armed Force
6 under the jurisdiction of that Secretary.

7 **SEC. 504. TEMPORARY EXPANSION OF AVAILABILITY OF**
8 **ENHANCED CONSTRUCTIVE SERVICE CREDIT**
9 **IN A PARTICULAR CAREER FIELD UPON**
10 **ORIGINAL APPOINTMENT AS A COMMIS-**
11 **SIONED OFFICER.**

12 (a) REGULAR OFFICERS.—Subparagraph (D) of sec-
13 tion 533(b)(1) of title 10, United States Code, is amended
14 to read as follows:

15 “(D) Additional credit as follows:

16 “(i) For special training or experience in a
17 particular officer field as designated by the Sec-
18 retary concerned, if such training or experience
19 is directly related to the operational needs of
20 the armed force concerned.

21 “(ii) During fiscal years 2021 through
22 2025, for advanced education in an officer field
23 so designated, if such education is directly re-
24 lated to the operational needs of the armed
25 force concerned.”.

1 (b) RESERVE OFFICERS.—Section 12207(b)(1) of
2 such title is amended—

3 (1) in the matter preceding subparagraph (A),
4 “or a designation in” and all that follows through
5 “education or training,” and inserting “and who has
6 special training or experience, or advanced education
7 (if applicable),”; and

8 (2) by striking subparagraph (D) and inserting
9 the following new subparagraph:

10 “(D) Additional credit as follows:

11 “(i) For special training or experience in a
12 particular officer field as designated by the Sec-
13 retary concerned, if such training or experience
14 is directly related to the operational needs of
15 the armed force concerned.

16 “(ii) During fiscal years 2021 through
17 2025, for advanced education in an officer field
18 so designated, if such education is directly re-
19 lated to the operational needs of the armed
20 force concerned.”.

21 (c) ANNUAL REPORT.—

22 (1) IN GENERAL.—Not later than February 1,
23 2022, and every 4 years thereafter, each Secretary
24 of a military department shall submit to the Com-
25 mittees on Armed Services of the Senate and the

1 House of Representatives a report on the use of the
2 authorities in subparagraph (D) of section 553(b)(1)
3 of title 10, United States Code (as amended by sub-
4 section (a)), and subparagraph (D) of section
5 12207(b)(1) of such title (as amended by subsection
6 (b)) (each referred to in this subsection as a “con-
7 structive credit authority”) during the preceding fis-
8 cal year for the Armed Forces under the jurisdiction
9 of such Secretary.

10 (2) ELEMENTS.—Each report under paragraph
11 (1) shall include, for the fiscal year and Armed
12 Forces covered by such report, the following:

13 (A) The manner in which constructive
14 service credit was calculated under each con-
15 structive credit authority.

16 (B) The number of officers credited con-
17 structive service credit under each constructive
18 credit authority.

19 (C) A description and assessment of the
20 utility of the constructive credit authorities in
21 meeting the operational needs of the Armed
22 Force concerned.

23 (D) Such other matters in connection with
24 the constructive credit authorities as the Sec-

1 retary of the military department concerned
2 considers appropriate.

3 **SEC. 505. PERMANENT PROGRAMS ON DIRECT COMMIS-**
4 **SIONS TO CYBER POSITIONS.**

5 Section 509 of the National Defense Authorization
6 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
7 503 note) is amended—

8 (1) by striking “pilot” each place it appears;
9 and

10 (2) by striking subsections (d) and (e).

11 **Subtitle B—Reserve Component**
12 **Management**

13 **SEC. 511. GRANTS TO SUPPORT STEM EDUCATION IN THE**
14 **JUNIOR RESERVE OFFICERS’ TRAINING**
15 **CORPS.**

16 (a) PROGRAM AUTHORITY.—

17 (1) IN GENERAL.—Chapter 102 of title 10,
18 United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 2036. Grants to support science, technology, engi-**
21 **neering, and mathematics education**

22 “(a) AUTHORITY.—The Secretary, in consultation
23 with the Secretary of Education, may carry out a program
24 to make grants to eligible entities to assist such entities

1 in providing education in covered subjects to students in
2 the Junior Reserve Officers' Training Corps.

3 “(b) COORDINATION.—In carrying out a program
4 under subsection (a), the Secretary may coordinate with
5 the following:

6 “(1) The Secretaries of the military depart-
7 ments.

8 “(2) The Secretary of Education.

9 “(3) The Director of the National Science
10 Foundation.

11 “(4) The Administrator of the National Aero-
12 nautics and Space Administration.

13 “(5) The heads of such other Federal, State,
14 and local government entities the Secretary of De-
15 fense determines to be appropriate.

16 “(6) Private sector organizations as the Sec-
17 retary of Defense determines appropriate.

18 “(c) ACTIVITIES.—Activities funded with grants
19 under this section may include the following:

20 “(1) Training and other support for instructors
21 to teach courses in covered subjects to students.

22 “(2) The acquisition of materials, hardware,
23 and software necessary for the instruction of covered
24 subjects.

1 “(3) Activities that improve the quality of edu-
2 cational materials, training opportunities, and cur-
3 ricula available to students and instructors in cov-
4 ered subjects.

5 “(4) Development of travel opportunities, dem-
6 onstrations, mentoring programs, and informal edu-
7 cation in covered subjects for students and instruc-
8 tors.

9 “(5) Students’ pursuit of certifications in cov-
10 ered subjects.

11 “(d) PREFERENCE.—In making any grants under
12 this section, the Secretary shall give preference to eligible
13 entities that are eligible for assistance under part A of
14 title I of the Elementary and Secondary Education Act
15 of 1965 (20 U.S.C. 6311 et seq.).

16 “(e) EVALUATIONS.—In carrying out a program
17 under this section, the Secretary shall establish outcome-
18 based metrics and internal and external assessments to
19 evaluate the merits and benefits of the activities funded
20 with grants under this section with respect to the needs
21 of the Department of Defense.

22 “(f) AUTHORITIES.—In carrying out a program
23 under this section, the Secretary shall, to the extent prac-
24 ticable, make use of the authorities under chapter 111 and

1 sections 2601 and 2605 of this title, and other authorities
2 the Secretary determines appropriate.

3 “(g) DEFINITIONS.—In this section:

4 “(1) The term ‘eligible entity’ means a local
5 education agency that hosts a unit of the Junior Re-
6 serve Officers’ Training Corps.

7 “(2) The term ‘covered subjects’ means—

8 “(A) science;

9 “(B) technology;

10 “(C) engineering;

11 “(D) mathematics;

12 “(E) computer science;

13 “(F) computational thinking;

14 “(G) artificial intelligence;

15 “(H) machine learning;

16 “(I) data science;

17 “(J) cybersecurity;

18 “(K) robotics;

19 “(L) health sciences; and

20 “(M) other subjects determined by the Sec-
21 retary of Defense to be related to science, tech-
22 nology, engineering, and mathematics.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 102 of such title

1 is amended by adding at the end the following new
2 item:

“2036. Grants to support science, technology, engineering, and mathematics education.”.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of the enactment of this Act, the Secretary
6 of Defense shall submit to the congressional defense
7 committees a report on any activities carried out
8 under section 2036 of title 10, United States Code
9 (as added by subsection (a)).

10 (2) CONGRESSIONAL DEFENSE COMMITTEES
11 DEFINED.—In this subsection, the term “congres-
12 sional defense committees” has the meaning given
13 that term in section 101(a)(16) of title 10, United
14 States Code.

15 **SEC. 512. MODIFICATION OF EDUCATION LOAN REPAY-**
16 **MENT PROGRAM FOR MEMBERS OF SE-**
17 **LECTED RESERVE.**

18 (a) MODIFICATION OF MAXIMUM REPAYMENT
19 AMOUNT.—Section 16301(b) of title 10, United States
20 Code, is amended by striking “15 percent or \$500” and
21 inserting “20 percent or \$1,000”.

22 (b) EFFECTIVE DATE AND APPLICABILITY.—The
23 amendment made by subsection (a) shall take effect on
24 the date of the enactment of this Act and shall apply with

1 respect to loan repayment under section 16301 of title 10,
2 United States Code, for eligible years of service completed
3 on or after the date of the enactment of this Act.

4 **SEC. 513. REQUIREMENT OF CONSENT OF THE CHIEF EXEC-**
5 **UTIVE OFFICER FOR CERTAIN FULL-TIME NA-**
6 **TIONAL GUARD DUTY PERFORMED IN A**
7 **STATE, TERRITORY, OR THE DISTRICT OF CO-**
8 **LUMBIA.**

9 Section 502(f)(2)(A) of title 32, United States Code,
10 is amended by inserting “and performed inside the United
11 States with the consent of the chief executive officer of
12 the State (as that term is defined in section 901 of this
13 title)” after “Defense”.

14 **SEC. 514. CONSTRUCTIVE CREDIT FOR CERTAIN MEMBERS**
15 **OF THE RESERVE COMPONENTS WHO CAN-**
16 **NOT COMPLETE MINIMUM ANNUAL TRAINING**
17 **REQUIREMENTS AS A RESULT OF THE COVID-**
18 **19 PANDEMIC.**

19 (a) **AUTHORITY.**—Under regulations prescribed by
20 the Secretary of Defense, the Secretary, in computing re-
21 tired pay pursuant to section 12733 of title 10, United
22 States Code, may approve constructive credit, in addition
23 to points earned under section 12732(a)(2) of such title,
24 for a member of the reserve components of the Armed
25 Forces who cannot complete minimum annual training re-

1 quirements due to cancellation or other extenuating cir-
2 cumstance arising from the covered national emergency.

3 (b) REPORTING.—

4 (1) REPORT REQUIRED.—Not later than 1 year
5 after the date on which the covered national emer-
6 gency ends, the Secretary of Defense shall submit to
7 the congressional defense committees a report on the
8 use of the authority under subsection (a).

9 (2) ELEMENTS.—The report under this sub-
10 section shall include, with respect to each reserve
11 component, the following:

12 (A) The number of individuals granted
13 constructive credit as a result of a training can-
14 cellation.

15 (B) The number of individuals granted
16 constructive credit as a result of another ex-
17 tenuating circumstance.

18 (C) Recommendations of the Secretary
19 whether the authority under subsection (a)
20 should be made permanent and under what cir-
21 cumstances such permanent authority should
22 apply.

23 (3) PUBLICATION.—Not later than 30 days
24 after submitting the report under paragraph (1), the
25 Secretary shall—

1 (A) publish the report on a publicly acces-
2 sible website of the Department of Defense; and

3 (B) ensure that any data in the report is
4 made available in a machine-readable format
5 that is downloadable, searchable, and sortable.

6 (c) COVERED NATIONAL EMERGENCY DEFINED.—In
7 this section, the term “covered national emergency”
8 means the national emergency declared on March 13,
9 2020, by the President under the National Emergencies
10 Act (50 U.S.C. 1601 et seq.) with respect to COVID–19.

11 **SEC. 515. GUIDANCE FOR USE OF UNMANNED AIRCRAFT**
12 **SYSTEMS BY THE NATIONAL GUARD.**

13 (a) NEW GUIDANCE.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary of
15 Defense shall issue new guidance that provides for the ex-
16 pedited review of requests for the use of unmanned air-
17 craft systems by the National Guard for covered activities
18 within the United States.

19 (b) COVERED ACTIVITIES DEFINED.—In this section,
20 “covered activities” means the following:

- 21 (1) Emergency operations.
- 22 (2) Search and rescue operations.
- 23 (3) Defense support to civil authorities.
- 24 (4) Support under section 502(f) of title 32,
25 United States Code.

1 **SEC. 516. DIRECT EMPLOYMENT PILOT PROGRAM FOR CER-**
2 **TAIN MEMBERS OF THE RESERVE COMPO-**
3 **NENTS.**

4 (a) IN GENERAL.—The Secretary of Defense may
5 carry out a pilot program to enhance the efforts of the
6 Department of Defense to provide job placement assist-
7 ance and related employment services directly to members
8 of the National Guard and Reserves in reserve active-sta-
9 tus.

10 (b) ADMINISTRATION.—Any such pilot program shall
11 be offered to, and administered by, the adjutants general
12 appointed under section 314 of title 32, United States
13 Code, or other officials in the States concerned designated
14 by the Secretary for purposes of the pilot program.

15 (c) COST-SHARING REQUIREMENT.—As a condition
16 on the provision of funds under this section to a State
17 to support the operation of the pilot program in that
18 State, the State must agree to contribute an amount, de-
19 rived from non-Federal sources, equal to at least 50 per-
20 cent of the funds provided by the Secretary to the State
21 under this section.

22 (d) DEVELOPMENT.—In developing any such pilot
23 program, the Secretary shall—

24 (1) incorporate elements of State direct employ-
25 ment programs for members of the reserve compo-
26 nents; and

1 (2) use resources provided to members of the
2 Armed Forces with civilian training opportunities
3 through the SkillBridge transition training program
4 administered by the Department of Defense.

5 (e) DIRECT EMPLOYMENT PROGRAM MODEL.—Any
6 such pilot program shall use a job placement program
7 model that focuses on working one-on-one with eligible
8 members to cost-effectively provide job placement services,
9 including—

10 (1) identifying unemployed and underemployed
11 individuals;

12 (2) job matching services;

13 (3) resume editing;

14 (4) interview preparation; and

15 (5) post-employment follow up.

16 (f) EVALUATION.—The Secretary shall develop out-
17 come metrics to evaluate the success of any such pilot pro-
18 gram.

19 (g) REPORTING.—

20 (1) REPORT REQUIRED.—If the Secretary car-
21 ries out the pilot Program, the Secretary of Defense
22 shall submit to the congressional defense committees
23 a report describing the results of the pilot program
24 not later than March 1, 2022. The Secretary shall

1 prepare the report in coordination with the Chief of
2 the National Guard Bureau.

3 (2) ELEMENTS.—A report under paragraph (1)
4 shall include the following:

5 (A) A description and assessment of the ef-
6 fectiveness and achievements of the pilot pro-
7 gram, including the number of members of the
8 reserve components of the Armed Forces hired
9 and the cost-per-placement of participating
10 members.

11 (B) An assessment of the effects of the
12 pilot program and increased reserve component
13 employment on the readiness of members of the
14 reserve components and on the retention of
15 members.

16 (C) A comparison of the pilot program to
17 other programs conducted by the Department
18 of Defense to provide unemployment or under-
19 employment support to members of the reserve
20 components of the Armed Forces, including the
21 best practices developed through and used in
22 such programs.

23 (D) Any other matters the Secretary of
24 Defense determines appropriate.

25 (h) DURATION; EXTENSION.—

1 (1) Subject to paragraph (2), the authority to
2 carry out the pilot program expires on September
3 30, 2024.

4 (2) The Secretary may elect to extend the pilot
5 program for not more than two additional fiscal
6 years.

7 **SEC. 517. TEMPORARY LIMITATION ON AUTHORITY TO**
8 **TRANSFER, RELOCATE, OR DISSOLVE ELE-**
9 **MENTS OF THE RESERVE COMPONENTS OF**
10 **THE AIR FORCE.**

11 (a) LIMITATION.—The Secretary of the Air Force
12 may not transfer or relocate any personnel or asset, or
13 dissolve any unit, of the Air National Guard or Air Force
14 Reserve until the latter of the following occurs:

15 (1) The day that is 180 days after the date on
16 which the Secretary of the Air Force submits the re-
17 port under subsection (b).

18 (2) The Chief of Space Operations certifies in
19 writing to the Secretary of the Air Force that plans
20 of the Secretary to establish the reserve components
21 of the Space Force shall not diminish space capa-
22 bility of the Department of the Air Force.

23 (b) REPORT REQUIRED.—Not later than January 31,
24 2021, the Secretary of the Air Force shall submit to the
25 Committees on Armed Services of the Senate and House

1 of Representatives a report regarding the plan of the Sec-
2 retary to establish the reserve components of the Space
3 Force. The report shall identify the following:

4 (1) The assumptions and factors used to de-
5 velop the plan.

6 (2) The members of the team that issued rec-
7 ommendations regarding the organization of such re-
8 serve components.

9 (3) The recommendations of the Secretary re-
10 garding the mission, organization, and unit retention
11 of such reserve components.

12 (4) The final organizational and integration
13 recommendations regarding such reserve compo-
14 nents.

15 (5) The proposed staffing and operational orga-
16 nization for such reserve components.

17 (6) The estimated date of implementation of
18 the plan.

19 (7) Any savings or costs arising from the pres-
20 ervation of existing space-related force structures in
21 the Air National Guard.

1 **SEC. 518. PILOT PROGRAMS IN CONNECTION WITH SROTC**
2 **UNITS AND CSPI PROGRAMS AT HISTORI-**
3 **CALLY BLACK COLLEGES AND UNIVERSITIES**
4 **AND MINORITY INSTITUTIONS.**

5 (a) PILOT PROGRAMS REQUIRED.—The Secretary of
6 Defense may carry out two pilot programs as follows:

7 (1) A pilot program, with elements as provided
8 for in subsection (c), at covered institutions in order
9 to assess the feasibility and advisability of mecha-
10 nisms to reduce barriers to participation in the Sen-
11 ior Reserve Officers' Training Corps at such institu-
12 tions by creating partnerships between satellite or
13 extension Senior Reserve Officers' Training Corps
14 units at such institutions and military installations.

15 (2) In consultation with the Secretary of Home-
16 land Security, a pilot program, with elements as pro-
17 vided for in subsection (d), in order to assess the
18 feasibility and advisability of the provision of finan-
19 cial assistance to members of the Senior Reserve Of-
20 ficers' Training Corps, and members of the Coast
21 Guard College Student Pre-Commissioning Initia-
22 tive, at covered institutions for participation in flight
23 training.

24 (b) DURATION.—The duration of each pilot program
25 under subsection (a) may not exceed 5 years.

1 (c) PILOT PROGRAM ON PARTNERSHIPS BETWEEN
2 SATELLITE OR EXTENSION SROTC UNITS AND MILITARY
3 INSTALLATIONS.—

4 (1) PARTICIPATING INSTITUTIONS.—The Sec-
5 retary of Defense shall carry out the pilot program
6 required by subsection (a)(1) at not fewer than five
7 covered institutions selected by the Secretary for
8 purposes of the pilot program.

9 (2) REQUIREMENTS FOR SELECTION.—Each
10 covered institution selected by the Secretary for pur-
11 poses of the pilot program under subsection (a)(1)
12 shall—

13 (A) currently maintain a satellite or exten-
14 sion Senior Reserve Officers' Training Corps
15 unit under chapter 103 of title 10, United
16 States Code, that is located more than 20 miles
17 from the host unit of such unit; or

18 (B) establish and maintain a satellite or
19 extension Senior Reserve Officers' Training
20 Corps unit that meets the requirements in sub-
21 paragraph (A).

22 (3) PREFERENCE IN SELECTION OF INSTITU-
23 TIONS.—In selecting covered institutions under this
24 subsection for participation in the pilot program
25 under subsection (a)(1), the Secretary shall give

1 preference to covered institutions that are located
2 within 20 miles of a military installation of the same
3 Armed Force as the host unit of the Senior Reserve
4 Officers' Training Corps of the covered institution
5 concerned.

6 (4) PARTNERSHIP ACTIVITIES.—The activities
7 conducted under the pilot program under subsection
8 (a)(1) between a satellite or extension Senior Re-
9 serve Officers' Training Corps unit and the military
10 installation concerned shall include such activities
11 designed to reduce barriers to participation in the
12 Senior Reserve Officers' Training Corps at the cov-
13 ered institution concerned as the Secretary considers
14 appropriate, including measures to mitigate travel
15 time and expenses in connection with receipt of Sen-
16 ior Reserve Officers' Training Corps instruction.

17 (d) PILOT PROGRAM ON FINANCIAL ASSISTANCE FOR
18 SROTC AND CSPI MEMBERS FOR FLIGHT TRAINING.—

19 (1) ELIGIBILITY FOR PARTICIPATION BY SROTC
20 AND CSPI MEMBERS.—A member of a Senior Re-
21 serve Officers' Training Corps unit, or a member of
22 a Coast Guard College Student Pre-Commissioning
23 Initiative program, at a covered institution may par-
24 ticipate in the pilot program under subsection (a)(2)
25 if the member meets such academic requirements at

1 the covered institution, and such other requirements,
2 as the Secretary shall establish for purposes of the
3 pilot program.

4 (2) PREFERENCE IN SELECTION OF PARTICI-
5 PANTS.—In selecting members under this subsection
6 for participation in the pilot program under sub-
7 section (a)(2), the Secretary shall give a preference
8 to members who will pursue flight training under the
9 pilot program at a covered institution.

10 (3) FINANCIAL ASSISTANCE FOR FLIGHT TRAIN-
11 ING.—

12 (A) IN GENERAL.—The Secretary may
13 provide any member of a Senior Reserve Offi-
14 cers' Training Corps unit or a College Student
15 Pre-Commissioning Initiative program who par-
16 ticipates in the pilot program under subsection
17 (a)(2) financial assistance to defray, whether in
18 whole or in part, the charges and fees imposed
19 on the member for flight training.

20 (B) FLIGHT TRAINING.—Financial assist-
21 ance may be used under subparagraph (A) for
22 a course of flight training only if the course
23 meets Federal Aviation Administration stand-
24 ards and is approved by the Federal Aviation

1 Administration and the applicable State approv-
2 ing agency.

3 (C) USE.—Financial assistance received by
4 a member under subparagraph (A) may be used
5 only to defray the charges and fees imposed on
6 the member as described in that subparagraph.

7 (D) CESSATION OF ELIGIBILITY.—Finan-
8 cial assistance may not be provided to a mem-
9 ber under subparagraph (A) as follows:

10 (i) If the member ceases to meet the
11 academic and other requirements estab-
12 lished pursuant to paragraph (1).

13 (ii) If the member ceases to be a
14 member of the Senior Reserve Officers'
15 Training Corps or the College Student
16 Pre-Commissioning Initiative, as applica-
17 ble.

18 (e) EVALUATION METRICS.—The Secretary of De-
19 fense shall establish metrics to evaluate the effectiveness
20 of the pilot programs under subsection (a).

21 (f) REPORTS.—

22 (1) INITIAL REPORT.—Not later than 180 days
23 after the commencement of the pilot programs under
24 subsection (a), the Secretary of Defense shall submit
25 to the Committees on Armed Services of the Senate

1 and the House of Representatives a report on the
2 pilot programs. The report shall include the fol-
3 lowing:

4 (A) A description of each pilot program,
5 including in the case of the pilot program under
6 subsection (a)(2) the requirements established
7 pursuant to subsection (d)(1).

8 (B) The evaluation metrics established
9 under subsection (e).

10 (C) Such other matters relating to the
11 pilot programs as the Secretary considers ap-
12 propriate.

13 (2) ANNUAL REPORT.—Not later than 90 days
14 after the end of each fiscal year in which the Sec-
15 retary carries out the pilot programs, the Secretary
16 shall submit to the Committees on Armed Services
17 of the Senate and the House of Representatives a
18 report on the pilot programs during such fiscal year.
19 Each report shall include, for the fiscal year covered
20 by such report, the following:

21 (A) In the case of the pilot program re-
22 quired by subsection (a)(1), a description of the
23 partnerships between satellite or extension Sen-
24 ior Reserve Officers' Training Corps units and
25 military installations under the pilot program.

1 (B) In the case of the pilot program re-
2 quired by subsection (a)(2), the following:

3 (i) The number of members of Senior
4 Reserve Officers' Training Corps units,
5 and the number of members of Coast
6 Guard College Student Pre-Commissioning
7 Initiative programs, at covered institutions
8 selected for purposes of the pilot program,
9 including the number of such members
10 participating in the pilot program.

11 (ii) The number of recipients of finan-
12 cial assistance provided under the pilot
13 program, including the number who—

14 (I) completed a ground school
15 course of instruction in connection
16 with obtaining a private pilot's certifi-
17 cate;

18 (II) completed flight training,
19 and the type of training, certificate, or
20 both received;

21 (III) were selected for a pilot
22 training slot in the Armed Forces;

23 (IV) initiated pilot training in the
24 Armed Forces; or

1 (V) successfully completed pilot
2 training in the Armed Forces.

3 (iii) The amount of financial assist-
4 ance provided under the pilot program,
5 broken out by covered institution, course of
6 study, and such other measures as the Sec-
7 retary considers appropriate.

8 (C) Data collected in accordance with the
9 evaluation metrics established under subsection
10 (e).

11 (3) FINAL REPORT.—Not later than 180 days
12 prior to the completion of the pilot programs, the
13 Secretary shall submit to the Committees on Armed
14 Services of the Senate and the House of Representa-
15 tives a report on the pilot programs. The report
16 shall include the following:

17 (A) A description of the pilot programs.

18 (B) An assessment of the effectiveness of
19 each pilot program.

20 (C) A description of the cost of each pilot
21 program, and an estimate of the cost of making
22 each pilot program permanent.

23 (D) An estimate of the cost of expanding
24 each pilot program throughout all eligible Sen-
25 ior Reserve Officers' Training Corps units and

1 College Student Pre-Commissioning Initiative
2 programs.

3 (E) Such recommendations for legislative
4 or administrative action as the Secretary con-
5 siders appropriate in light of the pilot pro-
6 grams, including recommendations for extend-
7 ing or making permanent the authority for each
8 pilot program.

9 (g) DEFINITIONS.—In this section:

10 (1) The term “covered institution” has the
11 meaning given that term in section 262(g)(2) of the
12 National Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116–92).

14 (2) The term “flight training” means a course
15 of instruction toward obtaining any of the following:

16 (A) A private pilot’s certificate.

17 (B) A commercial pilot certificate.

18 (C) A certified flight instructor certificate.

19 (D) A multi-crew pilot’s license.

20 (E) A flight instrument rating.

21 (F) Any other certificate, rating, or pilot
22 privilege the Secretary considers appropriate for
23 purposes of this section.

1 (3) The term “military installation” means an
2 installation of the Department of Defense for the
3 regular components of the Armed Forces.

4 **SEC. 519. REPORT REGARDING FULL-TIME NATIONAL**
5 **GUARD DUTY IN RESPONSE TO THE COVID-19**
6 **PANDEMIC.**

7 (a) REPORT REQUIRED.—Not later than 90 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall submit to the congressional defense com-
10 mittees a report regarding how the Secretary determined
11 whether to authorize full-time National Guard duty in re-
12 sponse to the covered national emergency.

13 (b) ELEMENTS.—The report under this section shall
14 include the following:

15 (1) The number of requests described in sub-
16 section (a).

17 (2) The number of such requests approved and
18 the number of requests denied.

19 (3) For each such request—

20 (A) the time elapsed from receipt of re-
21 quest to disposition of request; and

22 (B) whether costs (including pay and bene-
23 fits for members of the National Guard) were
24 a factor in determining whether to grant or
25 deny the request.

1 (4) For each such request approved, the time
2 elapsed from approval to when the first such mem-
3 ber of the National Guard was placed on full-time
4 National Guard duty in response to such request.

5 (5) For each such request denied, the reason
6 for denial and how such denial was explained to the
7 requestor.

8 (6) A description of how the process of review
9 for such requests differed from previous requests for
10 full-time National Guard duty under section 502(f)
11 of title 32, United States Code.

12 (7) Recommendations of the Secretary to im-
13 prove the review of such requests in order to better
14 respond to such requests.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “covered national emergency”
17 means the national emergency declared on March
18 13, 2020, by the President under the National
19 Emergencies Act (50 U.S.C. 1601 et seq.) with re-
20 spect to COVID–19.

21 (2) The term “full-time National Guard duty”
22 has the meaning given that term in section 101 of
23 title 10, United States Code.

1 **SEC. 520. STUDY AND REPORT ON ROTC RECRUITMENT.**

2 (a) STUDY.—The Secretary of Defense shall conduct
3 a study that assesses—

4 (1) the efforts of the Department of Defense to
5 recruit individuals to serve in the Junior Reserve Of-
6 ficers' Training Corps and the Senior Reserve Offi-
7 cers' Training Corps over the period of 10 years pre-
8 ceding the date of the study;

9 (2) whether members of the Armed Forces who
10 served in the Junior Reserve Officers' Training
11 Corps are more or less likely than members who
12 served in the Senior Reserve Officers' Training
13 Corps to achieve or receive recommendations for
14 higher ranks;

15 (3) whether there is a correlation between race
16 or ethnicity and the rank ultimately achieved by
17 such members; and

18 (4) the feasibility of establishing a program to
19 create a pathway for minorities into higher ranks
20 within the military.

21 (b) REPORT.—Not later than December 31, 2022,
22 the Secretary of Defense shall submit to the congressional
23 defense committee a report on the results of the study con-
24 ducted under subsection (a).

1 **SEC. 520A. TRANSITIONAL HEALTH BENEFITS FOR CER-**
2 **TAIN MEMBERS OF THE NATIONAL GUARD**
3 **SERVING UNDER ORDERS IN RESPONSE TO**
4 **THE CORONAVIRUS (COVID-19).**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 provide to a member of the National Guard separating
7 from active service after serving on full-time National
8 Guard duty pursuant to section 502(f) of title 32, United
9 States Code, the health benefits authorized under section
10 1145 of title 10, United States Code, for a member of
11 a reserve component separating from active duty, as re-
12 ferred to in subsection (a)(2)(B) of such section 1145, if
13 the active service from which the member of the National
14 Guard is separating was in support of the whole of govern-
15 ment response to the coronavirus (COVID-19).

16 (b) DEFINITIONS.—In this section, the terms “active
17 duty”, “active service”, and “full-time National Guard
18 duty” have the meanings given those terms in section
19 101(d) of title 10, United States Code.

20 **SEC. 520B. QUARANTINE HOUSING FOR MEMBERS OF THE**
21 **NATIONAL GUARD WHO PERFORM CERTAIN**
22 **DUTY IN RESPONSE TO THE COVID-19 EMER-**
23 **GENCY.**

24 (a) IN GENERAL.—The Secretary of Defense shall
25 provide, to a member of the National Guard who performs
26 a period of covered duty, housing for not fewer than 14

1 days immediately after the end of such period of covered
2 duty.

3 (b) DEFINITIONS.—In this section:

4 (1) The term “covered duty” means full-time
5 National Guard duty performed in response to the
6 covered national emergency.

7 (2) The term “covered national emergency”
8 means the national emergency declared on March
9 13, 2020, by the President under the National
10 Emergencies Act (50 U.S.C. 1601 et seq.) with re-
11 spect to COVID–19.

12 (3) The term “full-time National Guard duty”
13 has the meaning given that term in section 101 of
14 title 10, United States Code.

15 **SEC. 520C. NATIONAL GUARD SUPPORT TO MAJOR DISAS-**
16 **TERS.**

17 (a) IN GENERAL.—Section 502(f) of title 32, United
18 States Code, is amended—

19 (1) in paragraph (2), by adding at the end the
20 following:

21 “(C) Operations or missions authorized by the
22 President or the Secretary of Defense to support
23 large scale, complex, catastrophic disasters, as de-
24 fined by section 311(3) of title 6, United States
25 Code, at the request of a State governor.”; and

1 (2) by adding at the end the following:

2 “(4) With respect to operations or missions de-
3 scribed under paragraph (2)(C), there is authorized
4 to be appropriated to the Secretary of Defense such
5 sums as may be necessary to carry out such oper-
6 ations and missions, but only if—

7 “(A) an emergency has been declared by
8 the governor of the applicable State; and

9 “(B) the President has declared the emer-
10 gency to be a major disaster for the purposes
11 of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act.”.

13 (b) REPORT ON METHODS TO ENHANCE DOMESTIC
14 RESPONSE TO LARGE SCALE, COMPLEX AND CATA-
15 STROPHIC DISASTERS.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense, in consultation and coordination
19 with the Federal Emergency Management Agency,
20 the National Security Council, the Council of Gov-
21 ernors, and the National Governors Association,
22 shall submit to the congressional defense, the Com-
23 mittees on Transportation and Infrastructure and
24 Homeland Security of the House of Representatives,
25 and the Committee on Homeland Security and Gov-

1 ernmental Affairs of the Senate a report on their
2 plan to establish policy and processes to implement
3 the authority provided by the amendments made by
4 section 520. The report shall include a detailed ex-
5 amination of the policy framework consistent with
6 existing authorities, identify major statutory or pol-
7 icy impediments to implementation, and make rec-
8 ommendations for legislation as appropriate.

9 (2) CONTENTS.—The report submitted under
10 paragraph (1) shall include a description of—

11 (A) the current policy and processes where-
12 by governors can request activation of the Na-
13 tional Guard under title 32, United States
14 Code, as part of the response to large scale,
15 complex, catastrophic disasters that are sup-
16 ported by the Federal Government and, if no
17 formal process exists in policy, the Secretary of
18 Defense shall provide a timeline and plan to es-
19 tablish such a policy, including consultation
20 with the Council of Governors and the National
21 Governors Association;

22 (B) the Secretary of Defense’s assessment,
23 informed by consultation with the Federal
24 Emergency Management Agency, the National
25 Security Council, the Council of Governors, and

1 the National Governors Association, regarding
2 the sufficiency of current authorities for the re-
3 imbursement of National Guard and Reserve
4 manpower during large scale, complex, cata-
5 strophic disasters under title 10 and title 32,
6 United States Code, and specifically whether re-
7 imbursement authorities are sufficient to ensure
8 that military training and readiness are not de-
9 graded to fund disaster response, or invoking
10 them degrades the effectiveness of the Disaster
11 Relief Fund;

12 (C) the Department of Defense’s plan to
13 ensure there is parallel and consistent policy in
14 the application of the authorities granted under
15 section 12304a of title 10, United States Code,
16 and section 502(f) of title 32, United States
17 Code, including—

18 (i) a description of the disparities be-
19 tween benefits and protections under Fed-
20 eral law versus State active duty;

21 (ii) recommended solutions to achieve
22 parity at the Federal level; and

23 (iii) recommended changes at the
24 State level, if appropriate;

1 (D) the Department of Defense’s plan to
2 ensure there is parity of benefits and protec-
3 tions for military members employed as part of
4 the response to large scale, complex, cata-
5 strophic disasters under title 32 or title 10,
6 United States Code, and recommendations for
7 addressing shortfalls; and

8 (E) a review, by the Federal Emergency
9 Management Agency, of the current policy for,
10 and an assessment of the sufficiency of, reim-
11 bursement authority for the use of all National
12 Guard and Reserve, both to the Department of
13 Defense and to the States, during large scale,
14 complex, catastrophic disasters, including any
15 policy and legal limitations, and cost assess-
16 ment impact on Federal funding.

17 **SEC. 520D. AUTHORITY TO REINSTATE AND TRANSFER OF-**
18 **FICERS IN MEDICAL SPECIALTIES IN THE RE-**
19 **SERVE COMPONENTS OF THE ARMED**
20 **FORCES PREVIOUSLY RETIRED HONORABLY**
21 **OR UNDER HONORABLE CONDITIONS.**

22 (a) IN GENERAL.—Section 14703(b) of title 10,
23 United States Code, is amended—

24 (1) in paragraph (1), by striking “paragraph
25 (2)” and inserting “paragraphs (2) and (3)”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(3) In the case of an officer in a medical specialty
4 described in subsection (a) who was previously retired hon-
5 orably or under honorable conditions beyond the date de-
6 scribed in paragraph (1)—

7 “(A) if the Secretary concerned determines it
8 necessary, the Secretary concerned may, with the
9 consent of the officer, reinstate the officer to an ac-
10 tive status for such period as the Secretary con-
11 cerned determines appropriate; or

12 “(B) the officer may be transferred under sec-
13 tion 716 of this title to another armed force and re-
14 instated to an active status for such period as the
15 Secretary concerned determines appropriate.”.

16 (b) CLERICAL AMENDMENTS.—

17 (1) SECTION HEADING.—The heading for sec-
18 tion 14703 of title 10, United States Code, is
19 amended to read as follows:

1 **“§ 14703. Retention of chaplains and officers in med-**
 2 **ical specialties until specified age; reten-**
 3 **tion, reinstatement, and transfer of offi-**
 4 **cers in medical specialties beyond speci-**
 5 **fied age”.**

6 (2) TABLE OF SECTIONS.—The table of sections
 7 at the beginning of chapter 1409 of such title is
 8 amended by striking the item relating to section
 9 14703 and inserting the following new item:

“14703. Retention of chaplains and officers in medical specialties until specified
 age; retention, reinstatement, and transfer of officers in med-
 ical specialties beyond specified age.”.

10 **SEC. 520E. REPORT REGARDING NATIONAL GUARD YOUTH**
 11 **CHALLENGE PROGRAM.**

12 Not later than December 31, 2021, the Secretary of
 13 Defense shall submit a report to the congressional defense
 14 committees regarding the resources and authorities the
 15 Secretary determines necessary to identify the effects of
 16 the National Guard Youth Challenge Program on grad-
 17 uates of that program during the 5 years immediately pre-
 18 ceding the date of the report. Such resources shall include
 19 the costs of identifying such effects beyond the 12-month,
 20 post-residential mentoring period of that program.

1 **SEC. 520F. PERMANENT SUICIDE PREVENTION AND RESIL-**
2 **IENCE PROGRAM FOR THE RESERVE COMPO-**
3 **NENTS.**

4 Section 10219 of title 10, United States Code, is
5 amended by striking subsection (h).

6 **Subtitle C—General Service Au-**
7 **thorities and Correction of Mili-**
8 **tary Records**

9 **SEC. 521. TEMPORARY AUTHORITY TO ORDER RETIRED**
10 **MEMBERS TO ACTIVE DUTY IN HIGH-DE-**
11 **MAND, LOW-DENSITY ASSIGNMENTS DURING**
12 **WAR OR NATIONAL EMERGENCY.**

13 Section 688a of title 10, United States Code, is
14 amended—

15 (1) by redesignating subsection (g) as sub-
16 section (h); and

17 (2) by inserting after subsection (f) the fol-
18 lowing new subsection:

19 “(g) EXCEPTION DURING PERIOD OF WAR OR NA-
20 TIONAL EMERGENCY.—The limitations in subsections (c)
21 and (f) shall not apply during time of war declared by
22 Congress or of national emergency declared by the Presi-
23 dent.”.

1 **SEC. 522. REENLISTMENT WAIVERS FOR PERSONS SEPA-**
2 **RATED FROM THE ARMED FORCES WHO COM-**
3 **MIT ONE MISDEMEANOR CANNABIS OFFENSE.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall prescribe regulations that permit any Secretary of
7 a military department to grant a reenlistment waiver to
8 a covered person if the Secretary determines that the reen-
9 listment of that covered person is vital to the national in-
10 terest.

11 (b) DEFINITIONS.—In this section:

12 (1) The term “covered person” means an indi-
13 vidual—

14 (A) who has been separated, discharged,
15 dismissed, or released from the Armed Forces;
16 and

17 (B) who has admitted to or been convicted
18 by a court of competent jurisdiction of a single
19 violation—

20 (i) of any law of a State or the United
21 States relating to the use or possession of
22 cannabis;

23 (ii) that constitutes a misdemeanor;
24 and

25 (iii) that occurred while that indi-
26 vidual was not performing active service.

1 (2) The terms “active service” and “military
2 department” have the meanings given such terms in
3 section 101 of title 10, United States Code.

4 **SEC. 523. REVIEW OF SEAMAN TO ADMIRAL-21 PROGRAM;**
5 **CREDIT TOWARDS RETIREMENT.**

6 (a) REVIEW.—The Secretary of the Navy shall review
7 personnel records of all participants in the Seaman to Ad-
8 miral-21 program during fiscal years 2010 through 2014
9 to determine whether each participant acknowledged, be-
10 fore entering a baccalaureate degree program, that service
11 during the baccalaureate degree program would not be in-
12 cluded when computing years of service for retirement.

13 (b) CREDIT.—For each participant described in sub-
14 section (a) for whom the Secretary cannot find evidence
15 of an acknowledgment described in that subsection, the
16 Secretary shall include service during the baccalaureate
17 degree program when computing—

18 (1) years of service; and

19 (2) retired or retainer pay.

20 (c) REPORT REQUIRED.—The Secretary shall submit
21 a report to the Committees on Armed Services of the Sen-
22 ate and House of Representatives regarding the results
23 of the review under subsection (a) and the number of par-
24 ticipants credited with service under subsection (b).

1 (d) DEADLINE.—The Secretary of the Navy shall
2 carry out this section not later than 180 days after the
3 date of the enactment of this Act.

4 **SEC. 524. REPORT REGARDING REVIEWS OF DISCHARGES**
5 **AND DISMISSALS BASED ON SEXUAL ORI-**
6 **ENTATION OR GENDER IDENTITY.**

7 (a) REPORT REQUIRED.—Not later than September
8 30, 2021, the Secretaries of Defense and Veterans Affairs
9 shall jointly submit to Congress a report regarding former
10 members of the Armed Forces who—

11 (1) were discharged or dismissed from the
12 Armed Forces;

13 (2) have applied to either Secretary for an up-
14 grade in the characterization of discharge or dis-
15 missal; and

16 (3) allege in such applications that such dis-
17 charges or dismissals arose from a policy of the De-
18 partment of Defense regarding the sexual orienta-
19 tion or gender identity of a member.

20 (b) ELEMENTS.—The report under this section shall
21 include the number of applications described in subsection
22 (a) and the percentages of such applications granted and
23 denied, disaggregated by—

24 (1) Armed Force;

25 (2) grade;

- 1 (3) race;
- 2 (4) ethnicity;
- 3 (5) gender;
- 4 (6) characterization of discharge or dismissal;
- 5 and
- 6 (7) upgraded characterization of discharge or
- 7 dismissal, if applicable.

8 (c) PUBLICATION.—The Secretaries each shall pub-
 9 lish the report under this section on a publicly accessible
 10 website of the respective department.

11 **SEC. 525. DEVELOPMENT OF GUIDELINES FOR USE OF UN-**
 12 **OFFICIAL SOURCES OF INFORMATION TO DE-**
 13 **TERMINE ELIGIBILITY OF MEMBERS AND**
 14 **FORMER MEMBERS OF THE ARMED FORCES**
 15 **FOR DECORATIONS AND BENEFITS WHEN**
 16 **THE SERVICE RECORDS ARE INCOMPLETE**
 17 **BECAUSE OF DAMAGE TO THE OFFICIAL**
 18 **RECORD.**

19 Section 528 of National Defense Authorization Act
 20 for Fiscal Year 2020 (10 U.S.C. 1121 note; 133
 21 Stat.1357) is amended—

- 22 (1) in the section heading, by inserting “**AND**
 23 **BENEFITS**” after “**DECORATIONS**”;
- 24 (2) in subsection (a)—

1 (A) by inserting “and the Secretary of Vet-
2 erans Affairs” after “military departments”;
3 and

4 (B) by inserting “and benefits” after
5 “decorations”;

6 (3) by redesignating subsection (b) as sub-
7 section (c); and

8 (4) by inserting after subsection (a) the fol-
9 lowing new subsection:

10 “(b) CONSULTATION.—The Secretary of Defense
11 shall prepare the guidelines in consultation with the Sec-
12 retary of Veterans Affairs, with respect to veterans bene-
13 fits under title 38, United States Code, whose eligibility
14 determinations depend on the use of service records main-
15 tained by the Department of Defense.”.

16 **SEC. 526. REPORT ON BAD PAPER.**

17 (a) REPORT REQUIRED.—Not later than September
18 1, 2021, the Inspector General of the Department of De-
19 fense shall submit to the Committees on Armed Services
20 of the Senate and House of Representatives a report re-
21 garding bad paper issued by the Department of Defense
22 during the 20 years preceding the date of the report.

23 (b) ELEMENTS.—The report shall include, with re-
24 gards to members who received bad paper, the following,
25 if known:

- 1 (1) Sex.
- 2 (2) Age.
- 3 (3) Religion.
- 4 (4) Race.
- 5 (5) Ethnicity.
- 6 (6) Tribal affiliation.
- 7 (7) Sexual orientation.
- 8 (8) Reasons for discharge or dismissal.
- 9 (9) In a case of a bad conduct or medical dis-
- 10 charge, whether there is evidence the member suf-
- 11 fered symptoms of sexual trauma, including—
 - 12 (A) post-traumatic stress disorder;
 - 13 (B) going absent without leave or on unau-
 - 14 thorized absence;
 - 15 (C) inability to complete duties or carry
 - 16 out orders;
 - 17 (D) insubordination;
 - 18 (E) substance abuse;
 - 19 (F) or substance addiction;
- 20 (10) Whether the member had filed a complaint
- 21 within the chain of command regarding—
 - 22 (A) fraud, waste, or abuse of Federal
 - 23 funds;
 - 24 (B) a violation of military or Federal law;

1 (C) a violation of the Uniform Code of
2 Military Justice;

3 (D) sexual assault;

4 (E) sexual harassment;

5 (F) sexual abuse;

6 (G) sexual trauma; or

7 (H) discrimination on the basis of sex, age,
8 religion, race, ethnicity, Tribal affiliation, or
9 sexual orientation.

10 (11) Armed Force.

11 (12) Any other information the Inspector Gen-
12 eral determines appropriate.

13 (c) INTERVIEWS.—To prepare report under this sec-
14 tion, the Inspector General may interview veterans or
15 other former members of the Armed Forces.

16 (d) BAD PAPER DEFINED.—In this section, “bad
17 paper” means a discharge or dismissal from the Armed
18 Forces characterized as—

19 (1) dishonorable;

20 (2) bad conduct; or

21 (3) other than honorable.

22 **Subtitle D—Military Justice and**
23 **Other Legal Matters**

24 **SEC. 531. PUNITIVE ARTICLE ON VIOLENT EXTREMISM.**

25 (a) VIOLENT EXTREMISM.—

1 (1) IN GENERAL.—Subchapter X of chapter 47
2 of title 10, United States Code, is amended by in-
3 serting after section 916 (article 116 of the Uniform
4 Code of Military Justice) the following new section
5 (article):

6 **“§ 916a. Art. 116a. Violent extremism**

7 “(a) PROHIBITION.—Any person subject to this chap-
8 ter who—

9 “(1) knowingly commits a covered offense
10 against—

11 “(A) the Government of the United States;

12 or

13 “(B) any person or class of people;

14 “(2)(A) with the intent to intimidate or coerce
15 any person or class of people; or

16 “(B) with the intent to influence, affect, or re-
17 taliate against the policy or conduct of the Govern-
18 ment of the United States or any State; and

19 “(3) does so—

20 “(A) to achieve political, ideological, reli-
21 gious, social, or economic goals; or

22 “(B) in the case of an act against a person
23 or class of people, for reasons relating to the
24 race, religion, color, ethnicity, sex, age, dis-
25 ability status, national origin, sexual orienta-

1 tion, or gender identity of the person or class
2 of people concerned;
3 is guilty of violent extremism and shall be punished as a
4 court-martial may direct.

5 “(b) ATTEMPTS, SOLICITATION, AND CONSPIRACY.—
6 Any person who attempts, solicits, or conspires to commit
7 an offense under this section shall be punished in the same
8 manner as a person who completes the offense.

9 “(c) DEFINITIONS.—In this section:

10 “(1) COVERED OFFENSE.—The term ‘covered
11 offense’ means—

12 “(A) loss, damage, destruction, or wrongful
13 disposition of military property of the United
14 States, in violation of section 908 of this title
15 (article 108);

16 “(B) waste, spoilage, or destruction of
17 property other than military property of the
18 United States, in violation of section 909 of this
19 title (article 109);

20 “(C) communicating threats, in violation of
21 section 915 of this title (article 115);

22 “(D) riot or breach of peace, in violation of
23 section 916 of this title (article 116);

24 “(E) provoking speech or gestures, in vio-
25 lation of section 917 of this title (article 117);

1 “(F) murder, in violation of section 918 of
2 this title (article 118);

3 “(G) manslaughter, in violation of section
4 919 of this title (article 119);

5 “(H) larceny or wrongful appropriation, in
6 violation of section 921 of this title (article
7 121);

8 “(I) robbery, in violation of section 922 of
9 this title (article 122);

10 “(J) kidnapping, in violation of section
11 925 of this title (article 125);

12 “(K) assault, in violation of section 928 of
13 this title (article 128);

14 “(L) conspiracy to commit an offense spec-
15 ified in any of subparagraphs (A) through (K),
16 as punishable under section 881 of this title
17 (article 81);

18 “(M) solicitation to commit an offense
19 specified in any of subparagraphs (A) through
20 (K), as punishable under section 882 of this
21 title (article 82); or

22 “(N) an attempt to commit an offense
23 specified in any of subparagraphs (A) through
24 (K), as punishable under section 880 of this
25 title (article 80).

1 “(2) STATE.—The term ‘State’ includes any
2 State of the United States, the District of Columbia,
3 the Commonwealth of Puerto Rico, and any other
4 possession or territory of the United States.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of such subchapter is amend-
7 ed by inserting after the item relating to section 916
8 (article 116) the following new item:

“916a. 116a. Violent extremism.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act and shall apply to offenses committed
12 on or after such date.

13 **SEC. 532. PRESERVATION OF COURT-MARTIAL RECORDS.**

14 Section 940a of title 10, United States Code (article
15 140a of the Uniform Code of Military Justice), is amended
16 by adding at the end the following new subsection:

17 “(d) PRESERVATION OF COURT-MARTIAL RECORDS
18 WITHOUT REGARD TO OUTCOME.—The standards and
19 criteria prescribed by the Secretary of Defense under sub-
20 section (a) shall provide for the preservation of general
21 and special court-martial records, without regard to the
22 outcome of the proceeding concerned, for not fewer than
23 15 years.”.

1 **SEC. 533. ELECTRONIC NOTARIZATION FOR MEMBERS OF**
2 **THE ARMED FORCES.**

3 Section 1044a of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(e)(1) A person named in subsection (b) may exer-
7 cise the powers described in subsection (a) through elec-
8 tronic means, including under circumstances where the in-
9 dividual with respect to whom such person is performing
10 the notarial act is not physically present in the same loca-
11 tion as such person.

12 “(2) A determination of the authenticity of a notarial
13 act authorized in this section shall be made without regard
14 to whether the notarial act was performed through elec-
15 tronic means.

16 “(3) A log or journal of a notarial act authorized in
17 this section shall be considered for evidentiary purposes
18 without regard to whether the log or journal is in elec-
19 tronic form.”.

20 **SEC. 534. CLARIFICATIONS REGARDING SCOPE OF EMPLOY-**
21 **MENT AND REEMPLOYMENT RIGHTS OF MEM-**
22 **BERS OF THE UNIFORMED SERVICES.**

23 (a) CLARIFICATION REGARDING DEFINITION OF
24 RIGHTS AND BENEFITS.—Section 4303(2) of title 38,
25 United States Code, is amended—

26 (1) by inserting “(A)” before “The term”; and

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

3 “(B) Any procedural protections or provisions
4 set forth in this chapter shall also be considered a
5 right or benefit subject to the protection of this
6 chapter.”.

7 (b) CLARIFICATION REGARDING RELATION TO
8 OTHER LAW AND PLANS FOR AGREEMENTS.—Section
9 4302 of such title is amended by adding at the end the
10 following:

11 “(c)(1) Pursuant to this section and the procedural
12 rights afforded by subchapter III of this chapter, any
13 agreement to arbitrate a claim under this chapter is unen-
14 forceable, unless all parties consent to arbitration after a
15 complaint on the specific claim has been filed in court or
16 with the Merit Systems Protection Board and all parties
17 knowingly and voluntarily consent to have that particular
18 claim subjected to arbitration.

19 “(2) For purposes of this subsection, consent shall
20 not be considered voluntary when a person is required to
21 agree to arbitrate an action, complaint, or claim alleging
22 a violation of this chapter as a condition of future or con-
23 tinued employment, advancement in employment, or re-
24 ceipt of any right or benefit of employment.”.

1 **SEC. 535. TERMINATION OF TELEPHONE, MULTICHANNEL**
2 **VIDEO PROGRAMMING, AND INTERNET AC-**
3 **CESS SERVICE CONTRACTS BY**
4 **SERVICEMEMBERS WHO ENTER INTO CON-**
5 **TRACTS AFTER RECEIVING MILITARY OR-**
6 **DERS FOR PERMANENT CHANGE OF STATION**
7 **BUT THEN RECEIVE STOP MOVEMENT OR-**
8 **DERS DUE TO AN EMERGENCY SITUATION.**

9 (a) IN GENERAL.—Section 305A(a)(1) of the
10 Servicemembers Civil Relief Act (50 U.S.C. 3956) is
11 amended—

12 (1) by striking “after the date the servicemem-
13 ber receives military orders to relocate for a period
14 of not less than 90 days to a location that does not
15 support the contract.” and inserting “after—”; and

16 (2) by adding at the end the following new sub-
17 paragraphs:

18 “(A) the date the servicemember receives
19 military orders to relocate for a period of not
20 less than 90 days to a location that does not
21 support the contract; or

22 “(B) the date the servicemember, while in
23 military service, receives military orders for a
24 permanent change of station, thereafter enters
25 into the contract, and then after entering into
26 the contract receives a stop movement order

1 issued by the Secretary of Defense in response
 2 to a local, national, or global emergency, effec-
 3 tive for an indefinite period or for a period of
 4 not less than 30 days, which prevents the serv-
 5 icemember from using the services provided
 6 under the contract.”.

7 (b) RETROACTIVE APPLICATION.—The amendments
 8 made by this section shall apply to stop movement orders
 9 issued on or after March 1, 2020.

10 **SEC. 536. ABSENTEE BALLOT TRACKING PROGRAM.**

11 (a) ESTABLISHMENT AND OPERATION OF PRO-
 12 GRAM.—Section 102(h) of the Uniformed and Overseas
 13 Citizens Absentee Voting Act (52 U.S.C. 20302(h)) is
 14 amended to read as follows:

15 “(h) ABSENTEE BALLOT TRACKING PROGRAM.—

16 “(1) REQUIRING ESTABLISHMENT AND OPER-
 17 ATION OF PROGRAM.—The chief State election offi-
 18 cial, in coordination with local election jurisdictions,
 19 shall establish and operate an absentee ballot track-
 20 ing program described in paragraph (2) for the use
 21 of absent uniformed services voters and overseas vot-
 22 ers.

23 “(2) PROGRAM DESCRIBED.—

24 “(A) INFORMATION ON TRANSMISSION AND
 25 RECEIPT OF ABSENTEE BALLOTS.—An absentee

1 ballot tracking program described in this para-
2 graph is a program under which—

3 “(i) the State or local election official
4 responsible for the transmission of absen-
5 tee ballots in an election for Federal office
6 operates procedures to track and confirm
7 the transmission of such ballots and to
8 make information on the transmission of
9 such a ballot available by means of online
10 access using the Internet site of the offi-
11 cial’s office; and

12 “(ii) the State or local election official
13 responsible for the receipt of absentee bal-
14 lots in an election for Federal office oper-
15 ates procedures to track and confirm the
16 receipt of such ballots and (subject to sub-
17 paragraph (B)) to make information on
18 the receipt of such a ballot available by
19 means of online access using the Internet
20 site of the official’s office.

21 “(B) SPECIFIC INFORMATION ON RECEIPT
22 OF VOTED ABSENTEE BALLOTS.—The informa-
23 tion required to be made available under clause
24 (ii) of subparagraph (A) with respect to the re-
25 ceipt of a voted absentee ballot in an election

1 for Federal office shall include information re-
2 garding whether the vote cast on the ballot was
3 counted, and, in the case of a vote which was
4 not counted, the reasons therefor. The appro-
5 priate State or local election official shall make
6 the information described in the previous sen-
7 tence available during the 30-day period that
8 begins on the date on which the results of the
9 election are certified, or during such earlier 30-
10 day period as the official may provide.

11 “(3) USE OF TOLL-FREE TELEPHONE NUMBER
12 BY OFFICIALS WITHOUT INTERNET SITE.—A pro-
13 gram established and operated by a State or local
14 election official whose office does not have an Inter-
15 net site may meet the requirements of paragraph (2)
16 if the official has established and operates a toll-free
17 telephone number that may be used to obtain the in-
18 formation on the transmission or receipt of the ab-
19 sentee ballot which is required under such para-
20 graph.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply with respect to an election held
23 during 2022 or any succeeding year.

1 **SEC. 537. TRACKING MECHANISM AND REPORTING RE-**
2 **QUIREMENTS FOR SUPREMACIST, EXTREM-**
3 **IST, AND CRIMINAL GANG ACTIVITY IN THE**
4 **ARMED FORCES.**

5 (a) **PROCESS REQUIRED.**—The Secretary of Defense
6 shall develop and implement a process to track investiga-
7 tions, criminal and administrative actions, and final deter-
8 minations with respect to conduct of members of the cov-
9 ered Armed Forces that is prohibited under Department
10 of Defense Instruction 1325.06, titled “Handling Dis-
11 sident and Protest Activities Among Members of the
12 Armed Forces”, or any successor instruction.

13 (b) **ELEMENTS.**—The process under subsection (a)
14 shall include the following:

15 (1) A mechanism that military criminal inves-
16 tigative organizations may use—

17 (A) to track criminal investigations into
18 the prohibited conduct described in subsection
19 (a), including a mechanism to track those inves-
20 tigations that are forwarded to commanders for
21 administrative action;

22 (B) to provide relevant information from
23 criminal investigations and administrative ac-
24 tions to civilian law enforcement agencies; and

1 (C) to track final administrative actions
2 taken with respect to investigations that are re-
3 ferred to commanders.

4 (2) A mechanism commanders may use to pro-
5 vide information to military criminal investigative or-
6 ganizations on any serious conduct under consider-
7 ation for administrative action or any final adminis-
8 trative actions taken with respect to the prohibited
9 conduct described in subsection (a).

10 (3) A standardized database, shared among the
11 covered Armed Forces, to ensure that the tracking
12 required under subsection (a) is carried out in the
13 same manner across such Armed Forces.

14 (c) REPORT.—Not later than December 1 of each
15 year beginning after the date of the enactment of this Act,
16 the Secretary of Defense shall submit to the appropriate
17 congressional committees a report on the process imple-
18 mented under subsection (a). Each report shall include—

19 (1) the number of investigations, criminal and
20 administrative actions, and final determinations
21 tracked over the preceding year;

22 (2) the number of individuals discharged from
23 the covered Armed Forces due to activities prohib-
24 ited under Department of Defense Instruction

1 1325.06 and a description of the circumstances that
2 led to such discharges; and

3 (3) of the actions enumerated under paragraph
4 (1), the number of instances in which information on
5 the conduct of a member of the covered Armed
6 Forces was referred to civilian law enforcement
7 agencies as a result of the investigation or action.

8 (d) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on the Judiciary and
12 the Committee on Armed Services of the Sen-
13 ate; and

14 (B) the Committee on the Judiciary and
15 the Committee on Armed Services of the House
16 of Representatives.

17 (2) The term “covered Armed Forces” means
18 the Army, the Navy, the Air Force, and the Marine
19 Corps.

20 **SEC. 538. MILITARY-CIVILIAN TASK FORCE ON DOMESTIC**
21 **VIOLENCE AND RELATED INFORMATION COL-**
22 **LECTION ACTIVITIES.**

23 (a) **MILITARY-CIVILIAN TASK FORCE ON DOMESTIC**
24 **VIOLENCE.**—

1 (1) ESTABLISHMENT.—The Secretary of De-
2 fense shall establish a military-civilian task force on
3 domestic violence (in this section, referred to as the
4 “Task Force”).

5 (2) DUTIES.—The duties of the Task Force
6 shall be to analyze and develop recommendations,
7 for implementation by the Secretary, with respect to
8 each of the following:

9 (A) The risk of domestic violence at var-
10 ious stages of military service, including identi-
11 fication of—

12 (i) stages at which there is a higher
13 than average risk of domestic violence; and

14 (ii) stages at which the implementa-
15 tion of domestic violence prevention strate-
16 gies may have the greatest preventive ef-
17 fect.

18 (B) The use and dissemination of domestic
19 violence prevention resources throughout the
20 stages of military service including providing
21 new service members with training in domestic
22 violence prevention.

23 (C) How to best target prevention re-
24 sources to address those with a higher risk of
25 domestic violence.

1 (D) The implementation of strategies to
2 prevent domestic violence by training, edu-
3 cating, and assigning prevention-related respon-
4 sibilities to—

5 (i) commanders;

6 (ii) medical, behavioral, and mental
7 health service providers;

8 (iii) family advocacy representatives;

9 (iv) Military Family Life Consultants;

10 and

11 (v) other individuals and entities with
12 responsibilities that may be relevant to ad-
13 dressing domestic violence.

14 (E) The efficacy of providing survivors of
15 domestic violence with the option to request ex-
16 pedited transfers, and the effects of such trans-
17 fers.

18 (F) Improvements to procedures for re-
19 porting appropriate legal actions to the Na-
20 tional Crime Information Center and the effi-
21 cacy of such procedures.

22 (G) The effects of domestic violence on—

23 (i) housing for military families;

24 (ii) the education of military depend-
25 ent children;

1 (iii) servicemember work assignments
2 and careers; and

3 (iv) the health of servicemembers and
4 their families, including short-term and
5 long-term health effects and effects on
6 mental health.

7 (H) Age-appropriate training and edu-
8 cation programs for students attending schools
9 operated by the Department of Defense Edu-
10 cation Activity that are designed to assist such
11 students in learning positive relationship behav-
12 iors in families and with intimate partners.

13 (I) The potential effects of requiring mili-
14 tary protective orders to be issued by a military
15 judge and whether such a requirement would
16 increase the enforcement of military protective
17 orders by civilian law enforcement agencies out-
18 side the boundaries of military installations.

19 (J) Whether prevention of domestic vio-
20 lence would be enhanced by raising the disposi-
21 tion authority for offenses of domestic violence
22 to an officer who is—

23 (i) in the grade of 0–6 or above;

24 (ii) in the chain of command of the
25 accused; and

1 (iii) authorized by chapter 47 of title
2 10, United States Code (the Uniform Code
3 of Military Justice) to convene special
4 courts martial.

5 (K) How to improve access to resources for
6 survivors of domestic violence throughout the
7 stages of military service.

8 (L) Consideration of any other matters
9 that the Task Force determines to be relevant
10 to—

11 (i) decreasing the frequency of domes-
12 tic violence committed by or upon members
13 of the covered Armed Forces and their de-
14 pendants; and

15 (ii) reducing the severity of such vio-
16 lence.

17 (3) MEMBERSHIP.—The Task Force shall be
18 composed of the following members:

19 (A) One or more representatives of family
20 advocacy programs of the Department of De-
21 fense.

22 (B) One or more representatives of the De-
23 fense Advisory Committee on Women in the
24 Services.

1 (C) One or more medical personnel of the
2 Department of Defense.

3 (D) One or more Judge Advocates Gen-
4 eral.

5 (E) One or more military police or other
6 law enforcement personnel of the covered
7 Armed Forces.

8 (F) One or more military commanders.

9 (G) One or more individuals whose duties
10 include planning, executing, and evaluating
11 training of the covered Armed Forces.

12 (H) Civilians who are experts on domestic
13 violence or who provide services relating to do-
14 mestic violence, including—

15 (i) not fewer than two representatives
16 from the national domestic violence re-
17 source center and the special issue re-
18 source centers referred to in section 310 of
19 the Family Violence Prevention and Serv-
20 ices Act (42 U.S.C. 10410);

21 (ii) not fewer than two representatives
22 from national domestic violence organiza-
23 tions;

1 (iii) not fewer than two representa-
2 tives from State domestic violence and sex-
3 ual assault coalitions; and

4 (iv) not fewer than two domestic vio-
5 lence service providers who provide services
6 in communities located near military in-
7 stallations.

8 (I) One or more representatives who are
9 subject matter experts on—

10 (i) scientific and other research relat-
11 ing to domestic violence; and

12 (ii) science-based strategies for the
13 prevention, intervention, and response to
14 domestic violence.

15 (J) Civilian law enforcement personnel.

16 (K) One or more representatives from the
17 Office on Violence Against Women of the De-
18 partment of Justice.

19 (L) One or more representatives of the
20 Family Violence Prevention and Services Pro-
21 gram of the Department of Health and Human
22 Services.

23 (M) One or more representatives from the
24 Centers for Disease Control and Prevention.

1 (4) APPOINTMENT BY SECRETARY OF DE-
2 FENSE.—

3 (A) IN GENERAL.—The Secretary of De-
4 fense shall appoint the members of the Task
5 Force specified in subparagraphs (A) through
6 (M) of paragraph (3).

7 (B) CONSULTATION.—

8 (i) CONSULTATION WITH ATTORNEY
9 GENERAL.—In appointing members under
10 subparagraph (K) of paragraph 3, the Sec-
11 retary of Defense shall consult with the At-
12 torney General.

13 (ii) CONSULTATION WITH SECRETARY
14 OF HHS.—In appointing members under
15 subparagraphs (L) and (M) of such para-
16 graph, the Secretary shall consult with the
17 Secretary of Health and Human Services.

18 (C) INCLUSION OF CERTAIN PER-
19 SONNEL.—The Secretary shall ensure that the
20 members appointed by the Secretary under this
21 subparagraph include—

22 (i) representatives of the Office of the
23 Secretary of Defense;

24 (ii) general and flag officers;

25 (iii) noncommissioned officers; and

1 (iv) other enlisted personnel of the
2 covered Armed Forces.

3 (5) TOTAL NUMBER OF MEMBERS.—The total
4 number of members appointed to the Task Force
5 shall be not more than 25.

6 (6) CHAIRPERSON.—

7 (A) NOMINEE LIST.—On an annual basis,
8 the Task Force shall submit to the Secretary a
9 list of members of the Task Force who may be
10 considered for the position of chairperson of the
11 Task Force.

12 (B) SELECTION.—From the list submitted
13 to the Secretary under subparagraph (A) for
14 each year, the Secretary of Defense shall des-
15 ignate one member of the Task Force to serve
16 as the chairperson of the Task Force.

17 (C) TERM.—The chairperson designated
18 by the Secretary under subparagraph (B) shall
19 serve for a term of 1 year and may serve for
20 additional terms of 1 year if redesignated as the
21 chairperson by the Secretary under such sub-
22 paragraph.

23 (7) MEETINGS.—The first meeting of the Task
24 Force shall convene not later than 180 days after
25 the date of the enactment of this Act. Thereafter,

1 the task Force shall meet in plenary session not less
2 frequently than once annually.

3 (8) COMPENSATION AND TRAVEL EXPENSES.—

4 Each member of the Task Force shall serve without
5 compensation (other than the compensation to which
6 such member may be entitled as a member of the
7 covered Armed Forces or an officer or employee of
8 the United States, as the case may be), but shall be
9 allowed travel expenses, including per diem in lieu of
10 subsistence, at rates authorized for employees of
11 agencies under subchapter I of chapter 57 of title 5,
12 United States Code, while away from the member's
13 home or regular places of business in the perform-
14 ance of services for the Task Force.

15 (9) SITE VISITS.—In the carrying out the du-
16 ties described in paragraph (2), members of the
17 Task Force shall—

18 (A) on an annual basis, visit one or more
19 military installations outside the United States;
20 and

21 (B) on a semiannual basis, visit one or
22 more military installations within the United
23 States.

24 (10) OVERSIGHT AND ADMINISTRATION.—The
25 Secretary of Defense shall designate an appropriate

1 organization within the Office of the Secretary of
2 Defense to—

3 (A) provide oversight of the Task Force;

4 (B) provide the Task Force with the per-
5 sonnel, facilities, and other administrative sup-
6 port that is necessary for the performance of
7 the Task Force's duties; and

8 (C) on a rotating basis, direct the Sec-
9 retary of each military department to—

10 (i) coordinate visits of the Task Force
11 to military installations; and

12 (ii) provide administrative, logistical,
13 and other support for the meetings of the
14 Task Force.

15 (11) REPORTS.—

16 (A) REPORTS TO SECRETARY.—

17 (i) INITIAL REPORT.—Not later than
18 1 year after the date on which the mem-
19 bers of the Task Force are appointed
20 under paragraph (3), the Task Force shall
21 submit to the Secretary of Defense rec-
22 ommendations with respect to each matter
23 described in paragraph (2).

24 (ii) SUBSEQUENT REPORTS.—After
25 submitting the initial report under sub-

1 paragraph (A), the Task Force shall, from
2 time to time, submit to the Secretary of
3 Defense such analyses and recommenda-
4 tions as the Task Force considers appro-
5 priate to improve the effectiveness of the
6 covered Armed Forces in responding to
7 and preventing domestic violence.

8 (B) REPORTS TO CONGRESS.—On an an-
9 nual basis until the date on which the Task
10 Force terminates under paragraph (12), the
11 Task Force shall submit to Congress a report
12 that includes—

13 (i) a description of any improvements
14 in the response of the covered Armed
15 Forces to domestic violence over the pre-
16 ceding year;

17 (ii) an explanation of any pending re-
18 search on domestic violence that may be
19 relevant to domestic violence involving
20 members of the covered Armed Forces;
21 and

22 (iii) such analyses and recommenda-
23 tions as the Task Force considers appro-
24 priate to improve the effectiveness of the

1 covered Armed Forces in responding to
2 and preventing domestic violence.

3 (12) TERMINATION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Task Force shall termi-
6 nate on the date that is 5 years after the date
7 of the first meeting of the Task Force.

8 (B) CONTINUATION.—

9 (i) IN GENERAL.—Subject to clause
10 (ii), the Secretary of Defense may continue
11 the Task Force for a period of up to 2
12 years after the termination date applicable
13 under subparagraph (A) if the Secretary
14 determines that continuation of the Task
15 Force is advisable and appropriate.

16 (ii) NOTICE TO CONGRESS.—If the
17 Secretary determines to continue the Task
18 Force under clause (i), not later than 90
19 days before the termination date applicable
20 under subparagraph (A) and annually
21 thereafter until the new date of the termi-
22 nation of the Task Force, the Secretary
23 shall submit to the Committees on Armed
24 Services of the Senate and the House of
25 Representatives a notice describing the

1 reasons for the continuation and con-
2 firming the new termination date.

3 (13) IMPLEMENTATION OF RECOMMENDA-
4 TIONS.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), not later than 180 days
7 after the date on which the Secretary of De-
8 fense receives the initial report of the Task
9 Force under paragraph (11)(A)(i), the Sec-
10 retary shall, in consultation with the Task
11 Force, implement the recommendations of the
12 Task Force with respect to each matter de-
13 scribed in paragraph (2).

14 (B) WAIVER.—The Secretary of Defense
15 may waive the requirement under subparagraph
16 (A) with respect to a recommendation of the
17 Task force by submitting to the Committees on
18 Armed Services of the Senate and the House of
19 Representatives a written notification setting
20 forth the reasons for the Secretary's decision
21 not to implement the recommendation.

22 (b) INFORMATION COLLECTION AND REPORTING.—

23 (1) INFORMATION COLLECTION.—

24 (A) REGULAR INFORMATION COLLEC-
25 TION.—Using the mechanism developed under

1 subparagraph (B), the Secretary of Defense
2 shall regularly collect information to measure
3 the prevalence of domestic violence involving
4 members of the covered Armed Forces, their in-
5 timate partners, and immediate family mem-
6 bers.

7 (B) MECHANISM TO MEASURE DOMESTIC
8 VIOLENCE.—The Secretary of Defense, in co-
9 ordination with the Centers for Disease Control
10 and civilian organizations with expertise in con-
11 ducting informational surveys, shall develop a
12 mechanism to carry out the information collec-
13 tion required under subparagraph (A).

14 (2) ANNUAL REPORT ON DOMESTIC VIO-
15 LENCE.—

16 (A) REPORT REQUIRED.—On an annual
17 basis, the Secretary of Defense shall submit to
18 the congressional defense committees a report
19 on domestic violence in the covered Armed
20 Forces.

21 (B) ELEMENTS.—The report required
22 under subparagraph (A) shall include, with re-
23 spect to the year covered by the report, the fol-
24 lowing:

1 (i) Based on the information collected
2 under paragraph (1), an assessment of the
3 prevalence of domestic violence involving
4 members of the covered Armed Forces,
5 their intimate partners, and immediate
6 family members.

7 (ii) The number of convictions under
8 section 928b of title 10, United States
9 Code (article 128b of the Uniform Code of
10 Military Justice).

11 (iii) The recidivism rate for members
12 of the covered Armed Forces convicted of
13 domestic violence offenses.

14 (iv) The number instances in which a
15 member of the covered Armed Forces re-
16 ceived an administrative discharge as a re-
17 sult of the member's involvement in a do-
18 mestic violence incident.

19 (v) The number of instances in which
20 a member of the covered Armed Forces
21 was prohibited from possessing firearms as
22 a result of the member's conviction for a
23 domestic violence offense.

24 (vi) Of the incidents described in
25 clause (v), the number of instances in

1 which the member received a waiver of
2 such prohibition or was otherwise allowed
3 to access firearms for duty purposes.

4 (vii) An explanation of the status of
5 data sharing between the Department of
6 Defense and civilian law enforcement agen-
7 cies on matters relating to domestic vio-
8 lence.

9 (c) COVERED ARMED FORCES DEFINED.—In this
10 section, the term “covered Armed Forces” means the
11 Army, the Navy, the Air Force, and the Marine Corps.

12 **SEC. 539. ACTIONS TO ADDRESS MILITARY-CONNECTED**
13 **CHILD ABUSE.**

14 (a) IN GENERAL.—Consistent with the recommenda-
15 tions of the Government Accountability Office in the re-
16 port titled “Increased Guidance and Collaboration Needed
17 to Improve DOD’s Tracking and Response to Child
18 Abuse” (GAO–20–110), the Secretary of Defense shall
19 carry out activities to improve the ability of the Depart-
20 ment of Defense to effectively prevent, track, and respond
21 to military-connected child abuse.

22 (b) ACTIVITIES REQUIRED.—The activities carried
23 out under subsection (a) shall include the following:

24 (1) The Secretary of Defense shall expand the
25 scope of the Department of Defense’s centralized

1 database on problematic sexual behavior in children
2 and youth to track information on all incidents in-
3 volving child abuse reported to a Family Advocacy
4 Program or investigated by a military law enforce-
5 ment organization, regardless of whether the pepe-
6 trator of the abuse is another child, an adult, or a
7 person in a noncaregiving role at the time of the in-
8 cident.

9 (2) The Secretary of Defense, in consultation
10 with the Secretary of each military department, shall
11 ensure—

12 (A) that each Family Advocacy Program
13 records, in a database of the Program, the date
14 on which the Program notified a military law
15 enforcement organization of a reported incident
16 of child abuse; and

17 (B) that each military law enforcement or-
18 ganization records, in a database of the organi-
19 zation, the date on which the organization noti-
20 fied a Family Advocacy Program of a reported
21 incident of child abuse.

22 (3) The Secretary of Defense, in consultation
23 with the Secretary of each military department, shall
24 issue guidance that clarifies the process through
25 which the Family Advocacy Program of a covered

1 Armed Force will receive, and incorporate into the
2 Program's central registry, information regarding
3 child abuse allegations involving members of that a
4 covered Armed Force and dependents of such mem-
5 bers in cases in which such allegations were pre-
6 viously recorded by the Family Advocacy Program of
7 another covered Armed Force. Such guidance shall
8 include a mechanism for monitoring the process to
9 ensure that the process is carried out consistently.

10 (4) Each covered Armed Force shall develop a
11 process to monitor how reported incidents of child
12 abuse are screened at military installations to help
13 ensure that all reported child abuse incidents that
14 should be presented to an Incident Determination
15 Committee are consistently presented and tracked.

16 (5) The Secretary of Defense shall ensure that
17 the Under Secretary of Defense for Personnel and
18 Readiness, in consultation with the Director of the
19 Department of Defense Education Activity, clarifies
20 Department of Defense Education Activity guidance
21 to define what types of child abuse incidents must
22 be reported as serious incidents to help ensure that
23 all serious incidents of which Department of Defense
24 Education Activity leadership needs to be informed

1 are accurately and consistently reported by school
2 administrators.

3 (6) The Secretary of Defense, in consultation
4 with the Secretaries of the military departments,
5 shall—

6 (A) expand the voting membership of each
7 Incident Determination Committee to include
8 medical personnel with requisite knowledge and
9 experience; and

10 (B) ensure, to the extent practicable, that
11 voting membership of a Committee includes
12 medical personnel with expertise in pediatric
13 medicine in cases in which a reported incident
14 of child abuse is under review by the Com-
15 mittee.

16 (7) Each covered Armed Force shall implement
17 procedures to provide the families of child abuse vic-
18 tims with comprehensive information on how re-
19 ported incidents of child abuse will be addressed.
20 Such practices may include the development of a
21 guide that—

22 (A) explains the processes the Family Ad-
23 vocacy Program and military law enforcement
24 organizations will follow to address the report;
25 and

1 (B) identifies services and other resources
2 available to victims and their families.

3 (8) The Secretary of Defense, in consultation
4 with the Secretaries of the military departments,
5 shall issue guidance to clarify the circumstances
6 under which military commanders may exercise the
7 authority to remove a child from a potentially unsafe
8 home on a military installation outside the United
9 States.

10 (9) The Secretary of Defense shall ensure that
11 the Under Secretary of Defense for Personnel and
12 Readiness, in consultation with the Director of the
13 Defense Health Agency, establishes processes that
14 help ensure children who are sexually abused outside
15 the United States have timely access to a certified
16 pediatric sexual assault forensic examiner to conduct
17 an examination. Such processes may include certi-
18 fying pediatricians, or adult sexual assault forensic
19 examiners who have pediatric sexual assault nurse
20 examiner training in a multidisciplinary team set-
21 ting, as pediatric examiners during mandatory train-
22 ing or establishing shared regional assets.

23 (10) The Secretary of Defense, in consultation
24 with the Deputy Attorney General, shall establish
25 procedures for military criminal investigative organi-

1 zations to communicate with United States Attor-
2 neys, State Attorneys General, and local prosecutors
3 for relevant cases involving child victims, including
4 establishing protocols that—

5 (A) ensure that military investigators are
6 notified when a prosecution is declined;

7 (B) provide notice to victims of the status
8 of prosecutions and, as applicable, the reasons
9 for the declination to prosecute;

10 (C) arrange for specialized victim services
11 outside of the Department of Defense to be pro-
12 vided to juvenile victims to the extent possible;

13 (D) facilitate legal assistance or other civil
14 legal aid services to juvenile victims; and

15 (E) ensure that juveniles accused of crimes
16 are, to the extent possible, provided defense
17 counsel who are trained in representing juve-
18 niles.

19 (11) The Secretary of each military department
20 shall seek to develop a memorandum of under-
21 standing with the National Children's Alliance that
22 makes children's advocacy center services and proto-
23 cols available to all military installations of the de-
24 partment and increases awareness of those services
25 across the department.

1 (c) DEADLINE.—The Secretary of Defense shall
2 carry out the activities described in subsection (b) not
3 later than 1 year after the date of the enactment of this
4 Act.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “child abuse” means any abuse of
7 a child (including physical abuse, sexual abuse, emo-
8 tional abuse, and neglect) regardless of whether the
9 perpetrator of the abuse is another child, an adult,
10 or a person in a noncaregiving role.

11 (2) The term “covered Armed Forces” means
12 the Army, Navy, Air Force, Marine Corps, and
13 Space Force.

14 (3) The term “Incident Determination Com-
15 mittee” means a committee established at a military
16 installation that is responsible for reviewing reported
17 incidents of child abuse and determining whether
18 such incidents constitute child abuse according to
19 the applicable criteria of the Department of Defense.

20 (4) The term “military-connected”, when used
21 with respect to child abuse, means child abuse occur-
22 ring on a military installation or involving a depend-
23 ent of a member of the covered Armed Forces.

1 **SEC. 540. MULTIDISCIPLINARY BOARD TO EVALUATE SUI-**
2 **CIDE EVENTS.**

3 (a) GUIDANCE REQUIRED.—The Secretary of De-
4 fense shall issue guidance that requires each suicide event
5 involving of a member of a covered Armed Force to be
6 reviewed by a multidisciplinary board established at the
7 command or installation level. Such guidance shall require
8 that, for each suicide event reviewed by such a board, the
9 board will—

10 (1) clearly define the objective, purpose, and
11 outcome of the review;

12 (2) take a multidisciplinary approach to the re-
13 view and include, as part of the review process, lead-
14 ers of military units, medical and mental health pro-
15 fessionals, and representatives of military criminal
16 investigative organizations;

17 (3) obtain the data necessary to make a com-
18 prehensive Department of Defense suicide event re-
19 port submission; and

20 (4) take appropriate steps to protect and share
21 information obtained from ongoing investigations
22 into the event (such as medical and law enforcement
23 reports).

24 (b) IMPLEMENTATION BY COVERED ARMED
25 FORCES.—Not later than 90 days after the date on which

1 the guidance is issued under subsection (a), the chiefs of
 2 the covered Armed Forces shall implement the guidance.

3 (c) PROGRESS REPORT.—Not later than 180 days
 4 after the date of the enactment of this Act, the Secretary
 5 of Defense shall submit to the congressional defense com-
 6 mittees a report on the progress of the Secretary in imple-
 7 menting the guidance required under subsection (a).

8 (d) COVERED ARMED FORCES DEFINED.—In this
 9 section, the term “covered Armed Forces” means the
 10 Army, Navy, Air Force, Marine Corps, and Space Force.

11 **SEC. 540A. TO RESOLVE CONTROVERSIES UNDER**
 12 **SERVICEMEMBERS CIVIL RELIEF ACT.**

13 (a) IN GENERAL.—Section 102 of the
 14 Servicemembers Civil Relief Act (50 U.S.C. 3912) is
 15 amended by adding at the end the following new sub-
 16 section:

17 “(d) WRITTEN CONSENT REQUIRED FOR ARBITRA-
 18 TION.—Notwithstanding any other provision of law, when-
 19 ever a contract with a servicemember, or a servicemember
 20 and the servicemember’s spouse jointly, provides for the
 21 use of arbitration to resolve a controversy subject to a pro-
 22 vision of this Act and arising out of or relating to such
 23 contract, arbitration may be used to settle such con-
 24 troversy only if, after such controversy arises, all parties

1 to such controversy consent in writing to use arbitration
2 to settle such controversy.”.

3 (b) APPLICABILITY.—Subsection (d) of such section,
4 as added by subsection (a), shall apply with respect to con-
5 tracts entered into, amended, altered, modified, renewed,
6 or extended after the date of the enactment of this Act.

7 **SEC. 540B. LIMITATION ON WAIVER OF RIGHTS AND PRO-**
8 **TECTIONS UNDER SERVICEMEMBERS CIVIL**
9 **RELIEF ACT.**

10 (a) IN GENERAL.—Section 107(a) of the
11 Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is
12 amended—

13 (1) in the second sentence, by inserting “and if
14 it is made after a specific dispute has arisen and the
15 dispute is identified in the waiver” after “to which
16 it applies”; and

17 (2) in the third sentence, by inserting “and if
18 it is made after a specific dispute has arisen and the
19 dispute is identified in the waiver” after “period of
20 military service”.

21 (b) APPLICABILITY.—The amendment made by sub-
22 section (a) shall apply with respect to waivers made on
23 or after the date of the enactment of this Act.

1 **SEC. 540C. CLARIFICATION OF PRIVATE RIGHT OF ACTION**
2 **UNDER SERVICEMEMBERS CIVIL RELIEF**
3 **ACT.**

4 Section 802(a) of the Servicemembers Civil Relief Act
5 (50 U.S.C. 4042(a)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 inserting “, notwithstanding any previous agreement
8 to the contrary,” after “may”; and

9 (2) in paragraph (3), by striking “, notwith-
10 standing any previous agreement to the contrary”.

11 **SEC. 540D. REQUIREMENT OF CERTAIN CERTIFICATION BE-**
12 **FORE DEPORTATION OF A SPOUSE OF A MEM-**
13 **BER OF THE ARMED FORCES.**

14 (a) IN GENERAL.—A spouse of a member of the
15 Armed Forces may not be removed from the United States
16 until the Secretary concerned certifies to the congressional
17 defense committees that—

18 (1) the Secretary concerned has determined
19 that such removal shall not negatively affect the mo-
20 rale, welfare, or well-being of that member;

21 (2) the Secretary concerned has reviewed all in-
22 formation, including extenuating circumstances, re-
23 lating to such removal; and

24 (3) the Secretary concerned has assisted the
25 member and spouse to the greatest extent prac-
26 ticable.

1 (b) SECRETARY CONCERNED DEFINED.—In this sec-
2 tion, the term “Secretary concerned” has the meaning
3 given that term in section 101 of title 10, United States
4 Code.

5 **SEC. 540E. CLARIFICATION OF TERMINATION OF LEASES**
6 **OF PREMISES AND MOTOR VEHICLES OF**
7 **SERVICEMEMBERS WHO INCUR CATA-**
8 **STROPHIC INJURY OR ILLNESS OR DIE**
9 **WHILE IN MILITARY SERVICE.**

10 (a) CATASTROPHIC INJURIES AND ILLNESSES.—
11 Paragraph (4) of section 305(a) of the Servicemembers
12 Civil Relief Act (50 U.S.C. 3955(a)), as added by section
13 545 of the National Defense Authorization Act for Fiscal
14 Year 2020 (Public Law 116–92), is amended to read as
15 follows:

16 “(4) CATASTROPHIC INJURY OR ILLNESS OF
17 LESSEE.—

18 “(A) TERMINATION.—If the lessee on a
19 lease described in subsection (b) incurs a cata-
20 strophic injury or illness during a period of
21 military service or while performing covered
22 service, during the one-year period beginning on
23 the date on which the lessee incurs such injury
24 or illness—

1 “(i) the lessee may terminate the
2 lease; or

3 “(ii) in the case of a lessee who lacks
4 the mental capacity to contract or to man-
5 age his or her own affairs (including dis-
6 bursement of funds without limitation) due
7 to such injury or illness, the spouse or de-
8 pendent of the lessee may terminate the
9 lease.

10 “(B) DEFINITIONS.—In this paragraph:

11 “(i) The term ‘catastrophic injury or
12 illness’ has the meaning given that term in
13 section 439(g) of title 37, United States
14 Code.

15 “(ii) The term ‘covered service’ means
16 full-time National Guard duty, active
17 Guard and Reserve duty, or inactive-duty
18 training (as such terms are defined in sec-
19 tion 101(d) of title 10, United States
20 Code).”.

21 (b) DEATHS.—Paragraph (3) of such section is
22 amended by striking “The spouse of the lessee” and in-
23 serting “The spouse or dependent of the lessee”.

1 **SEC. 540F. AVAILABILITY OF RECORDS FOR NATIONAL IN-**
2 **STANT CRIMINAL BACKGROUND CHECK SYS-**
3 **TEM.**

4 Section 101(b) of the NICS Improvement Amend-
5 ments Act of 2007 (34 U.S.C. 40911(b)) is amended—

6 (1) by redesignating paragraph (2) as para-
7 graph (3); and

8 (2) by inserting after paragraph (1), the fol-
9 lowing new paragraph (2):

10 “(2) DEPARTMENT OF DEFENSE.—Not later
11 than 3 business days after the final disposition of a
12 judicial proceeding conducted within the Department
13 of Defense, the Secretary of Defense shall make
14 available to the Attorney General records which are
15 relevant to a determination of whether a member of
16 the Armed Forces involved in such proceeding is dis-
17 qualified from possessing or receiving a firearm
18 under subsection (g) or (n) of section 922 of title
19 18, United States Code, for use in background
20 checks performed by the National Instant Criminal
21 Background Check System.”.

22 **SEC. 540G. PROHIBITION ON CERTAIN COMMUNICATIONS**
23 **REGARDING COURTS-MARTIAL.**

24 Section 825 of title 10, United States Code (article
25 25 of the Uniform Code of Military Justice) is amended
26 by adding at the end the following new subsection:

1 “(g) No individual may provide a briefing concerning
 2 a potential or pending court-martial to a member of the
 3 armed forces who may be selected to serve on the court-
 4 martial.”.

5 **SEC. 540H. TERMINATION OF CONTRACTS FOR TELEPHONE,**
 6 **MULTICHANNEL VIDEO PROGRAMMING, OR**
 7 **INTERNET ACCESS SERVICE BY CERTAIN IN-**
 8 **DIVIDUALS UNDER SERVICEMEMBERS CIVIL**
 9 **RELIEF ACT.**

10 Section 305A(a) of the Servicemembers Civil Relief
 11 Act (50 U.S.C. 3956(a)) is amended by adding at the end
 12 the following new paragraph:

13 “(4) ADDITIONAL INDIVIDUALS COVERED.—For
 14 purposes of this section, the following individuals
 15 shall be treated as a servicemember covered by para-
 16 graph (1):

17 “(A) A spouse or dependent of a service-
 18 member who dies while in military service or a
 19 spouse or dependent of a member of the reserve
 20 components who dies while performing duty de-
 21 scribed in subparagraph (C).

22 “(B) A spouse or dependent of a service-
 23 member who incurs a catastrophic injury or ill-
 24 ness (as that term is defined in section 439(g)
 25 of title 37, United States Code), if the service-

1 member incurs the catastrophic injury or illness
2 while performing duty described in subpara-
3 graph (C).

4 “(C) A member of the reserve components
5 performing military service or performing full-
6 time National Guard duty, active Guard and
7 Reserve duty, or inactive-duty training (as such
8 terms are defined in section 101(d) of title 10,
9 United States Code).”.

10 **SEC. 540I. REPORT ON DRUG DEMAND REDUCTION PRO-**
11 **GRAM MODERNIZATION.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 enactment of this Act, the Secretary of Defense shall de-
14 liver a report to the Committees on Armed Services of the
15 Senate and House of Representatives regarding the effi-
16 cacy of using point of collection testing (in this section
17 referred to as “POCT”) devices to modernize the drug de-
18 mand reduction program (in this section referred to as
19 “DDRP”) random urinalysis testing.

20 (b) EVALUATION CRITERIA.—The report shall in-
21 clude the following:

22 (1) The extent to which use of POCT devices
23 streamline current urinalysis testing processes and
24 communications, while maintaining specimen chain

1 of custody for use in associated administrative and
2 military justice activities if needed.

3 (2) An assessment of the effectiveness of the
4 POCT devices for DDRP random urinalysis testing
5 while ensuring specimen chain of custody.

6 (3) A 10-year projection and assessment of the
7 cost savings associated with the use of POCT de-
8 vices in the DDRP random urinalysis testing.

9 (4) The methodology for calculating the 10-year
10 cost projection.

11 (5) An assessment of any other suggested
12 changes to modernize the DDRP program.

13 (6) A summary of any programmatic or
14 logistical barriers to effectively carrying out the use
15 of POCT devices in the DDRP testing.

16 **SEC. 540J. QUALIFICATIONS OF JUDGES AND STANDARD OF**
17 **REVIEW FOR COURTS OF CRIMINAL APPEALS.**

18 (a) QUALIFICATIONS OF CERTAIN JUDGES.—Section
19 866(a) of title 10, United States Code (article 66(a) of
20 the Uniform Code of Military Justice), is amended—

21 (1) by striking “Each Judge” and inserting:

22 “(1) IN GENERAL.—Each Judge”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(2) ADDITIONAL QUALIFICATIONS.—In addi-
2 tion to any other qualifications specified in para-
3 graph (1), any commissioned officer or civilian as-
4 signed as an appellate military judge to a Court of
5 Criminal Appeals shall have not fewer than 12 years
6 of experience in the practice of law before such as-
7 signment.”.

8 (b) STANDARD OF REVIEW.—Paragraph (1) of sec-
9 tion 866(d) of title 10, United States Code (article 66(d)
10 of the Uniform Code of Military Justice), is amended to
11 read as follows:

12 “(1) CASES APPEALED BY ACCUSED.—

13 “(A) IN GENERAL.—In any case before the
14 Court of Criminal Appeals under subsection (b),
15 the Court may act only with respect to the find-
16 ings and sentence as entered into the record
17 under section 860c of this title (article 60c).
18 The Court may affirm only such findings of
19 guilty, and the sentence or such part or amount
20 of the sentence, as the Court finds correct in
21 law, and in fact in accordance with subpara-
22 graph (B), and determines, on the basis of the
23 entire record, should be approved.

24 “(B) FACTUAL SUFFICIENCY REVIEW.—

1 “(i) In an appeal of a finding of guilty
2 or sentence under paragraph (1)(A),
3 (1)(B), or (2) of subsection (b), the Court
4 may consider whether the finding is correct
5 in fact upon request of the accused if the
6 accused makes a specific showing of a defi-
7 ciency in proof.

8 “(ii) After an accused has made such
9 a showing, the Court may weigh the evi-
10 dence and determine controverted ques-
11 tions of fact subject to—

12 “(I) appropriate deference to the
13 fact that the trial court saw and
14 heard the witnesses and other evi-
15 dence; and

16 “(II) appropriate deference to
17 findings of fact entered into the
18 record by the military judge.

19 “(iii) If, as a result of the review con-
20 ducted under clause (ii), the Court is clear-
21 ly convinced that the finding of guilty or
22 sentence was against the weight of the evi-
23 dence, the Court may dismiss or set aside
24 the finding, or affirm a lesser finding.

1 “(C) REVIEW BY FULL COURT.—Any de-
2 termination by the Court that a finding was
3 clearly against the weight of the evidence under
4 subparagraph (B) shall be reviewed by the
5 Court sitting as a whole.”.

6 (c) INCLUSION OF ADDITIONAL INFORMATION IN AN-
7 NUAL REPORTS.—Section 946a(b)(2) of title 10, United
8 States Code (article 146a(b)(2) of the Uniform Code of
9 Military Justice), is amended—

10 (1) in subparagraph (B), by striking “and” at
11 the end;

12 (2) in subparagraph (C), by striking the period
13 at the end and inserting “; and”; and

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

16 “(D) An analysis of each case in which a
17 Court of Criminal Appeals made a final deter-
18 mination that a finding of a court-martial was
19 clearly against the weight of the evidence, in-
20 cluding an explanation of the standard of appel-
21 late review applied in such case.”.

1 **SEC. 540K. RIGHT TO NOTICE OF VICTIMS OF OFFENSES**
 2 **UNDER THE UNIFORM CODE OF MILITARY**
 3 **JUSTICE REGARDING CERTAIN POST-TRIAL**
 4 **MOTIONS, FILINGS, AND HEARINGS.**

5 Section 806b(a)(2) of title 10, United States Code
 6 (article 6b(a)(2)) of the Uniform Code of Military Jus-
 7 tice), is amended—

8 (1) by redesignating subparagraphs (D) and
 9 (E) as subparagraphs (E) and (F), respectively; and

10 (2) by inserting after subparagraph (C) the fol-
 11 lowing new subparagraph (D):

12 “(D) A post-trial motion, filing, or hearing
 13 that may address the finding or sentence of a
 14 court-martial with respect to the accused,
 15 unseal privileged or private information of the
 16 victim, or result in the release of the accused.”.

17 **Subtitle E—Sexual Assault**

18 **SEC. 541. PROTECTION OF ATTORNEY-CLIENT PRIVILEGE**
 19 **BETWEEN VICTIMS AND SPECIAL VICTIMS’**
 20 **COUNSEL.**

21 (a) SPECIAL VICTIMS’ COUNSEL.—Subsection (c) of
 22 section 1044e of title 10, United States Code, is amended
 23 to read as follows:

24 “(c) NATURE OF RELATIONSHIP.—

25 “(1) ATTORNEY-CLIENT RELATIONSHIP.—The
 26 relationship between a Special Victims’ Counsel and

1 a victim in the provision of legal advice and assist-
2 ance shall be the relationship between an attorney
3 and client.

4 “(2) TESTIMONY IN LEGAL PROCEEDINGS.—
5 During any criminal legal proceeding in which a
6 Special Victims’ Counsel is asked to testify or give
7 evidence, the Special Victims’ Counsel shall be given
8 the same consideration as counsel for the Govern-
9 ment and counsel for the accused.”.

10 (b) REVISION TO MILITARY RULES OF EVIDENCE.—
11 Not later than 180 days after the date of the enactment
12 of this Act, Rule 502 of the Military Rules of Evidence
13 shall be modified to provide that the privilege between a
14 Special Victims’ Counsel and a client shall be the same
15 as lawyer-client privilege.

16 **SEC. 542. AUTHORITY OF MILITARY JUDGES AND MILITARY**
17 **MAGISTRATES TO ISSUE MILITARY COURT**
18 **PROTECTIVE ORDERS.**

19 (a) JUDGE-ISSUED MILITARY COURT PROTECTIVE
20 ORDERS.—Chapter 80 of title 10, United States Code, is
21 amended by adding at the end the following new section:

1 **“§ 1567b. Authority of military judges and military**
2 **magistrates to issue military court pro-**
3 **TECTIVE ORDERS**

4 “(a) AUTHORITY TO ISSUE MILITARY COURT PRO-
5 TECTIVE ORDERS.—The President shall prescribe regula-
6 tions authorizing military judges and military magistrates
7 to issue protective orders in accordance with this section.
8 A protective order issued in accordance with this section
9 shall be known as a ‘military court protective order’.
10 Under the regulations prescribed by the President, mili-
11 tary judges and military magistrates shall have exclusive
12 jurisdiction over the issuance, appeal, renewal, and termi-
13 nation of military court protective orders and such orders
14 may not be issued, appealed, renewed, or terminated by
15 State, local, territorial, or tribal courts.

16 “(b) ENFORCEMENT BY CIVILIAN AUTHORITIES.—

17 “(1) IN GENERAL.—In prescribing regulations
18 for military court protective orders, the President
19 shall seek to ensure that the protective orders are
20 issued in a form and manner that is enforceable by
21 State, local, territorial, and tribal civilian law en-
22 forcement authorities.

23 “(2) FULL FAITH AND CREDIT.—Any military
24 court protective order, should be accorded full faith
25 and credit by the court of a State, local, territorial,
26 or tribal jurisdiction (the enforcing jurisdiction) and

1 enforced by the court and law enforcement personnel
2 of that jurisdiction as if it were the order of the en-
3 forcing jurisdiction.

4 “(3) RECIPROCITY AGREEMENTS.—Consistent
5 with paragraphs (1) and (2), the Secretary of De-
6 fense shall seek to enter into reciprocity agreements
7 with State, local, territorial, and tribal civilian law
8 enforcement authorities under which—

9 “(A) such authorities agree to enforce mili-
10 tary court protective orders; and

11 “(B) the Secretary agrees to enforce pro-
12 tective orders issued by such authorities that
13 are consistent with section 2265(b) of title 18.

14 “(c) PURPOSE AND FORM OF ISSUANCE.—A military
15 court protective order may be issued for the purpose of
16 protecting a victim of an alleged sex or domestic violence
17 offense, or a family member or associate of the victim,
18 from a person subject to chapter 47 of this title (the Uni-
19 form Code of Military Justice) who is alleged to have com-
20 mitted such an offense.

21 “(d) TIMING AND MANNER OF ISSUANCE.—A mili-
22 tary court protective order may be issued—

23 “(1) by a military magistrate, before referral of
24 charges and specifications to court-martial for trial,
25 at the request of—

1 “(A) a victim of an alleged sex or domestic
2 violence offense; or

3 “(B) a Special Victims’ Counsel or other
4 qualified counsel acting on behalf of the victim;
5 or

6 “(2) by a military judge, after referral of
7 charges and specifications to court-martial for trial,
8 at the request of qualified counsel, which may in-
9 clude a Special Victims’ Counsel acting on behalf of
10 the victim or trial counsel acting on behalf of the
11 prosecution.

12 “(e) DURATION AND RENEWAL OF PROTECTIVE
13 ORDER.—

14 “(1) DURATION.—A military court protective
15 order shall be issued for an initial period of thirty
16 days and may be reissued for one or more additional
17 periods of 30 days in accordance with paragraph (2).

18 “(2) EXPIRATION AND RENEWAL.—Before the
19 expiration of any 30-day period during which a mili-
20 tary court protective order is in effect, a military
21 judge or military magistrate shall review the order
22 to determine whether the order will terminate at the
23 expiration of such period or be reissued for an addi-
24 tional period of 30 days.

1 “(3) NOTICE TO PROTECTED PERSONS.—If a
2 military judge or military magistrate determines
3 under paragraph (2) that a military court protective
4 order will terminate, the judge or magistrate con-
5 cerned shall provide to each person protected by the
6 order reasonable, timely, and accurate notification of
7 the termination.

8 “(f) REVIEW OF MAGISTRATE-ISSUED ORDERS.—

9 “(1) REVIEW.—A military judge, at the request
10 of the person subject to a military court protective
11 order that was issued by a military magistrate, may
12 review the order to determine if the order was prop-
13 erly issued by the magistrate.

14 “(2) STANDARDS OF REVIEW.—A military
15 judge who reviews an order under paragraph (1)
16 shall terminate the order if the judge determines
17 that—

18 “(A) the military magistrate’s decision to
19 issue the order was an abuse of discretion, and
20 there is not sufficient information presented to
21 the military judge to justify the order; or

22 “(B) information not presented to the mili-
23 tary magistrate establishes that the military
24 court protective order should be terminated.

25 “(g) DUE PROCESS.—

1 “(1) PROTECTION OF DUE PROCESS.—Except
2 as provided in paragraph (2), a protective order au-
3 thorized under subsection (a) may be issued only
4 after reasonable notice and opportunity to be heard,
5 directly or through counsel, is given to the person
6 against whom the order is sought sufficient to pro-
7 tect that person’s right to due process.

8 “(2) EMERGENCY ORDERS.—A protective order
9 on an emergency basis may be issued on an ex parte
10 basis under such rules and limitations as the Presi-
11 dent shall prescribe. In the case of ex parte orders,
12 notice and opportunity to be heard must be provided
13 within a reasonable time after the order is issued,
14 sufficient to protect the respondent’s due process
15 rights.

16 “(h) RIGHTS OF VICTIM.—The victim of an alleged
17 sex or domestic violence offense who seeks a military court
18 protective order has, in addition to any rights provided
19 under section 806b (article 6b), the following rights with
20 respect to any proceeding involving the protective order:

21 “(1) The right to reasonable, accurate, and
22 timely notice of the proceeding and of any change in
23 the status of the protective order resulting from the
24 proceeding.

1 “(2) The right to be reasonably heard at the
2 proceeding.

3 “(3) The right to appear in person, with or
4 without counsel, at the proceeding.

5 “(4) The right be represented by qualified
6 counsel in connection with the proceeding, which
7 may include a Special Victims’ Counsel.

8 “(5) The reasonable right to confer with a rep-
9 resentative of the command of the accused and
10 counsel representing the government at the pro-
11 ceeding, as applicable.

12 “(6) The right to submit a written statement,
13 directly or through counsel, for consideration by the
14 military judge or military magistrate presiding over
15 the proceeding.

16 “(i) RESTRICTIONS ON ACCESS TO FIREARMS.—

17 “(1) IN GENERAL.—Notwithstanding any other
18 provision of law—

19 “(A) a military court protective order
20 issued on an ex parte basis shall restrain a per-
21 son from possessing, receiving, or otherwise ac-
22 cessing a firearm; and

23 “(B) a military court protective order
24 issued after the person to be subject to the
25 order has received notice and opportunity to be

1 heard on the order, shall restrain such person
2 from possessing, receiving, or otherwise access-
3 ing a firearm in accordance with section 922 of
4 title 18.

5 “(2) NOTICE TO ATTORNEY GENERAL.—Not
6 later than 72 hours after the issuance of an order
7 described in paragraph (1), the Secretary of Defense
8 shall submit to the Attorney General a record of the
9 order.

10 “(j) TREATMENT AS LAWFUL ORDER.—A military
11 court protective order shall be treated as a lawful order
12 for purposes of the application of section 892 (article 92)
13 and a violation of such an order shall be punishable under
14 such section (article).

15 “(k) COMMAND MATTERS.—

16 “(1) INCLUSION IN PERSONNEL FILE.—Any
17 military court protective order against a member
18 shall be placed and retained in the military per-
19 sonnel file of the member.

20 “(2) NOTICE TO CIVILIAN LAW ENFORCEMENT
21 OF ISSUANCE.—Any military court protective order
22 against a member shall be treated as a military pro-
23 tective order for purposes of section 1567a including
24 for purposes of mandatory notification of issuance to
25 civilian law enforcement as required by that section.

1 “(l) RELATIONSHIP TO OTHER AUTHORITIES.—

2 Nothing in this section may be construed as prohibiting—

3 “(1) a commanding officer from issuing or en-
4 forcing any otherwise lawful order in the nature of
5 a protective order to or against members of the offi-
6 cer’s command;

7 “(2) pretrial restraint in accordance with Rule
8 for Courts-Martial 304 (as set forth in the Manual
9 for Courts-Martial, 2019 edition, or any successor
10 rule); or

11 “(3) pretrial confinement in accordance with
12 Rule for Courts-Martial 305 (as set forth in the
13 Manual for Courts-Martial, 2019 edition, or any suc-
14 cessor rule).

15 “(m) DELIVERY TO CERTAIN PERSONS.—A physical
16 and electronic copy of any military court protective order
17 shall be provided, as soon as practicable after issuance,
18 to the following:

19 “(1) The person or persons protected by the
20 protective order or to the guardian of such a person
21 if such person is under the age of 18 years.

22 “(2) The person subject to the protective order.

23 “(3) To such commanding officer in the chain
24 of command of the person subject to the protective

1 order as the President shall prescribe for purposes
2 of this section.

3 “(n) DEFINITIONS.—In this section:

4 “(1) CONTACT.—The term ‘contact’ includes
5 contact in person or through a third party, or
6 through gifts.

7 “(2) COMMUNICATION.—The term ‘communica-
8 tion’ includes communication in person or through a
9 third party, and by telephone or in writing by letter,
10 data fax, or other electronic means.

11 “(3) COVERED SEX OR DOMESTIC VIOLENCE
12 OFFENSE.—The term ‘covered sex or domestic vio-
13 lence offense’ means—

14 “(A) an alleged sex-related offense (as de-
15 fined in section 1044e(h)); or

16 “(B) an alleged offense of domestic vio-
17 lence under section 928b of this title (article
18 128b of the Uniform Code of Military Justice)
19 or an attempt to commit such an offense that
20 is punishable under section 880 of this title (ar-
21 ticle 80 of the Uniform Code of Military Jus-
22 tice).

23 “(4) MILITARY JUDGE AND MILITARY MAG-
24 ISTRATE.—The terms ‘military judge’ and ‘military
25 magistrate’ mean a commissioned officer of the

1 armed forces who is a member of the bar of a Fed-
2 eral court or a member of the bar of the highest
3 court of a State and who is certified to be qualified,
4 by reason of education, training, experience, and ju-
5 dicial temperament, for duty as a military judge or
6 magistrate by the Judge Advocate General of the
7 armed force of which the officer is a member.

8 “(5) PROTECTIVE ORDER.—The term ‘protec-
9 tive order’ means an order that—

10 “(A) restrains a person from harassing,
11 stalking, threatening, or otherwise contacting or
12 communicating with a victim of an alleged sex
13 or domestic violence offense, or a family mem-
14 ber or associate of the victim, or engaging in
15 other conduct that would place such other per-
16 son in reasonable fear of bodily injury to any
17 such other person;

18 “(B) by its terms, explicitly prohibits—

19 “(i) the use, attempted use, or threat-
20 ened use of physical force by the person
21 against a victim of an alleged sex or do-
22 mestic violence offense, or a family mem-
23 ber or associate of the victim, that would
24 reasonably be expected to cause bodily in-
25 jury;

1 “(ii) the initiation by the person re-
2 strained of any contact or communication
3 with such other person; or

4 “(iii) actions described by both clauses
5 (i) and (ii).

6 “(6) SPECIAL VICTIMS’ COUNSEL.—The term
7 ‘Special Victims Counsel’ means a Special Victims’
8 Counsel described in section 1044e and includes a
9 Victims’ Legal Counsel of the Navy.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by adding
12 at the end the following new item:

“1567b. Authority of military judges and military magistrates to issue military
court protective orders.”.

13 (c) IMPLEMENTATION.—The President shall pre-
14 scribe regulations implementing section 1567b of title 10,
15 United States Code, not later than 1 year after the date
16 of the enactment of this Act.

17 **SEC. 543. ADDITIONAL BASES FOR PROVISION OF ADVICE**
18 **BY THE DEFENSE ADVISORY COMMITTEE**
19 **FOR THE PREVENTION OF SEXUAL MIS-**
20 **CONDUCT.**

21 Section 550B(c)(2) of the National Defense Author-
22 ization Act for Fiscal Year 2020 (Public Law 116–92) is
23 amended—

1 (1) by redesignating subparagraph (C) as sub-
2 paragraph (E); and

3 (2) by inserting after subparagraph (B) the fol-
4 lowing new subparagraphs:

5 “(C) Efforts among private employers to
6 prevent sexual assault and sexual harassment
7 among their employees.

8 “(D) Evidence-based studies on the pre-
9 vention of sexual assault and sexual harassment
10 in the Armed Forces, institutions of higher edu-
11 cation, and the private sector.”.

12 **SEC. 544. MODIFICATION OF REPORTING AND DATA COL-**
13 **LECTION ON VICTIMS OF SEXUAL OFFENSES.**

14 Section 547 of the John S. McCain National Defense
15 Authorization Act for Fiscal Year 2019 (Public Law 115–
16 232; 10 U.S.C. 1561 note) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “accused of” and in-
20 serting “suspected of”; and

21 (ii) by striking “assault” and insert-
22 ing “offense”;

23 (B) in paragraph (2), by striking “accused
24 of” and inserting “suspected of”; and

25 (C) in paragraph (3)—

1 (i) by striking “assaults” and insert-
2 ing “offenses”; and

3 (ii) by striking “an accusation” and
4 inserting “suspicion of”;

5 (2) by redesignating subsection (b) as sub-
6 section (c);

7 (3) by inserting after subsection (b) the fol-
8 lowing new subsection:

9 “(b) GUIDANCE REQUIRED.—The Secretary of De-
10 fense shall issue guidance to ensure the uniformity of the
11 data collected by each Armed Force for purposes of sub-
12 section (a). At a minimum, such guidance shall estab-
13 lish—

14 “(1) standardized methods for the collection of
15 the data required to be reported under such sub-
16 section; and

17 “(2) standardized definitions for the terms ‘sex-
18 ual offense’, ‘collateral misconduct’, and ‘adverse ac-
19 tion’.”; and

20 (4) by amending subsection (c), as so redesign-
21 ated, to read as follows:

22 “(c) DEFINITIONS.—In this section:

23 “(1) The term ‘covered individual’ means an in-
24 dividual who is identified in the case files of a mili-
25 tary criminal investigative organization as a victim

1 of a sexual offense that occurred while that indi-
2 vidual was serving on active duty as a member of
3 the Armed Forces.

4 “(2) The term ‘suspected of’, when used with
5 respect to a covered individual suspected of collateral
6 misconduct or crimes as described in subsection (a),
7 means that an investigation by a military criminal
8 investigative organization reveals facts and cir-
9 cumstances that would lead a reasonable person to
10 believe that the individual committed an offense
11 under chapter 47 of title 10, United States Code
12 (the Uniform Code of Military Justice).”.

13 **SEC. 545. MODIFICATION OF ANNUAL REPORT REGARDING**
14 **SEXUAL ASSAULTS INVOLVING MEMBERS OF**
15 **THE ARMED FORCES.**

16 (a) SUBMISSION TO CONGRESS.—Section 1631(d) of
17 the Ike Skelton National Defense Authorization Act for
18 Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561
19 note) is amended by inserting “and the Committees on
20 Veterans’ Affairs of the Senate and the House of Rep-
21 resentatives” after “House of Representatives”.

22 (b) APPLICABILITY.—The amendment made by sub-
23 section (a) shall take effect on the date of the enactment
24 of this Act and shall apply to reports required to be sub-
25 mitted under section 1631 of the Ike Skelton National De-

1 fense Authorization Act for Fiscal Year 2011 (Public Law
2 111–383; 10 U.S.C. 1561 note) on or after such date.

3 **SEC. 546. COORDINATION OF SUPPORT FOR SURVIVORS OF**
4 **SEXUAL TRAUMA.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Secretaries of De-
7 fense and Veterans Affairs shall jointly develop, imple-
8 ment, and maintain a standard of coordinated care for
9 members of the Armed Forces who are survivors of sexual
10 trauma. Such standard shall include the following:

11 (b) MINIMUM ELEMENTS.—The standard developed
12 and implemented under subsection (a) by the Secretaries
13 of Defense and Veterans Affairs shall include the fol-
14 lowing:

15 (1) INFORMATION FOR MEMBERS OF THE
16 ARMED FORCES.—The Secretary of Defense shall en-
17 sure that—

18 (A) Sexual Assault Response Coordinators
19 and Uniformed Victim Advocates receive annual
20 training on resources of the Department of Vet-
21 erans Affairs regarding sexual trauma;

22 (B) information regarding services fur-
23 nished by the Secretary of Veterans Affairs to
24 survivors of sexual trauma is provided to each
25 such survivor; and

1 (C) information described in subparagraph
2 (B) is posted in the following areas in each fa-
3 cility of the Department of Defense:

4 (i) An office of the Family Advocacy
5 Program.

6 (ii) An office of a mental health care
7 provider.

8 (iii) Each area in which sexual assault
9 prevention staff normally post notices or
10 information.

11 (iv) High-traffic areas (including din-
12 ing facilities).

13 (2) COORDINATION BETWEEN STAFF OF THE
14 DEPARTMENTS.—The Secretaries shall ensure that a
15 Sexual Assault Response Coordinator or Uniformed
16 Victim Advocate of the Department of Defense who
17 receives a report of an instance of sexual trauma
18 connects the survivor to the Military Sexual Trauma
19 Coordinator of the Department of Veterans Affairs
20 at the facility of that Department nearest to the res-
21 idence of that survivor if that survivor is a member
22 separating or retiring from the Armed Forces.

23 (c) REPORTS.—

24 (1) REPORT ON RESIDENTIAL TREATMENT.—
25 Not later than 180 days after the date of the enact-

1 ment of this Act, the Secretaries of Defense and
2 Veterans Affairs shall provide a report to the appro-
3 priate committees of Congress regarding the avail-
4 ability of residential treatment programs for sur-
5 vivors of sexual trauma, including—

6 (A) barriers to access for such programs;

7 and

8 (B) resources required to reduce such bar-
9 riers.

10 (2) INITIAL REPORT.—Upon implementation of
11 the standard under subsection (a), the Secretaries of
12 Defense and Veterans Affairs shall jointly submit to
13 the appropriate committees of Congress a report on
14 the standard.

15 (3) PROGRESS REPORTS.—Not later than 180
16 days after submitting the initial report under para-
17 graph (2), and on December 1 of each subsequent
18 year, the Secretaries of Defense and Veterans Af-
19 fairs shall jointly submit to the appropriate commit-
20 tees of Congress a report on the progress of the Sec-
21 retaries in implementing and improving the stand-
22 ard.

23 (4) UPDATES.—Whenever the Secretaries of
24 Defense and Veterans Affairs update the standard
25 developed under subsection (a), the Secretaries shall

1 jointly submit to the appropriate committees of Con-
2 gress a report on such update, including a com-
3 prehensive and detailed description of such update
4 and the reasons for such update.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “sexual trauma” means psycho-
7 logical trauma described in section 1720D(a)(1) of
8 title 38, United States Code.

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

11 (A) the Committees on Veterans’ Affairs of
12 the House of Representatives and the Senate;
13 and

14 (B) the Committees on Armed Services of
15 the House of Representatives and the Senate.

16 **SEC. 547. POLICY ON SEPARATION OF VICTIM AND AC-**
17 **CUSED AT MILITARY SERVICE ACADEMIES.**

18 (a) IN GENERAL.—The Secretary of Defense shall,
19 in consultation with the Secretaries of the military depart-
20 ments and the Superintendent of each military service
21 academy, prescribe in regulations a policy under which a
22 cadet or midshipman of a military service academy who
23 is the alleged victim of a sexual assault and a cadet or
24 midshipman who is the alleged perpetrator of such assault
25 shall, to the extent practicable, each be given the oppor-

1 tunity to complete their course of study at the academy
2 without—

3 (1) taking classes together; or

4 (2) otherwise being in close proximity to each
5 other during mandatory activities.

6 (b) ELEMENTS.—The Secretary of Defense shall en-
7 sure that the policy developed under subsection (a)—

8 (1) protects the alleged victim as necessary, in-
9 cluding by prohibiting retaliatory harassment;

10 (2) allows both the victim and the accused to
11 complete their course of study at the institution with
12 minimal disruption;

13 (3) protects the privacy of both the victim and
14 the accused by ensuring that information about the
15 alleged sexual assault and the individuals involved is
16 not revealed to third parties who are not specifically
17 authorized to receive such information in the course
18 of performing their regular duties, except that such
19 policy shall not preclude the alleged victim or the al-
20 leged perpetrator from making such disclosures to
21 third parties; and

22 (4) minimizes the burden on the alleged victim
23 when taking steps to separate the alleged victim and
24 alleged perpetrator.

1 (c) SPECIAL RULE.—The policy developed under sub-
2 section (a) shall not preclude a military service academy
3 from taking other administrative or disciplinary action
4 when appropriate.

5 (d) MILITARY SERVICE ACADEMY DEFINED.—In this
6 section, the term “military service academy” means the
7 following:

8 (1) The United States Military Academy.

9 (2) The United States Naval Academy.

10 (3) The United States Air Force Academy.

11 **SEC. 548. SAFE-TO-REPORT POLICY APPLICABLE ACROSS**
12 **THE ARMED FORCES.**

13 (a) IN GENERAL.—The Secretary of Defense shall,
14 in consultation with the Secretaries of the military depart-
15 ments, prescribe in regulations a safe-to-report policy de-
16 scribed in subsection (b) that applies with respect to all
17 members of the covered Armed Forces (including members
18 of the reserve components of the covered Armed Forces)
19 and cadets and midshipmen at the military service acad-
20 emies.

21 (b) SAFE-TO-REPORT POLICY.—The safe-to-report
22 policy described in this subsection is a policy that pre-
23 scribes the handling of minor collateral misconduct involv-
24 ing a member of the covered Armed Forces who is the
25 alleged victim of sexual assault.

1 (c) AGGRAVATING CIRCUMSTANCES.—The regula-
2 tions under subsection (a) shall specify aggravating cir-
3 cumstances that increase the gravity of minor collateral
4 misconduct or its impact on good order and discipline for
5 purposes of the safe-to-report policy.

6 (d) TRACKING OF COLLATERAL MISCONDUCT INCI-
7 DENTS.—In conjunction with the issuance of regulations
8 under subsection (a), Secretary shall develop and imple-
9 ment a process to track incidents of minor collateral mis-
10 conduct that are subject to the safe-to-report policy.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “covered Armed Forces” has the
13 meaning given the term “armed forces” in section
14 101(a)(4) of title 10, United States Code, except
15 such term does not include the Coast Guard.

16 (2) The term “military service academy” means
17 the following:

18 (A) The United States Military Academy.

19 (B) The United States Naval Academy.

20 (C) The United States Air Force Academy.

21 (3) The term “minor collateral misconduct”
22 means any minor misconduct that is potentially pun-
23 ishable under chapter 47 of title 10, United States
24 Code (the Uniform Code of Military Justice), that—

1 (A) is committed close in time to or during
2 the sexual assault, and directly related to the
3 incident that formed the basis of the sexual as-
4 sault allegation;

5 (B) is discovered as a direct result of the
6 report of sexual assault or the ensuing inves-
7 tigation into the sexual assault; and

8 (C) does not involve aggravating cir-
9 cumstances (as specified in the regulations pre-
10 scribed under subsection (c)) that increase the
11 gravity of the minor misconduct or its impact
12 on good order and discipline.

13 **SEC. 549. QUESTION IN WORKPLACE AND GENDER RELA-**
14 **TIONS SURVEYS REGARDING PROSECUTIONS**
15 **OF SEXUAL ASSAULT.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall include in the covered surveys a question regarding
19 whether a member of an Armed Force under the jurisdic-
20 tion of the Secretary of a military department would be
21 more willing to report a sexual assault if prosecution deci-
22 sions were made by lawyers and not commanders.

23 (b) COVERED SURVEYS DEFINED.—In this section,
24 the term “covered surveys” means the workplace and gen-
25 der relations surveys and focus groups administered by the

1 Office of People Analytics of the Department of Defense,
2 including—

3 (1) the Workplace and Gender Relations Survey
4 of Active Duty Members;

5 (2) the Workplace and Gender Relations Survey
6 of Reserve Component Members;

7 (3) the Military Service Gender Relations Focus
8 Group; and

9 (4) any successor survey or focus group.

10 **SEC. 550. PILOT PROGRAM ON PROSECUTION OF SPECIAL**
11 **VICTIM OFFENSES COMMITTED BY**
12 **ATTENDEES OF MILITARY SERVICE ACAD-**
13 **EMIES.**

14 (a) PILOT PROGRAM.—Beginning not later than Jan-
15 uary 1, 2021, the Secretary of Defense shall carry out a
16 pilot program (referred to in this Act as the “Pilot Pro-
17 gram”) under which the Secretary shall establish, in ac-
18 cordance with this section, an independent authority to—

19 (1) review each covered special victim offense;
20 and

21 (2) determine whether such offense shall be re-
22 ferred to trial by an appropriate court-martial con-
23 vening authority.

24 (b) OFFICE OF THE CHIEF PROSECUTOR.—

1 (1) ESTABLISHMENT.—As part of the Pilot
2 Program, the Secretary shall establish, within the
3 Office of the Secretary of Defense, an Office of the
4 Chief Prosecutor.

5 (2) HEAD OF OFFICE.—The head of the Office
6 shall be known as the Chief Prosecutor. The Sec-
7 retary shall appoint as the Chief Prosecutor a com-
8 missioned officer in the grade of O-7 or above
9 who—

10 (A) has significant experience prosecuting
11 sexual assault trials by court-martial; and

12 (B) is outside the chain of command of
13 any cadet or midshipman described in sub-
14 section (f)(2).

15 (3) RESPONSIBILITIES.—The Chief Prosecutor
16 shall exercise the authorities described in subsection
17 (c) but only with respect to covered special victim of-
18 fenses.

19 (4) SPECIAL RULE.—Notwithstanding any other
20 provision of law, the military service from which the
21 Chief Prosecutor is appointed is authorized an addi-
22 tional billet for a general officer or a flag officer for
23 each year in the 2-year period beginning with the
24 year in which the appointment is made.

1 (5) TERMINATION.—The Office of the Chief
2 Prosecutor shall terminate on the date on which the
3 Pilot Program terminates under subsection (e).

4 (c) REFERRAL TO OFFICE OF THE CHIEF PROS-
5 ECUTOR.—

6 (1) INVESTIGATION PHASE.—

7 (A) NOTICE AND INFORMATION.—A mili-
8 tary criminal investigative organization that re-
9 ceives an allegation of a covered special victim
10 offense shall provide to the Chief Prosecutor
11 and the commander of the military service
12 academy concerned—

13 (i) timely notice of such allegation;

14 and

15 (ii) any information and evidence ob-
16 tained as the result a subsequent investiga-
17 tion into the allegation.

18 (B) TRIAL COUNSEL.—A trial counsel as-
19 signed to a case involving a covered special vic-
20 tim offense shall, during the investigative phase
21 of such case, provide the Chief Prosecutor with
22 the information necessary to enable the Chief
23 Prosecutor to make the determination required
24 under paragraph (3).

1 (2) REFERRAL TO CHIEF PROSECUTOR.—In the
2 case of a charge relating to a covered special victim
3 offense, in addition to referring the charge to the
4 staff judge advocate under subsection (a) or (b) of
5 section 834 of title 10, United States Code (article
6 34 of the Uniform Code of Military Justice), the
7 convening authority of the Armed Force of which
8 the accused is a member shall refer, as soon as rea-
9 sonably practicable, the charge to the Chief Pros-
10 ecutor to make the determination required by para-
11 graph (3).

12 (3) PROSECUTORIAL DETERMINATION.—The
13 Chief Prosecutor shall make a determination regard-
14 ing whether a charge relating to a covered special
15 victim offense shall be referred to trial. If the Chief
16 Prosecutor makes a determination that the charge
17 shall be tried by court-martial, the Chief Prosecutor
18 also shall determine whether the charge shall be
19 tried by a general court-martial convened under sec-
20 tion 822 of title 10, United States Code (article 22
21 of the Uniform Code of Military Justice) or a special
22 court-martial convened under section 823 of such
23 title (article 23 of the Uniform Code of Military Jus-
24 tice). The determination of whether to try a charge
25 relating to a covered special victim offense by court-

1 martial shall include a determination of whether to
2 try any known offenses, including any lesser in-
3 cluded offenses.

4 (4) EFFECT OF DETERMINATION AND APPEALS
5 PROCESS.—

6 (A) DETERMINATION TO PROCEED TO
7 TRIAL.—Subject to subparagraph (C), a deter-
8 mination to try a charge relating to a covered
9 special victim offense by court-martial under
10 paragraph (3), and the determination as to the
11 type of court-martial, shall be binding on any
12 convening authority under chapter 47 of title
13 10, United States Code (the Uniform Code of
14 Military Justice) for a trial by court-martial on
15 the charge.

16 (B) DETERMINATION NOT TO PROCEED TO
17 TRIAL.—Subject to subparagraph (C), a deter-
18 mination under paragraph (3) not to proceed to
19 trial on a charge relating to a covered special
20 victim offense by general or special court-mar-
21 tial shall be binding on any convening authority
22 under chapter 47 of title 10, United States
23 Code (the Uniform Code of Military Justice) ex-
24 cept that such determination shall not operate

1 to terminate or otherwise alter the authority of
2 the convening authority—

3 (i) to proceed to trial by court-martial
4 on charges of collateral misconducted re-
5 lated to the special victim offense; or

6 (ii) to impose non-judicial punishment
7 in connection with the conduct covered by
8 the charge as authorized by section 815 of
9 such title (article 15 of the Uniform Code
10 of Military Justice).

11 (C) APPEAL.—In a case in which a con-
12 vening authority and the staff judge advocate
13 advising such authority disagree with the deter-
14 mination of the Chief Prosecutor under para-
15 graph (3), the convening authority and staff
16 judge advocate may jointly appeal the deter-
17 mination to the General Counsel of the Depart-
18 ment of Defense. The determination of the Gen-
19 eral Counsel with respect to such appeal shall
20 be binding on the Chief Prosecutor and the con-
21 vening authority concerned.

22 (5) TRIAL BY RANDOMIZED JURY.—After the
23 Chief Prosecutor makes a determination under para-
24 graph (3) to proceed to trial on a charge relating to
25 a covered special victim offense, the matter shall be

1 tried by a court-martial convened within the Armed
2 Force of which the accused is a member in accord-
3 ance with the applicable provisions of chapter 47 of
4 title 10, United States Code (the Uniform Code of
5 Military Justice) except that, when convening a
6 court-martial that is a general or special court-mar-
7 tial involving a covered special victim offense in
8 which the accused elects a jury trial, the convening
9 authority shall detail members of the Armed Forces
10 as members thereof at random unless the
11 obtainability of members of the Armed Forces for
12 such court-martial prevents the convening authority
13 from detailing such members at random.

14 (6) UNLAWFUL INFLUENCE OR COERCION.—
15 The actions of the Chief Prosecutor under this sub-
16 section whether or not to try charges by court-mar-
17 tial shall be free of unlawful or unauthorized influ-
18 ence or coercion.

19 (d) EFFECT ON OTHER LAW.—This section shall su-
20 perse any provision of chapter 47 of title 10, United
21 States Code (the Uniform Code of Military Justice), that
22 is inconsistent with this section, but only to the extent of
23 the inconsistency.

24 (e) TERMINATION AND TRANSITION.—

1 (1) TERMINATION.—The authority of the Sec-
2 retary to carry out the Pilot Program shall termi-
3 nate 4 years after the date on which the Pilot Pro-
4 gram is initiated.

5 (2) TRANSITION.—The Secretary shall take
6 such actions as are necessary to ensure that, on the
7 date on which the Pilot Program terminates under
8 paragraph (1), any matter referred to the Chief
9 Prosecutor under subsection (c)(2), but with respect
10 to which the Chief Prosecutor has not made a deter-
11 mination under subsection (c)(3), shall be trans-
12 ferred to the appropriate convening authority for
13 consideration.

14 (f) DEFINITIONS.—In this Act:

15 (1) The term “Armed Force” means an Armed
16 Force under the jurisdiction of the Secretary of a
17 military department.

18 (2) The term “covered special victim offense”
19 means a special victim offense—

20 (A) alleged to have been committed on or
21 after the date of the enactment of this Act by
22 a cadet of the United States Military Academy
23 or the United States Air Force Academy, with-
24 out regard to the location at which the offense
25 was committed; or

1 (B) alleged to have been committed on or
2 after the date of the enactment of this Act by
3 a midshipman of the United States Naval Acad-
4 emy, without regard to the location at which
5 the offense was committed.

6 (3) The term “Secretary” means the Secretary
7 of Defense.

8 (4) The term “special victim offense” means
9 any of the following:

10 (A) An offense under section 917a, 920,
11 920b, 920c, or 930 of title 10, United States
12 Code (article 117a, 120, 120b, 120c, or 130 of
13 the Uniform Code of Military Justice).

14 (B) A conspiracy to commit an offense
15 specified in subparagraph (A) as punishable
16 under section 881 of such title (article 81 of the
17 Uniform Code of Military Justice).

18 (C) A solicitation to commit an offense
19 specified in subparagraph (A) as punishable
20 under section 882 of such title (article 82 of the
21 Uniform Code of Military Justice).

22 (D) An attempt to commit an offense spec-
23 ified in subparagraph (A) as punishable under
24 section 880 of such title (article 80 of the Uni-
25 form Code of Military Justice).

1 **SEC. 550A. REPORT ON STATUS OF INVESTIGATIONS OF AL-**
2 **LEGED SEX-RELATED OFFENSES.**

3 (a) **REPORTS REQUIRED.**—Not later than 1 year
4 after the date of the enactment of this Act, and annually
5 thereafter through December 31, 2025, the Secretary of
6 each military department shall submit to the congressional
7 defense committees a report on the status of investigations
8 into alleged sex-related offenses.

9 (b) **ELEMENTS.**—Each report under subsection (a)
10 shall include, with respect to investigations into alleged
11 sex-related offenses carried out by military criminal inves-
12 tigative organizations under the jurisdiction of the Sec-
13 retary concerned during the preceding year, the following:

14 (1) The total number of investigations.

15 (2) For each investigation—

16 (A) the date the investigation was initi-
17 ated; and

18 (B) an explanation of whether the inves-
19 tigation is in-progress or complete as of the
20 date of the report and, if complete, the date on
21 which the investigation was completed.

22 (3) The total number of investigations that are
23 complete as of the date of the report.

24 (4) The total number of investigations that are
25 in-progress as of the date of the report.

1 (5) For investigations lasting longer than 180
2 days, an explanation of the primary reasons for the
3 extended duration of the investigation.

4 (c) DEFINITIONS.—In this section:

5 (1) The term “alleged sex-related offense” has
6 the meaning given that term in section 1044(e)(h)
7 of title 10, United States Code.

8 (2) The term “complete” when used with re-
9 spect to an investigation of an alleged sex-related of-
10 fense, means the active phase of the investigation is
11 sufficiently complete to enable the appropriate au-
12 thority to reach a decision with respect to the dis-
13 position of charges for the offense.

14 **SEC. 550B. REPORT ON SEXUAL ABUSE AND HARASSMENT**
15 **OF RECRUITS DURING MEDICAL EXAMINA-**
16 **TIONS PRIOR TO ENTRY INTO THE ARMED**
17 **FORCES.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, the Secretary of Defense shall submit
20 to Congress a report on the prevalence of sexual abuse
21 and harassment of persons during the medical examina-
22 tion that precedes entry into the Armed Forces. Such re-
23 port shall include the following:

1 (1) The number of incidents of sexual abuse or
2 harassment that have been reported since 2000, if
3 available.

4 (2) A description of the process by which the
5 Department of Defense tracks the incidents of sexual
6 abuse or harassment, if applicable.

7 (3) A plan to establish a process by which the
8 Department tracks the incidents of sexual abuse or
9 harassment, including of the medical professionals
10 involved, if such a process does not exist.

11 (4) A plan to provide awareness training re-
12 garding sexual abuse and harassment provided to
13 medical professionals who perform such examina-
14 tions, if such training does not exist.

15 (5) A plan to provide recruits with information
16 on their rights and responsibilities in the event they
17 face sexual abuse and harassment that is incident to
18 service but prior to starting service in the Armed
19 Forces, if such information does not exist.

20 (6) A description of the legal redress available
21 to persons who experience such sexual abuse and
22 harassment, including through the Uniform Code of
23 Military Justice, for those who enter the Armed
24 Forces.

1 **SEC. 550C. CONFIDENTIAL REPORTING OF SEXUAL HAR-**
2 **ASSMENT.**

3 (a) ESTABLISHMENT.—Chapter 80 of title 10,
4 United States Code, is amended by inserting after section
5 1561a the following new section:

6 **“§ 1561b. Confidential reporting of sexual harassment**

7 “(a) ESTABLISHMENT.—Notwithstanding section
8 1561 of this title, the Secretary of Defense shall prescribe
9 regulations establishing a process by which a member of
10 an armed force under the jurisdiction of the Secretary of
11 a military department may confidentially allege a com-
12 plaint of sexual harassment to an individual outside the
13 immediate chain of command of that member.

14 “(b) INVESTIGATION.—An individual designated to
15 receive complaints under subsection (a)—

16 “(1) shall maintain the confidentiality of the
17 member alleging the complaint;

18 “(2) shall provide to the member alleging the
19 complaint the option—

20 “(A) to file a formal or informal report of
21 sexual harassment; and

22 “(B) to include reports related to such
23 complaint in the Catch a Serial Offender Pro-
24 gram; and

25 “(3) shall provide to the commander of the
26 complainant a report—

1 “(A) regarding the complaint; and

2 “(B) that does not contain any personally
3 identifiable information regarding the complain-
4 ant.

5 “(c) EDUCATION; TRACKING; REPORTING.—The Sec-
6 retary of Defense shall—

7 “(1) educate members under the jurisdiction of
8 the Secretary of a military department regarding the
9 process established under this section;

10 “(2) track complaints alleged pursuant to the
11 process established under this section; and

12 “(3) submit annually to the Committees on
13 Armed Services of the Senate and House of Rep-
14 resentatives a report containing data (that does not
15 contain any personally identifiable information) re-
16 lating to such complaints.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item relating to section 1561b the following new
20 item:

“1561b. Confidential reporting of sexual harassment.”.

21 (c) IMPLEMENTATION.—The Secretary shall carry
22 out section 1561b of title 10, United States Code, as
23 added by subsection (a), not later than 1 year after the
24 date of the enactment of this Act.

1 **Subtitle F—Member Education,**
2 **Training, and Transition**

3 **SEC. 551. COUNSELING IN THE TRANSITION ASSISTANCE**
4 **PROGRAM REGARDING SEXUAL ASSAULT,**
5 **SEXUAL OR GENDER HARASSMENT, AND INTI-**
6 **MATE PARTNER VIOLENCE.**

7 Section 1142(b) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graph:

10 “(20) Information concerning health care (in-
11 cluding mental health care) furnished by the Sec-
12 retary of Veterans Affairs to veterans and members
13 of the Armed Forces who have survived sexual as-
14 sault, sexual or gender harassment, or intimate part-
15 ner violence.”.

16 **SEC. 552. MEDICAL OR ADMINISTRATIVE DISCHARGE AS A**
17 **PATHWAY FOR COUNSELING IN THE TRANSI-**
18 **TION ASSISTANCE PROGRAM.**

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

21 (1) in subparagraph (E), by striking “Dis-
22 ability” and inserting “Potential or confirmed med-
23 ical discharge of the member”; and

24 (2) in subparagraph (F), by striking “Char-
25 acter” and all that follows and inserting “Potential

1 or confirmed involuntary separation of the mem-
2 ber.”.

3 **SEC. 553. FAMILY DYNAMICS AS PATHWAYS FOR COUN-**
4 **SELING IN THE TRANSITION ASSISTANCE**
5 **PROGRAM.**

6 Section 1142(c)(1) of title 10, United States Code,
7 as amended by section (a), is further amended—

8 (1) by redesignating subparagraph (M) as sub-
9 paragraph (R); and

10 (2) by inserting after subparagraph (L) the fol-
11 lowing:

12 “(M) Child care requirements of the member
13 (including whether a dependent of the member is en-
14 rolled in the Exceptional Family Member Program).

15 “(N) The employment status of other adults in
16 the household of the member.

17 “(O) The location of the duty station of the
18 member (including whether the member was sepa-
19 rated from family while on duty).

20 “(P) The effects of operating tempo and per-
21 sonnel tempo on the member and the household of
22 the member.

23 “(Q) Whether the member is an Indian or
24 urban Indian, as those terms are defined in section

1 4 of the Indian Health Care Improvement Act (Pub-
2 lic Law 94–437; 25 U.S.C. 1603).”.

3 **SEC. 554. ESTABLISHMENT OF MENTORING AND CAREER**
4 **COUNSELING PROGRAM.**

5 (a) IN GENERAL.—Chapter 107 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 2158. Mentoring and career counseling program**

9 “(a) ESTABLISHMENT; OBJECTIVES.—The Secretary
10 of Defense, in coordination with the Secretaries of the
11 military departments and the Chief Diversity Officer, shall
12 implement a program for mentoring and career counseling
13 that—

14 “(1) ensures that all military occupational spe-
15 cialties and career fields reflect the demographics of
16 the armed forces; and

17 “(2) ensures that members in all ranks and
18 grades reflect the demographics of the armed forces.

19 “(b) PROGRAM DESCRIPTION AND COMPONENTS.—
20 The program under subsection (a) shall—

21 “(1) include mentoring and career counseling
22 efforts that start prior to the initial career field deci-
23 sion point and continue throughout the career of
24 each participating member cadet or midshipman;

1 “(2) provide guidance on accession into the
2 military occupational specialties and career fields
3 that experience the highest rates and greatest num-
4 ber of promotions to a grade above O-6; and

5 “(3) promote information regarding career
6 choices, including opportunities in the reserve com-
7 ponents, to optimize the ability of a participating
8 member cadet, or midshipman to make informed ca-
9 reer choices from accession to retirement.

10 “(c) EVALUATION METRICS.—The Secretary of De-
11 fense shall establish and maintain metrics to evaluate the
12 effectiveness of the program under this section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 107 of such title is amended
15 by at the end the following new item:

 “2158. Mentoring and career counseling program.”.

16 (c) INTERIM REPORT.—

17 (1) REPORT REQUIRED.—Not later than 120
18 days after the date of the enactment of this Act, the
19 Secretary of Defense shall submit to the congres-
20 sional defense committees on Armed Services of the
21 Senate and the House of Representatives a report on
22 the implementation of section 2158 of title 10,
23 United States Code, as added by subsection (a).

24 (2) ELEMENTS.—The report under paragraph
25 (1) shall include the following:

1 (A) A description and assessment of the
2 manner in which the Department of Defense
3 shall implement the program under subsection
4 (a) of such section 2158.

5 (B) The initial evaluation metrics devel-
6 oped under subsection (c) of such section 2158.

7 (C) An explanation of whether the pro-
8 gram will be carried out as part of another pro-
9 gram of the Department or through the estab-
10 lishment of a separate program.

11 (D) A comprehensive description of the ad-
12 ditional personnel, resources, and training that
13 will be required to implement the program, in-
14 cluding identification of the specific number of
15 additional billets that will be needed to staff the
16 program.

17 (E) Recommendations of the Secretary for
18 additional legislation that the Secretary deter-
19 mines e necessary to effectively and efficiently
20 implement the program.

21 (d) ANNUAL REPORT.—

22 (1) REPORT REQUIRED.—Not later than Octo-
23 ber 1, 2021, and annually thereafter for 3 years, the
24 Secretary of Defense shall submit to the congres-
25 sional defense committees on Armed Services of the

1 Senate and the House of Representatives a report on
2 the program under section 2158 of title 10, United
3 States Code, as added by subsection (a).

4 (2) ELEMENTS.—Each report under paragraph
5 (1) shall include, disaggregated by Armed Force, the
6 following:

7 (A) The latest evaluation metrics developed
8 under subsection (c) of such section 2158.

9 (B) The number of individuals,
10 disaggregated by grade, ethnicity, race, and
11 gender, who were eligible for participation in
12 the program.

13 (C) The number of individuals,
14 disaggregated by grade, ethnicity, race, and
15 gender, who opted out of participation in the
16 program.

17 (D) An assessment of the effectiveness of
18 the program in advancing the careers of minor-
19 ity commissioned officers.

20 (e) PUBLICATION.—The Secretary of Defense shall—

21 (1) publish on an appropriate publicly available
22 website of the Department of Defense the reports re-
23 quired under subsections (c) and (d); and

24 (2) ensure that any data included with each
25 such report is made available in a machine-readable

1 format that is downloadable, searchable, and sort-
2 able.

3 (f) IMPLEMENTATION DATE.—The Secretary of De-
4 fense shall implement the program under section 2158 of
5 title 10, United States Code, as added by subsection (a),
6 not later than 1 year after the date of the enactment of
7 this Act.

8 (g) DEFINITIONS.—In this section:

9 (1) The term “minority person” means any in-
10 dividual who is a citizen of the United States and
11 who is—

12 (A) Asian American;

13 (B) Native Hawaiian;

14 (C) a Pacific Islander;

15 (D) African American;

16 (E) Hispanic;

17 (F) Puerto Rican;

18 (G) Native American;

19 (H) an Alaska Native; or

20 (I) female.

21 (2) The term “minority commissioned officer”
22 means any commissioned officer who is a minority
23 person.

1 (3) The term “machine-readable” has the
2 meaning given that term in section 3502(18) of title
3 44, United States Code.

4 **SEC. 555. DEFENSE LANGUAGE INSTITUTE FOREIGN LAN-**
5 **GUAGE CENTER.**

6 (a) AUTHORITY TO AWARD BACHELOR’S DE-
7 GREES.—Section 2168 of title 10, United States Code, is
8 amended—

9 (1) in the section heading, by striking “**Asso-**
10 **ciate**” and inserting “**Associate or Bachelor**”;
11 and

12 (2) by amending subsection (a) to read as fol-
13 lows:

14 “(a) Subject to subsection (b), the Commandant of
15 the Defense Language Institute may confer—

16 “(1) an Associate of Arts degree in a foreign
17 language upon any graduate of the Foreign Lan-
18 guage Center of the Institute who fulfills the re-
19 quirements for that degree; or

20 “(2) a Bachelor of Arts degree in a foreign lan-
21 guage upon any graduate of the Foreign Language
22 Center of the Institute who fulfills the requirements
23 for that degree.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 108 of title 10, United States

1 Code, is amended by striking the item relating to section
 2 2168 and inserting the following new item:

“2168. Defense Language Institute Foreign Language Center: degree of Associate or Bachelor of Arts in foreign language.”.

3 **SEC. 556. DEFENSE LANGUAGE INSTITUTE FOREIGN LAN-**
 4 **GUAGE CENTER.**

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13 “(a) Subject to subsection (b), the Commandant of
 14 the Defense Language Institute may confer—

15 “(1) an Associate of Arts degree in a foreign
 16 language upon any graduate of the Foreign Lan-
 17 guage Center of the Institute who fulfills the re-
 18 quirements for that degree; or

19 “(2) a Bachelor of Arts degree in a foreign lan-
 20 guage upon any graduate of the Foreign Language
 21 Center of the Institute who fulfills the requirements
 22 for that degree.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
 24 at the beginning of chapter 108 of title 10, United States

1 Code, is amended by striking the item relating to section
2 2168 and inserting the following new item:

“2168. Defense Language Institute Foreign Language Center: degree of Associate or Bachelor of Arts in foreign language.”.

3 **SEC. 557. INCREASE IN NUMBER OF PERMANENT PROFES-**
4 **SORS AT THE UNITED STATES AIR FORCE**
5 **ACADEMY.**

6 Section 9431(b)(4) of title 10, United States Code,
7 is amended by striking “23” and inserting “25”.

8 **SEC. 558. INFORMATION ON NOMINATIONS AND APPLICA-**
9 **TIONS FOR MILITARY SERVICE ACADEMIES.**

10 (a) CONGRESSIONAL NOMINATIONS PORTAL.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary,
13 in consultation with the Superintendents of the mili-
14 tary service academies, shall ensure that there is a
15 uniform online portal for all military service acad-
16 emies that enables Members of Congress to nomi-
17 nate individuals for appointment to each academy
18 through a secure website.

19 (2) INFORMATION COLLECTION AND REPORT-
20 ING.—The online portal established under paragraph

21 (1) shall—

22 (A) collect, from each Member of Con-
23 gress, the demographic information described in

1 subsection (b) for each individual nominated by
2 the Member; and

3 (B) collect the information required to be
4 included in each annual report of the Secretary
5 under subsection (c) in a manner that enables
6 the Secretary to automatically compile such in-
7 formation when preparing the report.

8 (3) AVAILABILITY OF INFORMATION.—The por-
9 tal shall allow Members of Congress and their des-
10 ignees to view past nomination records for all appli-
11 cation cycles.

12 (b) STANDARD CLASSIFICATIONS FOR COLLECTION
13 OF DEMOGRAPHIC DATA.—

14 (1) STANDARDS REQUIRED.—The Secretary, in
15 consultation with the Superintendents of the military
16 service academies, shall establish standard classifica-
17 tions that cadets, midshipmen, and applicants to the
18 academies may use to self-identify gender, race, and
19 ethnicity and to provide other demographic informa-
20 tion in connection with admission to or enrollment in
21 an academy.

22 (2) CONSISTENCY WITH OMB GUIDANCE.—The
23 standard classifications established under paragraph
24 (1) shall be consistent with the standard classifica-
25 tions specified in Office of Management and Budget

1 Directive No. 15 (pertaining to race and ethnic
2 standards for Federal statistics and administrative
3 reporting) or any successor directive.

4 (3) INCORPORATION INTO APPLICATIONS AND
5 RECORDS.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary shall in-
7 corporate the standard classifications established
8 under paragraph (1) into—

9 (A) applications for admission to the mili-
10 tary service academies; and

11 (B) the military personnel records of ca-
12 dets and midshipmen enrolled in such acad-
13 emies.

14 (c) ANNUAL REPORT ON THE DEMOGRAPHICS MILI-
15 TARY SERVICE ACADEMY APPLICANTS.—

16 (1) REPORT REQUIRED.—Not later than Sep-
17 tember 30 of each year beginning after the date of
18 the enactment of this Act, the Secretary shall submit
19 to the congressional defense committees a report on
20 the demographics of applicants to military service
21 academies for the most recently concluded applica-
22 tion year.

23 (2) ELEMENTS.—Each report under paragraph
24 (1) shall include, with respect to each military serv-
25 ice academy, the following:

1 (A) The number of individuals who sub-
2 mitted an application for admission to the acad-
3 emy in the application year covered by the re-
4 port.

5 (B) Of the individuals who submitted an
6 application for admission to the academy in
7 such year—

8 (i) the overall demographics of appli-
9 cant pool, disaggregated by the classifica-
10 tions established under subsection (b) and
11 by Member of Congress;

12 (ii) the number and percentage who
13 received a nomination, disaggregated by
14 the classifications established under sub-
15 section (b) and by Member of Congress;

16 (iii) the number and percentage who
17 received an offer for appointment to the
18 academy, disaggregated by the classifica-
19 tions established under subsection (b) and
20 by Member of Congress; and

21 (iv) the number and percentage who
22 accepted an appointment to the academy,
23 disaggregated by the classifications estab-
24 lished under subsection (b) and by Member
25 of Congress.

1 (3) CONSULTATION.—In preparing each report
2 under paragraph (1), the Secretary shall consult
3 with the Superintendents of the military service
4 academies.

5 (4) AVAILABILITY OF REPORTS AND DATA.—
6 The Secretary shall—

7 (A) make the results of each report under
8 paragraph (1) available on a publicly accessible
9 website of the Department of Defense; and

10 (B) ensure that any data included with the
11 report is made available in a machine-readable
12 format that is downloadable, searchable, and
13 sortable.

14 (d) DEFINITIONS.—In this section:

15 (1) The term “application year” means the pe-
16 riod beginning on January 1 of one year and ending
17 on June 1 of the following year.

18 (2) The term “congressional defense commit-
19 tees” has the meaning given that term in section
20 101(a)(16) of title 10, United States Code.

21 (3) The term “machine-readable” has the
22 meaning given that term in section 3502(18) of title
23 44, United States Code.

24 (4) The term “military service academy”
25 means—

- 1 (A) the United States Military Academy;
2 (B) the United States Naval Academy; and
3 (C) the United States Air Force Academy.
4 (5) The term “Secretary” means the Secretary
5 of Defense.

6 **SEC. 559. TRANSFORMATION OF THE PROFESSIONAL MILI-**
7 **TARY EDUCATION ENTERPRISE.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) professional military education is
11 foundational to the development of ethical and effec-
12 tive military leaders and vital to national security;

13 (2) oversight of professional military education
14 is an essential part of Congress’ constitutional re-
15 sponsibilities to regulate and maintain the Armed
16 Forces of the United States;

17 (3) reform of the professional military edu-
18 cation system, as directed by the congressional de-
19 fense committees, has played a central role in the in-
20 stitutionalization of jointness as envisioned by the
21 Goldwater-Nichols Department of Defense Reorga-
22 nization Act of 1986 (Public Law 99–433);

23 (4) the Goldwater-Nichols professional military
24 education model has served the Nation well since the

1 end of the Cold War by enabling successful joint
2 military operations across the spectrum of conflict;
3 (5) recent changes in the national security envi-
4 ronment require that the professional military edu-
5 cation enterprise adapt to prepare the joint force to
6 successfully defend American interests in evolving
7 areas of strategic competition; and

8 (6) the Department of Defense must transform
9 the professional military education enterprise to
10 meet these challenges by emphasizing focused and
11 rigorous intellectual study reflecting the hard won
12 strategic insights of history, while leveraging ad-
13 vancements in the modern learning environment.

14 (b) LIMITATION.—None of the funds authorized to
15 be appropriated by this Act or otherwise made available
16 for fiscal year 2021 for the Department of Defense may
17 be obligated or expended consolidate, close, or significantly
18 change the curriculum of the National Defense University
19 or any institution of professional military education of an
20 Armed Force until a period of 120 days has elapsed fol-
21 lowing the date on which the Under Secretary of Defense
22 for Personnel and Readiness submits the report required
23 under subsection (c).

24 (c) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense, acting through the Under Sec-
4 retary of Defense for Personnel and Readiness, shall
5 submit to the Committees on Armed Services of the
6 Senate and the House of Representatives a report on
7 the status of the professional military education en-
8 terprise.

9 (2) ELEMENTS.—The report required under
10 paragraph (1) shall include the following:

11 (A) A consolidated summary that—

12 (i) lists all components of the profes-
13 sional military education enterprise of the
14 Department of Defense, including all asso-
15 ciated schools, programs, research centers,
16 and support activities; and

17 (ii) for each such component, identi-
18 fies the assigned personnel strength, an-
19 nual student throughput, and budget de-
20 tails covering the period of 3 fiscal years
21 preceding the date of the report.

22 (B) An assessment of the effectiveness and
23 shortfalls of the existing professional military
24 education enterprise as measured against grad-
25 uate utilization, post-graduate evaluations, and

1 the education and force development require-
2 ments of the Chairman of the Joint Chiefs of
3 Staff and the Chiefs of the Armed Forces.

4 (C) Recommendations to improve the intel-
5 lectual readiness of the joint force through re-
6 forms designed to—

7 (i) improve the warfighting readiness,
8 intellectual fitness and cognitive ingenuity
9 of military leaders;

10 (ii) promote development of strategic
11 thinkers capable of developing integrated
12 political-military and cross-domain strate-
13 gies and new doctrinal concepts;

14 (iii) enhance the effectiveness, coher-
15 ence, and efficiency of individual service
16 approaches to professional military edu-
17 cation;

18 (iv) improve the depth and rigor of
19 professional military education curriculum
20 in alignment with national defense strategy
21 pacing threats while enhancing strategic
22 relationships and operational integration
23 with key allies and international security
24 partners; and

1 (v) foster the deliberate development
2 of world-class faculty through increasing
3 the value of faculty assignments and other
4 appropriate measures.

5 **SEC. 560. COLLEGE OF INTERNATIONAL SECURITY AFFAIRS**
6 **OF THE NATIONAL DEFENSE UNIVERSITY.**

7 (a) PROHIBITION.—The Secretary of Defense may
8 not eliminate, divest, downsize, or reorganize the College
9 of International Security Affairs, nor its satellite program,
10 the Joint Special Operations Masters of Arts, of the Na-
11 tional Defense University, or seek to reduce the number
12 of students educated at the College, or its satellite pro-
13 gram, until 30 days after the date on which the congres-
14 sional defense committees receive the report required by
15 subsection (c).

16 (b) ASSESSMENT, DETERMINATION, AND REVIEW.—
17 The Under Secretary of Defense for Policy, in consultation
18 with the Under Secretary of Defense for Personnel and
19 Readiness, the Assistant Secretary of Defense for Special
20 Operations/Low-Intensity Conflict , the Deputy Assistant
21 Secretary of Defense for Counternarcotics and Global
22 Threats, the Deputy Assistant Secretary of Defense for
23 Stability and Humanitarian Affairs, the Deputy Assistant
24 Secretary of Defense for Special Operations and Com-
25 bating Terrorism, the Chief Financial Officer of the De-

1 partment, the Chairman of the Joint Chiefs of Staff, and
2 the Commander of United States Special Operations Com-
3 mand, shall—

4 (1) assess requirements for joint professional
5 military education and civilian leader education in
6 the counterterrorism, irregular warfare, and asym-
7 metrical domains to support the Department and
8 other national security institutions of the Federal
9 Government;

10 (2) determine whether the importance, chal-
11 lenges, and complexity of the modern counterter-
12 rorism environment and irregular and asymmetrical
13 domains warrant—

14 (A) a college at the National Defense Uni-
15 versity, or a college independent of the National
16 Defense University whose leadership is respon-
17 sible to the Office of the Secretary of Defense;
18 and

19 (B) the provision of resources, services,
20 and capacity at levels that are the same as, or
21 decreased or enhanced in comparison to, those
22 resources, services, and capacity in place at the
23 College of International Security Affairs on
24 January 1, 2019;

1 (3) review the plan proposed by the National
2 Defense University for eliminating the College of
3 International Security Affairs and reducing and re-
4 structuring the counterterrorism, irregular, and
5 asymmetrical faculty, course offerings, joint profes-
6 sional military education and degree and certificate
7 programs, and other services provided by the Col-
8 lege; and

9 (4) assess the changes made to the College of
10 International Security Affairs since January 1,
11 2019, and the actions necessary to reverse those
12 changes, including relocating the College and its as-
13 sociated budget, faculty, staff, students, and facili-
14 ties outside of the National Defense University.

15 (c) REPORT REQUIRED.—Not later than February 1,
16 2021, the Secretary shall submit to the congressional de-
17 fense committees a report on—

18 (1) the findings of the Secretary with respect to
19 the assessments, determination, and review con-
20 ducted under subsection (b); and

21 (2) such recommendations as the Secretary may
22 have for higher education in the counterterrorism,
23 irregular, and asymmetrical domains.

1 **SEC. 560A. PUBLIC-PRIVATE CONSORTIUM TO IMPROVE**
2 **PROFESSIONAL MILITARY EDUCATION.**

3 (a) ESTABLISHMENT.—The Secretary of Defense,
4 acting through the Chairman of the Joint Chiefs of Staff
5 and in consultation with the Under Secretary of Defense
6 for Personnel and Readiness, shall establish and maintain
7 a public-private consortium (referred to in this section as
8 the “Consortium”) to improve and broaden professional
9 military education for military officers and civilian em-
10 ployees of the Federal Government.

11 (b) DIRECTORS.—

12 (1) IN GENERAL.—The President of the Na-
13 tional Defense University and the head of a civilian
14 institution of higher education appointed in accord-
15 ance with paragraph (3) shall serve as co-directors
16 of the Consortium.

17 (2) RESPONSIBILITIES OF CO-DIRECTORS.—The
18 co-directors shall be responsible for—

19 (A) the administration and management of
20 the Consortium; and

21 (B) developing a common curriculum for
22 professional military education using input re-
23 ceived from members of the Consortium.

24 (3) APPOINTMENT OF CO-DIRECTOR FROM CI-
25 VILIAN INSTITUTION.—Not later than June 1, 2021,
26 the Secretary of Defense shall appoint an individual

1 who is the President or Chancellor of a civilian insti-
2 tution of higher education to serve as co-director of
3 the Consortium as described in paragraph (1).

4 (4) TERM OF CO-DIRECTOR.—The co-director
5 appointed under paragraph (3) shall serve an initial
6 term of 5 years. The Secretary of Defense may re-
7 appoint such co-director for one or more additional
8 terms of not more than 5 years, as the Secretary de-
9 termines appropriate.

10 (5) AUTHORITY.—In the event that a conflict
11 arises between co-directors of the Consortium, the
12 conflict shall be resolved by the Director for Joint
13 Force Development of the Joint Chiefs of Staff (J-
14 7).

15 (c) ACTIVITIES OF CONSORTIUM.—The Consortium
16 shall carry out the following activities:

17 (1) Bring the military education system (includ-
18 ing military service academies, institutions that pro-
19 vide professional military education, and other insti-
20 tutions the provide military education) together with
21 a broad group of civilian institutions of higher edu-
22 cation, policy research institutes, and the commercial
23 sector to develop and continually update a research-
24 based curriculum to prepare early career, mid-ca-
25 reer, and senior military officers and civilian employ-

1 ees of the Federal Government to succeed in an era
2 that will be predominantly defined by great power
3 competition and in which security challenges will
4 transcend the traditional areas of defense expertise,
5 becoming more complex and inter-related than be-
6 fore, with disruptions that will manifest rapidly and
7 with little warning.

8 (2) Train military officers and civilian edu-
9 cators serving in the joint professional military edu-
10 cation system to implement the curriculum developed
11 under paragraph (2) at the institutions they serve.

12 (3) On a regular basis, make recommendations
13 to the Secretary about how the joint professional
14 military education system should be modified to
15 meet the challenges of apparent or possible future
16 defense, national security, and international environ-
17 ments.

18 (d) MEMBERS.—The Consortium shall be composed
19 of representatives selected by the Secretary of Defense
20 from the following organizations:

21 (1) Organizations within the joint professional
22 military education system.

23 (2) Military service academies.

24 (3) Other institutions of the Federal Govern-
25 ment that provide military education.

1 (4) Civilian institutions of higher education.

2 (5) Private sector and government policy re-
3 search institutes.

4 (6) Organizations in the commercial sector, in-
5 cluding organizations from the industrial, finance,
6 and technology sectors.

7 (e) ANNUAL REPORT.—Not later than September 30,
8 2022, and annually thereafter, the co-directors of the Con-
9 sortium shall submit to the Secretary of Defense and the
10 congressional defense committees a report that describes
11 the activities carried out by the Consortium during the
12 preceding year.

13 (f) CIVILIAN INSTITUTION DEFINED.—In this sec-
14 tion, the term “civilian institution of higher education”
15 means an institution of higher education (as defined in
16 section 101 of the Higher Education Act of 1965 (20
17 U.S.C. 1001)) that is not owned or controlled by the Fed-
18 eral Government.

19 **SEC. 560B. PARTICIPATION OF MEMBERS OF THE RESERVE**
20 **COMPONENTS OF THE ARMED FORCES IN**
21 **THE SKILLBRIDGE PROGRAM.**

22 Section 1143(e)(2) of title 10, United States Code,
23 is amended to read as follows:

24 “(2) A member of the armed forces is eligible for a
25 program under this subsection if—

1 “(A) the member—

2 “(i) has completed at least 180 days on ac-
3 tive duty in the armed forces; and

4 “(ii) is expected to be discharged or re-
5 leased from active duty in the armed forces
6 within 180 days of the date of commencement
7 of participation in such a program; or

8 “(B) the member is a member of a reserve com-
9 ponent.”.

10 **SEC. 560C. STUDY REGARDING VA PARTICIPATION IN TAP.**

11 Not later than December 31, 2022, the Secretaries
12 of Defense and Veterans Affairs shall submit to the con-
13 gressional defense committees and the Committees on Vet-
14 erans’ Affairs of the Senate and House of Representatives
15 a report on the results of a study on the feasibility of hav-
16 ing representatives of the Department of Veterans Affairs
17 present during counseling sessions under section 1142 of
18 title 10, United States Code, to set up premium eBenefits
19 accounts of the Department of Veterans Affairs for mem-
20 bers of the Armed Forces participating in the Transition
21 Assistance Program.

1 **SEC. 560D. GAO STUDY REGARDING TRANSFERABILITY OF**
2 **MILITARY CERTIFICATIONS TO CIVILIAN OC-**
3 **CUPATIONAL LICENSES AND CERTIFI-**
4 **CATIONS.**

5 (a) STUDY; REPORT.—Not later than 1 year after the
6 date of the enactment of this Act, the Comptroller General
7 of the United States shall submit to Congress a report
8 containing the results of a study regarding the transfer-
9 ability of military certifications to civilian occupational li-
10 censes and certifications.

11 (b) ELEMENTS.—The report under this section shall
12 include the following:

13 (1) Obstacles to transference of military certifi-
14 cations.

15 (2) Any effects of the transferability of military
16 certifications on recruitment and retention.

17 (3) Examples of certifications obtained from the
18 Federal Government that transfer to non-Federal
19 employment.

20 **SEC. 560E. TRANSITION OUTREACH.**

21 The Secretary of Defense, in coordination with the
22 Secretaries of Veterans Affairs and Labor, shall encourage
23 contact between members of the Armed Forces partici-
24 pating in the Transition Assistance Program under sec-
25 tions 1142 and 1144 of title 10, United States Code, and
26 local communities, to promote employment opportunities

1 for such members. Such contact shall include, to the ex-
2 tent practicable, public-private partnerships.

3 **SEC. 560F. CONTINUED PARTICIPATION OF SEPARATED**
4 **MEMBERS OF THE ARMED FORCES IN**
5 **SKILLBRIDGE PROGRAMS.**

6 Section 1143(e) of title 10, United States Code, is
7 amended—

8 (1) by redesignating paragraph (3) as para-
9 graph (4); and

10 (2) by inserting after paragraph (2) the fol-
11 lowing new paragraph (3):

12 “(3) In the case of an eligible member who en-
13 rolls in a program under this subsection and who is
14 discharged or released from active duty in the armed
15 forces before the completion of the program, such
16 member may continue to participate in the program
17 until the completion of the program. The continued
18 participation of such a member in such a program
19 shall have no effect on the discharge or separation
20 date of the member or the eligibility of the member
21 for any pay or benefits.”.

22 **SEC. 560G. EXPANSION OF SKILLBRIDGE PROGRAM TO IN-**
23 **CLUDE THE COAST GUARD.**

24 Section 1143(e) of title 10, United States Code, is
25 amended—

1 (1) in paragraph (1), by striking “of a military
2 department” and inserting “concerned”;

3 (2) in paragraph (3), by striking “of the mili-
4 tary department”; and

5 (3) in paragraph (4), by striking “of Defense”
6 and inserting “concerned”.

7 **SEC. 560H. ESTABLISHMENT OF PERFORMANCE MEASURES**
8 **FOR THE CREDENTIALING OPPORTUNITIES**
9 **ON-LINE PROGRAMS OF THE ARMED FORCES.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall establish additional performance measures to evalu-
13 ate the effectiveness of the COOL programs of each
14 Armed Force in connecting members of the Armed Forces
15 with professional credential programs. Such measures
16 shall include the following:

17 (1) The percentage of members of the Armed
18 Force concerned described in section 1142(a) of title
19 10, United States Code, who participate in a profes-
20 sional credential program through the COOL pro-
21 gram of the Armed Force concerned.

22 (2) The percentage of members of the Armed
23 Force concerned described in paragraph (1) who
24 have completed a professional credential program de-
25 scribed in that paragraph.

8 SEC. 560I. AUTHORITY OF MILITARY EDUCATIONAL INSTI-
9 TUTIONS TO ACCEPT RESEARCH GRANTS.

(b) MILITARY EDUCATIONAL INSTITUTION DEFINED.—In this section, the term “military educational institution” means a postsecondary educational institution established within the Department of Defense.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional

1 committees a report on the training in irregular warfare,
2 if any, provided to officers of the Armed Forces as part
3 of the regular course of instruction for such officers.

4 (b) ELEMENTS.—The report under subsection (a)
5 shall include—

6 (1) the level of instruction in irregular warfare
7 typically provided to officers;

8 (2) the number of hours of instruction at each
9 level; and

10 (3) a description of the subject areas covered by
11 the instruction.

12 (c) EXCLUSION OF SPECIALIZED TRAINING.—The re-
13 port under subsection (a) shall not include information on
14 specialized or branch-specific training in irregular warfare
15 provided to certain officers as part of a specialized course
16 of instruction.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Armed Services and
21 the Committee on Foreign Relations of the Sen-
22 ate; and

23 (B) the Committee on Armed Services and
24 the Committee on Foreign Affairs of the House
25 of Representatives.

1 (2) The term “irregular warfare” has the
2 meaning given that term in the Joint Operating
3 Concept of the Department of Defense titled “Irreg-
4 ular Warfare: Countering Irregular Threats”,
5 version 2.0, dated May 17, 2010.

6 **SEC. 560K. REPORT REGARDING COUNTY, TRIBAL, AND**
7 **LOCAL VETERANS SERVICE OFFICERS.**

8 (a) REPORT REQUIRED.—Not later than 180 days
9 after the date of the enactment of this Act, the Secretary
10 of Defense, in consultation with the Secretary of Veterans
11 Affairs, shall submit to the Committees on Armed Services
12 and on Veterans’ Affairs of the House of Representatives
13 and Senate a report regarding the effects of the presence
14 of CVSOs at demobilization centers on members of the
15 Armed Forces making the transition to civilian life.

16 (b) METRICS.—In determining the effects described
17 in subsection (a), the Secretary of Defense shall use
18 metrics including the following:

19 (1) Feedback from members described in sub-
20 section (a) and from veterans regarding interactions
21 with CVSOs.

22 (2) Greater use of benefits (including health
23 care, employment services, education, and home
24 loans) available to veterans under laws administered
25 by the Secretary of—

- 1 (A) Veterans Affairs;
- 2 (B) Labor;
- 3 (C) Health and Human Services;
- 4 (D) Housing and Urban Development; or
- 5 (E) Education.

6 (3) Greater use of benefits available to veterans
7 not described in paragraph (2).

8 (4) Frequencies of post-demobilization follow-up
9 meetings initiated by—

- 10 (A) a CVSO; or
- 11 (B) a veteran.

12 (5) Awareness and understanding of local sup-
13 port services (including CVSOs) available to vet-
14 erans.

15 (c) ELEMENTS.—The report under this section shall
16 include the following:

17 (1) The number of demobilization centers that
18 host CVSOs.

19 (2) The locations of demobilization centers de-
20 scribed in paragraph (1).

21 (3) Barriers to expanding the presence of
22 CVSOs at demobilization centers nationwide.

23 (4) Recommendations of the Secretary of De-
24 fense regarding the presence of CVSOs at demobili-
25 zation centers.

1 (d) CVSO DEFINED.—In this section, the term
2 “CVSO” includes—

- 3 (1) a county veterans service officer;
- 4 (2) a Tribal veterans service officer;
- 5 (3) a Tribal veterans representative; or
- 6 (4) another State, Tribal, or local entity that
7 the Secretary of Defense determines appropriate.

8 **SEC. 560L. LIMITED EXCEPTION FOR ATTENDANCE OF EN-**
9 **LISTED PERSONNEL AT SENIOR LEVEL AND**
10 **INTERMEDIATE LEVEL OFFICER PROFES-**
11 **SIONAL MILITARY EDUCATION COURSES.**

12 Section 559 of the John S. McCain National Defense
13 Authorization Act for Fiscal Year 2019 (Public Law 115–
14 232; 132 Stat. 1775) is amended—

15 (1) in subsection (a), by striking “None of the
16 funds” and inserting “Except as provided in sub-
17 section (b), none of the funds”;

18 (2) by redesignating subsections (b) and (c) as
19 subsections (c) and (d), respectively; and

20 (3) by inserting after subsection (a) the fol-
21 lowing new subsection:

22 “(b) EXCEPTION.—Funds authorized to be appro-
23 priated or otherwise made available for the Department
24 of Defense may be obligated or expended for the purpose
25 of the attendance of enlisted personnel at senior level and

1 intermediate level officer professional military education
2 courses if—

3 “(1) the enlisted personnel attending such
4 courses have completed professional military edu-
5 cation at the appropriate grade prior to attendance;

6 “(2) the Secretary concerned (as defined in sec-
7 tion 101(a)(9) of title 10, United States Code) es-
8 tablishes a screening and selection process to choose
9 enlisted personnel to attend such courses;

10 “(3) with respect to attendees of resident pro-
11 grams—

12 “(A) the Secretary concerned establishes a
13 utilization policy for enlisted graduates of such
14 programs; and

15 “(B) attendees of such programs agree to
16 a 3-year service obligation after completion of
17 such programs;

18 “(4) the Secretary concerned authorizes enlisted
19 personnel to attend only after the Secretary deter-
20 mines all requirements for attendance of officers at
21 such courses have been met; and

22 “(5) an officer is not denied attendance at such
23 courses for the primary purpose of allowing enlisted
24 personnel to attend.”.

1 **SEC. 560M. LIMITATION ON ELIGIBILITY OF FOR-PROFIT IN-**
2 **STITUTIONS TO PARTICIPATE IN EDU-**
3 **CATIONAL ASSISTANCE PROGRAMS OF THE**
4 **DEPARTMENT OF DEFENSE.**

5 (a) IN GENERAL.—Section 2006a of title 10, United
6 States Code, is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (3), by striking “and” at
9 the end;

10 (B) in paragraph (4), by striking the pe-
11 riod at the end and inserting “; and”; and

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

14 “(5) in the case of program offered by a propri-
15 etary institution of higher education, the institution
16 derives not less than ten percent of such institution’s
17 revenues from sources other than Federal edu-
18 cational assistance funds as required under sub-
19 section (c).”.

20 (2) by redesignating subsection (c) as sub-
21 section (d);

22 (3) by inserting after subsection (b) the fol-
23 lowing new subsection:

24 “(c) LIMITATION ON PARTICIPATION OF PROPRI-
25 ETARY INSTITUTIONS.—The Secretary of Defense may
26 not approve an educational program offered by a propri-

1 etary institution of higher education, and no educational
2 assistance under a Department of Defense educational as-
3 sistance program or authority covered by this section may
4 be provided to such an institution, unless the institution
5 derives not less than ten percent of such institution's reve-
6 nues from sources other than Federal educational assist-
7 ance funds.”;

8 (4) in subsection (d), as so redesignated, by
9 adding at the end the following new paragraphs:

10 “(3) The term ‘Federal educational assistance
11 funds’ means any Federal funds provided under this
12 title, the Higher Education Act of 1965 (20 U.S.C.
13 1001 et seq.), or any other Federal law, through a
14 grant, contract, subsidy, loan, guarantee, insurance,
15 or other means to a proprietary institution of higher
16 education, including Federal financial assistance
17 that is disbursed or delivered to an institution or on
18 behalf of a student or to a student to be used to at-
19 tend the institution, except that such term shall not
20 include any monthly housing stipend provided under
21 the Post-9/11 Educational Assistance Program
22 under chapter 33 of title 38.

23 “(4) The term ‘proprietary institution of higher
24 education’ has the meaning given that term in sec-

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

6 **Subtitle G—Military Family Readiness and Dependents' Education**

8 SEC. 561. FAMILY READINESS: DEFINITIONS; COMMUNICA-
9 TION STRATEGY; REPORT.

(a) DEFINITIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall define the terms “military family readiness” and “military family resiliency”.

(b) COMMUNICATION STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretaries of the military departments, shall establish and implement a strategy regarding communication with military families. The strategy shall include the following:

(1) The use of a variety of modes of communication to ensure the broadest means of communicating with military families.

1 (2) Updating an existing annual standardized
2 survey that assesses military family readiness to ad-
3 dress the following issues:

4 (A) Communication with beneficiaries.

5 (B) Child care.

6 (C) Education,

7 (D) Spousal employment.

8 (E) The Exceptional Family Member Pro-
9 gram.

10 (F) Financial literacy.

11 (G) Financial stress.

12 (H) Health care (including copayments,
13 network adequacy, and the availability of ap-
14 pointments with health care providers).

15 (c) REPORT.—Not later than 180 days after the date
16 of the enactment of the Act, the Secretary of Defense shall
17 submit to the Committees on Armed Services of the Sen-
18 ate and the House of Representatives a report regarding
19 the feasibility of implementing the recommendations in—

20 (1) chapter 3 of the report of the Inspector
21 General of the Department of Defense for fiscal year
22 2020, “Ensuring Wellness and Wellbeing of Service-
23 Members and their Families”; and

24 (2) the report, dated July 2019, of the National
25 Academies of Science, Engineering and Medicine, ti-

1 tled “Strengthening the Military Family Readiness
2 System for a Changing American Society”.

3 **SEC. 562. SUPPORT SERVICES FOR MEMBERS OF SPECIAL**
4 **OPERATIONS FORCES AND IMMEDIATE FAM-**
5 **ILY MEMBERS.**

6 (a) IN GENERAL.—Section 1788a of title 10, United
7 States Code, is amended—

8 (1) by striking the heading and inserting
9 **“Support programs: special operations**
10 **forces personnel; immediate family mem-**
11 **bers”**;

12 (2) in subsection (a)—

13 (A) by inserting “(1)” before “Consistent”;

14 (B) by striking “for the immediate family
15 members of members of the armed forces as-
16 signed to special operations forces”; and

17 (C) by adding at the end the following:

18 “(2) The Commander may enter into an agreement
19 with a nonprofit entity to provide family support serv-
20 ices.”.

21 (3) in subsection (b)(1), by striking “the imme-
22 diate family members of members of the armed
23 forces assigned to special operations forces” and in-
24 serting “covered individuals”;

25 (4) in subsection (d)(2)—

1 (A) in subparagraph (A), by striking “fam-
2 ily members of members of the armed forces as-
3 signed to special operations forces” and insert-
4 ing “covered individuals”; and

5 (B) in subparagraph (B), by striking
6 “family members of members of the armed
7 forces assigned to special operations forces”
8 and inserting “covered individuals”; and
9 (5) in subsection (e)(4)—

10 (A) by inserting “psychological support,
11 spiritual support, and” before “costs”;

12 (B) by striking “immediate family mem-
13 bers of members of the armed forces assigned
14 to special operations forces” and inserting “cov-
15 ered personnel”; and

16 (C) by adding at the end the following:

17 “(5) The term ‘covered personnel’ means—

18 “(A) members of the Armed Forces (in-
19 cluding the reserve components) assigned to
20 special operations forces;

21 “(B) support service personnel assigned to
22 special operations;

23 “(C) individuals separated or retired from
24 service described in subparagraph (A) or (B)
25 for not more than three years; and

1 “(D) immediate family members of individ-
 2 uals described in subparagraphs (A) through
 3 (C).”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of chapter 88 of title 10, United States
 6 Code, is amended by striking the item relating to section
 7 1788a and inserting the following:

“1788a. Support programs: special operations forces personnel; immediate fam-
 ily members.”.

8 **SEC. 563. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE**
 9 **TO CERTAIN IN-HOME CHILD CARE PRO-**
 10 **VIDERS FOR MEMBERS OF THE ARMED**
 11 **FORCES AND SURVIVORS OF MEMBERS WHO**
 12 **DIE IN COMBAT IN THE LINE OF DUTY.**

13 (a) AUTHORITY.—Section 1798 of title 10, United
 14 States Code, is amended—

15 (1) in subsection (a), in the matter preceding
 16 paragraph (1), by inserting “, or to an in-home child
 17 care provider,” after “youth program services”;

18 (2) by redesignating subsection (c) as sub-
 19 section (d); and

20 (3) by inserting after subsection (b) the fol-
 21 lowing new subsection (c):

22 “(c) ELIGIBLE IN-HOME CHILD CARE PROVIDERS.—
 23 The Secretary may determine that an in-home child care

1 provider is eligible for financial assistance under this sec-
2 tion.”.

3 (b) IN-HOME CHILD CARE PROVIDER DEFINED.—
4 Section 1800 of such title is amended by adding at the
5 end the following:

6 “(5) The term ‘in-home child care provider’
7 means an individual (including a nanny, babysitter,
8 or au pair) who provides child care services in the
9 home of the child.”.

10 (c) REGULATIONS.—Not later than July 1, 2021, the
11 Secretary of Defense shall prescribe regulations that es-
12 tablish eligibility requirements and amounts of financial
13 assistance for an in-home child care provider under sub-
14 section (c) of section 1798 of title 10, United States Code,
15 as amended by subsection (a).

16 **SEC. 564. EXPANSION OF FINANCIAL ASSISTANCE UNDER**
17 **MY CAREER ADVANCEMENT ACCOUNT PRO-**
18 **GRAM.**

19 Section 580F of the National Defense Authorization
20 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
21 ed—

22 (1) by inserting “or maintenance (including
23 continuing education courses)” after “pursuit”; and

24 (2) by adding at the end the following: “Such
25 financial assistance may be applied to the costs of

1 national tests that may earn a participating military
2 spouse course credits required for a degree approved
3 under the program (including the College Level Ex-
4 amination Program tests and the Subject Standard-
5 ized Tests of the Defense Activity for Non-Tradi-
6 tional Education Support Division of the Depart-
7 ment of Defense).”

8 **SEC. 565. CHILD CARE.**

9 (a) 24-HOUR CHILD CARE.—If the Secretary of De-
10 fense determines it feasible, the Secretary shall furnish
11 child care to each child of a member of the Armed Forces
12 or employee of the Department of Defense while that
13 member or employee works on rotating shifts at a military
14 installation.

15 (b) METRICS.—Not later than 6 months after the
16 date of the enactment of this Act, the Secretary of Defense
17 shall develop and implement metrics to evaluate the effec-
18 tiveness of the child care priority system of the Depart-
19 ment of Defense, including—

- 20 (1) the speed of placement for children of mem-
21 bers of the Armed Forces on active duty;
- 22 (2) the type of child care offered;
- 23 (3) available spaces in such system, if any; and
- 24 (4) other metrics to monitor the child care pri-
25 ority system determined by the Secretary.

1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of the Act, the Secretary of Defense shall
3 submit to the Committees on Armed Services of the Sen-
4 ate and the House of Representatives a report regarding
5 the results of a study that evaluates—

6 (1) the sufficiency of the stipend furnished by
7 the Secretary to members of the Armed Forces for
8 civilian child care; and

9 (2) whether the amount of such stipend should
10 be based on—

11 (A) cost of living in the applicable locale;
12 and

13 (B) the capacity of licensed civilian child
14 care providers in the local market.

15 **SEC. 566. CONTINUATION OF PAID PARENTAL LEAVE UPON**
16 **DEATH OF CHILD.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Secretary of Defense shall amend
19 the regulations prescribed pursuant to subsections (i) and
20 (j) of section 701 of title 10, United States Code, to pro-
21 vide that the eligibility of primary and secondary care-
22 givers for paid parental leave that has already been ap-
23 proved shall not terminate upon the death of the child for
24 whom such leave is taken.

1 **SEC. 567. STUDY AND REPORT ON THE PERFORMANCE OF**
2 **THE DEPARTMENT OF DEFENSE EDUCATION**
3 **ACTIVITY.**

4 (a) STUDY.—The Secretary of Defense shall conduct
5 a study on the performance of the Department of Defense
6 Education Activity.

7 (b) ELEMENTS.—The study under subsection (a)
8 shall include the following:

9 (1) A review of the curriculum relating to
10 health, resiliency, and nutrition taught in schools op-
11 erated by the Department of Defense Education Ac-
12 tivity and a comparison of such curriculum to appro-
13 priate education benchmarks.

14 (2) An analysis of the outcomes experienced by
15 students in such schools, as measured by—

16 (A) the performance of such students on
17 the National Assessment of Educational
18 Progress carried out under section 303(b)(3) of
19 the National Assessment of Educational
20 Progress Authorization Act (20 U.S.C.
21 9622(b)(3)); and

22 (B) any other methodologies used by the
23 Department of Defense Education Activity to
24 measure individual student outcomes.

25 (3) An assessment of the effectiveness of the
26 School Liaison Officer program of the Department

1 of Defense Education Activity in achieving the goals
2 of the program with an emphasis on goals relating
3 to special education and family outreach.

4 (c) REPORT.—Not later than 180 days after the date
5 of the enactment of the Act, the Secretary of Defense shall
6 submit to the Committees on Armed Services of the Sen-
7 ate and the House of Representatives a report that in-
8 cludes the findings of the study conducted under sub-
9 section (a).

10 **SEC. 568. COMPTROLLER GENERAL OF THE UNITED**
11 **STATES REPORT ON THE STRUCTURAL CON-**
12 **DITION OF DEPARTMENT OF DEFENSE EDU-**
13 **CATION ACTIVITY SCHOOLS.**

14 (a) REPORT REQUIRED.—Not later than 1 year after
15 the date of the enactment of this Act, the Comptroller
16 General of the United States shall submit to the congres-
17 sional defense committees a report setting forth an assess-
18 ment by the Comptroller General of the structural condi-
19 tion of schools of the Department of Defense Education
20 Activity, both within the continental United States
21 (CONUS) and outside the continental United States
22 (OCONUS).

23 (b) VIRTUAL SCHOOLS.—The report shall include an
24 assessment of the virtual infrastructure or other means
25 by which students attend Department of Defense Edu-

1 cation Activity schools that have no physical structure, in-
2 cluding the satisfaction of the military families concerned
3 with such infrastructure or other means.

4 **SEC. 569. PILOT PROGRAM TO EXPAND ELIGIBILITY FOR**
5 **ENROLLMENT AT DOMESTIC DEPENDENT EL-**
6 **EMENTARY AND SECONDARY SCHOOLS.**

7 (a) PILOT PROGRAM AUTHORIZED.—Beginning not
8 later than 180 days after the date of the enactment of
9 this Act, the Secretary of Defense shall carry out a pilot
10 program under which a dependent of a full-time, active-
11 duty member of the Armed Forces may enroll in a covered
12 DODEA school at the military installation to which the
13 member is assigned, on a space-available basis as de-
14 scribed in subsection (c), without regard to whether the
15 member resides on the installation as described in
16 2164(a)(1) of title 10, United States Code.

17 (b) PURPOSES.—The purposes of the pilot program
18 under this section are—

19 (1) to evaluate the feasibility and advisability of
20 expanding enrollment in covered DODEA schools;
21 and

22 (2) to determine how increased access to such
23 schools will affect military and family readiness.

24 (c) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A
25 student participating in the pilot program under this sec-

1 tion may be enrolled in a covered DODEA school only if
2 the school has the capacity to accept the student, as deter-
3 mined by the Director of the Department of Defense Edu-
4 cation Activity.

5 (d) LOCATIONS.—The Secretary of Defense shall
6 carry out the pilot program under this section at not more
7 than four military installations at which covered DODEA
8 schools are located. The Secretary shall select military in-
9 stallations for participation in the program based on—

10 (1) the readiness needs of the Secretary of a
11 the military department concerned; and

12 (2) the capacity of the DODEA schools located
13 at the installation to accept additional students, as
14 determined by the Director of the Department of
15 Defense Education Activity.

16 (e) TERMINATION.—The authority to carry out the
17 pilot program under this section shall terminate 4 years
18 after the date of the enactment of this Act.

19 (f) COVERED DODEA SCHOOL DEFINED.—In this
20 Section, the term “covered DODEA school” means a do-
21 mestic dependent elementary or secondary school operated
22 by the Department of Defense Education Activity that—

23 (1) has been established on or before the date
24 of the enactment of this Act; and

25 (2) is located in the continental United States.

1 **SEC. 570. CONTINUED ASSISTANCE TO SCHOOLS WITH SIG-**
2 **NIFICANT NUMBERS OF MILITARY DEPEND-**
3 **ENT STUDENTS.**

4 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
5 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
6 amount authorized to be appropriated for fiscal year 2021
7 in division D of this Act and available for operation and
8 maintenance for Defense-wide activities as specified in the
9 funding table in section 4301 of this Act, \$40,000,000
10 shall be available only for the purpose of providing assist-
11 ance to local educational agencies under subsection (a) of
12 section 572 of the National Defense Authorization Act for
13 Fiscal Year 2006 (Public Law 109–163; 20 U.S.C.
14 7703b).

15 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
16 ABILITIES.—Of the amount authorized to be appropriated
17 for fiscal year 2021 in division D of this Act and available
18 for operation and maintenance for Defense-wide activities
19 as specified in the funding table in section 4301 of this
20 Act, \$10,000,000 shall be available for payments under
21 section 363 of the Floyd D. Spence National Defense Au-
22 thorization Act for Fiscal Year 2001 (Public Law 106–
23 398; 20 U.S.C. 7703a).

24 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
25 this section, the term “local educational agency” has the
26 meaning given that term in section 7013(9) of the Ele-

1 mentary and Secondary Education Act of 1965 (20 U.S.C.
2 7713(9)).

3 **SEC. 570A. STANDARDIZATION OF THE EXCEPTIONAL FAM-**
4 **ILY MEMBER PROGRAM.**

5 (a) **POLICY.**—Not later than 6 months after the date
6 of the enactment of this Act, the Secretary of Defense,
7 in coordination with the Secretaries of the military depart-
8 ments, shall, to the extent practicable, standardize the Ex-
9 ceptional Family Member Program (in this section re-
10 ferred to as the “EFMP”) across the military depart-
11 ments.

12 (b) **ELEMENTS.**—The EFMP, standardized under
13 subsection (a), shall include the following:

14 (1) Processes for the identification and enroll-
15 ment of dependents of covered members with special
16 needs.

17 (2) A process for the permanent change of or-
18 ders for covered members, to ensure seamless con-
19 tinuity of services at the new permanent duty sta-
20 tion.

21 (3) A review process for installations to ensure
22 that health care furnished through the TRICARE
23 program, special needs education programs, and in-
24 stallation-based family support programs are avail-
25 able to military families enrolled in the EFMP.

1 (4) A standardized respite care benefit across
2 the covered Armed Forces, including the number of
3 hours available under such benefit to military fami-
4 lies enrolled in the EFMP.

5 (5) Outcomes and metrics to evaluate the
6 EFMP.

7 (6) A requirement that the Secretary of each
8 military department provide a dedicated EFMP at-
9 torney, who specializes in education law, at each
10 military installation—

11 (A) the Secretary determines is a primary
12 receiving installation for military families with
13 special needs; and

14 (B) in a State that the Secretary deter-
15 mines has historically not supported families
16 enrolled in the EFMP.

17 (7) The option for a family enrolled in the
18 EFMP to continue to receive all services under that
19 program and the bachelor allowance for housing if—

20 (A) the covered member receives a new
21 permanent duty station; and

22 (B) the covered member and family elect
23 for the family not to relocate with the covered
24 member.

1 (8) A process to discuss policy challenges and
2 opportunities, best practices adopted across the cov-
3 ered Armed Forces, a forum period for discussion
4 with members of military families with special needs,
5 and other matters the Secretary of Defense deter-
6 mines appropriate.

7 (c) CASE MANAGEMENT.—The Secretary of Defense,
8 in coordination with the Secretaries of the military depart-
9 ments, shall develop an EFMP case management model,
10 including the following:

11 (1) A single EFMP office, located at the head-
12 quarters of each covered Armed Force, to oversee
13 implementation of the EFMP and coordinate health
14 care services, permanent change of station order
15 processing, and educational support services for that
16 covered Armed Force.

17 (2) An EFMP office at each military installa-
18 tion with case managers to assist each family of a
19 covered member in the development of a plan that
20 addresses the areas specified in subsection (b)(1).

21 (d) REPORT.—Not later than 180 days after the date
22 of the enactment of the Act, the Secretary of Defense shall
23 submit to the Committees on Armed Services of the Sen-
24 ate and the House of Representatives a report on the im-
25 plementation of the items identified under subsections (a),

1 (b), and (c), including any recommendations of the Sec-
2 retary regarding legislation.

3 (e) GAO REPORT.—Not later than 1 year after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committees on
6 Armed Services of the Senate and the House of Represent-
7 atives a report on—

8 (1) whether military families have higher rates
9 of disputes and loss of free and appropriate public
10 education under section 504 of the Rehabilitation
11 Act of 1973 (Public Law 93–112; 29 U.S.C. 794)
12 than civilian counterparts; and

13 (2) an analysis of the number of due process
14 hearings that were filed by school districts against
15 children of members of the Armed Forces.

16 (f) DEFINITIONS.—In this section:

17 (1) The term “covered Armed Force” means an
18 Armed Force under the jurisdiction of the Secretary
19 of a military department.

20 (2) The term “covered member” means a mem-
21 ber—

22 (A) of a covered Armed Force; and

23 (B) with a dependent with special needs.

1 **SEC. 570B. TRAINING PROGRAM REGARDING FOREIGN**
2 **DISINFORMATION CAMPAIGNS.**

3 (a) ESTABLISHMENT.—Not later than September 30,
4 2021, the Secretary of Defense shall establish a program
5 for training members of the Armed Forces and employees
6 of the Department of Defense regarding the threat of for-
7 eign disinformation campaigns specifically targeted at
8 such individuals and the families of such individuals.

9 (b) REPORT REQUIRED.—Not later than October 30,
10 2021, the Secretary of Defense shall submit a report to
11 the congressional defense committees regarding the pro-
12 gram under subsection (a).

13 **SEC. 570C. REOPENING OF CHILD CARE FACILITIES OF THE**
14 **ENGINEER RESEARCH AND DEVELOPMENT**
15 **CENTER.**

16 The Secretary of the Army shall reopen all child care
17 facilities of the Engineer Research and Development Cen-
18 ter that were closed during fiscal year 2020.

19 **SEC. 570D. IMPROVEMENTS TO PARTNER CRITERIA OF THE**
20 **MILITARY SPOUSE EMPLOYMENT PARTNER-**
21 **SHIP PROGRAM.**

22 (a) EVALUATION; UPDATES.—Not later than 160
23 days after the date of the enactment of this Act, the Sec-
24 retary of Defense shall evaluate the partner criteria set
25 forth in the Military Spouse Employment Partnership
26 Program and implement updates that the Secretary deter-

1 mines will improve such criteria without diminishing the
2 need for partners to exhibit sound business practices,
3 broad diversity efforts, and relative financial stability.
4 Such updates shall expand the number of the following
5 entities that meet such criteria:

6 (1) Institutions of primary, secondary, and
7 higher education.

8 (2) Software and coding companies.

9 (3) Local small businesses.

10 (4) Companies that employ telework.

11 (b) NEW PARTNERSHIPS.—Upon completion of the
12 evaluation under subsection (a), the Secretary, in coopera-
13 tion with the Department of Labor, shall seek to enter
14 into agreements with entities described in paragraphs (1)
15 through (4) of subsection (a) that are located near mili-
16 tary installations (as that term is defined in section 2687
17 of title 10, United States Code).

18 (c) REVIEW; REPORT.—Not later than 1 year after
19 implementation under subsection (a), the Secretary shall
20 review updates under subsection (a) and publish a report
21 regarding such review on a publicly-accessible website of
22 the Department of Defense. Such report shall include the
23 following:

24 (1) Military spouse employment rates related to
25 types of entities described in subsection (a).

1 (2) Application rates, website clicks, and other
2 basic metrics that measure the interest level of mili-
3 tary spouses in types of entities described in sub-
4 section (a).

5 (3) Recommendations for increasing military
6 spouse employment opportunities in the types of en-
7 tities described in subsection (a).

8 **Subtitle H—Diversity and** 9 **Inclusion**

10 **SEC. 571. DIVERSITY AND INCLUSION REPORTING RE-** 11 **QUIREMENTS.**

12 (a) STANDARD DIVERSITY METRICS AND ANNUAL
13 REPORTING REQUIREMENT.—Section 113 of title 10,
14 United States Code is amended—

15 (1) in subsection (c)—

16 (A) by redesignating paragraphs (2) and
17 (3) as paragraphs (3) and (4), respectively; and

18 (B) by inserting after paragraph (1), the
19 following new paragraph (2):

20 “(2) a report from each military department on
21 the goals, barriers, and status of diversity and inclu-
22 sion of that military department;” and

23 (2) in subsection (g)(1)(B), by inserting after
24 clause (vi), the following new clause (vii):

1 “(vii) Strategic metrics and bench-
2 marks evaluating how the officer and en-
3 listed corps reflects the eligible United
4 States population across all armed forces
5 and ranks.”;

6 (3) by redesignating subsections (m) and (n) as
7 subsections (n) and (o), respectively; and

8 (4) by inserting after subsection (k), the fol-
9 lowing new subsections (l) and (m):

10 “(l)(1) The Secretary of Defense shall establish and
11 maintain a standard set of strategic metrics and bench-
12 marks toward objectives of:

13 “(A) an officer and enlisted corps that reflects
14 the eligible U.S. population across all armed forces
15 and ranks; and

16 “(B) a military force that is able to prevail in
17 its wars, prevent and deter conflict, defeat adver-
18 saries and succeed in a wide range of contingencies,
19 and preserve and enhance the all-volunteer force.

20 “(2) In implementing the requirement in paragraph
21 (1), the Secretary shall—

22 “(A) establish a universal data collection system
23 to ensure comparability across each military depart-
24 ment;

1 “(B) establish standard definitions of demo-
2 graphic groups, a common methodology, and a com-
3 mon reporting structure across each military depart-
4 ment;

5 “(C) conduct annual barrier analyses to review
6 demographic diversity patterns across the military
7 life cycle, starting with accessions; and

8 “(D) each year meet with the Secretaries of the
9 military departments, the Chiefs of Staff of the
10 armed forces, and the Chairman of the Joint Chiefs
11 of Staff to assess progress towards the objective
12 under paragraph (1) and establish recommendations
13 to meet such objective.

14 “(m) The Secretary shall include in each national de-
15 fense strategy under subsection (g)—

16 “(1) the demographics, disaggregated by grade,
17 ethnicity, race, gender, and military occupational
18 specialty, for—

19 “(A) accession into the armed forces;

20 “(B) the enlisted corps;

21 “(C) the commissioned officers;

22 “(D) graduates of the military service
23 academies;

24 “(E) the rate of promotion in the pro-
25 motion zone;

1 “(F) the rate of promotion below the zone
2 for promotion;
3 “(G) the rates of retention;
4 “(H) command selection;
5 “(I) special assignments;
6 “(J) career broadening assignments;
7 “(K) aides to general officers and flag offi-
8 cers; and
9 “(L) any other matter the Secretary deter-
10 mines appropriate;
11 “(2) an analysis of assignment patterns by eth-
12 nicity, race, and gender;
13 “(3) an analysis of attitudinal survey data by
14 ethnicity, race, and gender;
15 “(4) an assessment of the available pool of
16 qualified of Asian American, Native Hawaiian, Pa-
17 cific Islander, African American, Hispanic, Puerto
18 Rican, Native American, Alaska Native and female
19 candidates for pay grades O–9 and O–10;
20 “(5) identification of persistent, group-specific
21 deviations from overall averages and plans to inves-
22 tigate underlying causes; and
23 “(6) summaries of progress made on previous
24 actions.”.

1 (b) NATIONAL GUARD DIVERSITY REPORTING.—Sec-
2 tion 10504 of title 10, United States Code is amended
3 by adding at the end the following new subsection (d):

4 “(d) REPORT ON DIVERSITY AND INCLUSION.—

5 “(1) IN GENERAL.—Not less than once every
6 four years, the Chief of the National Guard Bureau
7 shall report in writing to the Secretary of Defense
8 and the Congress on the status of diversity in each
9 State, Territory, and the District of Columbia for all
10 ranks of the Army and Air National Guard.

11 “(2) ELEMENTS.—Each report under para-
12 graph (1) shall include—

13 “(A) the demographics, disaggregated by
14 State, grade, ethnicity, race, gender, and mili-
15 tary occupational specialty, for—

16 “(i) accession into the National
17 Guard;

18 “(ii) the enlisted corps;

19 “(iii) the commissioned officers;

20 “(iv) the rate of promotion in the pro-
21 motion zone;

22 “(v) the rate of promotion below the
23 zone for promotion;

24 “(vi) the rates of retention;

25 “(vii) command selection;

- 1 “(viii) special assignments;
2 “(ix) career broadening assignments;
3 “(x) aides to a general officer; and
4 “(xi) any other matter the Chief of
5 the National Guard Bureau determines ap-
6 propriate;
7 “(B) an analysis of assignment patterns by
8 ethnicity, race, and gender;
9 “(C) an analysis of attitudinal survey data
10 by ethnicity, race, and gender;
11 “(D) an assessment of the available pool of
12 qualified of Asian American, Native Hawaiian,
13 Pacific Islander, African American, Hispanic,
14 Puerto Rican, Native American, Alaska Native
15 and female candidates for pay grades O–9 and
16 O–10;
17 “(E) identification of persistent, group-spe-
18 cific deviations from overall averages and plans
19 to investigate underlying causes; and
20 “(F) summaries of progress made on pre-
21 vious actions.
22 “(3) PUBLIC AVAILABILITY.—The Chief of the
23 National Guard Bureau shall—

1 “(A) publish on an appropriate publicly
2 available website of the National Guard the re-
3 ports required under paragraph (1); and

4 “(B) ensure that any data included with
5 the report is made available in a machine-read-
6 able format that is downloadable, searchable,
7 and sortable.”.

8 (c) COAST GUARD DIVERSITY REPORTING.—Section
9 5101 of title 14, United States Code is amended—

10 (1) in subsection (b)—

11 (A) by redesignating paragraphs (2) and
12 (3) as paragraphs (3) and (4), respectively; and

13 (B) by inserting after paragraph (1), the
14 following new paragraph (2):

15 “(2) the goals, barriers, and status of diversity
16 and inclusion;”; and

17 (3) by adding at the end the following new sub-
18 section (c):

19 “(c) Not less than once every 4 years, the Secretary
20 shall include in the annual request under subsection (a)—

21 “(1) the demographics, disaggregated by grade,
22 ethnicity, race, gender, and military occupational
23 specialty, for—

24 “(A) accession into the Coast Guard;

25 “(B) the enlisted corps;

1 “(C) the commissioned officers;

2 “(D) graduates of the Coast Guard Acad-
3 emy;

4 “(E) the rate of promotion in the pro-
5 motion zone;

6 “(F) the rate of promotion below the zone
7 for promotion;

8 “(G) the rates of retention;

9 “(H) command selection;

10 “(I) special assignments;

11 “(J) career broadening assignments;

12 “(K) aides to a flag officer; and

13 “(L) any other matter the Secretary deter-
14 mines appropriate;

15 “(2) an analysis of assignment patterns by eth-
16 nicity, race, and gender;

17 “(3) an analysis of attitudinal survey data by
18 ethnicity, race, and gender;

19 “(4) an assessment of the available pool of
20 qualified of Asian American, Native Hawaiian, Pa-
21 cific Islander, African American, Hispanic, Puerto
22 Rican, Native American, Alaska Native and female
23 candidates for pay grades O–9 and O–10;

1 “(5) identification of persistent, group-specific
2 deviations from overall averages and plans to inves-
3 tigate underlying causes; and

4 “(6) summaries of progress made on previous
5 actions.”.

6 (d) REQUIREMENT TO CONSIDER MINORITY OFFI-
7 CERS FOR O-9 AND O-10 GRADES.—

8 (1) ARMY, NAVY, AIR FORCE, MARINE CORPS,
9 AND SPACE FORCE.—Section 601 of title 10, United
10 States Code is amended by adding at the end the
11 following new subsections:

12 “(e) The Chairman of the Joint Chiefs of Staff shall
13 consider all Asian American, Native Hawaiian, Pacific Is-
14 lander, African American, Hispanic, Puerto Rican, Native
15 American, Alaska Native and female candidates prior to
16 recommending to the President an initial appointment to
17 the grade of lieutenant general or vice admiral, or an ini-
18 tial appointment to the grade of general or admiral.

19 “(f) When seeking the advice and consent of the Sen-
20 ate under subsection (a), the President shall submit to the
21 Committee on Armed Services of the Senate a certification
22 that—

23 “(1) all Asian American, Native Hawaiian, Pa-
24 cific Islander, African American, Hispanic, Puerto

1 Rican, Native American, Alaska Native and female
2 candidates were considered for appointment; and

3 “(2)(A) none of the candidates under subpara-
4 graph (A) met the qualifications needed by an offi-
5 cer serving in that position or office to carry out ef-
6 fectively the duties and responsibilities of that posi-
7 tion or office; or

8 “(B) the officers in the positions designated
9 under subsection (a) represent the diversity of the
10 armed forces to the extent practicable.”.

11 (2) COAST GUARD.—Section 305(a) of title 14,
12 United States Code, is amended by adding at the
13 end the following new paragraphs:

14 “(4) The Commandant shall consider all Asian Amer-
15 ican, Native Hawaiian, Pacific Islander, African Amer-
16 ican, Hispanic, Puerto Rican, Native American, Alaska
17 Native and female candidates prior to recommending to
18 the President an initial appointment to the grade of vice
19 admiral, or an initial appointment to the grade of admiral.

20 “(5) When seeking the advice and consent of the Sen-
21 ate under subsection (a), the President shall submit to the
22 committee of the Senate with jurisdiction over the depart-
23 ment in which the Coast Guard is operating a certification
24 that—

1 “(A) all Asian American, Native Hawaiian, Pa-
2 cific Islander, African American, Hispanic, Puerto
3 Rican, Native American, Alaska Native and female
4 candidates were considered for appointment; and

5 “(B)(i) none of the candidates under subpara-
6 graph (A) met the qualifications needed by an offi-
7 cer serving in that position or office to carry out ef-
8 fectively the duties and responsibilities of that posi-
9 tion or office; or

10 “(ii) the officers in the positions designated
11 under subsection (a) represent the diversity of the
12 armed forces to the extent practicable.”.

13 **SEC. 572. ESTABLISHMENT OF DIVERSITY AND INCLUSION**
14 **ADVISORY COUNCIL OF THE DEPARTMENT**
15 **OF DEFENSE.**

16 (a) ESTABLISHMENT.—Chapter 7 of title 10, United
17 States Code, is amended by inserting before section 187
18 the following:

19 **“§ 186. Diversity and Inclusion Advisory Council**

20 “(a) ESTABLISHMENT.—The Secretary of the De-
21 partment of Defense (referred to in this section as the
22 ‘Secretary’) shall establish a council to be known as the
23 ‘Diversity and Inclusion Advisory Council of the Depart-
24 ment of Defense’ (referred to in this section as the ‘Coun-
25 cil’).

1 “(b) DUTIES.—The Council shall provide advice and
2 recommendations to the Secretary on matters concerning
3 diversity and inclusion in the Department of Defense, re-
4 lating to the following:

5 “(1) Aligning diversity and inclusion with the
6 strategic goals of the Department of Defense.

7 “(2) Conducting strategic outreach efforts to
8 identify, attract, and recruit individuals that rep-
9 resent the demographic diversity of the United
10 States.

11 “(3) Developing, mentoring, and retaining a di-
12 verse and inclusive Armed Forces.

13 “(4) Encouraging leadership development
14 through diversity and inclusion practices and proc-
15 esses.

16 “(c) MEMBERSHIP.—

17 “(1) IN GENERAL.—The Council shall be com-
18 posed of not fewer than 22 members, including the
19 Federal officials and officers specified in paragraph
20 (2), and not fewer than 12 members appointed by
21 the Secretary from nongovernmental positions de-
22 scribed in paragraph (3).

23 “(2) FEDERAL OFFICIALS AND OFFICERS.—The
24 Federal officials and officers specified in this para-
25 graph are the following:

1 “(A) The Chief Diversity Officer of the
2 Department of Defense.

3 “(B) The Under Secretary of Defense for
4 Personnel and Readiness.

5 “(C) The Chief of Staff of the Army.

6 “(D) The Chief of Naval Operations.

7 “(E) The Chief of Staff of the Air Force.

8 “(F) The Chief of Space Operations.

9 “(G) The Chief of Staff of the Air Force.

10 “(H) The Commandant of the Marine
11 Corps.

12 “(I) The Commandant of the Coast Guard.

13 “(J) The Chief of the National Guard Bu-
14 reau.

15 “(3) NONGOVERNMENTAL POSITIONS.—Non-
16 governmental positions described in this paragraph
17 are the following:

18 “(A) Five presidents or chancellors of in-
19 stitutions of higher education, including private
20 and public institutions representing diverse
21 areas of the United States.

22 “(B) Senior leaders of the defense indus-
23 tries of the United States.

24 “(C) Senior leaders of veterans or military
25 service organizations.

1 “(D) Veterans (as defined in section 101
2 of title 38).

3 “(E) Others determined appropriate by the
4 Secretary.

5 “(4) TIMING OF APPOINTMENTS.—Appoint-
6 ments to the Council shall be made not later than
7 four months after the date of the enactment of this
8 Act.

9 “(5) TERMS.—

10 “(A) IN GENERAL.—Each member shall be
11 appointed for a term of two years.

12 “(B) VACANCIES.—Any member appointed
13 to fill a vacancy occurring before the expiration
14 of the term for which the member’s predecessor
15 was appointed shall be appointed only for the
16 remainder of that term. A member may serve
17 after the expiration of that term until a suc-
18 cessor has been appointed.

19 “(6) CHAIRPERSON AND VICE CHAIRPERSON.—

20 “(A) CHAIRPERSON.—The Chairperson of
21 the Council shall be the Chief Diversity Officer
22 of the Department of Defense.

23 “(B) VICE CHAIRPERSON.—The Vice
24 Chairperson shall be designated by the Sec-
25 retary at the time of the appointment of the

1 members pursuant to paragraph (4), and when
2 a vacancy of the Vice Chairperson occurs, as
3 the case may be.

4 “(d) MEETING.—

5 “(1) MEETINGS.—The Council shall meet not
6 fewer than four times each year at the call of the
7 Chairperson or Vice Chairperson.

8 “(2) QUORUM.—Twelve members of the Coun-
9 cil, including six appointed under subsection (c)(2)
10 and six appointed under subsection (c)(3), shall con-
11 stitute a quorum.

12 “(e) COMPENSATION.—

13 “(1) PROHIBITION ON COMPENSATION.—Except
14 as provided in paragraph (2), members of the Coun-
15 cil may not receive additional pay, allowances, or
16 benefits by reason of their service on the Council.

17 “(2) TRAVEL EXPENSES.—Each member shall
18 receive travel expenses, including per diem in lieu of
19 subsistence, in accordance with applicable provisions
20 under subchapter I of chapter 57 of title 5.

21 “(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon
22 the request of the Council, the Secretary shall provide to
23 the Council, on a reimbursable basis, the administrative
24 support services necessary for the Council to carry out its
25 responsibilities under this Act.

1 “(g) REPORTS.—Not later than 180 days after the
 2 date on which the Council holds its initial meeting under
 3 subsection (d) and annually thereafter, the Council shall
 4 submit to the congressional defense committees a report
 5 containing a detailed statement of the advice and rec-
 6 ommendations of the Council pursuant to subsection (b).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of chapter 7 of title 10, United States
 9 Code, is amended by inserting before the item relating to
 10 section 187 the following:

“186. Diversity and Inclusion Advisory Council.”.

11 **SEC. 573. ESTABLISHMENT OF SPECIAL INSPECTOR GEN-**
 12 **ERAL FOR RACIAL AND ETHNIC DISPARITIES**
 13 **IN THE ARMED FORCES; AMENDMENTS TO IN-**
 14 **SPECTOR GENERAL ACT.**

15 (a) SPECIAL INSPECTOR GENERAL FOR RACIAL AND
 16 ETHNIC DISPARITIES IN THE ARMED FORCES.—

17 (1) PURPOSES.—The purposes of this section
 18 are the following:

19 (A) To provide for the independent and ob-
 20 jective conduct and supervision of audits and
 21 investigations relating to racial and ethnic dis-
 22 parities in military personnel and military jus-
 23 tice systems, and white supremacy among mili-
 24 tary personnel.

1 (B) To provide recommendations to the
2 Secretary of Defense and to Congress on ac-
3 tions necessary to eliminate racial and ethnic
4 disparities in military personnel and military
5 justice systems.

6 (2) OFFICE OF INSPECTOR GENERAL.—To
7 carry out the purposes of paragraph (1), there is
8 hereby established, in the Department of Defense,
9 the Office of the Special Inspector General for Ra-
10 cial and Ethnic Disparities in the Armed Forces.

11 (3) APPOINTMENT OF INSPECTOR GENERAL.—

12 (A) NOMINATION; APPOINTMENT.—The
13 head of the Office of the Special Inspector Gen-
14 eral for Racial and Ethnic Disparities is the
15 Special Inspector General for Racial and Ethnic
16 Disparities (in this section referred to as the
17 “Inspector General”), who shall be appointed
18 by the President, by and with the advice and
19 consent of the Senate.

20 (B) QUALIFICATIONS.—The appointment
21 of the Inspector General shall be made solely on
22 the basis of integrity and demonstrated ability
23 in accounting, auditing, financial analysis, law,
24 management analysis, public administration, or
25 investigations.

1 (C) DEADLINE FOR NOMINATION.—The
2 nomination of an individual as Inspector Gen-
3 eral shall be made not later than 90 days after
4 the date of the enactment of this Act.

5 (D) COMPENSATION.—The annual rate of
6 basic pay of the Inspector General shall be the
7 annual rate of basic pay provided for positions
8 at level IV of the Executive Schedule under sec-
9 tion 5315 of title 5, United States Code.

10 (E) PROHIBITION ON POLITICAL ACTIVI-
11 TIES.—For purposes of section 7324 of title 5,
12 United States Code, the Inspector General shall
13 not be considered an employee who determines
14 policies to be pursued by the United States in
15 the nationwide administration of Federal law.

16 (F) REMOVAL.—The Inspector General
17 shall be removable from office in accordance
18 with the provisions of section 3(b) of the In-
19 spector General Act of 1978 (5 U.S.C. App.).

20 (4) ASSISTANT INSPECTORS GENERAL.—The
21 Inspector General shall, in accordance with applica-
22 ble laws and regulations governing the civil service,
23 appoint an Assistant Inspector General for Military
24 Justice who shall have the responsibility for auditing

1 and investigation activities relating to racial and eth-
2 nic disparities within the military justice system.

3 (5) SUPERVISION.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Inspector General shall
6 report directly to, and be under the general su-
7 pervision of the Secretary of Defense.

8 (B) INDEPENDENCE TO CONDUCT INVES-
9 TIGATIONS AND AUDITS.—No officer of the De-
10 partment of Defense shall prevent or prohibit
11 the Inspector General from initiating, carrying
12 out, or completing any audit or investigation re-
13 lated to racial and ethnic disparities or from
14 issuing any subpoena during the course of any
15 such audit or investigation.

16 (6) DUTIES.—

17 (A) OVERSIGHT OF MILITARY JUSTICE.—It
18 shall be the duty of the Inspector General to
19 conduct, supervise, and coordinate audits and
20 investigations of—

21 (i) the effect of military justice poli-
22 cies and practices on racial and ethnic dis-
23 parities, including overrepresentation of
24 minorities in actions related to investiga-
25 tions, courts-martial, nonjudicial punish-

ments, and other military justice actions as determined by the Inspector General;

(ii) the effect of military personnel policies and practices, including recruiting, accessions, and promotions, on racial and ethnic disparities, including underrepresentation of minorities among members of the Armed Forces under the jurisdiction of the Secretary of a military department in grades above E-7;

(iii) the scope and efficacy of existing diversity and inclusion offices and programs within the Department of Defense; and

(iv) white supremacist activities among military personnel and any other issues, determined by the Inspector General, necessary to address racial and ethnic disparities within the Armed Forces under the jurisdiction of the Secretary of a military department.

(B) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers

1 appropriate to discharge the duties under sub-
2 paragraph (A).

3 (C) DUTIES AND RESPONSIBILITIES
4 UNDER INSPECTOR GENERAL ACT OF 1978.—In
5 addition to the duties specified in subpara-
6 graphs (A) and (B), the Inspector General shall
7 also have the duties and responsibilities of in-
8 spectors general under the Inspector General
9 Act of 1978.

10 (D) COORDINATION OF EFFORTS.—In car-
11 rying out the duties, responsibilities, and au-
12 thorities of the Inspector General under this
13 section, the Inspector General shall coordinate
14 with, and receive the cooperation of each of the
15 following:

16 (i) The Inspector General of the De-
17 partment of Defense.

18 (ii) The Inspector General of the
19 Army.

20 (iii) The Inspector General of the
21 Navy.

22 (iv) The Inspector General of the Air
23 Force.

24 (7) POWERS AND AUTHORITIES.—

1 (A) AUTHORITIES UNDER INSPECTOR GEN-
2 ERAL ACT OF 1978.—In carrying out the duties
3 specified in paragraph (6), the Inspector Gen-
4 eral shall have the authorities provided in sec-
5 tion 6 of the Inspector General Act of 1978.

6 (B) AUDIT STANDARDS.—The Inspector
7 General shall carry out the duties specified in
8 paragraph (6)(A) in accordance with section
9 4(b)(1) of the Inspector General Act of 1978.

10 (8) PERSONNEL, FACILITIES, AND OTHER RE-
11 SOURCES.—

12 (A) PERSONNEL.—The Inspector General
13 may select, appoint, and employ such officers
14 and employees as may be necessary for carrying
15 out the duties of the Inspector General, subject
16 to the provisions of title 5, United States Code,
17 governing appointments in the competitive serv-
18 ice, and the provisions of chapter 51 and sub-
19 chapter III of chapter 53 of such title, relating
20 to classification and General Schedule pay
21 rates.

22 (B) EMPLOYMENT OF EXPERTS AND CON-
23 SULTANTS.—The Inspector General may obtain
24 services as authorized by section 3109 of title
25 5, United States Code, at daily rates not to ex-

1 ceed the equivalent rate prescribed for grade
2 GS-15 of the General Schedule by section 5332
3 of such title.

4 (C) CONTRACTING AUTHORITY.—To the
5 extent and in such amounts as may be provided
6 in advance by appropriations Acts, the Inspec-
7 tor General may enter into contracts and other
8 arrangements for audits, studies, analyses, and
9 other services with public agencies and with pri-
10 vate persons, and make such payments as may
11 be necessary to carry out the duties of the In-
12 specter General.

13 (D) RESOURCES.—The Secretary of De-
14 fense, as appropriate, shall provide the Inspec-
15 tor General with appropriate and adequate of-
16 fice space at appropriate locations of the De-
17 partment of Defense, together with such equip-
18 ment, office supplies, and communications fa-
19 cilities and services as may be necessary for the
20 operation of such offices, and shall provide nec-
21 essary maintenance services for such offices and
22 the equipment and facilities located therein.

23 (E) ASSISTANCE FROM FEDERAL AGEN-
24 CIES.—

1 (i) IN GENERAL.—Upon request of
2 the Inspector General for information or
3 assistance from any department, agency,
4 or other entity of the Federal Government,
5 the head of such entity shall, insofar as is
6 practicable and not in contravention of any
7 existing law, furnish such information or
8 assistance to the Inspector General, or an
9 authorized designee.

10 (ii) REPORTING OF REFUSED ASSIST-
11 ANCE.—Whenever information or assist-
12 ance requested by the Inspector General is,
13 in the judgment of the Inspector General,
14 unreasonably refused or not provided, the
15 Inspector General shall report the cir-
16 cumstances to the Secretary of Defense, as
17 appropriate, and to the appropriate con-
18 gressional committees without delay.

19 (9) REPORTS.—

20 (A) QUARTERLY REPORTS.—Not later
21 than 30 days after the end of each fiscal-year
22 quarter, the Inspector General shall submit
23 quarterly reports to the Secretary of Defense
24 and the congressional defense committees sum-

1 marizing the activities of the Inspector General
2 for the previous quarter.

3 (B) ANNUAL REPORTS.—The Inspector
4 General shall submit annual reports to the Sec-
5 retary of Defense and the congressional defense
6 committees presenting recommendations for
7 changes to policy, practice, regulation, and stat-
8 ute to eliminate disparities within the military
9 personnel and military justice systems and to
10 eliminate white supremacist activities among
11 military personnel. Each such report shall in-
12 clude an accounting and detailing of every inci-
13 dent of white supremacist activity documented
14 in the Department of Defense.

15 (C) OCCASIONAL REPORTS.—The Inspector
16 General shall, from time to time, submit addi-
17 tional reports containing findings and rec-
18 ommendations at the discretion of the Inspector
19 General.

20 (D) ONLINE PUBLICATION.—The Inspector
21 General shall publish each report under this
22 paragraph on a publicly available website not
23 later than 7 days after submission to the Sec-
24 retary of Defense and the congressional defense
25 committees.

1 (10) FUNDING.—This section shall be carried
2 out using not more than \$10,000,000 of funds au-
3 thorized to be appropriated in this Act for Operation
4 and Maintenance, Defense-wide, and no additional
5 amounts are authorized to be appropriated to carry
6 out this section.

7 (b) AMENDMENTS TO THE INSPECTOR GENERAL
8 ACT.—The Inspector General Act of 1978 (5 U.S.C. App.)
9 is amended—

10 (1) in section 3(b)—

11 (A) by inserting “(1)” before “An Inspec-
12 tor General”;

13 (B) by inserting after the first sentence
14 the following: “An Inspector General may only
15 be removed by the President before the expira-
16 tion of the term of the Inspector General for
17 permanent incapacity, neglect of duty, malfea-
18 sance, conviction of a felony or conduct involv-
19 ing moral turpitude, knowing violation of a law,
20 gross mismanagement, gross waste of funds, or
21 abuse of authority.”; and

22 (C) by adding at the end the following new
23 paragraphs:

24 “(2) If an Inspector General is removed by the Presi-
25 dent under paragraph (1) fewer than 30 days after the

1 President has communicated in writing the reasons for
2 such removal pursuant to paragraph (1), the Inspector
3 General shall submit to the Council of the Inspectors Gen-
4 eral on Integrity and Efficiency a report that includes the
5 following information:

6 “(A) A description of the facts and cir-
7 cumstances of each investigation involving a senior
8 government employee (as defined in section 5 of this
9 Act) being conducted by that Inspector General at
10 the time of such removal.

11 “(B) Any other matter that the Inspector Gen-
12 eral determines to include.

13 “(3) Any individual serving as the head of an Office
14 of Inspector General, after the removal of an Inspector
15 General under paragraph (1), shall issue to the Council
16 of the Inspectors General on Integrity and Efficiency a
17 report identifying any instances in which an investigation
18 or matter described in paragraph (2) is closed prior to
19 its completion, with a description of the reasons for closing
20 the investigation or matter.”; and

21 (2) in section 8G(e), by adding at the end the
22 following new paragraph:

23 “(3) In the event of the removal of an Inspector Gen-
24 eral, the Council of the Inspectors General on Integrity
25 and Efficiency shall—

1 “(A) investigate the reasons for removal pro-
2 vided by the President;

3 “(B) publish a report including the determina-
4 tion of the Council whether the reasons described in
5 subparagraph (A) are in accordance with the rel-
6 evant provisions relating to for cause removal;

7 “(C) review any investigation that was being
8 conducted by the Inspector General at the time of
9 such removal; and

10 “(D) submit, to the congressional committees
11 the Council determine to be relevant, a report that
12 includes the determination of the Council whether an
13 investigation described in subparagraph (C) moti-
14 vated such removal.”.

15 **SEC. 574. QUESTIONS REGARDING RACISM, ANTI-SEMITISM,**
16 **AND SUPREMACISM IN WORKPLACE SURVEYS**
17 **ADMINISTERED BY THE SECRETARY OF DE-**
18 **FENSE.**

19 Section 593 of the National Defense Authorization
20 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
21 ed, in paragraph (1), by inserting “, racist, xenophobic,
22 anti-Semitic, or supremacist” after “extremist”.

1 **SEC. 575. REPORT ON DEMOGRAPHICS OF OFFICERS AP-**
2 **POINTED TO CERTAIN GRADES.**

3 Not later than the first October 1 to occur after the
4 date of the enactment of this Act, and annually thereafter,
5 each Secretary of a military department shall submit to
6 the Committees on Armed Services of the Senate and
7 House of Representatives a report summarizing the gen-
8 der and race of each individual who received an appoint-
9 ment under section 531 or 601 of title 10, United States
10 Code, during the immediately preceding fiscal year.

11 **SEC. 576. PLANS TO INCREASE FEMALE AND MINORITY**
12 **REPRESENTATION IN THE ARMED FORCES.**

13 (a) PLANS REQUIRED.—The Secretary of Defense
14 and each Secretary of a military department shall develop
15 plans to increase, with respect to female and minority
16 members of the Armed Forces and cadets or midshipmen
17 under the jurisdiction of that Secretary, the following:

18 (1) Recruitment.

19 (2) Retention.

20 (3) Representation in grades above E–7.

21 (b) ELEMENTS.—Each plan developed under this sec-
22 tion shall include clearly defined goals, performance meas-
23 ures, and timeframes.

24 (c) GOALS.—A goal under subsection (b) shall be to
25 exceed, by not less than 100 percent, the rate at which
26 the number of members described in subsection (a)(3) in-

1 creased during the 5 years immediately preceding the date
2 of the enactment of this Act.

3 (d) SUBMITTAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 and each Secretary of a military department shall submit
6 to the committees on Armed Services of the Senate and
7 the House of Representatives a copy of each plan devel-
8 oped under this section by that Secretary.

9 (e) REPORT.—Three months after submitting a plan
10 under subsection (d) and quarterly thereafter for 5 years,
11 the Secretary of Defense and each Secretary of a military
12 department shall submit to the committees on Armed
13 Services of the Senate and the House of Representatives
14 a report indicating the number of female and minority
15 members in grades above E-7 in each Armed Force under
16 the jurisdiction of that Secretary.

17 **SEC. 577. EVALUATION OF BARRIERS TO MINORITY PAR-**
18 **TICIPATION IN CERTAIN UNITS OF THE**
19 **ARMED FORCES.**

20 (a) STUDY REQUIRED.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date of the enactment of this Act, the Under
23 Secretary of Defense for Personnel and Readiness
24 shall seek to enter into an agreement with a feder-
25 ally funded research and development center with

1 relevant expertise to conduct an evaluation of the
2 barriers to minority participation in covered units of
3 the Armed Forces.

4 (2) ELEMENTS.—The evaluation required under
5 paragraph (1) shall include the following elements:

6 (A) A description of the racial, ethnic, and
7 gender composition of covered units.

8 (B) A comparison of the participation
9 rates of minority populations in covered units to
10 participation rates of the general population as
11 members and as officers of the Armed Forces.

12 (C) A comparison of the percentage of mi-
13 nority officers in the grade of O–7 or higher
14 who have served in each covered unit to such
15 percentage for all such officers in the Armed
16 Force of that covered unit.

17 (D) An identification of barriers to minor-
18 ity (including English language learners) par-
19 ticipation in the recruitment, accession, assess-
20 ment, and training processes.

21 (E) The status and effectiveness of the re-
22 sponse to the recommendations contained in the
23 report of the RAND Corporation titled “Bar-
24 riers to Minority Participation in Special Oper-

1 ations Forces’’ and any follow-up recommenda-
2 tions.

3 (F) Recommendations to increase the num-
4 bers of minority officers in the Armed Forces.

5 (G) Recommendations to increase minority
6 participation in covered units.

7 (H) Any other matters the Secretary deter-
8 mines appropriate.

9 (3) REPORT TO CONGRESS.—The Secretary
10 shall—

11 (A) submit to the congressional defense
12 committees a report on the results of the study
13 by not later than January 1, 2022; and

14 (B) provide interim briefings to such com-
15 mittees upon request.

16 (b) DESIGNATION.—The study conducted under sub-
17 section (a) shall be known as the “Study on Reducing Bar-
18 riers to Minority Participation in Elite Units in the Armed
19 Services”.

20 (c) IMPLEMENTATION REQUIRED.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), not later than March 1, 2023, the Sec-
23 retary of Defense shall commence the implementa-
24 tion of each recommendation included in the final
25 report submitted under subsection (a)(3).

1 (2) EXCEPTIONS.—

2 (A) DELAYED IMPLEMENTATION.—The
3 Secretary of Defense may commence implemen-
4 tation of a recommendation described para-
5 graph (1) later than March 1, 2023, if—

6 (i) the Secretary submits to the con-
7 gressional defense committees, not later
8 than January 1, 2023, written notice of
9 the intent of the Secretary to delay imple-
10 mentation of the recommendation; and

11 (ii) includes, as part of such notice, a
12 specific justification for the delay in imple-
13 menting the recommendation.

14 (B) NONIMPLEMENTATION.—The Sec-
15 retary of Defense may elect not to implement a
16 recommendation described in paragraph (1),
17 if—

18 (i) the Secretary submits to the con-
19 gressional defense committees, not later
20 than January 1, 2023, written notice of
21 the intent of the Secretary not to imple-
22 ment the recommendation; and

23 (ii) includes, as part of such notice—

1 (I) the reasons for the Sec-
2 retary's decision not to implement the
3 recommendation; and

4 (II) a summary of alternative ac-
5 tions the Secretary will carry out to
6 address the purposes underlying the
7 recommendation.

8 (3) IMPLEMENTATION PLAN.—For each rec-
9 ommendation that the Secretary implements under
10 this subsection, the Secretary shall submit to the
11 congressional defense committees an implementation
12 plan that includes—

13 (A) a summary of actions the Secretary
14 has carried out, or intends to carry out, to im-
15 plement the recommendation; and

16 (B) a schedule, with specific milestones,
17 for completing the implementation of the rec-
18 ommendation.

19 (d) COVERED UNITS DEFINED.—In this section, the
20 term “covered units” means the following:

21 (1) Army Special Forces.

22 (2) Army Rangers.

23 (3) Navy SEALs.

24 (4) Air Force Combat Control Teams.

25 (5) Air Force Pararescue.

- 1 (6) Air Force Special Reconnaissance.
- 2 (7) Marine Raider Regiments.
- 3 (8) Marine Corps Force Reconnaissance.
- 4 (9) Coast Guard Maritime Security Response
- 5 Team.
- 6 (10) Any other forces designated by the Sec-
- 7 retary of Defense as special operations forces.
- 8 (11) Pilot and navigator military occupational
- 9 specialties.

10 **SEC. 578. REPORT TO CONGRESS ON EFFORTS TO IN-**
11 **CREASE DIVERSITY AND REPRESENTATION**
12 **IN FILM, TELEVISION, AND PUBLISHING.**

13 (a) PROMULGATION OF POLICY.—The Secretary of
14 Defense and each Secretary of a military department shall
15 promulgate a policy to promote, to the maximum extent
16 possible, the depiction of marginalized communities in
17 projects with the film, television, and publishing industries
18 carried out through the respective offices of public affairs.

19 (b) CONSIDERATION OF DEPICTION OF CERTAIN
20 COMMUNITIES.—The Secretary of Defense and each Sec-
21 retary of a military department shall consider the pro-
22 motion of a marginalized community as an affirmative fac-
23 tor in any decision to provide assistance to a production
24 studio or publishing company through the respective of-
25 fices of public affairs.

1 (c) REPORT TO CONGRESS.—Not later than 180 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense, in coordination with each Secretary of a mili-
4 tary department, shall submit to the congressional defense
5 committees a report on—

6 (1) the policies promulgated under subsection
7 (a); and

8 (2) the activities carried out by the Secretary of
9 Defense and each such Secretary of a military de-
10 partment pursuant to such subsection.

11 (d) DEFINITION OF MARGINALIZED COMMUNITY.—
12 In this section, the term “marginalized community”
13 means a community—

14 (1) that is (or historically was) under-rep-
15 resented in the film, television, and publishing indus-
16 tries, including—

17 (A) women;

18 (B) racial and ethnic minorities;

19 (C) individuals with disabilities;

20 (D) members of the LGBTQ community;

21 (E) individuals of all ages; and

22 (F) other individuals from under-rep-
23 resented communities; and

24 (2) whose members have served in the Armed
25 Forces.

1 **SEC. 579. PLAN TO IMPROVE RESPONSES TO PREGNANCY**
2 **AND CHILDBIRTH BY MEMBERS OF THE**
3 **ARMED FORCES AND EMPLOYEES OF THE DE-**
4 **PARTMENT OF DEFENSE.**

5 (a) PLAN REQUIRED.—The Secretary of Defense, in
6 coordination with the Secretaries of the military depart-
7 ments, shall develop a plan to ensure that the career of
8 a covered individual is not unduly affected because of
9 being a covered individual. The plan shall address the fol-
10 lowing policy considerations:

11 (1) Enforcement and implementation of the
12 Pregnancy Discrimination Act (Public Law 95–555;
13 42 U.S.C. 2000e(k)) by the Department of Defense
14 and the Equal Employment Opportunity Commis-
15 sion with regards to civilian employees of the De-
16 partment of Defense.

17 (2) The need for individual determinations re-
18 garding the ability of members of the Armed Forces
19 to serve during and after pregnancy.

20 (3) Responses to the effects specific to covered
21 individuals who reintegrate into home life after de-
22 ployment.

23 (4) Pregnancy discrimination training, includ-
24 ing comprehensive education of new policies to di-
25 minish stigma, stereotypes, and negative perceptions

1 regarding covered individuals, including with regards
2 to commitment to the Armed Forces and abilities.

3 (5) Opportunities to maintain readiness when
4 positions are unfilled due to pregnancy, medical con-
5 ditions arising from pregnancy or childbirth, preg-
6 nancy convalescence, or parental leave.

7 (6) Reasonable accommodations for covered in-
8 dividuals in general and specific accommodations
9 based on career field or military occupational spe-
10 cialty.

11 (7) Reissuing school enrollments or special as-
12 signments to covered individuals.

13 (8) Extended assignments and performance re-
14 porting periods for covered individuals.

15 (9) A mechanism by which covered individuals
16 may report harassment or discrimination, including
17 retaliation, relating to being a covered individual.

18 (b) REPORT ON PLAN.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary shall
20 submit to the congressional defense committees a report
21 detailing the plan required under this section and a strat-
22 egy to implement the plan.

23 (c) IMPLEMENTATION.—Not later than 2 years after
24 the date of the enactment of this Act, the Secretary of
25 Defense shall—

1 (1) complete implementation of the plan under
2 this section; and

3 (2) submit to the congressional defense commit-
4 tees a report detailing the research performed, con-
5 siderations, and policy changes implemented under
6 this section.

7 (d) COVERED INDIVIDUAL DEFINED.—In this sec-
8 tion, the term “covered individual” means a member of
9 the Armed Forces or employee of the Department of De-
10 fense who—

11 (1) is pregnant;

12 (2) gives birth to a child; or

13 (3) incurs a medical condition arising from
14 pregnancy or childbirth.

15 **Subtitle I—Decorations and** 16 **Awards**

17 **SEC. 581. ESTABLISHMENT OF THE ATOMIC VETERANS** 18 **SERVICE MEDAL.**

19 (a) SERVICE MEDAL REQUIRED.—The Secretary of
20 Defense shall design and produce a military service medal,
21 to be known as the “Atomic Veterans Service Medal”, to
22 honor retired and former members of the Armed Forces
23 who are radiation-exposed veterans (as such term is de-
24 fined in section 1112(c)(3) of title 38, United States
25 Code).

1 (b) DISTRIBUTION OF MEDAL.—

2 (1) ISSUANCE TO RETIRED AND FORMER MEM-
3 BERS.—At the request of a radiation-exposed vet-
4 eran, the Secretary of Defense shall issue the Atom-
5 ic Veterans Service Medal to the veteran.

6 (2) ISSUANCE TO NEXT-OF-KIN.—In the case of
7 a radiation-exposed veteran who is deceased, the
8 Secretary may provide for issuance of the Atomic
9 Veterans Service Medal to the next-of-kin of the per-
10 son.

11 (3) APPLICATION.—The Secretary shall prepare
12 and disseminate as appropriate an application by
13 which radiation-exposed veterans and their next-of-
14 kin may apply to receive the Atomic Veterans Serv-
15 ice Medal.

16 **SEC. 582. AUTHORIZATION FOR AWARD OF THE DISTIN-**
17 **GUISHED-SERVICE CROSS FOR RAMIRO F.**
18 **OLIVO FOR ACTS OF VALOR DURING THE**
19 **VIETNAM WAR.**

20 (a) AUTHORIZATION.—Notwithstanding the time lim-
21 itations specified in section 7274 of title 10, United States
22 Code, or any other time limitation with respect to the
23 awarding of certain medals to persons who served in the
24 United States Armed Forces, the President of the United
25 States is authorized to award the Distinguished-Service

1 Cross under section 7272 of such title to Ramiro F. Olivo
2 for the acts of valor during the Vietnam War described
3 in subsection (b).

4 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
5 described in this subsection are the actions of Ramiro F.
6 Olivo on May 9, 1968, as a member of the Army while
7 serving in the Republic of Vietnam with Company C, 1st
8 Battalion, 5th Cavalry Regiment, 1st Cavalry Division.

9 **SEC. 583. ELIGIBILITY OF VETERANS OF OPERATION END**
10 **SWEEP FOR VIETNAM SERVICE MEDAL.**

11 The Secretary of the military department concerned
12 may, upon the application of an individual who is a vet-
13 eran who participated in Operation End Sweep, award
14 that individual the Vietnam Service Medal.

15 **Subtitle J—Miscellaneous Reports**
16 **and Other Matters**

17 **SEC. 591. EXPANSION OF DEPARTMENT OF DEFENSE**
18 **STARBASE PROGRAM.**

19 (a) IN GENERAL.—Section 2193b of title 10, United
20 States Code, is amended—

21 (1) in the section heading, by striking
22 “**science, mathematics, and technology**”
23 and inserting “**science, technology, engineer-**
24 **ing, art and design, and mathematics**”;

1 (2) in subsection (a), by striking “science,
2 mathematics, and technology” and inserting
3 “science, technology, engineering, art and design,
4 and mathematics”; and

5 (3) in subsection (b), by striking “mathematics,
6 science, and technology” and inserting “science,
7 technology, engineering, art and design, and mathe-
8 matics”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 111 of title 10, United States
11 Code, is amended by striking the item relating to section
12 2193b and inserting the following new item:

“2193b. Improvement of education in technical fields: program for support of
 elementary and secondary education in science, technology, en-
 gineering, art and design, and mathematics.”.

13 **SEC. 592. INCLUSION OF CERTAIN OUTLYING AREAS IN THE**
14 **DEPARTMENT OF DEFENSE STARBASE PRO-**
15 **GRAM.**

16 Section 2193b(h) of title 10, United States Code, is
17 amended by inserting “the Commonwealth of the North-
18 ern Mariana Islands, American Samoa,” before “and
19 Guam”.

1 **SEC. 593. PROHIBITION ON CHARGING FOR OR COUNTING**
2 **CERTAIN ACRONYMS ON HEADSTONES OF IN-**
3 **DIVIDUALS INTERRED AT ARLINGTON NA-**
4 **TIONAL CEMETERY.**

5 The Secretary of the Army shall prescribe regulations
6 or establish policies that, with regards to the headstone
7 for an individual interred at Arlington National Cemetery,
8 prohibit the charging of a fee for, or counting towards
9 character or line count, the following acronyms:

10 (1) “KIA” for an individual killed in action.

11 (2) “MIA” for an individual who was missing
12 in action.

13 (3) “POW” for an individual who was a pris-
14 oner of war.

15 **SEC. 594. REPORT ON PLACEMENT OF MEMBERS OF THE**
16 **ARMED FORCES IN ACADEMIC STATUS WHO**
17 **ARE VICTIMS OF SEXUAL ASSAULT ONTO**
18 **NON-RATED PERIODS.**

19 Not later than 90 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to the Committees on Armed Services of the Senate and
22 the House of Representatives a report on the feasibility
23 and advisability, and current practice (if any), of the De-
24 partment of Defense of granting requests by members of
25 the Armed Forces who are in academic status (whether
26 at the military service academies or in developmental edu-

1 cation programs) and who are victims of sexual assault
2 to be placed on a Non-Rated Period for their performance
3 report.

4 **SEC. 595. SENSE OF CONGRESS REGARDING ADVERTISING**
5 **RECRUITING EFFORTS.**

6 It is the sense of Congress that the Chiefs of the
7 Armed Forces, in coordination with the Recruiting Com-
8 mands of the Armed Forces, should give all due consider-
9 ation to the use of local broadcasting and traditional news
10 publishers when advertising.

11 **SEC. 596. STUDY ON FINANCIAL IMPACTS OF COVID-19 ON**
12 **MEMBERS OF THE ARMED FORCES AND BEST**
13 **PRACTICES TO PREVENT FUTURE FINANCIAL**
14 **HARDSHIPS.**

15 (a) STUDY.—The Secretary of Defense shall conduct
16 a study on the financial hardships experienced by mem-
17 bers of the Armed Forces (including the reserve compo-
18 nents) as a result of the COVID–19 pandemic.

19 (b) ELEMENTS.—The study shall—

20 (1) examine the financial hardships members of
21 the Armed Forces experience as a result of the
22 COVID–19 pandemic, including the effects of stop
23 movement orders, loss of spousal income, loss of
24 hazardous duty incentive pay, school closures, loss of
25 childcare, loss of educational benefits, loss of drill

1 and exercise pay, cancelled deployments, and any ad-
2 ditional financial stressors identified by the Sec-
3 retary;

4 (2) recommend best practices to provide assist-
5 ance for members of the Armed Forces experiencing
6 the financial hardships listed in paragraph (1); and

7 (3) identify actions that can be taken by the
8 Secretary to prevent financial hardships listed in
9 paragraph (1) from occurring in the future.

10 (c) CONSULTATION AND COORDINATION.—For the
11 purposes of the study, the Secretary shall—

12 (1) consult with the Director of the Consumer
13 Financial Protection Bureau; and

14 (2) with respect to members of the Coast
15 Guard, coordinate with the Secretary of Homeland
16 Security.

17 (d) SUBMISSION.—Not later than 120 days after the
18 date of the enactment of this Act, the Secretary shall sub-
19 mit to the appropriate congressional committees a report
20 on the study under subsection (a).

21 (e) DEFINITIONS.—In this section—

22 (1) the term “financial hardship” means a loss
23 of income or an unforeseen expense as a result of
24 closures and changes in operations in response to
25 the COVID–19 pandemic; and

1 (2) the term “appropriate congressional com-
2 mittees” means the Committees on Armed Services
3 of the Senate and House of Representatives.

4 **SEC. 597. SENSE OF CONGRESS HONORING THE DOVER AIR**
5 **FORCE BASE, DELAWARE, HOME TO THE**
6 **436TH AIRLIFT WING, THE 512TH AIRLIFT**
7 **WING, AND THE CHARLES C. CARSON CENTER**
8 **FOR MORTUARY AFFAIRS.**

9 (a) FINDINGS.—Congress find the following:

10 (1) The Dover Air Force Base is home more
11 than 4,000 active-duty military and civilian employ-
12 ees tasked with defending the United States of
13 America.

14 (2) The Dover Air Force Base supports the
15 mission of the th Airlift Wing, known as “Eagle
16 Wing” and the 512th Airlift Wing, known as Liberty
17 Wing.

18 (3) The “Eagle Wing” serves as a unit of the
19 Eighteenth Air Force headquartered with the Air
20 Mobility Command at Scott Air Force Base in Illi-
21 nois.

22 (4) The “Eagle Wing” flies hundreds of mis-
23 sions throughout the world and provides a quarter of
24 the United States’ strategic airlift capability and

1 boasts a global reach to over 100 countries around
2 the world.

3 (5) The Dover Air Force Base houses incredible
4 aircrafts utilized by the United States Air Force, in-
5 cluding the C-5M Super Galaxy and C-17A
6 Globemaster III aircraft.

7 (6) The Dover Air Force Base operates the
8 largest and busiest air freight terminal in the De-
9 partment of Defense, fulfilling an important role in
10 our Nation's military.

11 (7) The Air Mobility Command Museum is lo-
12 cated on the Dover Air Force base and welcomes
13 thousands of visitors each year to learn more about
14 the United States Air Force.

15 (8) The Charles C. Carson Center for Mortuary
16 Affairs fulfills our Nation's sacred commitment of
17 ensuring dignity, honor and respect to the fallen and
18 care service and support to their families.

19 (9) The mortuary mission at Dover Air Force
20 Base dates back to 1955 and is the only Department
21 of Defense mortuary in the continental United
22 States.

23 (10) Service members who serve at the Center
24 for Mortuary Affairs are often so moved by their
25 work that they voluntarily elect to serve multiple

1 tours because they feel called to serve our fallen he-
2 roes.

3 (b) SENSE OF CONGRESS.—Congress—

4 (1) honors and expresses sincerest gratitude to
5 the women and men of the Dover Air Force Base for
6 their distinguished service;

7 (2) acknowledges the incredible sacrifice and
8 service of the families of active duty members of the
9 United States military;

10 (3) encourages the people of the United States
11 to keep in their thoughts and their prayers the
12 women and men of the United States Armed Forces;
13 and

14 (4) recognizes the incredibly unique and impor-
15 tant work of the Air Force Mortuary Affairs Oper-
16 ations and the role they play in honoring our fallen
17 heroes.

18 **SEC. 598. GAO STUDY OF WOMEN INVOLUNTARILY SEPA-**
19 **RATED OR DISCHARGED DUE TO PREGNANCY**
20 **OR PARENTHOOD.**

21 (a) STUDY REQUIRED.—Not later than September
22 30, 2021, the Comptroller General of the United States
23 shall conduct a study regarding women involuntarily sepa-
24 rated or discharged from the Armed Forces due to preg-

1 nancy or parenthood during the period of 1951 through
2 1976. The study shall identify—

3 (1) the number of such women, disaggregated
4 by—

5 (A) Armed Force;

6 (B) grade;

7 (C) race; and

8 (D) ethnicity;

9 (2) the characters of such discharges or separa-
10 tions;

11 (3) discrepancies in uniformity of such dis-
12 charges or separations;

13 (4) how such discharges or separations affected
14 access of such women to health care and benefits
15 through the Department of Veterans Affairs; and

16 (5) recommendations for improving access of
17 such women to resources through the Department of
18 Veterans Affairs.

19 (b) REPORT.—Not later than 30 days after com-
20 pleting the study under subsection (a), the Comptroller
21 General shall submit to Congress a report containing the
22 results of that study.

1 **SEC. 599. REPORT REGARDING TRANSPORTATION OF RE-**
2 **MAINS OF CERTAIN DECEDENTS BY THE SEC-**
3 **RETARY OF A MILITARY DEPARTMENT.**

4 (a) REPORT REQUIRED.—Not later than 120 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit a report to Congress regarding
7 the transportation of the remains of decedents under the
8 jurisdiction of the Secretary of a military department pur-
9 suant to section 1481 of title 10, United States Code.

10 (b) ELEMENTS.—The report under this section shall
11 include the following:

12 (1) Whether the Secretary of Defense maintains
13 of a list or database of airports that accept remains
14 of decedents.

15 (2) How information in the list or database de-
16 scribed in paragraph (1) is transmitted to casualty
17 assistance call officers.

18 (3) Regulations and guidance prescribed by the
19 Secretary of Defense or Secretaries of the military
20 departments regarding transportation of the remains
21 of decedents.

22 (4) Any changes made during 2020 to regula-
23 tions or guidance described in paragraph (3) by the
24 Secretary of the Navy.

1 (5) Recommendations of the Secretary of De-
2 fense to improve regulations or guidance described
3 in paragraph (3).

4 **SEC. 599A. POSTPONEMENT OF CONDITIONAL DESIGNA-**
5 **TION OF EXPLOSIVE ORDNANCE DISPOSAL**
6 **CORPS AS A BASIC BRANCH OF THE ARMY.**

7 Section 582(b) of the National Defense Authorization
8 Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C.
9 763 note) is amended—

10 (1) in paragraph (1), by striking “October 1,
11 2020” and inserting “October 1, 2025”; and

12 (2) in paragraph (2)—

13 (A) in the matter preceding subparagraph
14 (A), by striking “September 30, 2020” and in-
15 serting “September 30, 2025”;

16 (B) in subparagraph (B), by inserting “,
17 the explosive ordnance disposal commandant
18 (chief of explosive ordnance disposal),” before
19 “qualified”; and

20 (C) by adding at the end the following new
21 subparagraph:

22 “(G) The explosive ordnance disposal com-
23 mandant (chief of explosive ordnance disposal)
24 has ensured that explosive ordnance disposal
25 soldiers have the mobility skills necessary to

1 support special operations forces (as identified
2 in section 167(j) of title 10, United States
3 Code). Such skills include airborne, air assault,
4 combat diver, fast roping insertion and extrac-
5 tion, helocasting, military free-fall, and off-road
6 driving.”.

7 **SEC. 599B. ANNUAL REPORT REGARDING COST OF LIVING**
8 **FOR MEMBERS AND EMPLOYEES OF THE DE-**
9 **PARTMENT OF DEFENSE.**

10 Section 136 of title 10, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(e) The Under Secretary of Defense for Personnel
14 and Readiness shall submit annually to the Committees
15 on Armed Services of the Senate and House of Represent-
16 atives a report containing an analysis of the costs of living,
17 nationwide, for—

18 “(1) members of the Armed Forces on active
19 duty; and

20 “(2) employees of the Department of Defense.”.

21 **SEC. 599C. REPORT ON PRESERVATION OF THE FORCE AND**
22 **FAMILY PROGRAM OF UNITED STATES SPE-**
23 **CIAL OPERATIONS COMMAND.**

24 (a) REPORT REQUIRED.—Not later than March 1,
25 2021, the Commander of United States Special Oper-

1 ations Command shall submit to the Committees on
2 Armed Services of the Senate and House of Representa-
3 tives a report on the Preservation of the Force and Family
4 Program of United States Special Operations Command
5 (in this section referred to as the “Program”).

6 (b) ELEMENTS.—The report under this section shall
7 include the following:

8 (1) The current structure of professional staff
9 employed by the Program.

10 (2) A comparison of the current mission re-
11 quirements and the capabilities of existing personnel
12 of the Program.

13 (3) An analysis of any emergent needs or skill
14 sets of the Program.

15 (4) A cost-benefit analysis of hiring, as special-
16 ists—

17 (A) contractors;

18 (B) civilian personnel of the Department of
19 Defense; or

20 (C) members of the Armed Forces.

21 **SEC. 599D. GAO STUDY OF MEMBERS ABSENT WITHOUT**
22 **LEAVE OR ON UNAUTHORIZED ABSENCE.**

23 (a) STUDY; REPORT.—Not later than September 30,
24 2021, the Comptroller General of the United States shall
25 submit to the Committees on Armed Services of the Sen-

1 ate and House of Representatives a report containing the
2 results of a study regarding how the Armed Forces handle
3 cases of members absent without leave or on unauthorized
4 absence.

5 (b) ELEMENTS.—The study under this section shall
6 include the following:

7 (1) The procedures and guidelines established
8 by each Armed Force for the investigation of such
9 a case.

10 (2) The guidelines for distinguishing between—

11 (A) common cases;

12 (B) cases that may involve foul play or ac-
13 cident; and

14 (C) cases wherein the member may be in
15 danger.

16 (3) The current guidelines for cooperation and
17 coordination between military investigative agencies
18 and—

19 (A) local law enforcement agencies; and

20 (B) Federal law enforcement agencies.

21 (4) The current guidelines for use of traditional
22 and social media in conjunction with such cases.

23 (5) Military resources available for such cases
24 and any apparent shortfalls in such resources.

1 (6) How the procedures for such cases vary be-
2 tween Armed Forces.

3 (7) How the procedures described in paragraph
4 (6) vary from procedures used by local and Federal
5 law enforcement.

6 (8) Best practices for responding to and inves-
7 tigating such cases.

8 (9) Any other matter the Comptroller General
9 determines appropriate.

10 **TITLE VI—COMPENSATION AND**
11 **OTHER PERSONNEL BENEFITS**
12 **Subtitle A—Pay and Allowances**

13 **SEC. 601. INCREASE IN BASIC PAY.**

14 Effective on January 1, 2021, the rates of monthly
15 basic pay for members of the uniformed services are in-
16 creased by 3.0 percent.

17 **SEC. 602. BASIC NEEDS ALLOWANCE FOR LOW-INCOME**
18 **REGULAR MEMBERS.**

19 (a) IN GENERAL.—Chapter 7 of title 37, United
20 States Code, is amended by inserting after section 402a
21 the following new section:

22 **“§ 402b. Basic needs allowance for low-income reg-**
23 **ular members**

24 “(a) ALLOWANCE REQUIRED.—(1) Subject to para-
25 graph (2), the Secretary of Defense shall pay to each cov-

1 covered member a basic needs allowance in the amount deter-
2 mined for such member under subsection (b).

3 “(2) In the event a household contains two or more
4 covered members entitled to receive the allowance under
5 this section in a given year, only one allowance may be
6 paid for that year to a covered member among such cov-
7 ered members whom such covered members shall jointly
8 elect.

9 “(b) AMOUNT OF ALLOWANCE FOR A COVERED
10 MEMBER.—(1) The amount of the monthly allowance pay-
11 able to a covered member under subsection (a) for a year
12 shall be the aggregate amount equal to—

13 “(A) the aggregate amount equal to—

14 “(i) 130 percent of the Federal poverty guide-
15 lines of the Department of Health and Human Serv-
16 ices for the location and number of persons in the
17 household of the covered member for such year;
18 minus

19 “(ii) the gross household income of the covered
20 member during the preceding year; and

21 “(B) divided by 12.

22 “(2) The monthly allowance payable to a covered
23 member for a year shall be payable for each of the 12
24 months following March of such year.

1 “(c) NOTICE OF ELIGIBILITY.—(1)(A) Not later than
2 December 31 each year, the Director of the Defense Fi-
3 nance and Accounting Service shall notify, in writing, each
4 individual whom the Director estimates will be a covered
5 member during the following year of the potential entitle-
6 ment of that individual to the allowance described in sub-
7 section (a) for that following year.

8 “(B) The preliminary notice under subparagraph (A)
9 shall include information regarding financial management
10 and assistance programs administered by the Secretary of
11 Defense for which a covered member is eligible.

12 “(2) Not later than January 31 each year, each indi-
13 vidual who seeks to receive the allowance for such year
14 (whether or not subject to a notice for such year under
15 paragraph (1)) shall submit to the Director such informa-
16 tion as the Director shall require for purposes of this sec-
17 tion in order to determine whether or not such individual
18 is a covered member for such year.

19 “(3) Not later than February 28 each year, the Di-
20 rector shall notify, in writing, each individual the Director
21 determines to be a covered member for such year.

22 “(d) ELECTION NOT TO RECEIVE ALLOWANCE.—(1)
23 A covered member otherwise entitled to receive the allow-
24 ance under subsection (a) for a year may elect, in writing,
25 not to receive the allowance for such year. Any election

1 under this subsection shall be effective only for the year
2 for which made. Any election for a year under this sub-
3 section is irrevocable.

4 “(2) A covered member who does not submit informa-
5 tion described in subsection (d)(2) for a year as otherwise
6 required by that subsection shall be deemed to have elect-
7 ed not to receive the allowance for such year.

8 “(e) DEFINITIONS.—In this section:

9 “(1) The term ‘covered member’ means a reg-
10 ular member of an armed force under the jurisdic-
11 tion of the Secretary of a military department—

12 “(A) who has completed initial entry train-
13 ing;

14 “(B) whose gross household income during
15 the most recent year did not exceed an amount
16 equal to 130 percent of the Federal poverty
17 guidelines of the Department of Health and
18 Human Services for the location and number of
19 persons in the household of the covered member
20 for such year; and

21 “(C) who does not elect under subsection
22 (d) not to receive the allowance for such year.

23 “(2) The term ‘gross household income’ of a
24 covered member for a year for purposes of para-
25 graph (1)(B) does not include any basic allowance

1 for housing received by the covered member (and
 2 any dependents of the covered member in the house-
 3 hold of the covered member) during such year under
 4 section 403 of this title.

5 “(f) REGULATIONS.—The Secretary of Defense shall
 6 prescribe regulations for the administration of this section.
 7 Subject to subsection (e)(2), such regulations shall specify
 8 the income to be included in, and excluded from, the gross
 9 household income of individuals for purposes of this sec-
 10 tion.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 7 of such title is amended by
 13 inserting after the item relating to section 402a the fol-
 14 lowing new item:

“402b. Basic needs allowance for low-income regular members.”.

15 **SEC. 603. REORGANIZATION OF CERTAIN ALLOWANCES**
 16 **OTHER THAN TRAVEL AND TRANSPORTATION**
 17 **ALLOWANCES.**

18 (a) PER DIEM FOR DUTY OUTSIDE THE CONTI-
 19 NENTAL UNITED STATES.—

20 (1) TRANSFER TO CHAPTER 7.—Section 475 of
 21 title 37, United States Code, is transferred to chap-
 22 ter 7 of such title, inserted after section 403b, and
 23 redesignated as section 405.

24 (2) REPEAL OF TERMINATION PROVISION.—
 25 Section 405 of title 37, United States Code, as

1 added by paragraph (1), is amended by striking sub-
2 section (f).

3 (b) ALLOWANCE FOR FUNERAL HONORS DUTY.—

4 (1) TRANSFER TO CHAPTER 7.—Section 495 of
5 title 37, United States Code, is transferred to chap-
6 ter 7 of such title, inserted after section 433a, and
7 redesignated as section 435.

8 (2) REPEAL OF TERMINATION PROVISION.—

9 Section 435 of title 37, United States Code, as
10 added by paragraph (1), is amended by striking sub-
11 section (c).

12 (c) CLERICAL AMENDMENTS.—

13 (1) CHAPTER 7.—The table of sections at the
14 beginning of chapter 7 of title 37, United States
15 Code, is amended—

16 (A) by inserting after the item relating to
17 section 403b the following new item:

“405. Travel and transportation allowances: per diem while on duty outside the
continental United States.”; and

18 (B) by inserting after the item relating to
19 section 433a the following new item:

“435. Funeral honors duty: allowance.”.

20 (2) CHAPTER 8.—The table of sections at the
21 beginning of chapter 8 of title 37, United States
22 Code, is amended by striking the items relating to
23 sections 475 and 495.

1 **SEC. 604. SINGLE MILITARY HOUSING AREA FOR EACH MU-**
2 **NICIPALITY WITH A POPULATION GREATER**
3 **THAN 500,000.**

4 Section 403(b)(2) of title 37, United States Code is
5 amended—

6 (1) in the first sentence, by inserting “(A)” be-
7 fore “The Secretary”; and

8 (2) by adding at the end the following:

9 “(B) No municipality with a population greater than
10 500,000 may be covered by more than one military hous-
11 ing area.”.

12 **SEC. 605. EXPANSION OF TRAVEL AND TRANSPORTATION**
13 **ALLOWANCES TO INCLUDE FARES AND**
14 **TOLLS.**

15 Section 452(c)(1) of title 37, United States Code, is
16 amended by inserting “(including fares and tolls, without
17 regard to distance travelled)” after “transportation”.

18 **SEC. 606. COMPENSATION AND CREDIT FOR RETIRED PAY**
19 **PURPOSES FOR MATERNITY LEAVE TAKEN**
20 **BY MEMBERS OF THE RESERVE COMPO-**
21 **NENTS.**

22 (a) COMPENSATION.—Section 206(a) of title 37,
23 United States Code, is amended—

24 (1) in paragraph (2), by striking “or” at the
25 end;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting “; or”; and

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

5 “(4) for each of 6 days for each period during
6 which the member is on maternity leave.”.

7 (b) CREDIT FOR RETIRED PAY PURPOSES.—

8 (1) IN GENERAL.—The period of maternity
9 leave taken by a member of the reserve components
10 of the Armed Forces in connection with the birth of
11 a child shall count toward the member’s entitlement
12 to retired pay, and in connection with the years of
13 service used in computing retired pay, under chapter
14 1223 of title 10, United States Code, as 12 points.

15 (2) SEPARATE CREDIT FOR EACH PERIOD OF
16 LEAVE.—Separate crediting of points shall accrue to
17 a member pursuant to this subsection for each pe-
18 riod of maternity leave taken by the member in con-
19 nection with a childbirth event.

20 (3) WHEN CREDITED.—Points credited a mem-
21 ber for a period of maternity leave pursuant to this
22 subsection shall be credited in the year in which the
23 period of maternity leave concerned commences.

24 (4) CONTRIBUTION OF LEAVE TOWARD ENTI-
25 TLEMENT TO RETIRED PAY.—Section 12732(a)(2) of

1 title 10, United States Code, is amended by insert-
2 ing after subparagraph (E) the following new sub-
3 paragraph:

4 “(F) Points at the rate of 12 per period
5 during which the member is on maternity
6 leave.”.

7 (5) COMPUTATION OF YEARS OF SERVICE FOR
8 RETIRED PAY.—Section 12733 of such title is
9 amended—

10 (A) by redesignating paragraph (5) as
11 paragraph (6); and

12 (B) by inserting after paragraph (4) the
13 following new paragraph (5):

14 “(5) One day for each point credited to the per-
15 son under subparagraph (F) of section 12732(a)(2)
16 of this title.”.

17 (c) EFFECTIVE DATE.—This section and the amend-
18 ments made by this section shall take effect on the date
19 of the enactment of this Act, and shall apply with respect
20 to periods of maternity leave that commence on or after
21 that date.

1 **Subtitle B—Bonuses and Special**
2 **Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
4 **BONUS AND SPECIAL PAY AUTHORITIES.**

5 (a) AUTHORITIES RELATING TO RESERVE
6 FORCES.—Section 910(g) of title 37, United States Code,
7 relating to income replacement payments for reserve com-
8 ponent members experiencing extended and frequent mo-
9 bilization for active duty service, is amended by striking
10 “December 31, 2020” and inserting “December 31,
11 2021”.

12 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
13 CARE PROFESSIONALS.—The following sections of title
14 10, United States Code, are amended by striking “Decem-
15 ber 31, 2020” and inserting “December 31, 2021”:

16 (1) Section 2130a(a)(1), relating to nurse offi-
17 cer candidate accession program.

18 (2) Section 16302(d), relating to repayment of
19 education loans for certain health professionals who
20 serve in the Selected Reserve.

21 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
22 CERS.—Section 333(i) of title 37, United States Code, is
23 amended by striking “December 31, 2020” and inserting
24 “December 31, 2021”.

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 2020” and inserting “December 31, 2021”:

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)(7)(E) of title 37, United States Code, is amended
7 by striking “December 31, 2020” and inserting “Decem-
8 ber 31, 2021”.

9 **SEC. 612. INCREASE IN CERTAIN HAZARDOUS DUTY INCEN-**
10 **TIVE PAY FOR MEMBERS OF THE UNIFORMED**
11 **SERVICES.**

12 Section 351(b) of title 37, United States Code, is
13 amended by striking “\$250” both places it appears and
14 inserting “\$275”.

15 **SEC. 613. STANDARDIZATION OF PAYMENT OF HAZARDOUS**
16 **DUTY INCENTIVE PAY FOR MEMBERS OF THE**
17 **UNIFORMED SERVICES.**

18 (a) **IN GENERAL.**—Section 351(c) of title 37, United
19 States Code, is amended to read as follows:

20 “(c) **PAYMENT.**—Hazardous duty pay shall be paid
21 on a monthly basis.”.

22 (b) **EFFECTIVE DATE.**—The amendments made by
23 this section shall take effect on October 1, 2020, and shall
24 apply with respect to duty performed in any month begin-
25 ning on or after that date.

1 **SEC. 614. CLARIFICATION OF 30 DAYS OF CONTINUOUS**
2 **DUTY ON BOARD A SHIP REQUIRED FOR FAM-**
3 **ILY SEPARATION ALLOWANCE FOR MEMBERS**
4 **OF THE UNIFORMED SERVICES.**

5 Section 427(a)(1)(B) of title 37, United States Code,
6 is amended by inserting “(or under orders to remain on
7 board the ship while at the home port)” after “of the
8 ship”.

9 **SEC. 615. EXPANSION OF REIMBURSABLE STATE LICEN-**
10 **SURE AND CERTIFICATION COSTS FOR A**
11 **MILITARY SPOUSE ARISING FROM RELOCA-**
12 **TION.**

13 Section 476(p)(5) of title 37, United States Code, is
14 amended in the matter preceding subparagraph (A), by
15 striking “and” and inserting “fees, continuing education
16 courses, and”.

17 **Subtitle C—Family and Survivor**
18 **Benefits**

19 **SEC. 621. EXPANSION OF AUTHORITY TO PROVIDE FINAN-**
20 **CIAL ASSISTANCE TO CIVILIAN PROVIDERS**
21 **OF CHILD CARE SERVICES OR YOUTH PRO-**
22 **GRAM SERVICES FOR SURVIVORS OF MEM-**
23 **BERS OF THE ARMED FORCES WHO DIE IN**
24 **THE LINE OF DUTY.**

25 Section 1798(a) of title 10, United States Code, is
26 amended by striking “in combat-related incidents”.

1 **SEC. 622. EXPANSION OF DEATH GRATUITY FOR ROTC**
2 **GRADUATES.**

3 Section 623(b) of the National Defense Authorization
4 Act for Fiscal Year 2020 (Public Law 116–92) is amended
5 by striking “the date of the enactment of this Act” and
6 inserting “May 1, 2017”.

7 **SEC. 623. RECALCULATION OF FINANCIAL ASSISTANCE FOR**
8 **PROVIDERS OF CHILD CARE SERVICES AND**
9 **YOUTH PROGRAM SERVICES FOR DEPEND-**
10 **ENTS.**

11 (a) IN GENERAL.—Not later than July 1, 2021, the
12 Secretary of Defense shall develop a method by which to
13 determine appropriate amounts of financial assistance
14 under section 1798 of title 10, United States Code. In
15 such development, the Secretary shall take into consider-
16 ation the following:

- 17 (1) Grades of members of the Armed Forces.
- 18 (2) The cost of living in an applicable locale.
- 19 (3) Whether a military installation has a mili-
20 tary child development center, including any wait list
21 length.
- 22 (4) Whether a military child development center
23 has vacant child care employee positions.
- 24 (5) The capacity of licensed civilian child care
25 providers in an applicable locale.

1 (6) The average cost of licensed civilian child
2 care services available in an applicable locale.

3 (b) REPORT.—Not later than August 1, 2021, the
4 Secretary shall submit a report the Committees on Armed
5 Services of the Senate and the House of Representatives
6 on the method developed under this section.

7 (c) DEFINITIONS.—In this section, the terms “child
8 care employee” and “military child development center”
9 have the meanings given those terms in section 1800 of
10 title 10, United States Code.

11 **SEC. 624. PRIORITY FOR CERTAIN MILITARY FAMILY HOUS-**
12 **ING TO A MEMBER OF THE ARMED FORCES**
13 **WHOSE SPOUSE AGREES TO PROVIDE FAMILY**
14 **HOME DAY CARE SERVICES.**

15 (a) PRIORITY.—If the Secretary of a military depart-
16 ment determines that not enough child care employees are
17 employed at a military child development center on a mili-
18 tary installation under the jurisdiction of that Secretary
19 to adequately care for the children of members of the
20 Armed Forces stationed at that military installation, the
21 Secretary, to the extent practicable, may give priority for
22 covered military family housing to a member whose spouse
23 is an eligible military spouse.

24 (b) NUMBER OF PRIORITY POSITIONS.—A Secretary
25 of a military department may grant priority under sub-

1 section (a) only to the minimum number of eligible mili-
2 tary spouses that the Secretary determines necessary to
3 provide adequate child care to the children of members
4 stationed at a military installation described in subsection
5 (a).

6 (c) LIMITATION.—Nothing in this section may be
7 construed to require the Secretary of a military depart-
8 ment to provide covered military family housing that has
9 been adapted for disabled individuals to a member under
10 this section instead of to a member with one more depend-
11 ents enrolled in the Exceptional Family Member Program.

12 (d) RESULT OF FAILURE TO PROVIDE FAMILY
13 HOME DAY CARE SERVICES OR LOSS OF ELIGIBILITY.—
14 The Secretary of the military department concerned may
15 remove a household provided covered military family hous-
16 ing under this section therefrom if the Secretary deter-
17 mines the spouse of that member has failed to abide by
18 an agreement described in subsection (e)(3) or has ceased
19 to be an eligible military spouse. Such removal may not
20 occur sooner than 60 days after the date of such deter-
21 mination.

22 (e) DEFINITIONS.—In this section:

23 (1) The terms “child care employee”, “family
24 home day care”, and “military child development

center” have the meanings given those terms in section 1800 of title 10, United States Code.

(2) The term “covered military family housing” means military family housing—

(A) located on a military installation described in subsection (a); and

(B) that the Secretary of the military department concerned determines is large enough to provide family home day care services to no fewer than six children (not including children in the household of the eligible military spouse).

(3) The term “eligible military spouse” means a military spouse who—

(A) is eligible for military family housing;

(B) is eligible to provide family home day care services;

(C) has provided family home day care services for at least 1 year; and

(D) agrees in writing to provide family home day care services in covered military family housing for a period determined by the Secretary of the military department concerned.

1 **SEC. 625. STUDY ON FEASIBILITY OF TSP CONTRIBUTIONS**
2 **BY MILITARY SPOUSES.**

3 (a) STUDY REQUIRED.—The Secretary of Defense
4 shall conduct a study on potential enhancements to the
5 military Thrift Savings Plan administered by the Federal
6 Retirement Thrift Investment Board.

7 (b) ELEMENTS.—The study under subsection (a)
8 shall include the following:

9 (1) An evaluation of the effect of allowing mili-
10 tary spouses to contribute or make eligible retire-
11 ment account transfers to the military Thrift Sav-
12 ings Plan account of the member of the Armed
13 Forces to whom that military spouse is married.

14 (2) Legislation the Secretary determines nec-
15 essary to permit contributions and transfers de-
16 scribed in paragraph (1).

17 (3) An evaluation of whether and to what ex-
18 tent employer-funded matching of contributions de-
19 scribed in paragraph (1) may encourage further par-
20 ticipation in the military Thrift Savings Plan.

21 (c) REPORTING.—

22 (1) INITIAL REPORT.—Not later than February
23 1, 2021, the Secretary of Defense shall submit to
24 the Federal Retirement Thrift Investment Board a
25 report on the results of the study under subsection
26 (a).

1 (2) ANALYSIS.—Not later than 60 days after
2 receiving the report under paragraph (1), the Fed-
3 eral Thrift Savings Retirement Board shall analyze
4 the report under paragraph (1), generate rec-
5 ommendations and comments it determines appro-
6 priate, and submit such analysis, recommendations,
7 and comments to the Secretary.

8 (3) FINAL REPORT.—Not later than April 1,
9 2021, the Secretary shall submit to the Committees
10 on Armed Services of the Senate and House of Rep-
11 resentatives the report under paragraph (1) and the
12 analysis, recommendations, and comments under
13 paragraph (2).

14 **SEC. 626. GOLD STAR FAMILIES PARKS PASS.**

15 (a) SHORT TITLE.—This section may be referred to
16 as the “Gold Star Families Parks Pass Act”.

17 (b) GOLD STAR FAMILIES PARKS PASS.—Section
18 805(b) of division J of the Consolidated Appropriations
19 Act, 2005 (16 U.S.C. 6804(b); 118 Stat. 3386), is amend-
20 ed by adding at the end the following new paragraph:

21 “(3) GOLD STAR FAMILIES PARKS PASS.—The
22 Secretary shall make the National Parks and Fed-
23 eral Recreational Lands Pass available, at no cost,
24 to members of Gold Star Families, as defined by

1 section 3.2 of Department of Defense Instruction
2 1348.36.”.

3 **SEC. 627. MODIFICATION TO FIRST DIVISION MONUMENT.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “First Infantry Recognition of Sacrifice in Theater Act”
6 or the “FIRST Act”.

7 (b) AUTHORIZATION.—The Society of the First In-
8 fantry Division (an organization described in section
9 501(c)(3) of the Internal Revenue Code of 1986 and ex-
10 empt from taxation under section 501(a) of that code),
11 may make modifications (including construction of addi-
12 tional plaques and stone plinths on which to put the
13 plaques) to the First Division Monument located on Fed-
14 eral land in President’s Park in the District of Columbia
15 that was set aside for memorial purposes of the First In-
16 fantry Division, in order to honor the members of the
17 First Infantry Division who paid the ultimate sacrifice
18 during United States operations, including Operation
19 Desert Storm, Operation Iraqi Freedom and New Dawn,
20 and Operation Enduring Freedom. The First Infantry Di-
21 vision at the Department of the Army shall collaborate
22 with the Department of Defense to provide to the Society
23 of the First Infantry Division the list of names to be
24 added.

1 (c) NON-APPLICATION OF COMMEMORATIVE WORKS
 2 ACT.—Subsection (b) of section 8903 of title 40, United
 3 States Code (commonly known as the “Commemorative
 4 Works Act”), shall not apply to actions taken under sub-
 5 section (b) of this section.

6 (d) FUNDING.—Federal funds may not be used to
 7 pay any expense of the activities of the Society of the First
 8 Infantry Division which are authorized by this section.

9 **SEC. 628. CHERYL LANKFORD MEMORIAL EXPANSION OF**
 10 **ASSISTANCE FOR GOLD STAR SPOUSES AND**
 11 **OTHER DEPENDENTS.**

12 Section 633(a) of the National Defense Authorization
 13 Act for Fiscal Year 2014 (10 U.S.C. 1475 note) is amend-
 14 ed—

15 (1) by redesignating paragraphs (1) through
 16 (4) as subparagraphs (A) through (D), respectively;

17 (2) by inserting “(1)” before “Each Secretary”;

18 (3) in the matter preceding paragraph (1), by
 19 inserting “a casualty assistance officer who is” after
 20 “jurisdiction of such Secretary”;

21 (4) by striking “spouses and other dependents
 22 of members” and all that follows through “services:”
 23 and inserting an em dash; and

24 (5) by inserting before subparagraph (A), as re-
 25 designated, the following:

1 “(A) a spouse and any other dependent of a
2 member of such Armed Force (including the reserve
3 components thereof) who dies on active duty; and

4 “(B) a dependent described in subparagraph
5 (A) if the spouse of the deceased member dies and
6 the dependent (or the guardian of such dependent)
7 requests such assistance.

8 “(2) Casualty assistance officers described in para-
9 graph (1) shall provide to spouses and dependents de-
10 scribed in that paragraph the following services:”.

11 **SEC. 629. EXTENSION OF COMMISSARY AND EXCHANGE**
12 **BENEFITS FOR SURVIVING REMARRIED**
13 **SPOUSES WITH DEPENDENT CHILDREN OF A**
14 **MEMBER OF THE ARMED FORCES WHO DIES**
15 **WHILE ON ACTIVE DUTY OR CERTAIN RE-**
16 **SERVE DUTY.**

17 (a) PROCEDURES FOR ACCESS OF SURVIVING RE-
18 MARRIED SPOUSES REQUIRED.—The Secretary of De-
19 fense, acting jointly with the Secretary of Homeland Secu-
20 rity, shall establish procedures by which an eligible remar-
21 ried spouse may obtain unescorted access, as appropriate,
22 to military installations in order to use commissary stores
23 and MWR retail facilities to the same extent and on the
24 same basis as an unremarried surviving spouse of a mem-
25 ber of the uniformed services is entitled to by law or policy.

1 (b) CONSIDERATIONS.— Any procedures established
2 under this section shall—

3 (1) be applied consistently across the Depart-
4 ment of Defense and the Department of Homeland
5 Security, including all components of the Depart-
6 ments;

7 (2) minimize any administrative burden on sur-
8 viving remarried spouse or dependent child, includ-
9 ing through the elimination of any requirement for
10 a remarried spouse to apply as a personal agent for
11 continued access to military installations in accom-
12 paniment of a dependent child;

13 (3) take into account measures required to en-
14 sure the security of military installations, including
15 purpose and eligibility for access and renewal perio-
16 dicity; and

17 (4) take into account such other factors as the
18 Secretary of Defense or the Secretary of Homeland
19 Security considers appropriate.

20 (c) DEADLINE.—The procedures required by sub-
21 section (a) shall be established by the date that is not later
22 than 1 year after the date of the enactment of this section.

23 (d) DEFINITIONS.—In this section—

24 (1) the term “eligible remarried spouse” means
25 an individual who is a surviving former spouse of a

covered member of the Armed Forces, who has re-married after the death of the covered member of the Armed Forces and has guardianship of dependent children of the deceased member;

(2) the term “covered member of the Armed Forces” means a member of the Armed Forces who dies while serving—

(A) on active duty; or

(B) on such reserve duty as the Secretary of Defense and the Secretary of Homeland Security may jointly specify for purposes of this section.

Subtitle D—Defense Resale Matters

SEC. 631. BASE RESPONDERS ESSENTIAL NEEDS AND DINING ACCESS.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1066. Use of commissary stores and MWR facilities: protective services civilian employees

“(a) ELIGIBILITY OF PROTECTIVE SERVICES CIVILIAN EMPLOYEES.—An individual employed as a protective services civilian employee at a military installation shall be permitted to purchase food and hygiene items at a com-

1 commissary store or MWR retail facility located on that mili-
2 tary installation.

3 “(b) USER FEE AUTHORITY.—(1) The Secretary of
4 Defense shall prescribe regulations that impose a user fee
5 on individuals who are eligible solely under this section
6 to purchase merchandise at a commissary store or MWR
7 retail facility.

8 “(2) The Secretary shall set the user fee under this
9 subsection at a rate that the Secretary determines will off-
10 set any increase in expenses arising from this section
11 borne by the Department of the Treasury on behalf of
12 commissary stores associated with the use of credit or
13 debit cards for customer purchases, including expenses re-
14 lated to card network use and related transaction proc-
15 essing fees.

16 “(3) The Secretary shall deposit funds collected pur-
17 suant to a user fee under this subsection in the General
18 Fund of the Treasury.

19 “(4) Any fee under this subsection is in addition to
20 the uniform surcharge under section 2484(d) of this title.

21 “(c) DEFINITIONS.—In this section:

22 “(1) The term ‘MWR retail facility’ has the
23 meaning given that term in section 1063 of this
24 title.

1 “(2) The term ‘protective services civilian em-
 2 ployee’ means a position in any of the following se-
 3 ries (or successor classifications) of the General
 4 Schedule:

5 “(A) Security Administration (GS–0080).

6 “(B) Fire Protection and Prevention (GS–
 7 0081).

8 “(C) Police (GS–0083).

9 “(D) Security Guard (GS–0085).

10 “(E) Emergency Management (GS–
 11 0089).”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of chapter 54 of title 10, United States
 14 Code, is amended by adding at the end the following new
 15 item:

“1066. Use of commissary stores and MWR facilities: protective services civilian
 employees.”.

16 **SEC. 632. FIRST RESPONDER ACCESS TO MOBILE EX-**
 17 **CHANGES.**

18 Section 1146 of title 10, United States Code, is
 19 amended by adding at the end the following new sub-
 20 section:

21 “(d) EMERGENCY RESPONSE PROVIDERS DURING A
 22 DECLARED MAJOR DISASTER OR EMERGENCY.—The Sec-
 23 retary of Defense shall prescribe regulations to allow an
 24 emergency response provider (as that term is defined in

1 section 2 of the Homeland Security Act of 2002 (Public
2 Law 107–296; 6 U.S.C. 101)) to use a mobile commissary
3 or exchange store deployed to an area covered by a dec-
4 laration of a major disaster or emergency under section
5 401 of the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5170).”.

7 **SEC. 633. UPDATED BUSINESS CASE ANALYSIS FOR CON-**
8 **SOLIDATION OF THE DEFENSE RESALE SYS-**
9 **TEM.**

10 (a) IN GENERAL.—Not later than March 1, 2021, the
11 Chief Management Officer of the Department of Defense,
12 in coordination with the Undersecretary of Defense for
13 Personnel and Readiness, shall update the study titled
14 “Study to Determine the Feasibility of Consolidation of
15 the Defense Resale Entities” and dated December 4,
16 2018, to include a new business case analysis that—

17 (1) establishes new baselines for—

18 (A) savings from the costs of goods sold;

19 (B) costs of new information technology
20 required for such consolidation; and

21 (C) costs of headquarters relocation arising
22 from such consolidation; and

23 (2) addresses each recommendation for execu-
24 tive action in the Government Accountability Office
25 report GAO–20–418SU.

1 (b) REVIEW AND COMMENT.—Not later than April
 2 1, 2021, the Secretary of Defense shall make the updated
 3 business case analysis (in this section referred to as the
 4 “updated BCA”) available to the Secretaries of the mili-
 5 tary departments for comment.

6 (c) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—
 7 Not later than June 1, 2021, the Secretary of Defense
 8 shall make any comments made under subsection (b) and
 9 the updated BCA available to the Committees on Armed
 10 Services of the Senate and the House of Representatives.

11 (d) DELAY OF CONSOLIDATION.—The Secretary of
 12 Defense may not take any action to consolidate military
 13 exchanges and commissaries until the Committees on
 14 Armed Services of the Senate and the House of Represent-
 15 atives notify the Secretary in writing of receipt and accept-
 16 ance of the updated BCA.

17 **Subtitle E—Other Personnel** 18 **Benefits**

19 **SEC. 641. MAINTENANCE OF FUNDING FOR STARS AND** 20 **STRIPES.**

21 (a) FUNDING.—

22 (1) OPERATION AND MAINTENANCE.—Of the
 23 amounts authorized to be appropriated for fiscal
 24 year 2021 in division D of this Act and available for
 25 operations and maintenance for Defense-wide activi-

1 ties as specified in the funding table in section 4301
2 of this Act, \$9,000,000 shall be made available for
3 the purpose of maintaining the operations and publi-
4 cation of Stars and Stripes.

5 (2) CONTINGENCY OPERATIONS.—Of the
6 amounts authorized to be appropriated for fiscal
7 year 2021 in division D of this Act and available for
8 overseas contingency operations for Defense-wide ac-
9 tivities as specified in the funding tables in section
10 4301 of this Act, \$6,000,000 shall be made available
11 for the purpose of maintaining the operations and
12 publication of Stars and Stripes.

13 (b) REPORT ON BUSINESS CASE ANALYSIS.—Not
14 later than March 1, 2021, the Secretary of Defense, in
15 coordination with the editor of Stars and Stripes, shall
16 submit a report to the Committees on Armed Services of
17 the Senate and the House of Representatives detailing the
18 business case analysis for various options for Stars and
19 Stripes. The report shall contain the following elements:

20 (1) An analysis of the pros and cons of, and
21 business case for, continuing the operation and pub-
22 lication of Stars and Stripes at its current levels, in-
23 cluding other options for the independent reporting
24 currently provided, especially in a deployed environ-
25 ment.

1 (2) An analysis of the modes of communication
2 used by Stars and Stripes.

3 (3) An analysis of potential reduced operations
4 of Stars and Stripes.

5 (4) An analysis of the operation of Stars and
6 Stripes solely as a non-appropriated entity.

7 (5) An analysis of operating Stars and Stripes
8 as a category B morale, welfare, and recreation enti-
9 ty.

10 (6) An assessment of the value of the avail-
11 ability of Stars and Stripes (in print or an electronic
12 version) to deployed or overseas members of the
13 Armed Forces.

14 **SEC. 642. BASIC ALLOWANCE FOR HOUSING.**

15 Section 403 of title 37, United States Code, is
16 amended by adding at the end the following:

17 “(p) INFORMATION ON RIGHTS AND PROTECTIONS
18 UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—The Sec-
19 retary of Defense shall provide to each member of a uni-
20 formed service who receives a basic allowance for housing
21 under this section information on the rights and protec-
22 tions available to such member under the Servicemembers
23 Civil Relief Act (50 U.S.C. 3901 et seq.).”.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—TRICARE and Other**
4 **Health Care Benefits**

5 **SEC. 701. EXPANSION OF MENTAL HEALTH ASSESSMENTS**
6 **FOR MEMBERS OF THE ARMED FORCES.**

7 Section 1074m of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(g) MENTAL HEALTH ASSESSMENTS FOR PARTICI-
11 PATION IN CERTAIN ACTIVITIES.—(1) The Secretary shall
12 provide to a member described in paragraph (2) mental
13 health assessments under this section in a frequency and
14 schedule that the Secretary determines to be as similar
15 as practicable to the frequency and schedule for such as-
16 sessments under subsection (a)(1).

17 “(2) A member described in this paragraph is a mem-
18 ber who, while not deployed in support of a contingency
19 operation, participated in warfighting activities that had
20 a direct and immediate impact on a combat operation or
21 other military operation.”.

22 **SEC. 702. MANDATORY REFERRAL FOR MENTAL HEALTH**
23 **EVALUATION.**

24 Section 1090a of title 10, United States Code, is
25 amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by inserting after subsection (d) the fol-
4 lowing new subsection:

5 “(e) PROCESS APPLICABLE TO MEMBER DISCLO-
6 SURE.—The regulations required by subsection (a) shall—

7 “(1) establish a phrase that enables a member
8 of the armed forces to trigger a referral of the mem-
9 ber by a commanding officer or supervisor for a
10 mental health evaluation;

11 “(2) require a commanding officer or supervisor
12 to make such referral as soon as practicable fol-
13 lowing disclosure by the member to the commanding
14 officer or supervisor of the phrase established under
15 paragraph (1); and

16 “(3) ensure that the process protects the con-
17 fidentiality of the member in a manner similar to
18 the confidentiality provided for members making re-
19 stricted reports under section 1565b(b) of this
20 title.”.

21 **SEC. 703. ASSESSMENTS AND TESTING RELATING TO EXPO-**
22 **SURE TO PERFLUOROALKYL AND**
23 **POLYFLUOROALKYL SUBSTANCES.**

24 (a) PERIODIC HEALTH ASSESSMENT.—The Sec-
25 retary of Defense shall ensure that any periodic health as-

1 assessment provided to a member of the Armed Forces in-
2 cludes an evaluation of whether the member has been—

3 (1) based or stationed at a military installation
4 identified by the Department of Defense as a loca-
5 tion with a known or suspected release of
6 perfluoroalkyl substances or polyfluoroalkyl sub-
7 stances during the period in which the member was
8 based or stationed at the military installation; or

9 (2) exposed to such substances, including by
10 evaluating any information in the health record of
11 the member.

12 (b) SEPARATION HISTORY AND PHYSICAL EXAMINA-
13 TIONS.—Section 1145(a)(5) of title 10, United States
14 Code, is amended by adding at the end the following new
15 subparagraph:

16 “(D) The Secretary concerned shall ensure that each
17 physical examination of a member under subparagraph
18 (A) includes an assessment of whether the member was—

19 “(i) based or stationed at a military installation
20 identified by the Department as a location with a
21 known or suspected release of perfluoroalkyl sub-
22 stances or polyfluoroalkyl substances during the pe-
23 riod in which the member was based or stationed at
24 the military installation; or

1 “(ii) exposed to such substances, including by
2 assessing any information in the health record of the
3 member.”.

4 (c) DEPLOYMENT ASSESSMENTS.—Section
5 1074f(b)(2) of title 10, United States Code, is amended
6 by adding at the end the following new subparagraph:

7 “(E) An assessment of whether the member
8 was—

9 “(i) based or stationed at a military instal-
10 lation identified by the Department as a loca-
11 tion with a known or suspected release of
12 perfluoroalkyl substances or polyfluoroalkyl sub-
13 stances during the period in which the member
14 was based or stationed at the military installa-
15 tion; or

16 “(ii) exposed to such substances, including
17 by assessing any information in the health
18 record of the member.”.

19 (d) PROVISION OF BLOOD TESTING.—

20 (1) MEMBERS OF THE ARMED FORCES.—

21 (A) IN GENERAL.—If a covered evaluation
22 of a member of the Armed Forces results in a
23 positive determination of potential exposure to
24 perfluoroalkyl substances or polyfluoroalkyl sub-
25 stances, the Secretary of Defense shall provide

1 to that member, during that covered evaluation
2 and at no additional cost to that member, blood
3 testing to determine and document potential ex-
4 posure to such substances.

5 (B) INCLUSION IN HEALTH RECORD.—The
6 results of blood testing of a member of the
7 Armed Forces conducted under subparagraph
8 (A) shall be included in the health record of the
9 member.

10 (2) COVERED EVALUATION DEFINED.—In this
11 subsection, the term “covered evaluation” means—

12 (A) a periodic health assessment conducted
13 in accordance with subsection (a);

14 (B) a separation history and physical ex-
15 amination conducted under section 1145(a)(5)
16 of title 10, United States Code, as amended by
17 subsection (b); and

18 (C) a deployment assessment conducted
19 under section 1074f(b)(2) of such title, as
20 amended by subsection (c).

21 **SEC. 704. IMPROVEMENT TO BREAST CANCER SCREENING.**

22 Section 1074d(b)(2) of title 10, United States Code,
23 is amended by inserting before the period at the end the
24 following: “, including through the use of digital breast
25 tomosynthesis”.

(1) by redesignating subsection (b) as sub-
section (c); and

“(b) WAIVER OF FEES.—Under the procedures im-
plemented under subsection (a), a military medical treat-
ment facility may waive a fee charged under such proce-
dures to a civilian who is not a covered beneficiary if—

18 “(2) the provision of such care enhanced the
19 medical readiness of the health care provider or
20 health care providers furnishing such care.”.

21 SEC. 706. EXPANSION OF BENEFITS AVAILABLE UNDER
22 TRICARE EXTENDED CARE HEALTH OPTION
23 PROGRAM.

HR 6395 PCS

1 “(e)(1) Extended benefits for eligible dependents
2 under subsection (d) may include comprehensive health
3 care services (including services necessary to maintain, or
4 minimize or prevent deterioration of, function of the pa-
5 tient) and case management services with respect to the
6 qualifying condition of such a dependent, and include, to
7 the extent such benefits are not provided under provisions
8 of this chapter other than under this section, the following:

9 “(A) Diagnosis and screening.

10 “(B) Inpatient, outpatient, and comprehensive
11 home health care supplies and services which may
12 include cost effective and medically appropriate serv-
13 ices other than part-time or intermittent services
14 (within the meaning of such terms as used in the
15 second sentence of section 1861(m) of the Social Se-
16 curity Act).

17 “(C) Rehabilitation and habilitation services
18 and devices.

19 “(D) Institutional care in private nonprofit,
20 public, and State institutions and facilities and, if
21 appropriate, transportation to and from such institu-
22 tions and facilities.

23 “(E) Custodial care, notwithstanding the prohi-
24 bition in section 1077(b)(1) of this title.

1 “(F) In accordance with paragraph (2), respite
2 care for the primary caregiver of the eligible depend-
3 ent.

4 “(G) In accordance with paragraph (3), service
5 and modification of durable equipment and assistive
6 technology devices.

7 “(H) Special education.

8 “(I) Vocational training, which may be fur-
9 nished to an eligible dependent in the residence of
10 the eligible dependent or at a facility in which such
11 training is provided.

12 “(J) In accordance with paragraph (4), adapta-
13 tions to the private residence and vehicle of the eligi-
14 ble dependent.

15 “(K) Such other services and supplies as deter-
16 mined appropriate by the Secretary, notwithstanding
17 the limitations in subsection (a)(12).

18 “(2) Respite care under paragraph (1)(F) shall be
19 provided subject to the following conditions:

20 “(A) Pursuant to regulations prescribed by the
21 Secretary for purposes of this paragraph, such res-
22 pite care shall be limited to—

23 “(i) 50 hours per month for a primary
24 caregiver not covered by clause (ii); or

1 “(ii) 40 hours per week for cases where the
2 Secretary determines that the plan of care for
3 the eligible dependent includes frequent inter-
4 ventions by the primary caregiver.

5 “(B) Unused hours of respite care may not be
6 carried over to another month.

7 “(C) Such respite care may be provided to an
8 eligible beneficiary regardless of whether the eligible
9 beneficiary is receiving another benefit under this
10 subsection.

11 “(3)(A) Service and modification of durable equip-
12 ment and assistive technology devices under paragraph
13 (1)(G) may be provided only upon determination by the
14 Secretary that the service or modification is necessary for
15 the use of such equipment or device by the eligible depend-
16 ent.

17 “(B) Service and modification of durable equipment
18 and assistive technology devices under such paragraph
19 may not be provided—

20 “(i) in the case of misuse, loss, or theft of the
21 equipment or device; or

22 “(ii) for a deluxe, luxury, or immaterial feature
23 of the equipment or device, as determined by the
24 Secretary.

1 “(C) Service and modification of durable equipment
2 and assistive technology devices under such paragraph
3 may include training of the eligible dependent and imme-
4 diate family members of the eligible dependent on the use
5 of the equipment or device.

6 “(4)(A) Adaptations to the private residence and ve-
7 hicle of the eligible dependent under paragraph (1)(J) may
8 be provided if such adaptations—

9 “(i) are determined to be medically necessary
10 by the provider responsible for the care of the eligi-
11 ble dependent with respect to the qualifying condi-
12 tion; and

13 “(ii) are necessary to assist in—

14 “(I) the reduction of the disabling effects
15 of the qualifying condition; or

16 “(II) maintenance of the present
17 functionality of the eligible dependent.

18 “(B) With respect to a vehicle, adaptations may be
19 provided under such paragraph if the vehicle is the pri-
20 mary means of transportation of the eligible dependent.”.

21 (b) CONFORMING AMENDMENT.—Subsection (f) of
22 such section is amended by striking “paragraph (3) or (4)
23 of subsection (e)” each place it appears and inserting
24 “subparagraph (C), (D), (G), (H), or (I) of subsection
25 (e)(1)”.

1 (c) ADDITIONAL REQUIREMENTS IN OFFICE OF SPE-
2 CIAL NEEDS ANNUAL REPORT.—Section 1781c(g)(2) of
3 title 10, United States Code, is amended—

4 (1) by redesignating subparagraph (C) as sub-
5 paragraph (D); and

6 (2) by inserting after subparagraph (B) the fol-
7 lowing new subparagraph (C):

8 “(C) With respect to the Extended Care Health
9 Option program under section 1079(d) of this title—

10 “(i) the utilization rates of services under
11 such program by eligible dependents (as such
12 term is defined in such section) during the prior
13 year;

14 “(ii) a description of gaps in such services,
15 as ascertained by the Secretary from informa-
16 tion provided by families of eligible dependents;

17 “(iii) an assessment of factors that prevent
18 knowledge of and access to such program, in-
19 cluding a discussion of actions the Secretary
20 may take to address these factors; and

21 “(iv) an assessment of the average wait
22 time for an eligible dependent enrolled in the
23 program to access alternative health coverage
24 for a qualifying condition (as such term is de-
25 fined in such section), including a discussion of

1 any adverse health outcomes associated with
2 such wait.”.

3 (d) COMPTROLLER GENERAL REPORT.—The Comp-
4 troller General of the United States shall submit to Con-
5 gress a report containing a study on caregiving available
6 through programs such as State Home and Community
7 Based Services and the Program of Comprehensive Assist-
8 ance for Family Caregivers of the Department of Veterans
9 Affairs under section 1720G of title 38, United States
10 Code. The report shall—

11 (1) include input from payers, administrators,
12 consumers, and advocates in order to analyze best
13 practices for administering programs to support
14 caregivers of individuals with intellectual or physical
15 disabilities; and

16 (2) compare the provision of respite and related
17 care through the Extended Care Health Option pro-
18 gram under section 1079(d) of title 10, United
19 States Code, to recognized best practices and, if
20 needed, make recommendations for improvement.

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect October 1, 2020.

23 (f) FUNDING.—

24 (1) INCREASE.—Notwithstanding the amounts
25 set forth in the funding tables in division D, the

1 amount authorized to be appropriated in section
2 1405 for the Defense Health Program, as specified
3 in the corresponding funding table in section 4501,
4 for Defense Health Program, In-House Care, is
5 hereby increased by \$15,000,000.

6 (2) OFFSET.—Notwithstanding the amounts set
7 forth in the funding tables in division D, the amount
8 authorized to be appropriated in section 1405 for
9 the Defense Health Program, as specified in the cor-
10 responding funding table in section 4501, for De-
11 fense Health Program, Private Sector Care, is here-
12 by reduced by \$15,000,000.

13 **SEC. 707. PROVISION OF HEARING AIDS FOR DEPENDENTS**
14 **OF CERTAIN MEMBERS OF THE RESERVE**
15 **COMPONENTS.**

16 Section 1077(g) of title 10, United States Code, is
17 amended—

18 (1) by striking “In addition” and inserting “(1)
19 In addition”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(2) For purposes of providing hearing aids under
23 subsection (a)(16), a dependent of a member of the re-
24 serve components who is enrolled in the TRICARE pro-
25 gram under section 1076d of this title shall be deemed

1 to be a dependent of a member of the uniformed services
2 on active duty.”.

3 **Subtitle B—Health Care** 4 **Administration**

5 **SEC. 711. PROTECTION OF THE ARMED FORCES FROM IN-** 6 **FECTIONOUS DISEASES.**

7 (a) IN GENERAL.—Chapter 55 of title 10, United
8 States Code, is amended by inserting after section 1073d
9 the following new section:

10 **“§ 1073e. Protection of armed forces from infectious** 11 **diseases**

12 “(a) PROTECTION.—The Secretary of Defense shall
13 ensure that the armed forces have the diagnostic equip-
14 ment, testing capabilities, and personal protective equip-
15 ment necessary to protect members of the armed forces
16 from the threat of infectious diseases and to treat mem-
17 bers who contract infectious diseases.

18 “(b) REQUIREMENTS.—In carrying out subsection
19 (a), the Secretary shall ensure the following:

20 “(1) Each military medical treatment facility
21 has the testing capabilities described in such sub-
22 section.

23 “(2) Each deployed naval vessel has the testing
24 capabilities described in such subsection.

1 “(3) Members of the armed forces deployed in
2 support of a contingency operation outside of the
3 United States have access to the testing capabilities
4 described in such subsection, including at field hos-
5 pitals, combat support hospitals, field medical sta-
6 tions, and expeditionary medical facilities.

7 “(4) The Department of Defense maintains a
8 stock of personal protective equipment in a quantity
9 sufficient for each member of the armed forces, in-
10 cluding the reserve components thereof.

11 “(c) RESEARCH AND DEVELOPMENT.—(1) The Sec-
12 retary shall include with the defense budget materials (as
13 defined by section 231(f) of this title) for a fiscal year
14 a plan to research and develop vaccines for infectious dis-
15 eases.

16 “(2) The Secretary shall ensure that the medical lab-
17 oratories of the Department of Defense are equipped with
18 the technology needed to facilitate rapid research in the
19 case of a pandemic.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 at the beginning of such chapter is amended by inserting
22 after the item relating to section 1073d the following new
23 item:

“1073e. Protection of armed forces from infectious diseases.”.

1 **SEC. 712. INCLUSION OF DRUGS, BIOLOGICAL PRODUCTS,**
2 **AND CRITICAL MEDICAL SUPPLIES IN NA-**
3 **TIONAL SECURITY STRATEGY FOR NATIONAL**
4 **TECHNOLOGY AND INDUSTRIAL BASE.**

5 (a) NATIONAL SECURITY STRATEGY FOR NATIONAL
6 TECHNOLOGY AND INDUSTRIAL BASE.—Section 2501(a)
7 of title 10, United States Code, is amended by adding at
8 the end the following new paragraph:

9 “(11) Providing for the provision of drugs, bio-
10 logical products, vaccines, and critical medical sup-
11 plies (including personal protective equipment, diag-
12 nostic and testing capabilities, and lifesaving breath-
13 ing apparatuses required for the treatment of severe
14 respiratory illness and respiratory distress) required
15 to enable combat readiness and protect the health of
16 the armed forces.”.

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this Act, the Secretary
20 of Defense, in consultation with the Secretary of
21 Health and Human Services, the Commissioner of
22 Food and Drugs, and the heads of other depart-
23 ments and agencies of the Federal Government that
24 the Secretary of Defense determines appropriate,
25 shall submit to the appropriate congressional com-
26 mittees a report on vulnerabilities to the drugs, bio-

1 logical products, vaccines, and critical medical sup-
2 plies of the Department of Defense.

3 (2) MATTERS INCLUDED.—The report under
4 paragraph (1) shall include—

5 (A) an identification and origin of any fin-
6 ished drugs, as identified by the Secretary of
7 Defense, and the essential components of such
8 drugs, including raw materials, chemical compo-
9 nents, and active pharmaceutical ingredients
10 that are necessary for the manufacture of such
11 drugs, whose supply is at risk of disruption
12 during a time of war or national emergency;

13 (B) an identification of shortages of fin-
14 ished drugs, biological products, vaccines, and
15 critical medical supplies essential for combat
16 readiness and the protection of the health of the
17 Armed Forces, as identified by the Secretary of
18 Defense;

19 (C) an identification of the defense and
20 geopolitical contingencies that are sufficiently
21 likely to arise that may lead to the discontinu-
22 ance, interruption or meaningful disruption in
23 the supply of a drug, biological product, vac-
24 cine, or critical medical supply, and rec-
25 ommendations regarding actions the Secretary

1 of Defense should take to reasonably prepare
2 for the occurrence of such contingencies;

3 (D) an identification of any barriers that
4 exist to manufacture finished drugs, biological
5 products, vaccines, and critical medical supplies
6 in the United States, including with respect to
7 regulatory barriers by the Federal Government
8 and whether the raw materials may be found in
9 the United States;

10 (E) an identification of potential partners
11 of the United States with whom the United
12 States can work with to realign the manufac-
13 turing capabilities of the United States for such
14 finished drugs, biological products, vaccines,
15 and critical medical supplies;

16 (F) an assessment conducted by the Sec-
17 retary of Defense of the resilience and capacity
18 of the current supply chain and industrial base
19 to support national defense upon the occurrence
20 of the contingencies identified in subparagraph
21 (C), including with respect to—

22 (i) the manufacturing capacity of the
23 United States;

24 (ii) gaps in domestic manufacturing
25 capabilities, including non-existent, extinct,

1 threatened, and single-point-of-failure ca-
2 pabilities; and

3 (iii) supply chains with single points
4 of failure and limited resiliency; and

5 (G) recommendations to enhance and
6 strengthen the surge requirements and readi-
7 ness contracts of the Department of Defense to
8 ensure the sufficiency of the stockpile of the
9 Department of, and the ready access by the De-
10 partment to, critical medical supplies, pharma-
11 ceuticals, vaccines, counter-measure prophylaxis,
12 and personal protective equipment, includ-
13 ing with respect to the effectiveness of the the-
14 ater lead agent for medical materiel program in
15 support of the combatant commands.

16 (3) FORM.—The report under paragraph (1)
17 shall be submitted in classified form.

18 (4) DEFINITIONS.—In this subsection:

19 (A) The term “appropriate congressional
20 committees” means the following:

21 (i) The congressional defense commit-
22 tees.

23 (ii) The Committee on Energy and
24 Commerce and the Committee on Home-

1 land Security of the House of Representa-
2 tives.

3 (iii) The Committee on Health, Edu-
4 cation, Labor, and Pensions and the Com-
5 mittee on Homeland Security and Govern-
6 mental Affairs of the Senate.

7 (B) The term “critical medical equipment”
8 includes personal protective equipment, diag-
9 nostic tests, testing supplies, and lifesaving
10 breathing apparatuses required to treat severe
11 respiratory illnesses and distress.

12 **SEC. 713. CONTRACT AUTHORITY OF THE UNIFORMED**
13 **SERVICES UNIVERSITY OF THE HEALTH**
14 **SCIENCES.**

15 Section 2113(g)(1) of title 10, United States Code,
16 is amended—

17 (1) in subparagraph (E), by striking “and” at
18 the end;

19 (2) in subparagraph (F), by striking the period
20 at the end and inserting “; and”; and

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

23 “(G) notwithstanding section 2304(k) of
24 this title, to enter into such contracts, coopera-
25 tive agreements, or grants on a sole-source

1 basis pursuant to section 2304(c)(5) of this
2 title.”.

3 **SEC. 714. EXTENSION OF ORGANIZATION REQUIREMENTS**
4 **FOR DEFENSE HEALTH AGENCY.**

5 Section 1073c(e) of title 10, United States Code, is
6 amended by striking “September 30, 2022” and inserting
7 “September 30, 2025”.

8 **SEC. 715. MODIFICATION TO LIMITATION ON THE REALIGN-**
9 **MENT OR REDUCTION OF MILITARY MEDICAL**
10 **MANNING END STRENGTH.**

11 Section 719 of the National Defense Authorization
12 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
13 1454) is amended—

14 (1) in subsection (a), in the matter preceding
15 paragraph (1), by striking “may not realign or re-
16 duce military medical end strength authorizations
17 until” and inserting the following: “may not realign
18 or reduce military medical end strength authoriza-
19 tions during the one-year period following the date
20 of the enactment of the National Defense Authoriza-
21 tion Act for Fiscal Year 2021, and after such pe-
22 riod, may not realign or reduce such authorizations
23 unless”; and

24 (2) in subsection (b)(1), by inserting before the
25 period at the end the following: “, including with re-

1 spect to both the homeland defense mission and pan-
2 demic influenza”.

3 **SEC. 716. MODIFICATIONS TO IMPLEMENTATION PLAN FOR**
4 **RESTRUCTURE OR REALIGNMENT OF MILI-**
5 **TARY MEDICAL TREATMENT FACILITIES.**

6 Section 703(d) of the National Defense Authorization
7 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
8 2199) is amended—

9 (1) in paragraph (2), by striking subparagraph
10 (D) and inserting the following new subparagraph:

11 “(D) A description of how the Secretary
12 will carry out subsection (b), including with re-
13 spect to—

14 “(i) the standards required for health
15 care providers to accept and transition cov-
16 ered beneficiaries to the purchased care
17 component of the TRICARE program;

18 “(ii) a method to monitor and report
19 on quality benchmarks for the beneficiary
20 population that is required to transition to
21 such component of the TRICARE pro-
22 gram; and

23 “(iii) a process by which the Defense
24 Health Agency will ensure that such com-

1 ponent of the TRICARE program has the
2 required capacity.”; and

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

5 “(4) NOTICE AND WAIT.—The Secretary may
6 not implement the plan under paragraph (1) un-
7 less—

8 “(A) the Secretary has submitted the plan
9 to the congressional defense committees; and

10 “(B) a 1-year period elapses following the
11 later of the date of such submission or the date
12 of the enactment of the National Defense Au-
13 thorization Act for Fiscal Year 2021.”.

14 **SEC. 717. POLICY TO ADDRESS OPIOID PRESCRIPTION**
15 **ABUSE PREVENTION.**

16 (a) REQUIREMENT.—The Secretary of Defense shall
17 develop a policy and tracking mechanism for opioids that
18 monitors and prohibits the over prescribing of opioids to
19 ensure compliance with clinical practice guidelines and
20 prescribing guidelines published by the Centers for Dis-
21 ease Control and Prevention and the Food and Drug Ad-
22 ministration.

23 (b) ELEMENTS.—The requirements under subsection
24 (a) shall include the following:

1 (1) Limit the prescribing of opioids to the mor-
2 phine milligram equivalent level per day specified in
3 the guideline published by the Centers for Disease
4 Control and Prevention titled “CDC Guideline for
5 Prescribing Opioids for Chronic Pain—United
6 States, 2016”, or such successor guideline.

7 (2) Limit the supply of opioids to within clini-
8 cally accepted guidelines.

9 (3) Develop a waiver process for specific patient
10 categories that will require treatment beyond the
11 limit specified in paragraph (1) and, as appropriate,
12 ensure overdose reversal drugs are co-prescribed.

13 (4) Implement controls to ensure that the pre-
14 scriptions in the military health system data reposi-
15 tory exist and that the dispense date and the metric
16 quantity field for opioid prescriptions in liquid form
17 are consistent among all systems.

18 (5) Implement opioid prescribing controls with-
19 in the electronic health record system known as
20 “Genesis” and document if an overdose reversal
21 drug was co-prescribed.

22 (6) Develop metrics that can be used by the
23 Defense Health Agency and each military medical
24 treatment facility to actively monitor and limit the
25 over prescribing of opioids and to monitor the co-

1 prescribing of overdose reversal drugs as accessible
2 interventions.

3 (7) Develop a report that tracks progression to-
4 ward reduced levels of opioid use and includes an
5 identification of prevention best practices established
6 by the Department.

7 **SEC. 718. ADDITION OF BURN PIT REGISTRATION TO ELEC-**
8 **TRONIC HEALTH RECORDS OF MEMBERS OF**
9 **THE ARMED FORCES AND VETERANS.**

10 (a) UPDATES TO ELECTRONIC HEALTH RECORDS.—
11 Beginning not later than 1 year after the date of the en-
12 actment of this Act—

13 (1) the Secretary of Defense shall ensure that
14 the electronic health record maintained by such Sec-
15 retary of a member of the Armed Forces registered
16 with the burn pit registry is updated with any infor-
17 mation contained in such registry; and

18 (2) the Secretary of Veterans Affairs shall en-
19 sure that the electronic health record maintained by
20 such Secretary of a veteran registered with the burn
21 pit registry is updated with any information con-
22 tained in such registry.

23 (b) BURN PIT REGISTRY DEFINED.—In this section,
24 the term “burn pit registry” means the registry estab-
25 lished under section 201 of the Dignified Burial and Other

1 Veterans' Benefits Improvement Act of 2012 (Public Law
2 112–260; 38 U.S.C. 527 note).

3 **SEC. 719. MAINTENANCE OF CERTAIN MEDICAL SERVICES**

4 **AT MILITARY MEDICAL TREATMENT FACILI-**
5 **TIES AT SERVICE ACADEMIES.**

6 Section 1073d of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(f) MAINTENANCE OF CERTAIN MEDICAL SERVICES
10 AT SERVICE ACADEMIES.—(1) In carrying out subsection
11 (a), the Secretary of Defense shall ensure that each mili-
12 tary medical treatment facility located at a Service Acad-
13 emy (as defined in section 347 of this title) provides each
14 covered medical service unless the Secretary determines
15 that a civilian health care facility located not fewer than
16 five miles from the Service Academy provides the covered
17 medical service.

18 “(2) In this subsection, the term ‘covered medical
19 service’ means the following:

20 “(A) Emergency room services.

21 “(B) Orthopedic services.

22 “(C) General surgery services.

23 “(D) Ear, nose, and throat services.

24 “(E) Gynecological services.

25 “(F) Ophthalmology services.

1 “(G) In-patient services.

2 “(H) Any other medical services that the rel-
3 evant Superintendent of the Service Academy deter-
4 mines necessary to maintain the readiness and
5 health of the cadets or midshipmen and members of
6 the armed forces at the Service Academy.”.

7 **SEC. 720. EXTRAMEDICAL MATERNAL HEALTH PROVIDERS**
8 **DEMONSTRATION PROJECT.**

9 (a) DEMONSTRATION PROJECT REQUIRED.—Not
10 later than 1 year after the date of the enactment of this
11 Act, the Secretary of Defense shall commence the conduct
12 of a demonstration project designed to evaluate the cost,
13 quality of care, and impact on maternal and fetal out-
14 comes of using extramedical maternal health providers
15 under the TRICARE program to determine the appro-
16 priateness of making coverage of such providers under the
17 TRICARE program permanent.

18 (b) ELEMENTS OF DEMONSTRATION PROJECT.—The
19 demonstration project under subsection (a) shall include,
20 for participants in the demonstration project, the fol-
21 lowing:

22 (1) Access to doulas.

23 (2) Access to lactation consultants who are not
24 otherwise authorized to provide services under the
25 TRICARE program.

1 (c) PARTICIPANTS.—The Secretary shall establish a
2 process under which covered beneficiaries may enroll in
3 the demonstration project in order to receive the services
4 provided under the demonstration project.

5 (d) DURATION.—The Secretary shall carry out the
6 demonstration project for a period of 5 years beginning
7 on the date on which notification of the commencement
8 of the demonstration project is published in the Federal
9 Register.

10 (e) SURVEY.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this Act, and annually
13 thereafter for the duration of the demonstration
14 project, the Secretary shall administer a survey to
15 determine—

16 (A) how many members of the Armed
17 Forces or spouses of such members give birth
18 while their spouse or birthing partner is unable
19 to be present due to deployment, training, or
20 other mission requirements;

21 (B) how many single members of the
22 Armed Forces give birth alone; and

23 (C) how many members of the Armed
24 Forces or spouses of such members use doula
25 support or lactation consultants.

1 (2) MATTERS COVERED BY THE SURVEY.—The
2 survey administered under paragraph (1) shall in-
3 clude an identification of the following:

4 (A) The race, ethnicity, age, sex, relation-
5 ship status, military service, military occupa-
6 tion, and rank, as applicable, of each individual
7 surveyed.

8 (B) If individuals surveyed were members
9 of the Armed Forces or the spouses of such
10 members, or both.

11 (C) The length of advanced notice received
12 by individuals surveyed that the member of the
13 Armed Forces would be unable to be present
14 during the birth, if applicable.

15 (D) Any resources or support that the in-
16 dividuals surveyed found useful during the
17 pregnancy and birth process, including doula or
18 lactation counselor support.

19 (f) REPORTS.—

20 (1) IMPLEMENTATION PLAN.—Not later than
21 180 days after the date of the enactment of this Act,
22 the Secretary shall submit to the Committees on
23 Armed Services of the Senate and the House of Rep-
24 resentatives a plan to implement the demonstration
25 project.

1 (2) ANNUAL REPORT.—

2 (A) IN GENERAL.—Not later than 1 year
3 after the commencement of the demonstration
4 project, and annually thereafter for the dura-
5 tion of the demonstration project, the Secretary
6 shall submit to the Committees on Armed Serv-
7 ices of the Senate and the House of Represent-
8 atives a report on the cost of the demonstration
9 project and the effectiveness of the demonstra-
10 tion project in improving quality of care and
11 the maternal and fetal outcomes of covered
12 beneficiaries enrolled in the demonstration
13 project.

14 (B) MATTERS COVERED.—Each report
15 submitted under subparagraph (A) shall ad-
16 dress, at a minimum, the following:

17 (i) The number of covered bene-
18 ficiaries who are enrolled in the demonstra-
19 tion project.

20 (ii) The number of enrolled covered
21 beneficiaries who have participated in the
22 demonstration project.

23 (iii) The results of the surveys under
24 subsection (f).

1 (iv) The cost of the demonstration
2 project.

3 (v) An assessment of the quality of
4 care provided to participants in the dem-
5 onstration project.

6 (vi) An assessment of the impact of
7 the demonstration project on maternal and
8 fetal outcomes.

9 (vii) An assessment of the effective-
10 ness of the demonstration project.

11 (viii) Recommendations for adjust-
12 ments to the demonstration project.

13 (ix) The estimated costs avoided as a
14 result of improved maternal and fetal
15 health outcomes due to the demonstration
16 project.

17 (x) Recommendations for extending
18 the demonstration project or implementing
19 permanent coverage under the TRICARE
20 program of extramedical maternal health
21 providers.

22 (xi) An identification of legislative or
23 administrative action necessary to make
24 the demonstration project permanent.

1 (C) FINAL REPORT.—The final report
2 under subparagraph (A) shall be submitted not
3 later than 90 days after the termination of the
4 demonstration project.

5 (g) EXPANSION OF DEMONSTRATION PROJECT.—

6 (1) REGULATIONS.—If the Secretary deter-
7 mines that the demonstration project is successful,
8 the Secretary may prescribe regulations to include
9 extramedical maternal health providers as health
10 care providers authorized to provide care under the
11 TRICARE program.

12 (2) CREDENTIALING AND OTHER REQUIRE-
13 MENTS.—The Secretary may establish credentialing
14 and other requirements for doulas and lactation con-
15 sultants through public notice and comment rule-
16 making for purposes of including doulas and lacta-
17 tion consultations as health care providers author-
18 ized to provide care under the TRICARE program
19 pursuant to regulations prescribed under paragraph
20 (1).

21 (h) DEFINITIONS.—In this section:

22 (1) EXTRAMEDICAL MATERNAL HEALTH PRO-
23 VIDER.—The term “extramedical maternal health
24 provider” means a doula or lactation consultant.

1 (2) COVERED BENEFICIARY; TRICARE PRO-
2 GRAM.—The terms “covered beneficiary” and
3 “TRICARE program” have the meanings given
4 those terms in section 1072 of title 10, United
5 States Code.

6 **Subtitle C—Matters Relating to**
7 **COVID-19**

8 **SEC. 721. COVID-19 MILITARY HEALTH SYSTEM REVIEW**
9 **PANEL.**

10 (a) ESTABLISHMENT.—The Secretary of Defense
11 shall establish a panel to be known as the “COVID-19
12 Military Health System Review Panel” (in this section re-
13 ferred to as the “panel”).

14 (b) COMPOSITION.—

15 (1) MEMBERS.—The panel shall be composed of
16 the following members:

17 (A) The President of the Uniformed Serv-
18 ices University of the Health Sciences.

19 (B) The Director of the Defense Health
20 Agency.

21 (C) The Surgeon General of the Army.

22 (D) The Surgeon General of the Navy.

23 (E) The Surgeon General of the Air Force.

24 (F) The Joint Staff Surgeon.

1 (G) The Deputy Assistant Secretary of De-
2 fense for Health Readiness Policy and Over-
3 sight.

4 (H) The Deputy Assistant Secretary of
5 Defense for Health Resources Management and
6 Policy.

7 (2) CHAIRPERSON.—The chairperson of the
8 panel shall be the President of the Uniformed Serv-
9 ices University of the Health Sciences.

10 (3) TERMS.—Each member shall be appointed
11 for the life of the panel.

12 (c) DUTIES.—

13 (1) IN GENERAL.—The panel shall—

14 (A) review the response of the military
15 health system to the coronavirus disease 2019
16 (COVID–19) and the effects of COVID–19 on
17 such system, including by analyzing any
18 strengths or weaknesses of such system identi-
19 fied as a result COVID–19; and

20 (B) using information from the review,
21 make such recommendations as the panel con-
22 siders appropriate with respect to any policy,
23 practice, organization, manning level, funding
24 level, or legislative authority relating to the
25 military health system.

1 (2) ELEMENTS OF REVIEW.—In conducting the
2 review under paragraph (1), each member of the
3 panel shall lead a review of at least one of the fol-
4 lowing elements, with respect to the military health
5 system:

6 (A) Policy, including any policy relating to
7 force health protection or medical standards for
8 the appointment, enlistment, or induction of in-
9 dividuals into the Armed Forces.

10 (B) Public health activities, including any
11 activity relating to risk communication, surveil-
12 lance, or contact tracing.

13 (C) Research, diagnostics, and thera-
14 peutics.

15 (D) Logistics and technology.

16 (E) Force structure and manning.

17 (F) Governance and organization.

18 (G) Operational capabilities and oper-
19 ational support.

20 (H) Education and training.

21 (I) Health benefits under the TRICARE
22 program.

23 (J) Engagement and security activities re-
24 lating to global health.

1 (K) The financial impact of COVID–19 on
2 the military health system.

3 (d) REPORT.—Not later than June 1, 2021, the Sec-
4 retary of Defense shall submit to the congressional defense
5 committees a report that includes the findings of the panel
6 as a result of the review under subsection (c)(1)(A), to-
7 gether with such recommendations as the panel considers
8 appropriate under subsection (c)(1)(B).

9 (e) TERMINATION.—The panel shall terminate on
10 June 1, 2021.

11 **SEC. 722. COVID–19 GLOBAL WAR ON PANDEMICS.**

12 (a) STRATEGY.—The Secretary of Defense shall de-
13 velop a strategy for pandemic preparedness and response
14 that includes the following:

15 (1) Identification of activities necessary to be
16 carried out prior to a pandemic to ensure prepared-
17 ness and effective communication of roles and re-
18 sponsibilities within the Department of Defense, in-
19 cluding—

20 (A) reviewing the frequency of each exer-
21 cise conducted by the Department or a military
22 department that relates to a pandemic or severe
23 influenza season or related force health protec-
24 tion;

1 (B) ensuring such exercises are appro-
2 priately planned, resourced, and practiced;

3 (C) including a consideration of the capa-
4 bilities and capacities necessary to carry out the
5 strategy under this section, and related oper-
6 ations for force health protection, and ensuring
7 that these are included in each cost evaluation,
8 Defense-wide review, or manning assessment of
9 the Department of Defense that affects such
10 capabilities and capacities;

11 (D) reviewing the placement, exploring
12 broader utilization of global health engagement
13 liaisons, and increasing the scope of global
14 health activities of the Department of Defense;

15 (E) assessing a potential career track re-
16 lating to health protection research for mem-
17 bers of the Armed Forces and civilian employ-
18 ees of the Department of Defense;

19 (F) providing to members of the Armed
20 Forces guidance on force health protection prior
21 to and during a pandemic or severe influenza
22 season, including guidance on specific behaviors
23 or actions required, such as self-isolating, social
24 distancing, and additional protective measures

1 to be carried out after contracting a novel virus
2 or influenza;

3 (G) reviewing and updating the inventory
4 of medical supplies and equipment of the De-
5 partment of Defense that is available for oper-
6 ational support to the combatant commands
7 prior to and during a pandemic (such as vac-
8 cines, biologics, drugs, preventive medicine,
9 antiviral medicine, and equipment relating to
10 trauma support), including a review of—

11 (i) the sufficiency of prepositioned
12 stocks; and

13 (ii) the effectiveness of the
14 Warstopper Program of the Defense Logis-
15 tics Agency, or such successor program;

16 (H) reviewing and updating distribution
17 plans of the Department of Defense for critical
18 medical supplies and equipment within the in-
19 ventory of the Department of Defense, includ-
20 ing vaccines and antiviral medicines; and

21 (I) reviewing and updating research on in-
22 fectionous diseases and preventive medicine con-
23 ducted by the military health system, including
24 research conducted by the Health Related Com-
25 munities of Interest of the Department of De-

1 fense, the Joint Program Committees, the over-
2 seas medical laboratories of the Department of
3 Defense, the Armed Forces Health Surveillance
4 Branch, or other elements of the Department of
5 Defense that conduct research in support of
6 members of the Armed Forces or beneficiaries
7 under the TRICARE program.

8 (2) Review of Department of Defense systems
9 for health surveillance and detection to ensure con-
10 tinuous situational awareness and early warning
11 with respect to a pandemic, including a review of—

12 (A) the levels of funding and investment,
13 and the overall value, of the Global Emerging
14 Infections Surveillance and Response System of
15 the Department of Defense, including the value
16 demonstrated by the role of such system in—

17 (i) improving the Department of De-
18 fense prevention and surveillance of, and
19 the response to, infectious diseases that
20 may impact members of the Armed Forces;

21 (ii) informing decisions relating to
22 force health protection across the geo-
23 graphic combatant commands;

24 (iii) ensuring laboratory readiness to
25 support pandemic response efforts and to

1 understand infectious disease threats to
2 the Armed Forces; and

3 (iv) coordinating and collaborating
4 with partners, such as the geographic com-
5 batant commands, other Federal agencies,
6 and international partners;

7 (B) the levels of funding and investment,
8 and the overall value, of the overseas medical
9 laboratories of the Department of Defense, in-
10 cluding the value demonstrated by the role of
11 such laboratories in conducting research and
12 forming partnerships with other elements of the
13 Department of Defense, other Federal agencies,
14 international partners in the country in which
15 such laboratory is located, and, as applicable,
16 the private sector of the United States; and

17 (C) the levels of funding and investment,
18 and the overall value, of the Direct HIV/AIDS
19 Prevention Program of the Department of De-
20 fense, including the value demonstrated by the
21 role of such program in developing (in coordina-
22 tion with other Federal agencies) programs for
23 the prevention, care, and treatment of the
24 human immunodeficiency virus infection and
25 acquired immune deficiency syndrome.

1 (3) Identification of activities to limit the
2 spread of an infectious disease outbreak among
3 members of the Armed Forces and beneficiaries
4 under the TRICARE program, including activities to
5 mitigate the health, social, and economic impacts of
6 a pandemic on such members and beneficiaries, in-
7 cluding by—

8 (A) reviewing the role of the Department
9 of Defense in the National Disaster Medical
10 System under section 2812 of the Public Health
11 Service Act (42 U.S.C. 300hh–11) and imple-
12 menting plans across the Department that le-
13 verage medical facilities, personnel, and re-
14 sponse capabilities of the Federal Government
15 to support requirements under such Act relat-
16 ing to medical surge capacity;

17 (B) determining the range of public health
18 capacity, medical surge capacity, administrative
19 capacity, and veterinary capacity necessary for
20 the Armed Forces to—

21 (i) support operations during a pan-
22 demic; and

23 (ii) develop mechanisms to reshape
24 force structure during such pandemic as

1 necessary (contingent upon primary mis-
2 sion requirements); and

3 (C) determining the range of activities for
4 operational medical support and infrastructure
5 sustainment that the Department of Defense
6 and other Federal agencies have the capacity to
7 implement during a pandemic (contingent upon
8 primary mission requirements), and develop
9 plans for the implementation of such activities.

10 (b) STUDY ON RESPONSE TO COVID-19.—The Sec-
11 retary shall conduct a study on the response of the mili-
12 tary health system to the coronavirus disease 2019
13 (COVID-19).

14 (c) REPORT.—Not later than June 1, 2021, the Sec-
15 retary shall submit to the congressional defense commit-
16 tees a report containing—

17 (1) the strategy under subsection (a); and

18 (2) the study under subsection (b), including
19 any findings or recommendations from the study
20 that relate to an element of the strategy under sub-
21 section (a), such as recommended changes to policy,
22 funding, practices, manning, organization, or legisla-
23 tive authority.

24 (d) INSPECTOR GENERAL REPORT ON RESPONSE TO
25 COVID-19.—Not later than June 1, 2021, the Inspector

1 General of the Department of Defense shall submit to the
2 congressional defense committees and the Secretary of De-
3 fense a report on—

4 (1) the total dollar amount of waste, fraud, and
5 abuse uncovered in any Department of Defense
6 spending under the Defense Production Act of 1950
7 with respect to the COVID–19 pandemic; and

8 (2) any recommendations on how to combat
9 waste, fraud, and abuse in future spending related
10 to pandemic preparedness and response.

11 **SEC. 723. REGISTRY OF TRICARE BENEFICIARIES DIAG-**
12 **NOSED WITH COVID–19.**

13 (a) ESTABLISHMENT.—Not later than June 1, 2021,
14 the Secretary of Defense shall establish and maintain a
15 registry of TRICARE beneficiaries who have been diag-
16 nosed with COVID–19.

17 (b) CONTENTS.—The registry under subsection (a)
18 shall include, with respect to each TRICARE beneficiary
19 included in the registry, the following:

20 (1) The demographic information of the bene-
21 ficiary.

22 (2) Information on the industrial or occupa-
23 tional history of the beneficiary, to the extent such
24 information is available in the records regarding the
25 COVID–19 diagnosis of the beneficiary.

1 (3) Administrative information regarding the
2 COVID–19 diagnosis of the beneficiary, including
3 the date of the diagnosis and the location and source
4 of the test used to make the diagnosis.

5 (4) Any symptoms of COVID–19 manifested in
6 the beneficiary.

7 (5) Any treatments for COVID–19 taken by the
8 beneficiary, or other medications taken by the bene-
9 ficiary, when the beneficiary was diagnosed with
10 COVID–19.

11 (6) Any pathological data characterizing the in-
12 cidence of COVID–19 and the type of treatment for
13 COVID–19 provided to the beneficiary.

14 (7) Information on any respiratory illness of the
15 beneficiary recorded prior to the COVID–19 diag-
16 nosis of the beneficiary.

17 (8) Any information regarding the beneficiary
18 contained in the Airborne Hazards and Open Burn
19 Pit Registry established under section 201 of the
20 Dignified Burial and Other Veterans' Benefits Im-
21 provement Act of 2012 (Public Law 112–260; 38
22 U.S.C. 527, note).

23 (9) Any other information determined appro-
24 priate by the Secretary.

1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the Committees on Armed Services of the House of
4 Representatives and the Senate a report on establishing
5 the registry under subsection (a), including—

- 6 (1) a plan to implement the registry;
7 (2) the cost of implementing the registry;
8 (3) the location of the registry; and
9 (4) any recommended legislative changes with
10 respect to establishing the registry.

11 (d) TRICARE BENEFICIARY DEFINED.—In this sec-
12 tion, the term “TRICARE beneficiary” means the fol-
13 lowing:

14 (1) An individual covered by section 1074(a) of
15 title 10, United States Code.

16 (2) A covered beneficiary (as defined in section
17 1072 of title 10, United States Code).

18 **SEC. 724. PANDEMIC HEALTH ASSESSMENTS EVALUATE EX-**
19 **POSURE TO OPEN BURN PITS AND TOXIC AIR-**
20 **BORNE CHEMICALS.**

21 (a) EXPOSURE TO OPEN BURN PITS AND TOXIC AIR-
22 BORNE CHEMICALS OR OTHER AIRBORNE CONTAMINANTS
23 AS PART OF HEALTH ASSESSMENTS FOR MEMBERS OF
24 THE ARMED FORCES AND VETERANS DURING A PAN-
25 DEMIC AND INCLUSION OF INFORMATION IN REGISTRY.—

1 (1) HEALTH ASSESSMENT.—The Secretary of
2 Defense and Secretary of Veterans Affairs shall en-
3 sure that the first health assessment conducted for
4 a member of the Armed Forces or veteran after the
5 individual tested positive for a virus certified by the
6 Federal Government as a pandemic includes an eval-
7 uation of whether the individual has been—

8 (A) based or stationed at a location where
9 an open burn pit was used; or

10 (B) exposed to toxic airborne chemicals or
11 other airborne contaminants relating to service
12 in the Armed Forces, including an evaluation of
13 any information recorded as part of the Air-
14 borne Hazards and Open Burn Pit Registry.

15 (2) INCLUSION OF INDIVIDUALS IN REG-
16 ISTRY.—If an evaluation conducted under paragraph
17 (1) with respect to an individual establishes that the
18 individual was based or stationed at a location where
19 an open burn pit was used, or that the individual
20 was exposed to toxic airborne chemicals or other air-
21 borne contaminants, the individual shall be enrolled
22 in the Airborne Hazards and Open Burn Pit Reg-
23 istry unless the member elects to not enroll in such
24 registry.

1 (3) RULE OF CONSTRUCTION.—Nothing in this
2 subsection may be construed to preclude eligibility of
3 a veteran for benefits under the laws administered
4 by the Secretary of Veterans Affairs by reason of
5 the history of exposure of the veteran to an open
6 burn pit not being recorded in an evaluation con-
7 ducted under paragraph (1).

8 (4) DEFINITIONS.—In this subsection:

9 (A) AIRBORNE HAZARDS AND OPEN BURN
10 PIT REGISTRY.—The term “Airborne Hazards
11 and Open Burn Pit Registry” means the reg-
12 istry established by the Secretary of Veterans
13 Affairs under section 201 of the Dignified Bur-
14 ial and Other Veterans’ Benefits Improvement
15 Act of 2012 (Public Law 112–260; 38 U.S.C.
16 527 note).

17 (B) OPEN BURN PIT.—The term “open
18 burn pit” has the meaning given that term in
19 section 201(c) of the Dignified Burial and
20 Other Veterans’ Benefits Improvement Act of
21 2012 (Public Law 112–260; 126 Stat. 2422; 38
22 U.S.C. 527 note).

23 (b) STUDY ON IMPACT OF VIRAL PANDEMICS ON
24 MEMBERS OF ARMED FORCES AND VETERANS WHO
25 HAVE EXPERIENCED TOXIC EXPOSURE.—

1 (1) IN GENERAL.—The Secretary of Veterans
2 Affairs shall conduct a study, through the Airborne
3 Hazards and Burn Pits Center of Excellence (in this
4 subsection referred to as the “Center”), on the
5 health impacts of infection with a virus designated
6 as a global pandemic, including a coronavirus, to
7 members of the Armed Forces and veterans who
8 have been exposed to open burn pits and other toxic
9 exposures for the purposes of understanding the
10 health impacts of the virus and whether individuals
11 infected with the virus are at increased risk of severe
12 symptoms due to previous conditions linked to toxic
13 exposure.

14 (2) PREPARATION FOR FUTURE PANDEMIC.—
15 The Secretary, through the Center, shall analyze po-
16 tential lessons learned through the study conducted
17 under paragraph (1) to assist in preparing the De-
18 partment of Veterans Affairs for potential future
19 pandemics.

20 (3) DEFINITIONS.—In this subsection:

21 (A) CORONAVIRUS.—The term
22 “coronavirus” has the meaning given that term
23 in section 506 of the Coronavirus Preparedness
24 and Response Supplemental Appropriations
25 Act, 2020 (Public Law 116–123).

1 (B) OPEN BURN PIT.—The term “open
2 burn pit” has the meaning given that term in
3 section 201(c) of the Dignified Burial and
4 Other Veterans’ Benefits Improvement Act of
5 2012 (Public Law 112–260; 126 Stat. 2422; 38
6 U.S.C. 527 note).

7 **SEC. 725. PROVISION OF INFORMATION REGARDING**
8 **COVID-19 IN MULTIPLE LANGUAGES.**

9 (a) TRANSLATION OF MATERIALS.—The Secretary of
10 Defense shall—

11 (1) translate any written material of the De-
12 partment of Defense prepared in the English lan-
13 guage for the general public relating to the COVID-
14 19 pandemic into the languages specified in sub-
15 section (b) by not later than 7 days after the date
16 on which such material is made available; and

17 (2) make such translated written material avail-
18 able to the public.

19 (b) LANGUAGES SPECIFIED.—The languages speci-
20 fied in this subsection are the following:

- 21 (1) Arabic.
22 (2) Cambodian.
23 (3) Chinese.
24 (4) French.
25 (5) Greek.

- 1 (6) Haitian Creole.
- 2 (7) Hindi.
- 3 (8) Italian.
- 4 (9) Japanese.
- 5 (10) Korean.
- 6 (11) Laotian.
- 7 (12) Polish.
- 8 (13) Portuguese.
- 9 (14) Russian.
- 10 (15) Spanish.
- 11 (16) Tagalog.
- 12 (17) Thai.
- 13 (18) Urdu.
- 14 (19) Vietnamese.

15 (c) DEFINITION OF COVID–19 PANDEMIC.—In this
16 section, the term “COVID–19 pandemic” means the pub-
17 lic health emergency declared by the Secretary of Health
18 and Human Services pursuant to section 319 of the Public
19 Health Service Act on January 31, 2020, entitled “Deter-
20 mination that a Public Health Emergency Exists Nation-
21 wide as the Result of the 2019 Novel Coronavirus”.

1 **SEC. 726. STUDY OF SUBSTANCE USE DISORDERS AMONG**
2 **MEMBERS OF THE ARMED FORCES AND VET-**
3 **ERANS DURING THE COVID-19 PUBLIC**
4 **HEALTH EMERGENCY.**

5 (a) IN GENERAL.—The Secretaries shall conduct a
6 study on substance use disorders among the relevant pop-
7 ulation before and during the COVID–19 public health
8 emergency. The study shall include the following:

9 (1) Analysis of data about the relevant popu-
10 lation who overdosed from opioids or other illicit
11 substances during the public health emergency,
12 using appropriate control samples and comparing to
13 existing population data.

14 (2) Analysis of fatal opioid and other illicit sub-
15 stances overdose deaths among the relevant popu-
16 lation during the public health emergency, using ap-
17 propriate control samples and comparing to existing
18 population data.

19 (3) Analysis of the prevalence of alcohol use
20 disorder among the relevant population during the
21 public health emergency, using existing data to iden-
22 tify any new trends.

23 (4) Analysis of the association between overdose
24 deaths and suicide among the relevant population.

25 (5) An overview of the resources from relevant
26 Federal agencies, including the Department of De-

1 fense, the United States Department of Veterans Af-
2 fairs, the Substance Abuse and Mental Health Serv-
3 ices Administration, the Centers for Disease Control
4 and Prevention, and the National Institutes of
5 Health, that were distributed to the relevant popu-
6 lation during the public health emergency, including
7 methods of dissemination.

8 (6) An analysis of the utilization of recovery
9 services and barriers to access the services at the
10 Veterans Health Administration and the Military
11 Health System by different modes of delivery, such
12 as telehealth, inpatient, outpatient, intensive out-
13 patient, and residential services, during the public
14 health emergency.

15 (7) Identification of key areas in which relevant
16 Federal agencies can improve their pandemic re-
17 sponse as it relates to substance use disorders and
18 overdoses among the relevant population, including
19 steps that can be taken to improve the preparedness
20 of the agencies for future public health emergencies
21 declared by the Secretary under section 319 of the
22 Public Health Service Act.

23 (b) REPORTS.—

24 (1) INTERIM REPORT.—Within 120 days after
25 the COVID–19 public health emergency ends, the

1 Secretaries shall submit to the appropriate commit-
2 tees an interim report that contains an update on
3 the status of the study required by subsection (a).

4 (2) FINAL REPORT.—Not later than 2 years
5 after the COVID–19 public health emergency ends,
6 the Secretaries shall submit to the appropriate com-
7 mittees a final report that contains the results of the
8 study.

9 (c) DEFINITIONS.—In this section:

10 (1) APPROPRIATE COMMITTEES.—The term
11 “appropriate committees” means the Committee on
12 Armed Services and the Committee on Veterans’ Af-
13 fairs of the House of Representatives and the Com-
14 mittee on Armed Services and the Committee on
15 Veterans’ Affairs of the Senate.

16 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—
17 The term “COVID–19 public health emergency”
18 means the public health emergency declared by the
19 Secretary of Health and Human Services on Janu-
20 ary 27, 2020, with respect to the 2019 Novel
21 Coronavirus.

22 (3) RELEVANT POPULATION.—The term “rel-
23 evant population” means members of the Armed
24 Forces and veterans.

1 (4) SECRETARIES.—The term “Secretaries”
2 means the Secretary of Defense and the Secretary of
3 Veterans Affairs.

4 **Subtitle D—Reports and Other**
5 **Matters**

6 **SEC. 731. MODIFICATIONS TO PILOT PROGRAM ON CIVIL-**
7 **IAN AND MILITARY PARTNERSHIPS TO EN-**
8 **HANCE INTEROPERABILITY AND MEDICAL**
9 **SURGE CAPABILITY AND CAPACITY OF NA-**
10 **TIONAL DISASTER MEDICAL SYSTEM.**

11 Section 740 of the National Defense Authorization
12 Act for Fiscal Year 2020 (Public Law 116–92) is amend-
13 ed—

14 (1) in subsection (a)—

15 (A) by striking “The Secretary of Defense
16 may” and inserting “Beginning not later than
17 180 days after the date of the enactment of the
18 National Defense Authorization Act for Fiscal
19 Year 2021, the Secretary of Defense shall”; and

20 (B) by striking “and the Secretary of
21 Transportation” and inserting “the Secretary of
22 Transportation, and the Administrator of the
23 Federal Emergency Management Agency”;

24 (2) in subsection (d), by striking “and the Sec-
25 retary of Transportation” and inserting “the Sec-

1 retary of Transportation, and the Administrator of
2 the Federal Emergency Management Agency”; and

3 (3) in subsection (f)—

4 (A) by striking “the Committees on Armed
5 Services of the Senate and the House of Rep-
6 resentatives” each place it appears and insert-
7 ing “the appropriate congressional committees”;

8 (B) in paragraph (1)(B)(i), by inserting
9 before the period the following: “, including a
10 recommendation for at least one of the locations
11 selected under subsection (c)”; and

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

14 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this subsection, the term ‘ap-
16 propriate congressional committees’ means the fol-
17 lowing:

18 “(A) The Committee on Armed Services,
19 the Committee on Transportation and Infra-
20 structure, the Committee on Veterans’ Affairs,
21 the Committee on Homeland Security, and the
22 Committee on Energy and Commerce of the
23 House of Representatives.

24 “(B) The Committee on Armed Services,
25 the Committee on Commerce, Science, and

1 Transportation, the Committee on Veterans' Af-
2 fairs, the Committee on Homeland Security and
3 Governmental Affairs, and the Committee on
4 Health, Education, Labor, and Pensions of the
5 Senate.”.

6 **SEC. 732. REPORTS ON SUICIDE AMONG MEMBERS OF THE**
7 **ARMED FORCES AND SUICIDE PREVENTION**
8 **PROGRAMS AND ACTIVITIES OF THE DEPART-**
9 **MENT OF DEFENSE.**

10 Section 741(a)(2) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
12 Stat. 1467) is amended—

13 (1) in subparagraph (B), by adding at the end
14 the following new clause:

15 “(iii) The 1-year period following the
16 date on which the member returns from
17 such a deployment.”;

18 (2) by redesignating subparagraphs (D)
19 through (H) as subparagraphs (E) through (I), re-
20 spectively;

21 (3) by inserting after subparagraph (C) the fol-
22 lowing new subparagraph (D):

23 “(D) The number of suicides involving a
24 member who was prescribed a medication to
25 treat a mental health or behavioral health diag-

1 nosis during the 1-year period preceding the
2 death.”; and

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

5 “(J) A description of the programs carried
6 out by the military departments to address and
7 reduce the stigma associated with seeking as-
8 sistance for mental health or suicidal
9 thoughts.”.

10 **SEC. 733. CLARIFICATION OF RESEARCH UNDER JOINT**
11 **TRAUMA EDUCATION AND TRAINING DIREC-**
12 **TORATE AND INCLUSION OF MILITARY**
13 **WORKING DOGS.**

14 (a) IN GENERAL.—Subsection (b) of section 708 of
15 the National Defense Authorization Act for Fiscal Year
16 2017 (Public Law 114–328; 10 U.S.C. 1071 note) is
17 amended—

18 (1) in paragraph (7), by striking “of members
19 of the Armed Forces” and inserting “with respect to
20 both members of the Armed Forces and military
21 working dogs”; and

22 (2) by striking paragraph (9) and inserting the
23 following new paragraph:

24 “(9) To inform and advise the conduct of re-
25 search on the leading causes of morbidity and mor-

1 tality of members of the Armed Forces and military
2 working dogs in combat.”.

3 (b) VETERINARIANS IN PERSONNEL MANAGEMENT

4 PLAN.—Subsection (d)(1) of such section is amended—

5 (1) by redesignating subparagraph (F) as sub-
6 paragraph (G); and

7 (2) by inserting after subparagraph (E) the fol-
8 lowing new subparagraph:

9 “(F) Veterinary care.”.

10 **SEC. 734. EXTENSION OF THE JOINT DEPARTMENT OF DE-**

11 **FENSE-DEPARTMENT OF VETERANS AFFAIRS**

12 **MEDICAL FACILITY DEMONSTRATION**

13 **PROJECT.**

14 Section 1704(e) of the National Defense Authoriza-
15 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
16 Stat. 2567), as most recently amended by section 732 of
17 the National Defense Authorization Act for Fiscal Year
18 2020 (Public Law 116–92), is further amended by strik-
19 ing “September 30, 2021” and inserting “September 30,
20 2023”.

21 **SEC. 735. INFORMATION SHARING BY SECRETARY OF DE-**

22 **FENSE REGARDING PREVENTION OF INFANT**

23 **AND MATERNAL MORTALITY.**

24 (a) AUTHORIZATION OF INFORMATION SHARING.—

25 The Secretary of Defense may enter into memoranda of

1 understanding with State and local health authorities to
2 share the practices of, and lessons learned by, the military
3 health system for the prevention of infant and maternal
4 mortality.

5 (b) STATE DEFINED.—In this section, the term
6 “State” means each State, the District of Columbia, each
7 commonwealth, territory or possession of the United
8 States, and each federally recognized Indian Tribe.

9 **SEC. 736. GRANT PROGRAM FOR INCREASED COOPERA-**
10 **TION ON POST-TRAUMATIC STRESS DIS-**
11 **ORDER RESEARCH BETWEEN UNITED STATES**
12 **AND ISRAEL.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the Secretary of Defense, acting through the
15 Psychological Health and Traumatic Brain Injury Re-
16 search Program, should seek to explore scientific collabo-
17 ration between American academic institutions and non-
18 profit research entities, and Israeli institutions with exper-
19 tise in researching, diagnosing, and treating post-trau-
20 matic stress disorder.

21 (b) GRANT PROGRAM.—The Secretary of Defense, in
22 coordination with the Secretary of Veterans Affairs and
23 the Secretary of State, shall award grants to eligible enti-
24 ties to carry out collaborative research between the United
25 States and Israel with respect to post-traumatic stress dis-

1 orders. The Secretary of Defense shall carry out the grant
2 program under this section in accordance with the agree-
3 ment titled “Agreement Between the Government of the
4 United States of America and the Government of Israel
5 on the United States-Israel Binational Science Founda-
6 tion”, dated September 27, 1972.

7 (c) ELIGIBLE ENTITIES.—To be eligible to receive a
8 grant under this section, an entity shall be an academic
9 institution or a nonprofit entity located in the United
10 States.

11 (d) AWARD.—The Secretary shall award grants
12 under this section to eligible entities that—

13 (1) carry out a research project that—

14 (A) addresses a requirement in the area of
15 post-traumatic stress disorders that the Sec-
16 retary determines appropriate to research using
17 such grant; and

18 (B) is conducted by the eligible entity and
19 an entity in Israel under a joint research agree-
20 ment; and

21 (2) meet such other criteria that the Secretary
22 may establish.

23 (e) APPLICATION.—To be eligible to receive a grant
24 under this section, an eligible entity shall submit an appli-
25 cation to the Secretary at such time, in such manner, and

1 containing such commitments and information as the Sec-
2 retary may require.

3 (f) GIFT AUTHORITY.—The Secretary may accept,
4 hold, and administer, any gift of money made on the con-
5 dition that the gift be used for the purpose of the grant
6 program under this section. Such gifts of money accepted
7 under this subsection shall be deposited in the Treasury
8 in the Department of Defense General Gift Fund and shall
9 be available, subject to appropriation, without fiscal year
10 limitation.

11 (g) REPORTS.—Not later than 180 days after the
12 date on which an eligible entity completes a research
13 project using a grant under this section, the Secretary
14 shall submit to Congress a report that contains—

15 (1) a description of how the eligible entity used
16 the grant; and

17 (2) an evaluation of the level of success of the
18 research project.

19 (h) TERMINATION.—The authority to award grants
20 under this section shall terminate on the date that is 7
21 years after the date on which the first such grant is
22 awarded.

1 **SEC. 737. PILOT PROGRAM ON CRYOPRESERVATION AND**
2 **STORAGE.**

3 (a) PILOT PROGRAM.—The Secretary of Defense
4 shall establish a pilot program to provide not more than
5 1,000 members of the Armed Forces serving on active
6 duty with the opportunity to cryopreserve and store their
7 gametes prior to deployment to a combat zone.

8 (b) PERIOD.—

9 (1) IN GENERAL.—The Secretary shall provide
10 for the cryopreservation and storage of gametes of
11 a participating member of the Armed Forces under
12 subsection (a), at no cost to the member, in a facil-
13 ity of the Department of Defense or at a private en-
14 tity pursuant to a contract under subsection (d)
15 until the date that is 1 year after the retirement,
16 separation, or release of the member from the
17 Armed Forces.

18 (2) CONTINUED CRYOPRESERVATION AND
19 STORAGE.—At the end of the 1-year period specified
20 in paragraph (1), the Secretary shall authorize an
21 individual whose gametes were cryopreserved and
22 stored in a facility of the Department as described
23 in that paragraph to select, including pursuant to an
24 advance medical directive or military testamentary
25 instrument completed under subsection (c), one of
26 the following options:

1 (A) To continue such cryopreservation and
2 storage in such facility with the cost of such
3 cryopreservation and storage borne by the indi-
4 vidual.

5 (B) To transfer the gametes to a private
6 cryopreservation and storage facility selected by
7 the individual.

8 (C) To authorize the Secretary to dispose
9 of the gametes of the individual not earlier than
10 the date that is 90 days after the end of the 1-
11 year period specified in paragraph (1) with re-
12 spect to the individual.

13 (c) ADVANCE MEDICAL DIRECTIVE AND MILITARY
14 TESTAMENTARY INSTRUMENT.—A member of the Armed
15 Forces who elects to cryopreserve and store their gametes
16 under this section shall complete an advance medical di-
17 rective described in section 1044c(b) of title 10, United
18 States Code, and a military testamentary instrument de-
19 scribed in section 1044d(b) of such title, that explicitly
20 specifies the use of their cryopreserved and stored gametes
21 if such member dies or otherwise loses the capacity to con-
22 sent to the use of their cryopreserved and stored gametes.

23 (d) AGREEMENTS.—To carry out this section, the
24 Secretary may enter into agreements with private entities

1 that provide cryopreservation and storage services for
2 gametes.

3 **SEC. 738. PILOT PROGRAM ON PARENTS SERVING AS CER-**
4 **TIFIED NURSING ASSISTANTS FOR CHILDREN**
5 **UNDER TRICARE PROGRAM.**

6 (a) PILOT PROGRAM.—The Director of the Defense
7 Health Agency may carry out a pilot program under which
8 an eligible parent serves as a certified nursing assistant
9 under the TRICARE program with respect to providing
10 personal care services to a covered child.

11 (b) DURATION.—If the Director carries out the pilot
12 program under subsection (a), the Director shall carry out
13 the pilot program for a period of 18 months.

14 (c) BRIEFING.—If the Director carries out the pilot
15 program under subsection (a), not later than 1 year after
16 the date of the enactment of this Act, the Director shall
17 provide to the congressional defense committees a briefing
18 on the pilot program.

19 (d) REPORT.—If the Director carries out the pilot
20 program under subsection (a), not later than 180 days
21 after the date of the completion of the pilot program, the
22 Director shall submit to the congressional defense commit-
23 tees a report on the pilot program. The report shall in-
24 clude—

25 (1) the cost of the program;

1 (2) an analysis of whether the pilot program
2 met established performance metrics;

3 (3) an analysis of whether the pilot program
4 provided the standard of care to the patient that is
5 required; and

6 (4) the recommendation of the Director regard-
7 ing whether the pilot program should be made per-
8 manent.

9 (e) DEFINITIONS.—In this section:

10 (1) The term “covered child” means a covered
11 beneficiary described in section 1072(2)(D) of title
12 10, United States Code, who—

13 (A) is the child of a member of the uni-
14 formed services serving on active duty; and

15 (B) is eligible for private duty nursing
16 under the Extended Care Health Option under
17 subsections (d) through (f) of section 1079 of
18 such title.

19 (2) The term “eligible parent” means an indi-
20 vidual who is—

21 (A) a certified nursing assistant; and

22 (B) the parent of a covered child.

23 (3) The term “personal care services” means
24 personal care services prescribed by a medical doctor
25 and provided by a certified nursing assistant under

1 the supervision and guidance of a registered nurse
2 case manager.

3 (4) The term “TRICARE program” has the
4 meaning given that term in section 1072 of title 10,
5 United States Code.

6 **SEC. 739. STUDY ON INCIDENCE OF CANCER DIAGNOSIS**
7 **AND MORTALITY AMONG PILOTS IN THE**
8 **ARMED FORCES.**

9 (a) STUDY.—Not later than 180 days after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall seek to enter into an agreement with the National
12 Academies of Sciences, Engineering, and Medicine to con-
13 duct a study to—

14 (1) determine the incidence of cancer diagnosis
15 and mortality among members, and former mem-
16 bers, of the Armed Forces who serve as pilots com-
17 pared to such members who do not serve as pilots,
18 including by determining such incidence based on
19 gender, age, flying hours, Armed Force, and type of
20 aircraft; and

21 (2) determine the appropriate age to begin
22 screening such members for cancer, including by de-
23 termining such age based on gender, flying hours,
24 Armed Force, and type of aircraft.

1 (b) SUBMISSION.—Not later than 2 years after the
2 date on which the Secretary enters into the agreement
3 under subsection (a), the Secretary shall submit to the ap-
4 propriate congressional committees a report on the find-
5 ings from the study under such subsection.

6 (c) DEFINITIONS.—In this section:

7 (1) The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committees on Armed Services
10 and Veterans’ Affairs of the House of Rep-
11 resentatives; and

12 (B) the Committees on Armed Services
13 and Veterans’ Affairs of the Senate.

14 (2) The term “Armed Forces” means each
15 Armed Force under the jurisdiction of the Secretary
16 of a military department.

17 (3) The term “pilot” includes an individual who
18 frequently accompanies a pilot in a cockpit, such as
19 a navigator.

20 **SEC. 740. REPORT ON DIET AND NUTRITION OF MEMBERS**
21 **OF THE ARMED FORCES.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act, the Secretary of Defense shall submit
24 to the congressional defense committees a report on the

1 diet and nutrition of members of the Armed Forces. The
2 report shall describe the following:

3 (1) The relationship between the diet and nutri-
4 tion of members and the health, performance, and
5 combat effectiveness of members.

6 (2) The relationship between diets high in
7 Omega-3 fatty acids, or other diets that may lower
8 inflammation and obesity, and improved mental
9 health.

10 (3) The extent to which the food and beverages
11 offered at the dining halls of the Armed Forces as
12 of the date of the report are designed to optimize
13 the health, performance, and combat effectiveness of
14 members according to science-based approaches.

15 (4) The plan of the Secretary to improve the
16 health, performance, and combat effectiveness of
17 members by modifying the food and beverages of-
18 fered at the dining halls of the Armed Forces, in-
19 cluding in ways that minimize the change members.

20 (5) Expected costs and timeline to implement
21 such plan, including any expected savings from re-
22 duced medical costs.

1 **SEC. 741. REPORT ON COSTS AND BENEFITS OF ALLOWING**
2 **RETIRED MEMBERS OF THE ARMED FORCES**
3 **TO CONTRIBUTE TO HEALTH SAVINGS AC-**
4 **COUNTS.**

5 (a) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Assistant Secretary of
7 Defense for Health Affairs shall submit to the congres-
8 sional defense committees a report on the costs and bene-
9 fits of allowing covered individuals to make contributions
10 to a health savings account.

11 (b) MATTERS.—The report under subsection (a) shall
12 include a description of the following:

13 (1) Any anticipated cost savings as a result of
14 allowing covered individuals to make contributions to
15 health savings accounts.

16 (2) Any anticipated increase in health care op-
17 tions available to covered individuals as a result of
18 allowing such contributions.

19 (3) Any anticipated disruption or delay in
20 health services or benefits for covered individuals as
21 a result of allowing such contributions.

22 (c) DEFINITIONS.—In this section:

23 (1) The term “covered individual”—

24 (A) means a beneficiary covered by sub-
25 section (c) of section 1086 of title 10, United
26 States Code; and

1 (B) includes a Medicare-eligible beneficiary
2 described in subsection (d)(2) of such section.

3 (2) The term “health savings account” has the
4 meaning given that term in section 223(d) of the In-
5 ternal Revenue Code of 1986.

6 **SEC. 742. STUDY ON TOXIC EXPOSURE AT KARSHI-**
7 **KHANABAD AIR BASE, UZBEKISTAN.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall conduct a study on toxic exposure by members
11 of the Armed Forces deployed to Karshi–Khanabad
12 Air Base, Uzbekistan, at any time during the period
13 beginning October 1, 2001, and ending December
14 31, 2005.

15 (2) MATTERS INCLUDED.—The study under
16 paragraph (1) shall include the following:

17 (A) An assessment regarding the condi-
18 tions of Karshi–Khanabad Air Base, Uzbek-
19 istan, during the period beginning October 1,
20 2001, and ending December 31, 2005, includ-
21 ing an identification of toxic substances con-
22 taminating the Air Base during such period.

23 (B) An epidemiological study of the health
24 consequences of a member of the Armed Forces
25 deployed to the Air Base during such period.

1 (C) An assessment of any association be-
2 tween exposure to toxic substances identified
3 under subparagraph (A) and the health con-
4 sequences studied under subparagraph (B).

5 (b) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary of Defense
7 shall submit to the Committees on Armed Services of the
8 House of Representatives and the Senate a report on the
9 results of the study under subsection (a).

10 **SEC. 743. AUDIT OF MEDICAL CONDITIONS OF TENANTS IN**
11 **PRIVATIZED MILITARY HOUSING.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, the Inspector General
14 of the Department of Defense shall commence the conduct
15 of an audit of the medical conditions of eligible individuals
16 and the association between adverse exposures of such in-
17 dividuals in unsafe or unhealthy housing units and the
18 health of such individuals.

19 (b) CONTENT OF AUDIT.—The audit conducted
20 under subsection (a) shall—

21 (1) determine the percentage of units of
22 privatized military housing that are unsafe or
23 unhealthy housing units;

24 (2) study the adverse exposures of eligible indi-
25 viduals that relate to residing in an unsafe or

1 unhealthy housing unit and the effect of such expo-
2 sures on the health of such individuals; and

3 (3) determine the association, to the extent per-
4 mitted by available scientific data, and provide quan-
5 tifiable data on such association, between such ad-
6 verse exposures and the occurrence of a medical con-
7 dition in eligible individuals residing in unsafe or
8 unhealthy housing units.

9 (c) CONDUCT OF AUDIT.—The Inspector General of
10 the Department shall conduct the audit under subsection
11 (a) using the same privacy preserving guidelines used by
12 the Inspector General in conducting other audits of health
13 records.

14 (d) SOURCE OF DATA.—In conducting the audit
15 under subsection (a), the Inspector General of the Depart-
16 ment shall use—

17 (1) de-identified data from electronic health
18 records of the Department;

19 (2) records of claims under the TRICARE pro-
20 gram (as defined in section 1072(7) of title 10,
21 United States Code); and

22 (3) such other data as determined necessary by
23 the Inspector General.

24 (e) SUBMITTAL AND PUBLIC AVAILABILITY OF RE-
25 PORT.—Not later than 1 year after the commencement of

1 the audit under subsection (a), the Inspector General of
2 the Department shall—

3 (1) submit to the Secretary of Defense and the
4 Committees on Armed Services of the Senate and
5 the House of Representatives a report on the results
6 of the audit conducted under subsection (a); and

7 (2) publish such report on a publicly available
8 internet website of the Department of Defense.

9 (f) DEFINITIONS.—In this section:

10 (1) The term “eligible individual” means a
11 member of the Armed Forces or a family member of
12 a member of the Armed Forces who—

13 (A) has resided in an unsafe or unhealthy
14 housing unit; and

15 (B) has registered under the Housing En-
16 vironmental Health Response Registry of the
17 Army.

18 (2) The term “privatized military housing”
19 means military housing provided under subchapter
20 IV of chapter 169 of title 10, United States Code.

21 (3) The term “unsafe or unhealthy housing
22 unit” means a unit of privatized military housing in
23 which, at any given time, at least one of the fol-
24 lowing hazards is present:

1 (A) Physiological hazards, including the
2 following:

- 3 (i) Dampness or microbial growth.
- 4 (ii) Lead-based paint.
- 5 (iii) Asbestos or manmade fibers.
- 6 (iv) Ionizing radiation.
- 7 (v) Biocides.
- 8 (vi) Carbon monoxide.
- 9 (vii) Volatile organic compounds.
- 10 (viii) Infectious agents.
- 11 (ix) Fine particulate matter.

12 (B) Psychological hazards, including ease
13 of access by unlawful intruders or lighting
14 issues.

15 (C) Poor ventilation.

16 (D) Safety hazards.

17 (E) Other hazards as determined by the
18 Inspector General of the Department.

19 **SEC. 744. REPORT ON INTEGRATED DISABILITY EVALUA-**
20 **TION SYSTEM.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall submit to Congress a report on the findings of a
24 study, conducted by the Secretary for the purposes of the

1 report, of the implementation and application of the Inte-
2 grated Disability Evaluation System.

3 (b) MATTERS INCLUDED.—The report under sub-
4 section (a) shall include the following:

5 (1) All changes to policies and procedures appli-
6 cable to the implementation of the Integrated Dis-
7 ability Evaluation System from the previous dis-
8 ability evaluation system.

9 (2) The extent to which the Integrated Dis-
10 ability Evaluation System is the primary means of
11 processing members of the Armed Forces through
12 the disability evaluation system process.

13 (3) The extent to which the military depart-
14 ments and the Defense Health Agency coordinate—

15 (A) treatment of members of the Armed
16 Forces;

17 (B) referrals of members of the Armed
18 Forces to a medical evaluation board;

19 (C) appointing a convening authority and
20 staffing a medical evaluation board;

21 (D) the sharing of medical documentation
22 with a medical evaluation board;

23 (E) evaluations of members of the Armed
24 Forces for initial or subsequent limited duty
25 status; and

1 (F) a medical evaluation board referral to
2 a physical evaluation board.

3 (4) The process for members of the Armed
4 Forces to request an impartial medical review or
5 rebut medical evaluation board findings.

6 (5) The criteria a medical evaluation board con-
7 vening authority applies when considering such re-
8 quests under paragraph (4).

9 (6) The average time to process Integrated Dis-
10 ability Evaluation System cases by both phase and
11 stage (as defined in Department of Defense Manual
12 1332.18) for both the active component and reserve
13 component.

14 **SEC. 745. REVIEW AND REPORT ON PREVENTION OF SUI-**
15 **CIDE AMONG MEMBERS OF THE ARMED**
16 **FORCES STATIONED AT REMOTE INSTALLA-**
17 **TIONS OUTSIDE THE CONTIGUOUS UNITED**
18 **STATES.**

19 (a) REVIEW REQUIRED.—The Comptroller General
20 of the United States shall conduct a review of efforts by
21 the Department of Defense to prevent suicide among
22 members of the Armed Forces stationed at covered instal-
23 lations.

1 (b) ELEMENTS OF REVIEW.—The review conducted
2 under subsection (a) shall include an assessment of each
3 of the following:

4 (1) Current policy guidelines of the Armed
5 Forces on the prevention of suicide among members
6 of the Armed Forces stationed at covered installa-
7 tions.

8 (2) Current suicide prevention programs of the
9 Armed Forces and activities for members of the
10 Armed Forces stationed at covered installations and
11 their dependents, including programs provided by
12 the Defense Health Program and the Office of Sui-
13 cide Prevention.

14 (3) The integration of mental health screenings
15 and suicide risk and prevention efforts for members
16 of the Armed Forces stationed at covered installa-
17 tions and their dependents into the delivery of pri-
18 mary care for such members and dependents.

19 (4) The standards for responding to attempted
20 or completed suicides among members of the Armed
21 Forces stationed at covered installations and their
22 dependents, including guidance and training to as-
23 sist commanders in addressing incidents of at-
24 tempted or completed suicide within their units.

1 (5) The standards regarding data collection for
2 members of the Armed Forces stationed at covered
3 installations and their dependents, including related
4 factors such as domestic violence and child abuse.

5 (6) The means to ensure the protection of pri-
6 vacy of members of the Armed Forces stationed at
7 covered installations and their dependents who seek
8 or receive treatment related to suicide prevention.

9 (7) The availability of information from indige-
10 nous populations on suicide prevention for members
11 of the Armed Forces stationed at covered installa-
12 tions who are members of such a population.

13 (8) The availability of information from grad-
14 uate research programs of institutions of higher edu-
15 cation on suicide prevention for members of the
16 Armed Forces.

17 (9) Such other matters as the Comptroller Gen-
18 eral considers appropriate in connection with the
19 prevention of suicide among members of the Armed
20 Forces stationed at covered installations and their
21 dependents.

22 (c) BRIEFING AND REPORT.—The Comptroller Gen-
23 eral shall—

24 (1) not later than October 1, 2021, brief the
25 Committees on Armed Services of the Senate and

1 the House of Representatives on preliminary obser-
2 vations relating to the review conducted under sub-
3 section (a); and

4 (2) not later than March 1, 2022, submit to the
5 Committees on Armed Services of the Senate and
6 the House of Representatives a report containing the
7 results of such review.

8 (d) COVERED INSTALLATION DEFINED.—In this sec-
9 tion, the term “covered installation” means a remote in-
10 stallation of the Department of Defense outside the con-
11 tiguous United States.

12 **SEC. 746. ANTIMICROBIAL STEWARDSHIP STAFFING AT**
13 **MEDICAL TREATMENT FACILITIES OF THE**
14 **DEPARTMENT OF DEFENSE.**

15 (a) DEVELOPMENT OF RECOMMENDATIONS.—Not
16 later than 90 days after the date of the enactment of this
17 Act, the Secretary of Defense, in consultation with the
18 Centers for Disease Control and Prevention and relevant
19 medical societies, shall develop for its military medical
20 treatment facilities—

21 (1) stewardship staffing recommendations,
22 based upon facility size and patient populations; and

23 (2) diagnostics stewardship recommendations to
24 improve antimicrobial stewardship programs.

1 (b) IMPLEMENTATION PLAN.—Not later than 180
2 days after the date of the enactment of this Act, the Sec-
3 retary shall submit to the Committees on Armed Services
4 of the House of Representatives and the Senate a plan
5 for carrying out the recommendations developed under
6 subsection (a) and identify barriers to implementing such
7 recommendations.

8 **SEC. 747. REPORT ON CHIROPRACTIC CARE FOR DEPEND-**
9 **ENTS AND RETIREES UNDER THE TRICARE**
10 **PROGRAM.**

11 Not later than 1 year after the date of the enactment
12 of this Act, the Director of the Defense Health Agency
13 shall submit to the congressional defense committees a re-
14 port on the feasibility, efficacy, and cost of expanding cov-
15 erage for chiropractic care to covered beneficiaries under
16 the TRICARE program (as those terms are defined in sec-
17 tion 1072 of title 10, United States Code).

18 **SEC. 748. STUDY ON MEDEVAC HELICOPTERS AND AMBU-**
19 **LANCES AT MILITARY INSTALLATIONS.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of Defense shall submit
22 to the congressional defense committees a report con-
23 taining a study on the potential benefits and feasibility
24 of requiring that—

1 (1) each enduring military installation located
2 outside the United States has at least one properly
3 functioning medical evacuation helicopter and at
4 least one properly functioning ambulance; and

5 (2) each such helicopter and ambulance is
6 stocked with appropriate emergency medical sup-
7 plies.

8 **SEC. 749. FUNDING FOR PANCREATIC CANCER RESEARCH.**

9 (a) INCREASE.—Notwithstanding the amounts set
10 forth in the funding tables in division D, the amount au-
11 thorized to be appropriated in section 1405 for the De-
12 fense Health Program, as specified in the corresponding
13 funding table in section 4501, for R&D Research is hereby
14 increased by \$5,000,000 for the purposes of a pancreatic
15 cancer early detection initiative (EDI).

16 (b) OFFSET.—Notwithstanding the amounts set forth
17 in the funding tables in division D, the amount authorized
18 to be appropriated in section 1405 for Defense Health
19 Program, as specified in the corresponding funding table
20 in section 4501, for Base Operations/Communications is
21 hereby reduced by \$5,000,000.

22 **SEC. 750. REPORT ON MENTAL HEALTH TREATMENT RE-**
23 **LATING TO PREGNANCY.**

24 (a) REPORT REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to Congress a report with respect
2 to mental health treatment relating to pregnancy that as-
3 sesses the following:

4 (1) The extent to which treatment for covered
5 mental health issues is available and accessible to
6 active duty members of the Armed Forces and the
7 spouses of such members.

8 (2) The extent to which data on the rate of oc-
9 currence of covered mental health issues among ac-
10 tive duty members of the Armed Forces, and the
11 spouses of such members, is collected.

12 (3) The barriers that prevent active duty mem-
13 bers of the Armed Forces, and the spouses of such
14 members, from seeking or obtaining care for covered
15 mental health issues.

16 (4) The ways in which the Department of De-
17 fense is addressing barriers identified under para-
18 graph (3).

19 (b) COVERED MENTAL HEALTH ISSUES DEFINED.—
20 In this section, the term “covered mental health issues”
21 means pregnancy-related depression, postpartum depres-
22 sion, and other pregnancy-related mood disorders.

1 **SEC. 750A. REPORT ON COST OF EXTENDING TRICARE COV-**
2 **ERAGE TO INDIVIDUALS PARTICIPATING IN**
3 **HEALTH PROFESSIONS SCHOLARSHIP AND**
4 **FINANCIAL ASSISTANCE PROGRAM.**

5 Not later than 120 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall submit
7 to the congressional defense committees a report con-
8 taining an analysis of the cost of providing coverage and
9 health care benefits under the TRICARE program to each
10 individual currently participating in a health professions
11 scholarship and financial assistance program established
12 pursuant to section 2121 of title 10, United States Code.

13 **SEC. 750B. REPORT ON HEALTH CARE RECORDS OF DE-**
14 **PENDENTS WHO LATER SEEK TO SERVE AS A**
15 **MEMBER OF THE ARMED FORCES.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Secretary of Defense shall submit
18 to the congressional defense committees a report on the
19 use by the military departments of health care records of
20 individuals who are dependents or former dependents of
21 members of the Armed Forces with respect to that indi-
22 vidual later serving or seeking to serve as a member of
23 the Armed Forces. The report shall include the following:

- 24 (1) A description of the policy of the Depart-
25 ment of Defense and each military department with
26 respect to combining the juvenile medical records of

1 such an individual with the military medical records
2 of that individual who serves as a member of the
3 Armed Forces.

4 (2) The total number of cases where such juve-
5 nile medical records were so combined with the mili-
6 tary medical records of the individual.

7 (3) The total number of cases where an indi-
8 vidual was either discharged, or was prevented from
9 joining the Armed Forces, because of the juvenile
10 medical records of the individual from when the indi-
11 vidual was a dependent of a member of the Armed
12 Forces.

13 (4) The total number of cases where an indi-
14 vidual was granted a waiver preventing a discharge
15 or being denied from joining the Armed Forces as
16 described in paragraph (3).

17 (5) Any actions the Secretary of Defense or a
18 Secretary of a military department has taken or
19 plans to take to prevent a discharge or being denied
20 from joining the Armed Forces as described in para-
21 graph (3).

1 **SEC. 750C. BRIEFING ON EXTENSION OF TRICARE PRIME**
2 **TO ELIGIBLE BENEFICIARIES IN PUERTO**
3 **RICO AND OTHER UNITED STATES TERRI-**
4 **TORIES.**

5 (a) BRIEFING.—Not later than 90 days after the date
6 of the enactment of this Act, the Secretary of Defense
7 shall provide to the congressional defense committees a
8 briefing on the feasibility, benefits, and costs of extending
9 eligibility to enroll in TRICARE Prime to eligible bene-
10 ficiaries who reside in Puerto Rico and other United
11 States territories.

12 (b) ELEMENTS.—The briefing under subsection (a)
13 shall provide an assessment specifically tailored to each
14 United States territory and include, at a minimum—

15 (1) a description and update of the findings
16 contained in the 2019 Department of Defense report
17 on the feasibility and effect of extending TRICARE
18 Prime to eligible beneficiaries residing in Puerto
19 Rico, as required by the conference report accom-
20 panying the John S. McCain National Defense Au-
21 thorization Act for Fiscal Year 2019 (Public Law
22 115–232);

23 (2) an assessment of whether otherwise eligible
24 beneficiaries residing in Puerto Rico and other
25 United States territories have access to health care
26 that is equivalent, with respect to both quality and

1 cost, to the care available to their counterparts re-
2 siding in the States and the District of Columbia;

3 (3) an assessment of the feasibility, benefits,
4 beneficiary satisfaction and costs of extending
5 TRICARE Prime to some, but not all, categories of
6 beneficiaries residing in Puerto Rico and other
7 United States territories; and

8 (4) an assessment of opportunities to partner
9 with other Federal health care systems to support
10 resources and share costs and services in extending
11 TRICARE Prime in Puerto Rico and the other
12 United States territories.

13 (c) OTHER UNITED STATES TERRITORIES DE-
14 FINED.—In this section, the term “other United States
15 territories” means American Samoa, Guam, the Northern
16 Mariana Islands, and the United States Virgin Islands.

17 **SEC. 750D. FUNDING FOR POST-TRAUMATIC STRESS DIS-**
18 **ORDER.**

19 (a) FUNDING.—Notwithstanding the amounts set
20 forth in the funding tables in division D, the amount au-
21 thorized to be appropriated by section 1405 for the De-
22 fense Health Program, as specified in the corresponding
23 funding table in such division, is hereby increased by
24 \$2,500,000 for post-traumatic stress disorder.

1 (b) OFFSET.—Notwithstanding the amounts set forth
2 in the funding tables in division D, the amount authorized
3 to be appropriated for operation and maintenance, De-
4 fense-wide, as specified in the corresponding funding table
5 in section 4301, for Operation and Maintenance, Defense-
6 wide is hereby reduced by \$2,500,000.

7 **SEC. 750E. INCREASED COLLABORATION WITH NIH TO**
8 **COMBAT TRIPLE NEGATIVE BREAST CANCER.**

9 (a) IN GENERAL.—The Office of Health of the De-
10 partment of Defense shall work in collaboration with the
11 National Institutes of Health to—

12 (1) identify specific genetic and molecular tar-
13 gets and biomarkers for triple negative breast can-
14 cer; and

15 (2) provide information useful in biomarker se-
16 lection, drug discovery, and clinical trials design that
17 will enable both—

18 (A) triple negative breast cancer patients
19 to be identified earlier in the progression of
20 their disease; and

21 (B) the development of multiple targeted
22 therapies for the disease.

23 (b) FUNDING.—Notwithstanding the amounts set
24 forth in the funding tables in division D, the amount au-
25 thorized to be appropriated by section 1405 for the De-

1 fense Health Program, as specified in the corresponding
2 funding tables in division D, is hereby increased by
3 \$10,000,000 to carry out subsection (a).

4 (c) OFFSET.—Notwithstanding the amounts set forth
5 in the funding tables in division D, the amount authorized
6 to be appropriated for operation and maintenance, De-
7 fense-wide, as specified in the corresponding funding table
8 in section 4301, for Operation and Maintenance, Defense-
9 wide is hereby reduced by \$10,000,000.

10 **SEC. 750F. STUDY ON READINESS CONTRACTS AND THE**
11 **PREVENTION OF DRUG SHORTAGES.**

12 (a) STUDY.—The Secretary of Defense shall conduct
13 a study on the effectiveness of readiness contracts man-
14 aged by the Customer Pharmacy Operations Center of the
15 Defense Logistics Agency in meeting the military’s drug
16 supply needs. The study shall include an analysis of how
17 the contractual approach to manage drug shortages for
18 military health care can be a model for responding to drug
19 shortages in the civilian health care market in the United
20 States.

21 (b) CONSULTATION.—In conducting the study under
22 subsection (a), the Secretary of Defense shall consult
23 with—

24 (1) the Secretary of Veterans Affairs;

1 (2) the Commissioner of Food and Drugs and
2 the Administrator of the Drug Enforcement Admin-
3 istration; and

4 (3) physician organizations, drug manufactur-
5 ers, pharmacy benefit management organizations,
6 and such other entities as the Secretary determines
7 appropriate.

8 (c) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall submit to Congress a report on the results of the
11 study under subsection (a) and any conclusions and rec-
12 ommendations of the Secretary relating to such study.

13 **SEC. 750G. FINDINGS AND SENSE OF CONGRESS ON MUS-**
14 **CULOSKELETAL INJURIES.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) Musculoskeletal injuries among members of
17 the Armed Forces serving on active duty result in
18 more than 10,000,000 limited-duty days each year
19 and account for more than 70 percent of the medi-
20 cally non-deployable population.

21 (2) Extremity injury accounts for 79 percent of
22 reported trauma cases in theater and members of
23 the Armed Forces experience anterior cruciate liga-
24 ment (ACL) injuries at 10 times the rate of the gen-
25 eral population.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that Congress—

3 (1) recognizes the important work of the Naval
4 Advanced Medical Research Unit in Wound Care
5 Research; and

6 (2) encourages continued development of inno-
7 vations for the warfighter, especially regarding ten-
8 don and ligament injuries that prevent return to
9 duty for extended periods of time.

10 **SEC. 750H. WOUNDED WARRIOR SERVICE DOG PROGRAM.**

11 (a) GRANTS AUTHORIZED.—The Secretary of De-
12 fense shall establish a program, to be known as the
13 “Wounded Warrior Service Dog Program”, to award com-
14 petitive grants to nonprofit organizations to assist such
15 organizations in the planning, designing, establishing, or
16 operating (or any combination thereof) of programs to
17 provide assistance dogs to covered members and veterans.
18 The awarding of such grants is subject to the availability
19 of appropriations provided for such purpose.

20 (b) USE OF FUNDS.—

21 (1) IN GENERAL.—The recipient of a grant
22 under this section shall use the grant to carry out
23 programs that provide assistance dogs to covered
24 members and veterans who have a disability de-
25 scribed in paragraph (2).

1 (2) DISABILITY.—A disability described in this
2 paragraph is any of the following:

3 (A) Blindness or visual impairment.

4 (B) Loss of use of a limb, paralysis, or
5 other significant mobility issues.

6 (C) Loss of hearing.

7 (D) Traumatic brain injury.

8 (E) Post-traumatic stress disorder.

9 (F) Any other disability that the Secretary
10 of Defense considers appropriate.

11 (3) TIMING OF AWARD.—The Secretary may
12 not award a grant under this section to reimburse
13 a recipient for costs previously incurred by the re-
14 cipient in carrying out a program to provide assist-
15 ance dogs to covered members and veterans unless
16 the recipient elects for the award to be such a reim-
17 bursement.

18 (c) ELIGIBILITY.—To be eligible to receive a grant
19 under this section, a nonprofit organization shall submit
20 an application to the Secretary at such time, in such man-
21 ner, and containing such information as the Secretary may
22 require. Such application shall include—

23 (1) a proposal for the evaluation required by
24 subsection (d); and

25 (2) a description of—

1 (A) the training that will be provided by
2 the organization to covered members and vet-
3 erans;

4 (B) the training of dogs that will serve as
5 assistance dogs;

6 (C) the aftercare services that the organi-
7 zation will provide for such dogs and covered
8 members and veterans;

9 (D) the plan for publicizing the availability
10 of such dogs through a targeted marketing
11 campaign to covered members and veterans;

12 (E) the recognized expertise of the organi-
13 zation in breeding and training such dogs;

14 (F) the commitment of the organization to
15 humane standards for animals; and

16 (G) the experience of the organization with
17 working with military medical treatment facili-
18 ties or medical facilities of the Department of
19 Veterans Affairs; and

20 (3) a statement certifying that the organiza-
21 tion—

22 (A) is accredited by Assistance Dogs Inter-
23 national, the International Guide Dog Federa-
24 tion, or another similar widely recognized ac-
25 creditation organization that the Secretary de-

1 termines has accreditation standards that meet
2 or exceed the standards of Assistance Dogs
3 International and the International Guide Dog
4 Federation; or

5 (B) is a candidate for such accreditation or
6 otherwise meets or exceeds such standards, as
7 determined by the Secretary.

8 (d) EVALUATION.—The Secretary shall require each
9 recipient of a grant to use a portion of the funds made
10 available through the grant to conduct an evaluation of
11 the effectiveness of the activities carried out through the
12 grant by such recipient.

13 (e) COORDINATION.—The Secretary of Defense shall
14 coordinate with the Secretary of Veterans Affairs in
15 awarding grants under this section.

16 (f) DEFINITIONS.—In this section:

17 (1) ASSISTANCE DOG.—The term “assistance
18 dog” means a dog specifically trained to perform
19 physical tasks to mitigate the effects of a disability
20 described in subsection (b)(2), except that the term
21 does not include a dog specifically trained for com-
22 fort or personal defense.

23 (2) COVERED MEMBERS AND VETERANS.—The
24 term “covered members and veterans” means—

1 (A) with respect to a member of the
2 Armed Forces, such member who is—

3 (i) receiving medical treatment, recu-
4 peration, or therapy under chapter 55 of
5 title 10, United States Code;

6 (ii) in medical hold or medical hold-
7 over status; or

8 (iii) covered under section 1202 or
9 1205 of title 10, United States Code; and

10 (B) with respect to a veteran, a veteran
11 who is enrolled in the health care system estab-
12 lished under section 1705(a) of title 38, United
13 States Code.

14 **SEC. 750I. SENSE OF CONGRESS REGARDING MATERNAL**
15 **MORTALITY REVIEW.**

16 It is the sense of Congress that—

17 (1) maternal Mortality, and the racial dispari-
18 ties in the rates of pregnancy-related deaths in our
19 country, presents a challenge to our Nation that re-
20 quires a strong and uniform response across all
21 parts of our society, including the military;

22 (2) the Defense Department should be acknowl-
23 edged for the efforts it has begun to address con-
24 cerns about maternal mortality and severe morbidity
25 among service members and dependents;

1 (3) State maternal mortality review committees,
2 which involve a multidisciplinary group of experts in-
3 cluding physicians, epidemiologists, and others, have
4 made significant advancements in identifying, char-
5 acterizing, and providing a deeper understanding of
6 the circumstances surrounding each maternal death,
7 which can be helpful in designing effective public
8 health responses to prevent future such deaths;

9 (4) key to the work of such review committees
10 is transparent, consistent, and comprehensive data
11 collection regarding maternal deaths, the use of ef-
12 fective methods to ensure confidentiality protections
13 and de-identification of any information specific to a
14 reviewed case, information sharing with relevant
15 stakeholders including access to the CDC's National
16 Death Index data and State death certificate data;

17 (5) the Defense Department is encouraged to
18 continue to work to establish a maternal mortality
19 review committee which would conduct reviews of
20 each death of a service member or dependent during
21 pregnancy or childbirth involving a multidisciplinary
22 group of experts including physicians, epidemiolo-
23 gists, patient advocates, civilians with experience
24 with maternal mortality review committees and re-

1 views of maternal mortality records, and other ex-
2 perts;

3 (6) the Department should keep Congress regu-
4 larly updated and informed, through reports and
5 briefings on its efforts to set up the committee ref-
6 erenced in paragraph (5), any barriers to estab-
7 lishing such committee, and its overall efforts to ad-
8 dress maternal mortality among service members
9 and dependents, including its efforts to participate
10 in the Alliance for Innovation on Maternal program
11 or similar maternal health quality improvement ini-
12 tiatives.

13 **SEC. 750J. REPORT ON LAPSES IN TRICARE COVERAGE FOR**
14 **MEMBERS OF THE NATIONAL GUARD AND RE-**
15 **SERVE COMPONENTS.**

16 (a) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Comptroller General of
18 the United States shall submit to the appropriate congres-
19 sional committees a report containing an analysis of each
20 of the following:

21 (1) Any lapses in coverage under the TRICARE
22 program for a member of a reserve component that
23 occurred during the 8-year period ending on the date
24 of the enactment of this Act and were caused by a

1 change in the duty status of such member, including
2 an identification of the total number of such lapses.

3 (2) The factors contributing to any such lapses,
4 including—

5 (A) technological factors, including factors
6 relating to outdated systems;

7 (B) human errors in processing changes in
8 duty status; and

9 (C) shortages in the level of administrative
10 staffing of the National Guard.

11 (3) How factors contributing to any such lapses
12 were identified under paragraph (2) and whether ac-
13 tions have been taken to address the factors.

14 (4) The effect of any such lapses on—

15 (A) the delivery of health care benefits to
16 members of the reserve components and the eli-
17 gible dependents of such members; or

18 (B) force readiness and force retention.

19 (5) The parties responsible for identifying and
20 communicating to a member of a reserve component
21 issues relating to eligibility under the TRICARE
22 program.

23 (6) The methods by which a member of a re-
24 serve component, an eligible dependent of such mem-
25 ber, or the Secretary of Defense may verify the sta-

1 tus of enrollment in the TRICARE program regard-
2 ing the member before, during, and after a deploy-
3 ment of the member.

4 (7) The comparative effectiveness, with respect
5 to the delivery of health care benefits to a member
6 of a reserve component and eligible dependents of
7 such member, of—

8 (A) continuing the current process by
9 which a previously eligible member must transi-
10 tion from coverage under TRICARE Reserve
11 Select to coverage under TRICARE Prime after
12 a change to active service in the duty status of
13 such member; and

14 (B) establishing a new process by which a
15 previously eligible member may remain covered
16 by TRICARE Reserve Select after a change to
17 active service in the duty status of such mem-
18 ber (whether by allowing a previously eligible
19 member to pay a premium for such coverage or
20 by requiring the Federal Government to provide
21 for such coverage).

22 (8) Whether the current process referred to in
23 paragraph (7)(A) negatively affects the delivery of
24 health care benefits as a result of transitions be-
25 tween network providers.

1 (9) The actions necessary to prevent future oc-
2 currences of such lapses, including legislative ac-
3 tions.

4 (b) DEFINITIONS.—In this section:

5 (1) The term “active service” has the meaning
6 given that term in section 101(d) of title 10, United
7 States Code.

8 (2) The term “appropriate congressional com-
9 mittees” means the congressional defense commit-
10 tees (as defined in section 101(a) of title 10, United
11 States Code) and the Committees on Veterans’ Af-
12 fairs of the House of Representatives and the Sen-
13 ate.

14 (3) The term “eligible dependent” means a de-
15 pendent of a member of a reserve component—

16 (A) described in subparagraph (A), (D), or
17 (I) of section 1072(2) of title 10, United States
18 Code; and

19 (B) eligible for coverage under the
20 TRICARE Program.

21 (4) The term “previously eligible member”
22 means a member of a reserve component who was el-
23 igible for coverage under TRICARE Reserve Select
24 pursuant to section 1076d of title 10, United States

1 Code, prior to a change to active service in the duty
2 status of such member.

3 (5) The terms “TRICARE Prime” and
4 “TRICARE program” have the meanings given
5 those terms in section 1072 of title 10, United
6 States Code.

7 (6) The term “TRICARE Reserve Select” has
8 the meaning given that term in section 1076d(f) of
9 title 10, United States Code.

10 **SEC. 750K. STUDY AND REPORT ON INCREASING TELE-**
11 **HEALTH SERVICES ACROSS ARMED FORCES.**

12 (a) STUDY.—The Secretary of Defense shall conduct
13 a study that reviews, identifies, and evaluates the tech-
14 nology approaches, policies, and concepts of operations of
15 telehealth and telemedicine programs across all military
16 departments. The study shall include:

17 (1) Identification and evaluation of limitations
18 and vulnerabilities of healthcare and medicine capa-
19 bilities as they relate to telemedicine.

20 (2) Identification and evaluation of essential
21 technologies needed to achieve documented goals and
22 capabilities of telehealth and associated technologies
23 required to support sustainability.

24 (3) Development of a technology maturation
25 roadmap, including an estimated funding profile over

1 time, needed to achieve an effective operational tele-
2 health usage that describes both the critical and as-
3 sociated supporting technologies, systems integra-
4 tion, prototyping and experimentation, and test and
5 evaluation.

6 (4) An analysis of telehealth programs, such as
7 remote diagnostic testing and evaluation tools that
8 contribute to the medical readiness of military med-
9 ical providers.

10 (b) REPORT.—Not later than 1 year after the date
11 of the enactment of this Act, the Secretary of Defense
12 shall submit to the Congressional defense committees the
13 study conducted under subsection (a).

14 **SEC. 750L. STUDY ON JOINT DEPLOYMENT FORMULARY.**

15 (a) STUDY.—Not later than 270 days after the date
16 of the enactment of this Act, the Secretary of Defense,
17 in consultation with the Secretary of Health and Human
18 Services, the Commissioner of Food and Drugs, and the
19 heads of other departments and agencies of the Federal
20 Government that the Secretary of Defense determines ap-
21 propriate, shall submit to the appropriate congressional
22 committees a report containing a study on the joint de-
23 ployment formulary.

24 (b) ELEMENTS.—The study under subsection (a)
25 shall include—

1 (1) a list of the drugs and vaccines on the joint
2 deployment formulary;

3 (2) an identification of the active pharma-
4 ceutical ingredients of such drugs and vaccines and
5 the components of such active pharmaceutical ingre-
6 dients;

7 (3) the country of origin of—

8 (A) the active pharmaceutical ingredients;

9 (B) the components of such ingredients;

10 and

11 (C) the source materials of such ingredi-
12 ents and components;

13 (4) a list of each manufacturer of such drugs
14 and vaccines that is owned, in whole or in part, by
15 a foreign entity, including—

16 (A) identification of each such foreign enti-
17 ty; and

18 (B) the percentage of such ownership by
19 each such foreign entity;

20 (5) identification of any barriers, limitations, or
21 constraints that may inhibit the ability of the De-
22 partment of Defense to procure and sustain its sup-
23 ply of drugs and vaccines, including with respect
24 to—

25 (A) the Federal Acquisition Regulation;

1 (B) applicable laws and regulations of the
2 Federal Government; and

3 (C) whether the raw materials can be
4 found in the United States;

5 (6) an identification of military partners and al-
6 lies of the United States who could help manufac-
7 ture such components and materials;

8 (7) an assessment of the steps the Secretary of
9 Defense is currently taking to mitigate any short-
10 ages of critical drugs and vaccines on the joint de-
11 ployment formulary;

12 (8) a description of how the Secretary of De-
13 fense coordinates with the Secretary of Health and
14 Human Services, the Commissioner of Food and
15 Drugs, the Secretary of Commerce, the Secretary of
16 Veterans Affairs, and other applicable heads of de-
17 partments and agencies of the Federal Government;
18 and

19 (9) if the Secretary is unable to provide any of
20 the information under paragraphs (1) through (8),
21 identification of any barriers in providing such infor-
22 mation.

23 (c) FORM.—

1 (1) IN GENERAL.—The report submitted under
2 subsection (a) shall be submitted in classified form
3 and shall include an unclassified summary.

4 (2) PROTECTION OF INFORMATION.—The Sec-
5 retary of Defense—

6 (A) shall ensure that the unclassified sum-
7 mary described in paragraph (1) protects pro-
8 prietary information pursuant to the Federal
9 Acquisition Regulation and the Defense Federal
10 Acquisition Regulation; and

11 (B) may not disclose in such unclassified
12 summary any information that is a trade secret
13 under section 552(b)(4) of title 5, United
14 States Code, or confidential information under
15 section 1905 of title 18, United States Code.

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

19 (1) the congressional defense committees;

20 (2) the Committee on Energy and Commerce of
21 the House of Representatives and the Committee on
22 Health, Education, Labor, and Pensions of the Sen-
23 ate; and

24 (3) any other committee of Congress the Sec-
25 retary of Defense determines appropriate.

1 **Subtitle E—Mental Health Services**
2 **From Department of Veterans**
3 **Affairs for Members of Reserve**
4 **Components**

5 **SEC. 751. SHORT TITLE.**

6 This subtitle may be cited as the “Care and Readiness Enhancement for Reservists Act of 2020” or the
7
8 “CARE for Reservists Act of 2020”.

9 **SEC. 752. EXPANSION OF ELIGIBILITY FOR READJUSTMENT**
10 **COUNSELING AND RELATED OUTPATIENT**
11 **SERVICES FROM DEPARTMENT OF VETERANS**
12 **AFFAIRS TO INCLUDE MEMBERS OF RESERVE**
13 **COMPONENTS OF THE ARMED FORCES.**

14 (a) READJUSTMENT COUNSELING.—Subsection
15 (a)(1) of section 1712A of title 38, United States Code,
16 is amended by adding at the end the following new sub-
17 paragraph:

18 “(D)(i) The Secretary, in consultation with the Sec-
19 retary of Defense, may furnish to any member of the re-
20 serve components of the Armed Forces who has a behav-
21 ioral health condition or psychological trauma, counseling
22 under subparagraph (A)(i), which may include a com-
23 prehensive individual assessment under subparagraph
24 (B)(i).

1 “(ii) A member of the reserve components of the
2 Armed Forces described in clause (i) shall not be required
3 to obtain a referral before being furnished counseling or
4 an assessment under this subparagraph.”.

5 (b) OUTPATIENT SERVICES.—Subsection (b) of such
6 section is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “to an individual” after
9 “If, on the basis of the assessment furnished”;
10 and

11 (B) by striking “veteran” each place it ap-
12 pears and inserting “individual”; and

13 (2) in paragraph (2), by striking “veteran” and
14 inserting “individual”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date that is 1 year
17 after the date of the enactment of this Act.

18 **SEC. 753. PROVISION OF MENTAL HEALTH SERVICES FROM**
19 **DEPARTMENT OF VETERANS AFFAIRS TO**
20 **MEMBERS OF RESERVE COMPONENTS OF**
21 **THE ARMED FORCES.**

22 (a) IN GENERAL.—Subchapter VIII of chapter 17 of
23 title 38, United States Code, is amended by adding at the
24 end the following new section:

1 **“§ 1789. Mental health services for members of the re-**
 2 **serve components of the Armed Forces**

3 “The Secretary, in consultation with the Secretary of
 4 Defense, may furnish mental health services to members
 5 of the reserve components of the Armed Forces.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of such subchapter is amended by insert-
 8 ing after the item relating to section 1788 the following
 9 new item:

“1789. Mental health services for members of the reserve components of the
 Armed Forces.”.

10 **SEC. 754. INCLUSION OF MEMBERS OF RESERVE COMPO-**
 11 **NENTS IN MENTAL HEALTH PROGRAMS OF**
 12 **DEPARTMENT OF VETERANS AFFAIRS.**

13 (a) SUICIDE PREVENTION PROGRAM.—

14 (1) IN GENERAL.—Section 1720F of title 38,
 15 United States Code, is amended by adding at the
 16 end the following new subsection:

17 “(1)(1) COVERED INDIVIDUAL DEFINED.—In this
 18 section, the term ‘covered individual’ means a veteran or
 19 a member of the reserve components of the Armed Forces.

20 “(2) In determining coverage of members of the re-
 21 serve components of the Armed Forces under the com-
 22 prehensive program, the Secretary shall consult with the
 23 Secretary of Defense.”.

1 (2) CONFORMING AMENDMENTS.—Such section
2 is further amended—

3 (A) in subsection (a), by striking “vet-
4 erans” and inserting “covered individuals”;

5 (B) in subsection (b), by striking “vet-
6 erans” each place it appears and inserting “cov-
7 ered individuals”;

8 (C) in subsection (c)—

9 (i) in the subsection heading, by strik-
10 ing “OF VETERANS”;

11 (ii) by striking “veterans” each place
12 it appears and inserting “covered individ-
13 uals”; and

14 (iii) by striking “veteran” and insert-
15 ing “individual”;

16 (D) in subsection (d), by striking “to vet-
17 erans” each place it appears and inserting “to
18 covered individuals”;

19 (E) in subsection (e), in the matter pre-
20 ceding paragraph (1), by striking “veterans”
21 and inserting “covered individuals”;

22 (F) in subsection (f)—

23 (i) in the first sentence, by striking
24 “veterans” and inserting “covered individ-
25 uals”; and

1 (ii) in the second sentence, by insert-
2 ing “or members” after “veterans”;

3 (G) in subsection (g), by striking “vet-
4 erans” and inserting “covered individuals”;

5 (H) in subsection (h), by striking “vet-
6 erans” and inserting “covered individuals”;

7 (I) in subsection (i)—

8 (i) in the subsection heading, by strik-
9 ing “FOR VETERANS AND FAMILIES”;

10 (ii) in the matter preceding paragraph
11 (1), by striking “veterans and the families
12 of veterans” and inserting “covered indi-
13 viduals and the families of covered individ-
14 uals”;

15 (iii) in paragraph (2), by striking
16 “veterans” and inserting “covered individ-
17 uals”; and

18 (iv) in paragraph (4), by striking
19 “veterans” each place it appears and in-
20 serting “covered individuals”;

21 (J) in subsection (j)—

22 (i) in paragraph (1), by striking “vet-
23 erans” each place it appears and inserting
24 “covered individuals”; and

25 (ii) in paragraph (4)—

1 (I) in subparagraph (A), in the
 2 matter preceding clause (i), by strik-
 3 ing “women veterans” and inserting
 4 “covered individuals who are women”;

5 (II) in subparagraph (B), by
 6 striking “women veterans who” and
 7 inserting “covered individuals who are
 8 women and”; and

9 (III) in subparagraph (C), by
 10 striking “women veterans” and insert-
 11 ing “covered individuals who are
 12 women”; and

13 (K) in subsection (k), by striking “vet-
 14 erans” and inserting “covered individuals”.

15 (3) CLERICAL AMENDMENTS.—

16 (A) IN GENERAL.—Such section is further
 17 amended, in the section heading, by inserting
 18 **“and members of the reserve compo-**
 19 **nents of the Armed Forces”** after **“vet-**
 20 **erans”**.

21 (B) TABLE OF SECTIONS.—The table of
 22 sections at the beginning of such subchapter is
 23 amended by striking the item relating to section
 24 1720F and inserting the following new item:

“1720F. Comprehensive program for suicide prevention among veterans and
 members of the reserve components of the Armed Forces.”.

1 (b) MENTAL HEALTH TREATMENT FOR INDIVIDUALS
2 WHO SERVED IN CLASSIFIED MISSIONS.—

3 (1) IN GENERAL.—Section 1720H of such title
4 is amended—

5 (A) in subsection (a)—

6 (i) in paragraph (1)—

7 (I) by striking “eligible veteran”
8 and inserting “eligible individual”;
9 and

10 (II) by striking “the veteran”
11 and inserting “the individual”; and

12 (ii) in paragraph (3), by striking “eli-
13 gible veterans” and inserting “eligible indi-
14 viduals”;

15 (B) in subsection (b)—

16 (i) by striking “a veteran” and insert-
17 ing “an individual”; and

18 (ii) by striking “eligible veteran” and
19 inserting “eligible individual”; and

20 (C) in subsection (c)—

21 (i) in paragraph (2), in the matter
22 preceding subparagraph (A), by striking
23 “The term ‘eligible veteran’ means a vet-
24 eran” and inserting “The term ‘eligible in-
25 dividual’ means a veteran or a member of

1 the reserve components of the Armed
2 Forces”; and

3 (ii) in paragraph (3), by striking “eli-
4 gible veteran” and inserting “eligible indi-
5 vidual”.

6 (2) CLERICAL AMENDMENTS.—

7 (A) IN GENERAL.—Such section is further
8 amended, in the section heading, by inserting
9 **“and members of the reserve compo-
10 nents of the Armed Forces”** after **“vet-
11 erans”**.

12 (B) TABLE OF SECTIONS.—The table of
13 sections at the beginning of chapter 17 of such
14 title is amended by striking the item relating to
15 section 1720H and inserting the following new
16 item:

“1720H. Mental health treatment for veterans and members of the reserve components of the Armed Forces who served in classified missions.”.

17 **SEC. 755. REPORT ON MENTAL HEALTH AND RELATED**
18 **SERVICES PROVIDED BY DEPARTMENT OF**
19 **VETERANS AFFAIRS TO MEMBERS OF THE**
20 **ARMED FORCES.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of the enactment of this Act, the Secretary of Vet-
23 erans Affairs shall submit to the congressional defense
24 committees and the Committees on Veterans’ Affairs of

1 the Senate and the House of Representatives a report that
2 includes an assessment of the following:

3 (1) The increase, as compared to the day before
4 the date of the enactment of this Act, of the number
5 of members of the Armed Forces that use readjust-
6 ment counseling or outpatient mental health care
7 from the Department of Veterans Affairs,
8 disaggregated by State, Vet Center location, and
9 clinical care site of the Department, as appropriate.

10 (2) The number of members of the reserve com-
11 ponents of the Armed Forces receiving telemental
12 health care from the Department.

13 (3) The increase, as compared to the day before
14 the date of the enactment of this Act, of the annual
15 cost associated with readjustment counseling and
16 outpatient mental health care provided by the De-
17 partment to members of the reserve components of
18 the Armed Forces.

19 (4) The changes, as compared to the day before
20 the date of the enactment of this Act, in staffing,
21 training, organization, and resources required for
22 the Department to offer readjustment counseling
23 and outpatient mental health care to members of the
24 reserve components of the Armed Forces.

8 SEC. 756. PILOT PROGRAM ON SLEEP APNEA AMONG NEW
9 RECRUITS.

15 (b) PARTICIPATION.—

(2) SPECIAL RULE.—The Secretary may not disqualify a member from service in the Armed Forces by reason of the member being diagnosed with sleep apnea pursuant to the pilot program under subsection (a).

1 (c) PROCESS.—The Secretary shall carry out the pilot
2 program by testing members for sleep apnea using non-
3 invasive methods over the course of 2 consecutive nights
4 that allow for 6 to 8 hours of sleep.

5 **SEC. 757. REPORT ON RESEARCH AND STUDIES ON HEALTH**
6 **EFFECTS OF BURN PITS.**

7 The Secretary of Defense shall submit to the congres-
8 sional defense committees and the Committees on Vet-
9 erans' Affairs of the House of Representatives and the
10 Senate a detailed report on the status, methodology, and
11 culmination timeline of all the research and studies being
12 conducted to assess the health effects of burn pits. The
13 report shall include an identification of any challenges and
14 potential challenges with respect to completing such re-
15 search and studies and recommendations to address such
16 challenges.

17 **SEC. 758. MANDATORY TRAINING ON HEALTH EFFECTS OF**
18 **BURN PITS.**

19 The Secretary of Defense shall provide to each med-
20 ical provider of the Department of Defense mandatory
21 training with respect to the potential health effects of burn
22 pits.

1 **SEC. 759. INCLUSION OF INFORMATION ON EXPOSURE TO**
2 **OPEN BURN PITS IN POSTDEPLOYMENT**
3 **HEALTH REASSESSMENTS.**

4 (a) IN GENERAL.—The Secretary of Defense shall in-
5 clude in postdeployment health reassessments conducted
6 under section 1074f of title 10, United States Code, pur-
7 suant to a Department of Defense Form 2796, or suc-
8 cessor form, an independent and conspicuous question re-
9 garding exposure of members of the Armed Forces to open
10 burn pits.

11 (b) INCLUSION IN ASSESSMENTS BY MILITARY DE-
12 PARTMENTS.—The Secretary of Defense shall ensure that
13 the Secretary of each military department includes a ques-
14 tion regarding exposure of members of the Armed Forces
15 to open burn pits in any electronic postdeployment health
16 assessment conducted by that military department.

17 (c) OPEN BURN PIT DEFINED.—In this section, the
18 term “open burn pit” has the meaning given that term
19 in section 201(c) of the Dignified Burial and Other Vet-
20 erans’ Benefits Improvement Act of 2012 (Public Law
21 112–260; 38 U.S.C. 527 note).

1 **SEC. 760. EXPANSION OF SCOPE OF DEPARTMENT OF VET-**
2 **ERANS AFFAIRS OPEN BURN PIT REGISTRY**
3 **TO INCLUDE OPEN BURN PITS IN EGYPT AND**
4 **SYRIA.**

5 Section 201(c)(2) of the Dignified Burial and Other
6 Veterans' Benefits Improvement Act of 2012 (Public Law
7 112–260; 38 U.S.C. 527 note) is amended, in the matter
8 before subparagraph (A), by striking “or Iraq” and insert-
9 ing “, Iraq, Egypt, or Syria”.

10 **SEC. 761. PILOT PROGRAM ON TREATMENT OF CERTAIN**
11 **MEMBERS OF THE ARMED FORCES IM-**
12 **PACTED BY TRAUMATIC BRAIN INJURY AND**
13 **OTHER ASSOCIATED HEALTH FACTORS THAT**
14 **INFLUENCE LONG-TERM BRAIN HEALTH AND**
15 **PERFORMANCE.**

16 (a) PILOT PROGRAM.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense may commence the conduct of a
20 pilot program through the award of grants to carry
21 out a comprehensive brain health and treatment pro-
22 gram that provides coordinated, integrated, multi-
23 disciplinary specialist evaluations, treatment initi-
24 ation, and aftercare coordination to members of the
25 Army, Navy, Air Force, Marine Corps, and Space
26 Force impacted by traumatic brain injury and other

1 associated health factors that influence long-term
2 brain health and performance.

3 (2) ELEMENTS.—

4 (A) EVALUATIONS.—Multidisciplinary spe-
5 cialist evaluations under paragraph (1) shall in-
6 clude evaluations in the following specialties:

- 7 (i) Brain injury medicine.
- 8 (ii) Neuropsychology.
- 9 (iii) Clinical psychology.
- 10 (iv) Psychiatry.
- 11 (v) Neuroendocrinology.
- 12 (vi) Sports medicine.
- 13 (vii) Muscular skeletal and vestibular
14 physical therapy.
- 15 (viii) Neuroimaging.
- 16 (ix) Hormonal evaluation.
- 17 (x) Metabolic testing.
- 18 (xi) Cardiovascular testing.
- 19 (xii) Cerebrovascular testing.

20 (B) TREATMENT.—Treatment under para-
21 graph (1) shall include the following:

- 22 (i) Headache treatment.
- 23 (ii) Sleep interventions and medica-
24 tion.

1 (iii) Injection-based therapies for mus-
2 culoskeletal pain.

3 (iv) Cognitive rehabilitation.

4 (v) Vestibular physical therapy.

5 (vi) Exercise programming.

6 (b) ELIGIBLE INDIVIDUALS.—An individual is eligi-
7 ble to participate in the pilot program under this section
8 if the individual—

9 (1) is a member of the Army, Navy, Air Force,
10 Marine Corps, or Space Force who served on active
11 duty; and

12 (2) experienced an incident for which treatment
13 may be sought under the pilot program while per-
14 forming—

15 (A) active service; or

16 (B) active Guard and Reserve duty.

17 (c) MAXIMUM AMOUNT OF GRANTS.—In accordance
18 with the services being provided under a grant under this
19 section and the duration of those services, the Secretary
20 shall establish a maximum amount to be awarded under
21 the grant that is not greater than \$750,000 per grantee
22 per fiscal year.

23 (d) REQUIREMENTS FOR RECEIPT OF FINANCIAL AS-
24 SISTANCE.—

1 (1) NOTIFICATION THAT SERVICES ARE FROM
2 DEPARTMENT.—Each entity receiving financial as-
3 sistance under this section to provide services to eli-
4 gible individuals and their family shall notify the re-
5 cipients of such services that such services are being
6 paid for, in whole or in part, by the Department.

7 (2) COORDINATION WITH OTHER SERVICES
8 FROM DEPARTMENT.—Each entity receiving a grant
9 under this section shall coordinate with the Sec-
10 retary with respect to the provision of clinical serv-
11 ices to eligible individuals in accordance with any
12 other provision of law regarding the delivery of
13 healthcare under the laws administered by the Sec-
14 retary.

15 (3) MEASUREMENT AND MONITORING.—Each
16 entity receiving a grant under this section shall sub-
17 mit to the Secretary a description of the tools and
18 assessments the entity uses or will use to determine
19 the effectiveness of the services furnished by the en-
20 tity under this section, including the effect of those
21 services on—

22 (A) the financial stability of eligible indi-
23 viduals receiving those services;

1 (B) the mental health status, well-being,
2 and suicide risk of those eligible individuals;
3 and

4 (C) the social support of those eligible indi-
5 viduals.

6 (4) REPORTS.—The Secretary—

7 (A) shall require each entity receiving fi-
8 nancial assistance under this section to submit
9 to the Secretary an annual report that describes
10 the projects carried out with such financial as-
11 sistance during the year covered by the report,
12 including the number of eligible individuals
13 served;

14 (B) shall specify to each such entity the
15 evaluation criteria and data and information,
16 which shall include a mental health, well-being,
17 and suicide risk assessment of each eligible in-
18 dividual served, to be submitted in such report;
19 and

20 (C) may require such entities to submit to
21 the Secretary such additional reports as the
22 Secretary considers appropriate.

23 (e) TERMINATION.—The Secretary may not conduct
24 the pilot program under this section after the date that
25 is 3 years after the date of the enactment of this Act.

1 (f) REPORT.—Not later than 180 days after the date
 2 on which the pilot program under this section terminates,
 3 the Secretary shall submit to the Committees on Armed
 4 Services of the Senate and the House of Representatives
 5 a report on the effectiveness of the pilot program.

6 (g) DEFINITIONS.—In this section, the terms “active
 7 duty”, “active Guard and Reserve duty”, and “active serv-
 8 ice” have the meanings given those terms in section 101
 9 of title 10, United States Code.

10 **TITLE VIII—ACQUISITION POL-**
 11 **ICY, ACQUISITION MANAGE-**
 12 **MENT, AND RELATED MAT-**
 13 **TERS**

14 **Subtitle A—Acquisition Policy and**
 15 **Management**

16 **SEC. 801. CONGRESSIONAL NOTIFICATION OF TERMI-**
 17 **NATION OF A MIDDLE TIER ACQUISITION**
 18 **PROGRAM.**

19 Section 804 of the National Defense Authorization
 20 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
 21 2302 note), is amended by adding at the end the following
 22 new subsection:

23 “(e) REPORT.—Not later than 30 days after the date
 24 of termination of an acquisition program commenced
 25 using the authority under this section, the Secretary of

1 Defense shall submit to Congress a notification of such
2 termination. Such notice shall include—

3 “(1) the initial amount of a contract awarded
4 under such acquisition program;

5 “(2) the aggregate amount of funds awarded
6 under such contract; and

7 “(3) written documentation of the reason for
8 termination of such acquisition program.”.

9 **SEC. 802. MODIFICATION TO THE DEFINITION OF NON-**
10 **TRADITIONAL DEFENSE CONTRACTOR.**

11 Section 2302(9) of title 10, United States Code, is
12 amended to read as follows:

13 “(9) the term ‘nontraditional defense con-
14 tractor’, with respect to a procurement or with re-
15 spect to a transaction authorized under section
16 2371(a) or 2371b of this title, means—

17 “(A) an entity that is not currently per-
18 forming and has not performed, for at least the
19 one-year period preceding the solicitation of
20 sources by the Department of Defense for the
21 procurement or transaction, any contract or
22 subcontract for the Department of Defense that
23 is subject to full coverage under the cost ac-
24 counting standards prescribed pursuant to sec-

1 tion 1502 of title 41 and the regulations imple-
2 menting such section; or

3 “(B) a corporation all of the stock of
4 which is owned by an employee stock ownership
5 plan (as defined in section 4975(e)(7) of the In-
6 ternal Revenue Code of 1986).”.

7 **SEC. 803. MAJOR WEAPON SYSTEMS: LIFE-CYCLE**
8 **SUSTAINMENT PLAN.**

9 (a) IN GENERAL.—Chapter 139 of title 10, United
10 States Code, is amended by inserting after section 2366c
11 the following new section:

12 **“§ 2366d. Major weapon systems: life-cycle**
13 **sustainment plans**

14 “(a) REQUIREMENT.—Before granting Milestone C
15 approval for a major weapon system acquired pursuant to
16 a major defense acquisition program, the milestone deci-
17 sion authority for such program shall submit to the Sec-
18 retary a life-cycle sustainment plan.

19 “(b) ELEMENTS.—A life-cycle sustainment plan re-
20 quired under subsection (a) shall include—

21 “(1) a sustainment plan that includes the prod-
22 uct support strategy, performance, and operation
23 and support costs of the major weapon system;

1 “(2) metrics to measure readiness and avail-
2 ability of the major weapon system to perform its in-
3 tended purpose or function;

4 “(3) a schedule for the major maintenance and
5 overhaul activities that will be required during the
6 life cycle of the major weapon system; and

7 “(4) a sustainment baseline cost estimate for
8 the planned life cycle of the major weapon system
9 that includes a technical data and intellectual prop-
10 erty management plan that clearly delineates which
11 subsystems of the major weapon system are Govern-
12 ment-owned or Government-required and which sub-
13 systems are owned by a prime contractor or subcon-
14 tractor (at any tier).

15 “(c) REVIEW.—The Secretary of Defense shall review
16 a life-cycle sustainment plan submitted under subsection
17 (a) 5 years after the receipt of Milestone C approval de-
18 scribed in such subsection, and every 10 years thereafter,
19 to ensure that the major weapon system is cost effective
20 and is able to meet required metrics relating to readiness
21 and availability of such system.

22 “(d) NOTIFICATION REQUIREMENTS.—

23 “(1) IN GENERAL.—Not later than 45 days
24 after a significant and critical breach of a
25 sustainment baseline cost estimate of a life-cycle

1 sustainment plan for a major weapon system ac-
2 quired pursuant to a major defense acquisition pro-
3 gram, the Secretary of the military department that
4 is managing such program shall submit to the con-
5 gressional defense committees a notification of such
6 breach.

7 “(2) REVIEW.—Not later than 180 days after
8 submitting a notification under paragraph (1), such
9 Secretary shall review the sustainment costs of the
10 major weapon system to which such notification re-
11 lates relative to the sustainment baseline cost esti-
12 mate.

13 “(3) ADDITIONAL SUBMISSION.—Such Sec-
14 retary shall submit to the congressional defense com-
15 mittees—

16 “(A) a certification that the review re-
17 quired under paragraph (2) has been com-
18 pleted; and

19 “(B) a remediation plan or endorsement by
20 such Secretary that the sustainment cost
21 growth is justified and required for such Sec-
22 retary to meet the requirements related to the
23 major defense acquisition program.

24 “(e) DEFINITIONS.—In this section:

1 “(1) MAJOR DEFENSE ACQUISITION PRO-
2 GRAM.—The term ‘major defense acquisition pro-
3 gram’ has the meaning given in section 2430 of this
4 title.

5 “(2) MAJOR WEAPON SYSTEM.—The term
6 ‘major weapon system’ has the meaning given in sec-
7 tion 2379(f) of this title.

8 “(3) MILESTONE C APPROVAL.—The term
9 ‘Milestone C approval’ means a decision to enter
10 into production and deployment pursuant to guid-
11 ance prescribed by the Secretary of Defense for the
12 management of a major defense acquisition pro-
13 gram.

14 “(4) SUSTAINMENT BASELINE COST ESTI-
15 MATE.—The term ‘sustainment baseline cost esti-
16 mate’ means the cost estimate and schedule for a
17 life-cycle sustainment plan required under this sec-
18 tion.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 139 of title 10, United States
21 Code, is amended by inserting after the item relating to
22 section 2366c the following new item:

“2366d. Major weapon systems: life-cycle sustainment plans.”.

1 **SEC. 804. CONTRACTOR BUSINESS SYSTEMS.**

2 Section 893 of the Ike Skelton National Defense Au-
3 thorization Act for Fiscal Year 2011 (Public Law 111-
4 383; 10 U.S.C. 2302 note) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (2), by striking “signifi-
7 cant deficiencies” and inserting “deficiencies
8 and material weaknesses”;

9 (B) in paragraph (4), by striking “signifi-
10 cant deficiency” and inserting “material weak-
11 ness”; and

12 (C) in paragraph (5)(A), by striking “sig-
13 nificant deficiency” and inserting “material
14 weakness”;

15 (2) in subsection (d)(1), by striking “significant
16 deficiencies” and inserting “material weaknesses”;

17 (3) in subsection (g)—

18 (A) in paragraph (3), by striking “signifi-
19 cant deficiency” and inserting “material weak-
20 ness”;

21 (B) by striking paragraph (4);

22 (C) by redesignating paragraph (5) as
23 paragraph (4); and

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

1 “(5) The term ‘material weakness’ means a de-
2 ficiency or combination of deficiencies in the internal
3 control of a contractor business system used to com-
4 ply with contracting requirements of the Department
5 of Defense, or other shortcomings in such system,
6 such that there is a reasonable possibility that a ma-
7 terial noncompliance with contracting requirements
8 will not be prevented, or detected and corrected, on
9 a timely basis.”.

10 **SEC. 805. ACQUISITION AUTHORITY OF THE DIRECTOR OF**
11 **THE JOINT ARTIFICIAL INTELLIGENCE CEN-**
12 **TER.**

13 (a) AUTHORITY.—

14 (1) IN GENERAL.—The Director of the Joint
15 Artificial Intelligence Center shall be responsible for,
16 and shall have the authority to conduct, the fol-
17 lowing covered activities:

18 (A) Development and acquisition of artifi-
19 cial intelligence technologies, services, and capa-
20 bilities.

21 (B) Sustainment of artificial intelligence
22 technologies, services, and capabilities.

23 (2) ACQUISITION FUNCTIONS.—Subject to the
24 authority, direction, and control of the Secretary of
25 Defense, the Director shall have authority to exer-

1 cise the functions of a head of an agency (as defined
2 in section 2302 of title 10, United States Code) with
3 respect to a covered activity described in paragraph
4 (1).

5 (b) JAIC ACQUISITION EXECUTIVE.—

6 (1) IN GENERAL.—The staff of the Director
7 shall include an acquisition executive who shall be
8 responsible for the supervision of covered activities
9 under subsection (a). The acquisition executive shall
10 have the authority—

11 (A) to negotiate memoranda of agreement
12 with any element of the Department of Defense
13 to carry out the acquisition of technologies,
14 services, and capabilities described in subsection
15 (a)(1) on behalf of the Center;

16 (B) to supervise the acquisition of tech-
17 nologies, services, and capabilities described in
18 subsection (a)(1);

19 (C) to represent the Center in discussions
20 with military departments regarding acquisition
21 programs relating to covered activities for which
22 the Center is involved; and

23 (D) to work with the military departments
24 to ensure that the Center is appropriately rep-
25 resented in any joint working group or inte-

1 grated product team regarding acquisition pro-
2 grams relating to covered activities for which
3 the Center is involved.

4 (2) DELIVERY OF ACQUISITION SOLUTIONS.—

5 The acquisition executive of the Center shall be—

6 (A) responsible to the Director for rapidly
7 delivering acquisition solutions to meet vali-
8 dated artificial intelligence requirements;

9 (B) subordinate to the Under Secretary of
10 Defense for Acquisition and Sustainment in
11 matters of acquisition;

12 (C) subject to the same oversight as the
13 service acquisition executives; and

14 (D) included on the distribution list for ac-
15 quisition directives and instructions of the De-
16 partment of Defense.

17 (c) ACQUISITION PERSONNEL.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall provide the Center with ten full-time employees
20 to support the Director in carrying out the require-
21 ments of this section. Such employees shall have ex-
22 perience in—

23 (A) program acquisition;

24 (B) the Joint Capabilities Integration and
25 Development System process;

- 1 (C) program management;
- 2 (D) system engineering; and
- 3 (E) cost analysis.

4 (2) EXISTING PERSONNEL.—The personnel pro-
5 vided under this subsection shall be provided from
6 among the existing personnel of the Department of
7 Defense.

8 (d) BUDGET.—Any budget proposal of the Center for
9 funding for any covered activity described under sub-
10 section (a) shall be disaggregated by the amount requested
11 for each covered activity.

12 (e) FUNDING.—In exercising the authority granted in
13 subsection (a), the Director may not obligate or expend
14 more than \$150,000,000 out of the funds made available
15 in each of fiscal years 2021, 2022, 2023, 2024, and 2025
16 to enter into new contracts to support covered activities
17 carried out under this section.

18 (f) IMPLEMENTATION PLAN REQUIRED.—

19 (1) IN GENERAL.—The Secretary of Defense
20 may use the authority granted under subsection (a)
21 30 days after the date on which the Secretary pro-
22 vides to the congressional defense committees a plan
23 for implementation such authority. The plan shall
24 include the following:

1 (A) A Department of Defense-wide defini-
2 tion of artificial intelligence technologies, serv-
3 ices, and capabilities.

4 (B) Summaries of the components to be
5 negotiated in any memoranda of agreement
6 with an element of the Department of Defense
7 to carry out covered activities described under
8 subsection (a).

9 (C) Timelines for the negotiation and ap-
10 proval of any such memorandum of agreement.

11 (D) Plan for oversight of the position of
12 acquisition executive established in subsection
13 (b).

14 (E) Assessment of the acquisition work-
15 force needs of the Center to support the author-
16 ity in subsection (a) until September 30, 2025.

17 (F) Other matters as appropriate.

18 (2) RELATIONSHIP TO OTHER AUTHORITIES.—

19 The requirement to submit a plan under this sub-
20 section is in addition to the requirements under sec-
21 tion 260 of the National Defense Authorization Act
22 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
23 1293).

24 (g) SUNSET.—Effective October 1, 2025, the Direc-
25 tor may not exercise the authority under subsection (a)

1 and may not enter into any new contracts under this sec-
2 tion. The performance on any contract entered into before
3 such date may continue according to the terms of such
4 contract.

5 (h) DEFINITIONS.—In this section:

6 (1) CENTER.—The term “Center” means the
7 Joint Artificial Intelligence Center of the Depart-
8 ment of Defense established pursuant to the memo-
9 randum of the Secretary of Defense dated June 27,
10 2018, and titled “Establishment of the Joint Artifi-
11 cial Intelligence Center”, or any successor to such
12 Center.

13 (2) COVERED ACTIVITY.—The term “covered
14 activity”—

15 (A) means an acquisition activity con-
16 ducted using the authority under this section;
17 and

18 (B) does not include—

19 (i) a major defense acquisition pro-
20 gram (as defined in section 2430 of title
21 10, United States Code); or

22 (ii) a procurement of technologies re-
23 lated to artificial intelligence, if the dura-
24 tion of such procurement is expected to be
25 greater than five years.

1 (3) DIRECTOR.—The term “Director” means
2 the Director of the Center.

3 (4) ELEMENT.—The term “element” means an
4 element described under section 111(b) of title 10,
5 United States Code.

6 (5) MILITARY DEPARTMENTS.—The term “mili-
7 tary departments” has the meaning given in section
8 101(8) of title 10, United States Code.

9 (6) SERVICE ACQUISITION EXECUTIVE.—The
10 term “service acquisition executive” has the meaning
11 given in section 101(10) of title 10, United States
12 Code.

13 **SEC. 806. REFORMING THE DEPARTMENT OF DEFENSE.**

14 (a) IN GENERAL.—The Secretary of Defense shall
15 take such action as necessary to reform the Department
16 of Defense to provide more effective, efficient, and eco-
17 nomical administration and operation, and to eliminate
18 duplication.

19 (b) NATIONAL DEFENSE STRATEGY.—Each national
20 defense strategy required by section 113(g) of title 10,
21 United States Code, shall include a description of the re-
22 form efforts described under subsection (a).

23 (c) DEFENSE PLANNING GUIDANCE.—The annual
24 Defense Planning Guidance (as described in section
25 113(g)(2)(A) of title 10, United States Code) shall include

1 an explanation of how the Department of Defense will
2 carry out the reform efforts described under subsection
3 (a).

4 (d) DEFENSE AUTHORIZATION REQUEST.—The Sec-
5 retary of Defense shall include in the annual defense au-
6 thorization request (as defined in section 113a of title 10,
7 United States Code) a description of the savings from im-
8 plementing the reform efforts described under subsection
9 (a). Such description—

10 (1) shall be set forth separately from requested
11 amounts;

12 (2) may not include savings relating to the
13 deferment of requirements or taking of risk;

14 (3) shall be identified across the future-years
15 defense plan; and

16 (4) shall provide a comparison with the savings
17 in the annual defense authorization request from the
18 prior year.

19 (e) POLICY.—The Secretary of Defense shall develop
20 a policy and issue guidance to implement reform within
21 the Department of Defense in order to provide more effec-
22 tive, efficient, and economical administration and oper-
23 ations, and to eliminate duplication.

24 (f) REPORT.—The Secretary of Defense shall report
25 annually to Congress on the expenditures, work, and ac-

1 accomplishments of the Department of Defense during the
2 period covered by the report, together with a report on
3 the reform efforts described under subsection (a).

4 (g) MILITARY DEPARTMENTS.—Each Secretary of a
5 military department shall—

6 (1) take such action as necessary to reform the
7 military department to provide more effective, effi-
8 cient, and economical administration and operations,
9 and to eliminate duplication; and

10 (2) develop a policy and issue guidance to im-
11 plement reform within the military department in
12 order to provide more effective, efficient, and eco-
13 nomical administration and operations, and to elimi-
14 nate duplication.

15 (h) COMBATANT COMMANDS.—Each commander of a
16 combatant command shall provide the Secretary of De-
17 fense with recommendations to reform the combatant com-
18 mand of such commander to provide more effective, effi-
19 cient, and economical administration and operations, and
20 to eliminate duplication.

21 **SEC. 807. ALTERNATIVE SPACE ACQUISITION SYSTEM FOR**
22 **THE UNITED STATES SPACE FORCE.**

23 (a) MILESTONE DECISION AUTHORITY FOR MAJOR
24 DEFENSE ACQUISITION PROGRAMS AND MAJOR SYS-
25 TEMS.—

1 (1) PROGRAM EXECUTIVE OFFICER.—The Sec-
2 retary of the Air Force may assign an appropriate
3 program executive officer as the milestone decision
4 authority for major defense acquisition programs of
5 the United States Space Force.

6 (2) PROGRAM MANAGER.—The program execu-
7 tive officer assigned under paragraph (1) may dele-
8 gate authority over major systems to an appropriate
9 program manager.

10 (b) ALTERNATIVE SPACE ACQUISITION SYSTEM.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall take such actions necessary to develop an ac-
13 quisition pathway within the Department of Defense
14 to be known as the “Alternative Space Acquisition
15 System” that is specifically tailored for space sys-
16 tems and programs in order to achieve faster acqui-
17 sition and more rapid fielding of critical systems (in-
18 cluding by using new commercial capabilities and
19 services), while maintaining accountability for effec-
20 tive programs that are delivered on time and on
21 budget.

22 (2) GOAL.—The goal of the Alternative Space
23 Acquisition System shall be to quickly and effectively
24 acquire space warfighting capabilities needed to ad-
25 dress the requirements of the national defense strat-

1 egy (as defined under section 113(g) of title 10,
2 United States Code).

3 (3) REPORT.—Not later than January 15,
4 2021, the Secretary of Defense shall submit to the
5 congressional defense committees a report on the Al-
6 ternative Space Acquisition System that includes the
7 following:

8 (A) Proposed United States Space Force
9 budget line items for fiscal year 2022, includ-
10 ing—

11 (i) a comparison with budget line
12 items for major defense acquisition pro-
13 grams and major systems of the United
14 States Space Force for three previous fis-
15 cal years; and

16 (ii) measures to ensure sufficient
17 transparency related to the performance of
18 the Alternative Space Acquisition System
19 and opportunities to oversee funding prior-
20 ities for the Alternative Space Acquisition
21 System.

22 (B) Proposed revised, flexible, and stream-
23 lined options for joint requirements validation
24 in order to be more responsive and innovative,
25 while ensuring the ability of the Joint Chiefs of

1 Staff to ensure top-level system requirements
2 are properly prioritized to address joint
3 warfighting needs.

4 (C) A list of acquisition programs of the
5 United States Space Force for which multiyear
6 procurement authorities are recommended.

7 (D) A list of space acquisition programs
8 that may be able to use existing alternative ac-
9 quisition pathways.

10 (E) Policies for a new Alternative Space
11 Acquisition System with specific acquisition key
12 decision points and reporting requirements for
13 development, fielding, and sustainment activi-
14 ties that meets the requirements of the adaptive
15 acquisition framework (as described in Depart-
16 ment of Defense Instruction 5000.02, “Oper-
17 ation of the Adaptive Acquisition Framework”).

18 (F) Updated determination authority for
19 procurement of useable end items that are not
20 weapon systems.

21 (G) Policies and a governance structure for
22 a separate United States Space Force budget
23 topline, corporate process, and portfolio man-
24 agement process.

1 (H) An analysis of the risks and benefits
2 of the delegation of the authority of the head of
3 contracting activity authority to the Chief of
4 Space Operations in a manner that would not
5 expand the operations of the United States
6 Space Force.

7 (c) COMPTROLLER GENERAL REVIEW.—Not later
8 than 60 days after the submission of the report required
9 under subsection (b)(3), the Comptroller General of the
10 United States shall review such report and submit to the
11 congressional defense committees an analysis and rec-
12 ommendations based on such report.

13 (d) DEFINITIONS.—In this section:

14 (1) MAJOR DEFENSE ACQUISITION PROGRAM.—
15 The term “major defense acquisition program” has
16 the meaning given in section 2430 of title 10,
17 United States Code.

18 (2) MAJOR SYSTEM.—The term “major system”
19 has the meaning given in section 2302 of title 10,
20 United States Code.

21 (3) MILESTONE DECISION AUTHORITY.—The
22 term “milestone decision authority” has the meaning
23 given in section 2431a of title 10, United States
24 Code.

1 (4) PROGRAM EXECUTIVE OFFICER; PROGRAM
 2 MANAGER.—The terms “program executive officer”
 3 and “program manager” have the meanings given
 4 those terms, respectively, in section 1737 of title 10,
 5 United States Code.

6 **Subtitle B—Amendments to Gen-**
 7 **eral Contracting Authorities,**
 8 **Procedures, and Limitations**

9 **SEC. 811. SUSTAINMENT REFORM FOR THE DEPARTMENT**
 10 **OF DEFENSE.**

11 (a) SUSTAINMENT ACTIVITIES IN THE NATIONAL
 12 DEFENSE STRATEGY.—

13 (1) IN GENERAL.—Section 113(g)(1)(B) of title
 14 10, United States Code, is amended by adding at
 15 the end the following new subsection:

16 “(vii) A strategic framework pre-
 17 scribed by the Secretary that guides how
 18 the Department will prioritize and inte-
 19 grate activities relating to sustainment of
 20 major defense acquisition programs, core
 21 logistics capabilities (as described under
 22 section 2464 of this title), and the national
 23 technology and industrial base (as defined
 24 in section 2500 of this title).”.

1 (2) DUTIES OF THE UNDER SECRETARY OF DE-
2 FENSE FOR ACQUISITION AND SUSTAINMENT.—Sec-
3 tion 133b(b) of title 10, United States Code, is
4 amended—

5 (A) in paragraph (7), by striking “and” at
6 the end;

7 (B) in paragraph (8), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(9) advising the Secretary on all aspects of ac-
12 quisition and sustainment relating to—

13 “(A) major defense acquisition programs;

14 “(B) core logistics capabilities (as de-
15 scribed under section 2464 of this title);

16 “(C) the national technology and industrial
17 base (as defined in section 2500 of this title);
18 and

19 “(D) the development of the strategic
20 framework described in section
21 113(g)(1)(B)(vii) of this title.”.

22 (3) INTERIM GUIDANCE.—Not later than Octo-
23 ber 1, 2021, the Secretary of Defense shall publish
24 interim guidance to carry out the requirements of
25 this subsection.

1 (b) REPORT.—Not later than February 1, 2021, the
2 Secretary of Defense shall submit to the congressional de-
3 fense committees a report on the progress towards pub-
4 lishing the interim guidance required under subsection
5 (a)(3).

6 **SEC. 812. MODIFICATIONS TO COMPTROLLER GENERAL AS-**
7 **SESSMENT OF ACQUISITION PROGRAMS AND**
8 **RELATED INITIATIVES.**

9 Section 2229b(b)(2) of title 10, United States Code,
10 is amended by striking “a summary of” and all that fol-
11 lows through “discussion of the” and inserting “a discus-
12 sion of selected organizational, policy, and legislative
13 changes, as determined appropriate by the Comptroller
14 General, and the potential”.

15 **SEC. 813. CONTRACTOR WHISTLEBLOWER PROTECTIONS**
16 **RELATING TO NONDISCLOSURE AGREE-**
17 **MENTS.**

18 (a) DEPARTMENT OF DEFENSE CONTRACTORS.—

19 (1) IN GENERAL.—Section 2409(a) of title 10,
20 United States Code, is amended by adding at the
21 end the following new paragraph:

22 “(4) This section applies to any disclosure made by
23 an employee of a contractor, subcontractor, grantee, or
24 subgrantee or personal services contractor whether or not
25 such employee has signed, or is subject to, a nondisclosure

1 policy, form, or agreement with such contractor, subcon-
2 tractor, grantee, or subgrantee or personal services con-
3 tractor.”.

4 (2) NOTIFICATION OF EMPLOYEES.—Section
5 2409(d) of title 10, United States Code, is amend-
6 ed—

7 (A) by striking “inform” and inserting
8 “submit to the Secretary or Administrator (as
9 applicable) a certification stating that such con-
10 tractor or subcontractor has informed”; and

11 (B) by inserting “(including the applica-
12 bility of such rights and remedies if such an
13 employee has signed, or is subject to, a non-
14 disclosure policy, form, or agreement)” after
15 “under this section”.

16 (3) APPLICATION.—With respect to a nondisclo-
17 sure policy, form, or agreement between a covered
18 contractor and a covered employee that was in effect
19 before the effective date of this Act, paragraph (4)
20 of section 2409(a) of title 10, United States Code,
21 as added by paragraph (1), shall apply if a covered
22 contractor has provided notice to a covered employee
23 of the rights and remedies of the covered employee
24 relating to a nondisclosure policy, form, or agree-

1 ment under section 2409(d) of such title, as amend-
2 ed by paragraph (2).

3 (4) WEBSITE UPDATE.—The Inspector General
4 of the Department of Defense and the Inspector
5 General of the National Aeronautics and Space Ad-
6 ministration shall update any relevant websites to
7 include information about this subsection and the
8 amendments made by this subsection.

9 (5) DEFINITIONS.—In this subsection:

10 (A) COVERED CONTRACTOR.—The term
11 “covered contractor” means a contractor,
12 grantee, or personal services contractor of the
13 Department of Defense or the National Aero-
14 nautics and Space Administration.

15 (B) COVERED EMPLOYEE.—The term
16 “covered employee” means an employee of a
17 covered contractor or a subcontractor or sub-
18 grantee of a covered contractor.

19 (b) OTHER GOVERNMENT CONTRACTORS.—

20 (1) IN GENERAL.—Section 4712(a) of title 41,
21 United States Code, is amended by adding at the
22 end the following new paragraph:

23 “(4) EFFECT OF A NONDISCLOSURE POLICY,
24 FORM, OR AGREEMENT.—This section applies to any
25 disclosure made by an employee of a contractor, sub-

1 contractor, grantee, or subgrantee or personal serv-
2 ices contractor whether or not such employee has
3 signed, or is subject to, a nondisclosure policy, form,
4 or agreement with such contractor, subcontractor,
5 grantee, or subgrantee or personal services con-
6 tractor.”.

7 (2) NOTIFICATION OF EMPLOYEES.—Section
8 4712(d) of title 41, United States Code, is amend-
9 ed—

10 (A) by striking “inform” and inserting
11 “submit to the applicable head of each executive
12 agency a certification stating that such con-
13 tractor or subcontractor has informed”; and

14 (B) by inserting “(including the applica-
15 bility of such rights and remedies if such an
16 employee has signed, or is subject to, a non-
17 disclosure policy, form, or agreement)” after
18 “under this section”.

19 (3) APPLICATION.—With respect to a nondisclo-
20 sure policy, form, or agreement between a covered
21 contractor and a covered employee that was in effect
22 before the effective date of this Act, paragraph (4)
23 of section 4712(a) of title 41, United States Code,
24 as added by paragraph (1), shall apply if a covered
25 contractor has provided notice to a covered employee

1 of the rights and remedies of the covered employee
2 relating to a nondisclosure policy, form, or agree-
3 ment under section 4712(d) of such title, as amend-
4 ed by paragraph (2).

5 (4) WEBSITE UPDATE.—Each Inspector Gen-
6 eral (as defined in section 4712(g) of title 41,
7 United States Code) shall update any relevant
8 websites to include information about this subsection
9 and the amendments made by this subsection.

10 (5) DEFINITIONS.—In this subsection:

11 (A) COVERED CONTRACTOR.—The term
12 “covered contractor” means a contractor,
13 grantee, or personal services contractor for a
14 Federal contract or grant (as defined for pur-
15 poses of division C of title 41).

16 (B) COVERED EMPLOYEE.—The term
17 “covered employee” means an employee of a
18 covered contractor or a subcontractor (at any
19 tier) or subgrantee (at any tier) of a covered
20 contractor.

21 (c) NOTIFICATION AND REMEDIES.—

22 (1) NOTIFICATION.—A covered contractor shall
23 inform the contracting officer responsible for any
24 contracts of such covered contractor—

1 (A) if a person engaged in the performance
2 of any such contract has been subjected to a re-
3 prisal prohibited by section 2409(a) of title 10,
4 United States Code, or section 4712(a) of title
5 41, United States Code, where such reprisal has
6 been substantiated;

7 (B) any investigation of a complaint relat-
8 ing to any such contract conducted by an In-
9 spector General pursuant to section 2409(b) of
10 title 10, United States Code, or section 4712(b)
11 of title 41, United States Code; and

12 (C) any action taken by a covered con-
13 tractor or a covered employee for any such con-
14 tract to address a substantiated reprisal de-
15 scribed in subparagraph (A).

16 (2) REMEDIES.—In addition to other remedies
17 available, if a covered contractor fails to comply with
18 the requirements of paragraph (1), the relevant head
19 of a Federal agency may—

20 (A) require the covered contractor to pro-
21 hibit a covered employee from performing a
22 contract if such covered employee has violated
23 section 2409(a) of title 10, United States Code,
24 or section 4712(a) of title 41, United States
25 Code;

1 (B) require the covered contractor to ter-
2minate a subcontract if the subcontractor for
3such subcontract has violated such sections;

4 (C) suspend payments to a covered con-
5tractor until such covered contractor has taken
6appropriate remedial action.

7 (3) DEFINITIONS.—In this subsection:

8 (A) COVERED CONTRACTOR.—The term
9“covered contractor” means—

10 (i) with respect to a contract of the
11Department of Defense or the National
12Aeronautics and Space Administration, a
13contractor, grantee, or personal services
14contractor; and

15 (ii) with respect to a Federal contract
16or grant (as defined for purposes of divi-
17sion C of title 41), a contractor, grantee,
18or personal services contractor for such a
19Federal contract or grant.

20 (B) COVERED EMPLOYEE.—The term
21“covered employee” means an employee of a
22covered contractor or a subcontractor (at any
23tier) or subgrantee (at any tier) of a covered
24contractor.

1 (d) TRAINING.—The Administrator of the Office of
2 Federal Procurement Policy shall update any required
3 training for Federal employees responsible for contract
4 oversight relating to—

5 (1) contracting certification requirements;

6 (2) processes for receiving a complaint from a
7 person alleging discrimination as a reprisal for dis-
8 closing information under section 2409(a) of title
9 10, United States Code, or section 4712(a) of title
10 41, United States Code; and

11 (3) prohibitions on contracting with entities
12 that require confidentiality agreements.

13 (e) CLARIFICATION OF WHISTLEBLOWER PROTEC-
14 TION FOR SUBCONTRACTORS AND SUBGRANTEES.—

15 (1) DEPARTMENT OF DEFENSE CONTRAC-
16 TORS.—Section 2409 of title 10, United States
17 Code, is amended—

18 (A) in subsection (a)(2)(G), by striking “or
19 subcontractor” and inserting “subcontractor,
20 grantee, or subgrantee”;

21 (B) in subsection (b)(1), by striking “to
22 the person” and all that follows through the pe-
23 riod at the end and inserting “to—

24 “(A) the person;

1 “(B) the contractor, subcontractor, grantee, or
2 subgrantee concerned; and

3 “(C) the head of the agency.”;

4 (C) in subsection (c)—

5 (i) in paragraph (1)—

6 (I) in the matter preceding sub-
7 paragraph (A), by striking “con-
8 tractor” and inserting “contractor,
9 subcontractor, grantee, or sub-
10 grantee”; and

11 (II) in subparagraphs (A), (B),
12 and (C), by striking “contractor” and
13 inserting “contractor, subcontractor,
14 grantee, or subgrantee concerned”;
15 and

16 (ii) in paragraph (2), by striking
17 “contractor” and inserting “contractor,
18 subcontractor, grantee, or subgrantee (as
19 applicable)”;

20 (D) in subsection (d), by striking “and
21 subcontractors” and inserting “subcontractors,
22 grantees, and subgrantees”; and

23 (E) in subsection (g), by adding at the end
24 the following new paragraphs:

1 “(8) The term ‘subgrantee’ includes a sub-
2 grantee at any tier.

3 “(9) The term ‘subcontractor’ includes a sub-
4 contractor at any tier.”.

5 (2) OTHER GOVERNMENT CONTRACTORS.—Sec-
6 tion 4712 of title 41, United States Code, is amend-
7 ed—

8 (A) in subsection (a)(2)(G), by striking “or
9 grantee” and inserting “grantee, or sub-
10 grantee”;

11 (B) in subsection (b)(1), by striking “to
12 the person” and all that follows through the pe-
13 riod at the end and inserting “to—

14 “(A) the person;

15 “(B) the contractor, subcontractor, grant-
16 ee, or subgrantee concerned; and

17 “(C) the head of the agency.”;

18 (C) in subsection (c)—

19 (i) in paragraph (1)—

20 (I) in the matter preceding sub-
21 paragraph (A), by striking “con-
22 tractor or grantee” and inserting
23 “contractor, subcontractor, grantee,
24 or subgrantee”; and

1 (II) in subparagraphs (A), (B),
 2 and (C), by striking “contractor or
 3 grantee” and inserting “contractor,
 4 subcontractor, grantee, or subgrantee
 5 concerned”; and

6 (ii) in paragraph (2), by striking
 7 “contractor or grantee” and inserting
 8 “contractor, subcontractor, grantee, or
 9 subgrantee (as applicable)”; and

10 (D) in subsection (d), by striking “and
 11 grantees” and inserting “grantees, and sub-
 12 grantees”; and

13 (E) in subsection (g), by adding at the end
 14 the following new paragraphs:

15 “(3) The term ‘subgrantee’ includes a sub-
 16 grantee at any tier.

17 “(4) The term ‘subcontractor’ includes a sub-
 18 contractor at any tier.”.

19 **SEC. 814. COMPETITION REQUIREMENTS FOR PURCHASES**
 20 **FROM FEDERAL PRISON INDUSTRIES.**

21 (a) COMPETITION REQUIREMENTS FOR PURCHASES
 22 FROM FEDERAL PRISON INDUSTRIES.—Subsections (a)
 23 and (b) of section 2410n of title 10, United States Code,
 24 are amended to read as follows:

1 “(a) MARKET RESEARCH.—Before purchasing a
2 product listed in the latest edition of the Federal Prison
3 Industries catalog published under section 4124(d) of title
4 18, the Secretary of Defense shall conduct market re-
5 search to determine whether such product—

6 “(1) is comparable to products available from
7 the private sector; and

8 “(2) best meets the needs of the Department of
9 Defense in terms of price, quality, and time of deliv-
10 ery.

11 “(b) COMPETITION REQUIREMENT.—If the Secretary
12 determines that a Federal Prison Industries product is not
13 comparable to products available from the private sector
14 and does not best meet the needs of the Department of
15 Defense in terms of price, quality, or time of delivery, the
16 Secretary shall use competitive procedures or make an in-
17 dividual purchase under a multiple award contract for the
18 procurement of the product. In conducting such a competi-
19 tion or making such a purchase, the Secretary shall con-
20 sider a timely offer from Federal Prison Industries.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect 60 days after the date of
23 the enactment of this Act.

1 **SEC. 815. DISCLOSURE OF BENEFICIAL OWNERS IN DATA-**
2 **BASE FOR FEDERAL AGENCY CONTRACT AND**
3 **GRANT OFFICERS.**

4 Section 2313(d)(3) of title 41, United States Code,
5 is amended by inserting “, and an identification of any
6 beneficial owner of such corporation,” after “to the cor-
7 poration”.

8 **SEC. 816. INCLUSION OF OPTICAL TRANSMISSION COMPO-**
9 **NENTS IN THE ANALYTICAL FRAMEWORK**
10 **FOR SUPPLY CHAIN RISKS.**

11 Section 2509(b)(2)(A)(ii) of title 10, United States
12 Code, is amended by striking “(other than optical trans-
13 mission components)”.

14 **SEC. 817. AMENDMENT TO DEFINITION OF QUALIFIED AP-**
15 **PRENTICE.**

16 Section 2870(d) of title 10, United States Code, is
17 amended—

18 (1) in paragraph (1), by inserting “or” at the
19 end;

20 (2) in paragraph (2), by striking “; or” at the
21 end and inserting a period; and

22 (3) by striking paragraph (3).

1 **SEC. 818. CONTRACT CLOSEOUT AUTHORITY FOR SERVICES**

2 **CONTRACTS.**

3 Section 836 of the National Defense Authorization
4 Act for Fiscal Year 2017 (10 U.S.C. 2302 note) is amend-
5 ed—

6 (1) by amending subsection (b)(1) to read as
7 follows:

8 “(1) was entered into—

9 “(A) with respect to a contract or group of
10 contracts for services, on a date that is the
11 later of—

12 “(i) at least 7 fiscal years before the
13 current fiscal year; and

14 “(ii) the number of years applicable to
15 the contract or group of contracts in sub-
16 part 4.7 of the Federal Acquisition Regula-
17 tion (as in effect on April 1, 2020);

18 “(B) with respect to a contract or group of
19 contracts not described in subparagraph (A), on
20 a date that is at least 17 fiscal years before the
21 current fiscal year;”;

22 (2) by redesignating subsections (f) and (g) as
23 subsections (g) and (h), respectively; and

24 (3) by inserting after subsection (e) the fol-
25 lowing new subsection:

1 “(f) OVERSIGHT.—The Secretary of Defense, acting
2 through the Director of the Defense Contract Manage-
3 ment Agency, shall establish and maintain a centralized
4 capability with necessary expertise and resources to pro-
5 vide oversight of the closeout of a contract or group of
6 contracts covered by this section.”.

7 **SEC. 819. PLAN TO IMPROVE DEPARTMENT-WIDE MANAGE-**
8 **MENT OF INVESTMENTS IN WEAPON SYS-**
9 **TEMS.**

10 (a) PORTFOLIO MANAGEMENT PLAN.—The Sec-
11 retary of Defense shall direct the Under Secretary of De-
12 fense for Acquisition and Sustainment, in coordination
13 with the Chairman of the Joint Chiefs of Staff, and the
14 Director of Cost Assessment and Program Evaluation, to
15 develop a plan to identify, develop, and acquire databases,
16 analytical and financial tools, and workforce skills to im-
17 prove the Department of Defense-wide assessment, man-
18 agement, and optimization of the investments in weapon
19 systems of the Department, including through consolida-
20 tion of duplicate or similar weapon system programs.

21 (b) PLAN CONTENTS.—The plan developed under
22 subsection (a) shall—

23 (1) describe the databases and analytical and fi-
24 nancial tools in use by the Department of Defense
25 that may be used to support the Department-wide

1 assessment, management, and optimization of the
2 investments in weapon systems of the Department;

3 (2) determine the database and analytical and
4 financial tool requirements that must be met, and
5 the workforce skills necessary, for more effective De-
6 partment-wide reviews, analyses, and management
7 by the Secretary of the investments in weapon sys-
8 tems of the Department;

9 (3) identify the skills described in paragraph
10 (2) that are possessed by the workforce of the De-
11 partment;

12 (4) identify the databases and analytical and fi-
13 nancial tools to be modified, developed, or acquired
14 to improve the Department-wide reviews, analyses,
15 and management of the investments in weapon sys-
16 tems of the Department; and

17 (5) set forth a timeline for implementing the
18 plan, including a timeline for the modification, devel-
19 opment, and acquisition of each database and ana-
20 lytical and financial tool identified under paragraph
21 (4).

22 (c) SUBMISSION TO CONGRESS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the Sec-

1 retary of Defense shall submit to Congress the plan
2 developed under subsection (a).

3 (2) FORM.—The plan submitted under para-
4 graph (1) shall be in an unclassified form but may
5 contain a classified annex.

6 **SEC. 820. DOCUMENTATION PERTAINING TO COMMERCIAL**
7 **ITEM DETERMINATIONS.**

8 Section 2380 of title 10, United States Code, is
9 amended by—

10 (1) redesignating subsection (b) as subsection
11 (c); and

12 (2) inserting after subsection (a) the following
13 new subsection:

14 “(b) DETERMINATIONS REGARDING THE COMMER-
15 CIAL NATURE OF PRODUCTS OR SERVICES.—

16 “(1) IN GENERAL.—A contracting officer of the
17 Department of Defense shall make a binding deter-
18 mination whether a particular product or service of-
19 fered by a contractor meets the definition of a com-
20 mercial product or commercial service. The con-
21 tracting officer may seek the advice of the cadre of
22 experts established pursuant to section 831(b)(2) of
23 the National Defense Authorization Act for Fiscal
24 Year 2013 (Public Law 112–239; 126 Stat. 1842;
25 10 U.S.C. 2306a note), or request the cadre of ex-

perts to make a determination that a product or service is a commercial product or commercial service.

“(2) MEMORANDUM.—Within 30 days after making a determination that a product or service is a commercial product or commercial service, the contracting officer shall submit a written memorandum summarizing the determination, consistent with the template in Appendix B of the Department of Defense Guidebook for Acquiring Commercial Items (issued January 2018 and revised July 2019), to—

“(A) the Director of the Defense Contract Management Agency for inclusion in any database established to fulfill the requirements of subsection (a)(2); and

“(B) the contractor asserting the commercial nature of the product or service.”.

SEC. 820A. GUIDELINES AND RESOURCES ON THE ACQUISITION OR LICENSING OF INTELLECTUAL PROPERTY.

Section 2322 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) GUIDELINES AND RESOURCES.—

1 “(1) IN GENERAL.—The Secretary of Defense,
2 acting through the Under Secretary of Defense for
3 Acquisition and Sustainment, shall develop guide-
4 lines and resources on the acquisition or licensing of
5 intellectual property, including—

6 “(A) model forms for specially negotiated
7 licenses described under section 2320(f) (as ap-
8 propriate); and

9 “(B) an identification of definitions, key
10 terms, examples, and case studies that resolve
11 ambiguities in the differences between—

12 “(i) detailed manufacturing and proc-
13 ess data;

14 “(ii) form, fit, and function data; and

15 “(iii) data required for operations,
16 maintenance, installation, and training.

17 “(2) CONSULTATION.—In developing the guide-
18 lines and resources described in paragraph (1), the
19 Secretary shall regularly consult with appropriate
20 stakeholders, including large and small businesses,
21 traditional and non-traditional contractors (including
22 subcontractors), and maintenance repair organiza-
23 tions.”.

1 **SEC. 820B. REQUIREMENTS CONCERNING FORMER DE-**
2 **PARTMENT OF DEFENSE OFFICIALS AND**
3 **LOBBYING ACTIVITIES.**

4 (a) REQUIREMENTS.—

5 (1) IN GENERAL.—Chapter 141 of title 10,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 2410t. Defense contractors report: requirements**
9 **concerning former Department of De-**
10 **fense officials and lobbying activities**

11 “(a) IN GENERAL.—Each contract for the procure-
12 ment of goods or services in excess of \$10,000,000, other
13 than a contract for the procurement of commercial prod-
14 ucts or commercial services, that is entered into by the
15 Secretary of Defense shall include a provision under which
16 the contractor agrees to submit to the Secretary of De-
17 fense, not later than April 1 of each year such contract
18 is in effect, a written report setting forth the information
19 required by subsection (b).

20 “(b) REPORT CONTENTS.—Except as provided in
21 subsection (c), a report by a contractor under subsection
22 (a) shall—

23 “(1) list the name of each person who—

24 “(A) is a former officer or employee of the
25 Department of Defense or a former or retired
26 member of the armed forces who served—

1 “(i) in an Executive Schedule position
2 under subchapter II of chapter 53 of title
3 5;

4 “(ii) in a position in the Senior Exec-
5 utive Service under subchapter VIII of
6 chapter 53 of title 5;

7 “(iii) in a position compensated at a
8 rate of pay for grade O–6 or above under
9 section 201 of title 37; or

10 “(iv) as a program manager, deputy
11 program manager, procuring contracting
12 officer, administrative contracting officer,
13 source selection authority, member of the
14 source selection evaluation board, or chief
15 of a financial or technical evaluation team
16 for such a contract; and

17 “(B) during the preceding calendar year
18 was provided compensation by the contractor, if
19 such compensation was first provided by the
20 contractor not more than four years after such
21 former officer or employee of the Department of
22 Defense, or such former or retired member of
23 the armed forces, left service in the Department
24 of Defense;

1 “(2) in the case of each person listed under
2 paragraph (1)(A)—

3 “(A) identify the department or entity in
4 which such person was employed or served on
5 active duty during the last two years of such
6 person’s service with the Department of De-
7 fense;

8 “(B) state such person’s job title and iden-
9 tify any project on which such person per-
10 formed any work or for which such person pro-
11 vided any goods pursuant to a contract with the
12 Department of Defense during the last two
13 years of such person’s service with the Depart-
14 ment; and

15 “(C) state such person’s current job title
16 with the contractor and identify each project on
17 which such person has performed any work or
18 for which such person provided any goods on
19 behalf of the contractor; and

20 “(3) if the contractor is a client, include—

21 “(A) a statement that—

22 “(i) lists each specific issue for which
23 the contractor, any employee of the con-
24 tractor, or any lobbyist paid by the con-

1 contractor engaged in lobbying activities di-
2 rected at the Department of Defense; and

3 “(ii) specifies the Federal rule or reg-
4 ulation, Executive order, or other program,
5 policy, contract, or position of the Depart-
6 ment of Defense to which the lobbying ac-
7 tivities described in clause (i) related;

8 “(iii) lists each lobbying activity di-
9 rected at the Department of Defense that
10 the contractor, any employee of the con-
11 tractor, or any lobbyist paid by the con-
12 tractor has engaged in on behalf of the
13 contractor, including—

14 “(I) each document prepared by
15 the contractor, any employee of the
16 contractor, or any lobbyist paid by the
17 contractor that was submitted to an
18 officer or employee of the Department
19 of Defense by the lobbyist;

20 “(II) each meeting that was a
21 lobbying contact with an officer or
22 employee of the Department of De-
23 fense, including the subject of the
24 meeting, the date of the meeting, and

1 the name and position of each indi-
2 vidual who attended the meeting;

3 “(III) each phone call made to an
4 officer or employee of the Department
5 of Defense that was a lobbying con-
6 tact, including the subject of the
7 phone call, the date of the phone call,
8 and the name and position of each in-
9 dividual who was on the phone call;
10 and

11 “(IV) each electronic communica-
12 tion sent to an officer or employee of
13 the Department of Defense that was a
14 lobbying contact, including the subject
15 of the electronic communication, the
16 date of the electronic communication,
17 and the name and position of each in-
18 dividual who received the electronic
19 communication;

20 “(iv) lists the name of each employee
21 of the contractor who—

22 “(I) did not participate in a lob-
23 bing contact with an officer or em-
24 ployee of the Department of Defense;
25 and

1 “(II) engaged in lobbying activi-
2 ties in support of a lobbying contact
3 with an officer or employee of the De-
4 partment of Defense; and

5 “(v) describes the lobbying activities
6 referred to in clause (iv)(II); and

7 “(B) a copy of any document transmitted
8 to an officer or employee of the Department of
9 Defense in the course of the lobbying activities
10 described in subparagraph (A)(iv)(II).

11 “(c) DUPLICATE INFORMATION NOT REQUIRED.—
12 An annual report submitted by a contractor pursuant to
13 subsection (b) need not provide information with respect
14 to any former officer or employee of the Department of
15 Defense or former or retired member of the armed forces
16 if such information has already been provided in a pre-
17 vious annual report filed by such contractor under this
18 section.

19 “(d) PUBLIC ACCESS TO REPORTS.—The Secretary
20 of Defense shall make any report described under sub-
21 section (a) publicly available on a website of the Depart-
22 ment of Defense not later than 45 days after the receipt
23 of such report.

24 “(e) DEFINITIONS.—In subsection (b)(3), the terms
25 ‘client’, ‘lobbying activities’, ‘lobbying contact’, and ‘lob-

1 byist’ have the meanings given the terms in section 3 of
 2 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603).”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
 4 tions at the beginning of chapter 141 of such title
 5 is amended by adding at the end the following new
 6 item:

“Sec. 2410t. Defense contractors: requirements concerning former Department
 of Defense officials.”.

7 (b) EFFECTIVE DATE.—The amendments made by
 8 subsection (a) shall take effect on the date of the enact-
 9 ment of this Act, and shall apply with respect to contracts
 10 entered into on or after that date.

11 **SEC. 820C. COMMERCIAL PRODUCT DETERMINATION AP-**
 12 **PLIES TO COMPONENTS AND SUPPORT SERV-**
 13 **ICES.**

14 Section 2306a(b)(4) of title 10, United States Code,
 15 is amended—

16 (1) in subparagraph (A), by striking “subse-
 17 quent procurements of such product or service” and
 18 inserting: “subsequent procurements of—

19 “(i) the commercial product;

20 “(ii) a component of the commercial
 21 product;

22 “(iii) a service for maintenance or re-
 23 pair of the commercial product; or

24 “(iv) the commercial service.”; and

1 (2) in subparagraph (B)—

2 (A) by striking “request a review” and in-
 3 serting the following: “provide a detailed expla-
 4 nation for not making the presumption de-
 5 scribed in subsection (A) along with a request
 6 for a review”; and

7 (B) by adding at the end the following:
 8 “When conducting such review, the head of the
 9 contracting activity may consider evidence of
 10 the commercial nature of the product or service
 11 under review that is provided by an offeror.”

12 **Subtitle C—Industrial Base** 13 **Matters**

14 **SEC. 821. QUARTERLY NATIONAL TECHNOLOGY AND IN-** 15 **DUSTRIAL BASE BRIEFINGS.**

16 (a) IN GENERAL.—Section 2504 of title 10, United
 17 States Code, is amended—

18 (1) by striking “The Secretary” and inserting
 19 the following:

20 “(a) ANNUAL REPORT.—The Secretary”; and

21 (2) by adding at the end the following new sub-
 22 section:

23 “(b) QUARTERLY BRIEFINGS.—(1) The Secretary of
 24 Defense shall ensure that the congressional defense com-
 25 mittees receive quarterly briefings on the progress of the

1 Department of Defense to address the prioritized list of
2 gaps or vulnerabilities in the national technology and in-
3 dustrial base described in subsection (a)(3)(B) as follows:

4 “(A) One quarterly briefing per year shall be
5 provided by the Secretary of the Army.

6 “(B) One quarterly briefing per year shall be
7 provided by the Secretary of the Navy.

8 “(C) One quarterly briefing per year shall be
9 provided by the Secretary of the Air Force.

10 “(D) One quarterly briefing per year shall be
11 provided by all appropriate heads of the Defense
12 Agencies identified under subsection (a)(3)(B)(ii).

13 “(2) Each briefing under paragraph (1) shall include
14 an update of the progress of addressing such gaps or
15 vulnerabilities by the Secretary concerned or the appro-
16 priate head of a Defense Agency, including an update
17 on—

18 “(A) actions taken to address such gaps or
19 vulnerabilities;

20 “(B) the mitigation strategies necessary to ad-
21 dress such gaps or vulnerabilities; and

22 “(C) the proposed timeline for action to address
23 such gaps or vulnerabilities.”.

24 (b) CONFORMING AND CLERICAL AMENDMENTS.—

1 (1) **HEADING AMENDMENT.**—The heading of
 2 section 2504 of such title is amended to read as fol-
 3 lows:

4 **“§ 2504. National technology and industrial base: an-**
 5 **nual report and quarterly briefings”.**

6 (2) **CLERICAL AMENDMENT.**—The table of sec-
 7 tions for subchapter II of chapter 148 of such title
 8 is amended by striking the item relating to section
 9 2504 and inserting the following new item:

“2504. National technology and industrial base: annual report and quarterly
 briefing.”.

10 **SEC. 822. EXPANSION ON THE PROHIBITION ON ACQUIRING**
 11 **CERTAIN METAL PRODUCTS.**

12 (a) **IN GENERAL.**—Section 2533c of title 10, United
 13 States Code, is amended—

14 (1) in subsection (a)(1), by striking “material
 15 melted” and inserting “material mined, refined, sep-
 16 arated, melted,”; and

17 (2) in subsection (c)(3)(A)(i), by striking
 18 “tungsten” and inserting “covered material”.

19 (b) **EFFECTIVE DATE.**—The amendments made by
 20 subsection (a) shall take effect on the date that is 3 years
 21 after the date of the enactment of this Act.

1 **SEC. 823. REQUIREMENT THAT CERTAIN SHIP COMPO-**
2 **NENTS BE MANUFACTURED IN THE NA-**
3 **TIONAL TECHNOLOGY AND INDUSTRIAL**
4 **BASE.**

5 (a) **TECHNICAL AMENDMENT.**—The second sub-
6 section (k) of section 2534 of title 10, United States Code
7 (relating to Implementation of Auxiliary Ship Component
8 Limitation), is redesignated as subsection (l).

9 (b) **COMPONENTS FOR AUXILIARY SHIPS.**—Section
10 2534(a) of title 10, United States Code, is amended by
11 adding at the end the following new paragraph:

12 “(6) **COMPONENTS FOR AUXILIARY SHIPS.**—
13 Subject to subsection (l), the following components:

14 “(A) Large medium-speed diesel engines.

15 “(B) Auxiliary equipment, including
16 pumps, for all shipboard services.

17 “(C) Propulsion system components, in-
18 cluding engines, reduction gears, and propellers.

19 “(D) Shipboard cranes.

20 “(E) Spreaders for shipboard cranes.”.

21 (c) **IMPLEMENTATION.**—Subsection (l) of section
22 2534 of title 10, United States Code, as redesignated by
23 subsection (a), is amended—

24 (1) by redesignating the second sentence to ap-
25 pear as flush text at the end;

1 (2) by striking “auxiliary ship after the date”
2 and inserting the following: “auxiliary ship—

3 “(1) with respect to large medium-speed diesel
4 engines described under subparagraph (A) of such
5 subsection, after the date”;

6 (3) in paragraph (1) (as so designated), by
7 striking “Navy.” and inserting “Navy; and”; and

8 (4) by inserting after paragraph (1) (as so des-
9 ignated) the following new paragraph:

10 “(2) with respect to components listed in sub-
11 paragraphs (B) through (E) of such subsection,
12 after the date of the enactment of the National De-
13 fense Authorization Act for Fiscal Year 2021 using
14 funds available for National Defense Sealift Fund
15 programs or Shipbuilding and Conversion, Navy.”.

16 **SEC. 824. PREFERENCE FOR SOURCING RARE EARTH MATE-**
17 **RIALS FROM THE NATIONAL TECHNOLOGY**
18 **AND INDUSTRIAL BASE.**

19 (a) IN GENERAL.—The Secretary of Defense shall,
20 to the maximum extent practicable, acquire materials that
21 are determined to be strategic and critical materials re-
22 quired to meet the defense, industrial, and essential civil-
23 ian needs of the United States in the following order of
24 preference:

1 (1) From sources located within the United
2 States.

3 (2) From sources located within the national
4 technology and industrial base (as defined in section
5 2500 of title 10, United States Code).

6 (3) From other sources as appropriate.

7 (b) ELIMINATE DEPENDENCY ON CHINA.—Not later
8 than 180 days after the date of the enactment of this Act,
9 the Under Secretary of Defense for Acquisition and
10 Sustainment, in consultation with the Under Secretary of
11 Defense (Comptroller), the Vice Chairman of the Joint
12 Chiefs of Staff, and the appropriate Under Secretary of
13 State, as designated by the Secretary of State, shall issue
14 guidance to ensure the elimination of the dependency of
15 the United States on rare earth materials from China by
16 fiscal year 2035.

17 **SEC. 825. ENHANCED DOMESTIC CONTENT REQUIREMENT**
18 **FOR MAJOR DEFENSE ACQUISITION PRO-**
19 **GRAMS.**

20 (a) ASSESSMENT REQUIRED.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the enactment of this Act, the Secretary
23 of Defense shall submit to the congressional defense
24 committees a report assessing the domestic source

1 content of any procurement carried out in connec-
2 tion with major defense acquisition programs.

3 (2) INFORMATION REPOSITORY.—The Secretary
4 of Defense shall establish an information repository
5 for the collection and analysis of information related
6 to domestic source content that can be used for con-
7 tinuous data analysis and program management ac-
8 tivities.

9 (b) ENHANCED DOMESTIC CONTENT REQUIRE-
10 MENT.—

11 (1) IN GENERAL.—For purposes of chapter 83
12 of title 41, United States Code, manufactured arti-
13 cles, materials, or supplies procured in connection
14 with a major defense acquisition program shall be
15 deemed to be manufactured substantially all from
16 articles, materials, or supplies mined, produced, or
17 manufactured in the United States, if such compo-
18 nent articles, materials, or supplies—

19 (A) not later than October 1, 2021, com-
20 prise 75 percent of the manufactured articles,
21 materials, or supplies;

22 (B) not later than October 1, 2022, com-
23 prise 80 percent of the manufactured articles,
24 materials, or supplies;

1 (C) not later than October 1, 2023, com-
2 prise 85 percent of the manufactured articles,
3 materials, or supplies;

4 (D) not later than October 1, 2024, com-
5 prise 90 percent of the manufactured articles,
6 materials, or supplies;

7 (E) not later than October 1, 2025, com-
8 prise 95 percent of the manufactured articles,
9 materials, or supplies; and

10 (F) not later than October 1, 2026, com-
11 prise 100 percent of the manufactured articles,
12 materials, or supplies.

13 (2) WAIVER.—Before Milestone A approval (as
14 defined in section 2366a(d) of title 10, United
15 States Code) is granted for a major defense acquisi-
16 tion program, the Secretary of Defense shall deter-
17 mine whether or not to grant a waiver of the re-
18 quirements of paragraph (1).

19 (3) EFFECTIVE DATE.—The domestic content
20 requirement under paragraph (1) applies to con-
21 tracts entered into on or after October 1, 2021.

22 (c) MAJOR DEFENSE ACQUISITION PROGRAM DE-
23 FINED.—In this section, the term “major defense acquisi-
24 tion program” has the meaning given in section 2430 of
25 title 10, United States Code.

1 **SEC. 826. ADDITIONAL REQUIREMENTS PERTAINING TO**
2 **PRINTED CIRCUIT BOARDS.**

3 (a) PURCHASES.—Beginning in fiscal year 2023, the
4 Secretary of Defense shall require that any contractor or
5 subcontractor that provides covered printed circuit boards
6 for use by the Department of Defense to certify that, of
7 the total value of the covered printed circuit boards pro-
8 vided by such contractor or subcontractor pursuant to a
9 contract with the Department of Defense, not less than
10 the percentages set forth in subsection (b) were manufac-
11 tured and assembled within a covered country.

12 (b) IMPLEMENTATION.—In making a certification
13 under subsection (a), a contractor or subcontractor shall
14 use the following percentages:

15 (1) During fiscal years 2023 through 2027, the
16 greater of—

17 (A) 50 percent; or

18 (B) 75 percent, if the Secretary of Defense
19 has determined that suppliers in covered coun-
20 tries are capable of supplying 75 percent of De-
21 partment of Defense requirements for printed
22 circuit boards.

23 (2) During fiscal years 2028 through 2032, the
24 greater of—

25 (A) 75 percent; or

1 (B) 100 percent, if the Secretary of De-
2 fense has determined that suppliers in covered
3 countries are capable of supplying 100 percent
4 of Department of Defense requirements for
5 printed circuit boards.

6 (3) Beginning in fiscal year 2033, 100 percent.

7 (c) REMEDIATION.—

8 (1) IN GENERAL.—In the event that a con-
9 tractor or subcontractor is unable to make the cer-
10 tification required under subsection (a), the Sec-
11 retary may accept covered printed circuit boards
12 from such contractor or subcontractor for up to 1
13 year while requiring the contractor to complete a re-
14 mediation plan. Such a plan shall be submitted to
15 the congressional defense committees and shall re-
16 quire the contractor or subcontractor that failed to
17 make the certification required under subsection (a)
18 to—

19 (A) audit its supply chain to identify any
20 areas of security vulnerability and noncompli-
21 ance with section 224 of the National Defense
22 Authorization Act for Fiscal Year 2020 (Public
23 Law 116–92); and

1 (B) meet the requirements of subsection
2 (a) within 1 year after the initial missed certifi-
3 cation deadline.

4 (2) RESTRICTION.—No contractor or subcon-
5 tractor that has supplied covered printed circuit
6 boards while under a remediation plan shall be eligi-
7 ble to enter into another remediation plan under
8 subsection (c) for a period of 5 years.

9 (d) WAIVER.—The Secretary of Defense may waive
10 the requirement under subsection (a) with respect to a
11 contractor or subcontractor if the Secretary determines
12 that—

13 (1) there are no significant national security
14 concerns regarding counterfeiting, quality, or unau-
15 thorized access created by accepting covered printed
16 circuit boards under such waiver; and

17 (2) the contractor is otherwise in compliance
18 with all relevant cybersecurity provisions relating to
19 members of the defense industrial base, including
20 section 224 of the National Defense Authorization
21 Act for Fiscal Year 2020 (Public Law 116–92).

22 (e) AVAILABILITY EXCEPTION.—Subsection (a) shall
23 not apply to the extent that the Secretary of Defense or
24 the Secretary of the military department concerned deter-
25 mines that covered printed circuit boards of satisfactory

1 quality and sufficient quantity, in the required form, can-
2 not be procured as and when needed from covered coun-
3 tries.

4 (f) DEFINITIONS.—In this section:

5 (1) COVERED COUNTRY.—The term “covered
6 country” means—

7 (A) the United States; or

8 (B) a foreign country whose government
9 has a memorandum of understanding or agree-
10 ment with the United States that—

11 (i) where applicable, complies with the
12 requirements of section 36 of the Arms
13 Export Control Act (22 U.S.C. 2776) and
14 with section 2457 of title 10, United
15 States Code; and

16 (ii) either—

17 (I) requires the United States to
18 purchase supplies from foreign
19 sources for the purposes of offsetting
20 sales made the by United States Gov-
21 ernment or United States firms under
22 approved programs serving defense re-
23 quirements; or

24 (II) under which the United
25 States and such government agree to

1 remove barriers to purchase supplies
2 produced in such foreign country or
3 services performed by sources of such
4 foreign country.

5 (2) COVERED PRINTED CIRCUIT BOARD.—

6 (A) IN GENERAL.—The term “covered
7 printed circuit board” means any printed circuit
8 board that is—

9 (i) a product that is not a commercial
10 product (as defined in section 103 of title
11 41, United States Code); or

12 (ii) a commercial product (as defined
13 in section 103 of title 41, United States
14 Code), other than a commercially available
15 off-the-shelf item (as defined in section
16 104 of title 41, United States Code) not
17 described in subparagraph (B).

18 (B) COMMERCIALY AVAILABLE OFF-THE-
19 SHELF ITEMS DESCRIBED.—The commercially
20 available off-the-shelf items (as defined in sec-
21 tion 104 of title 41, United States Code) de-
22 scribed in this subparagraph are such items
23 that are acquired under a contract with an
24 award value that is greater than the micro-pur-
25 chase threshold under section 2338 of title 10,

United States Code, for use as an integral component in a system designed for—

(i) telecommunications, including data communications and fifth-generation cellular communications;

(ii) data storage;

(iii) medical applications;

(iv) networking;

(v) computing;

(vi) radar;

(vii) munitions; or

(viii) any other system that the Secretary of Defense determines should be covered under this section.

(3) SUBCONTRACTOR.—The term “subcontractor” includes subcontractors at any tier.

SEC. 827. REPORT ON USE OF DOMESTIC NONAVAILABILITY DETERMINATIONS.

Not later than September 30, 2021, and annually thereafter, the Secretary of Defense shall submit a report to congressional defense committees—

(1) describing in detail the use of any waiver or exception by the Department of Defense to the requirements of chapter 83 of title 41, United States Code, or section 2533a of title 10, United States

1 Code, relating to domestic nonavailability determina-
2 tions;

3 (2) specifying the type of waiver or exception
4 used; and

5 (3) providing an assessment of the impact on
6 the use of such waivers or exceptions due to the
7 COVID–19 pandemic and associated challenges with
8 investments in domestic sources.

9 **SEC. 828. SENSE OF CONGRESS ON THE PROHIBITION ON**
10 **CERTAIN TELECOMMUNICATIONS AND VIDEO**
11 **SURVEILLANCE SERVICES OR EQUIPMENT.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) Prohibiting the use of telecommunications
14 and video surveillance products or services from cer-
15 tain Chinese entities within the Federal Govern-
16 ment’s supply chain is essential to our national secu-
17 rity.

18 (2) Section 889 of the John S. McCain Na-
19 tional Defense Authorization Act for Fiscal Year
20 2019 (Public Law 115–232; 132 Stat. 1917; 41
21 U.S.C. note prec. 3901) restricts Federal agencies
22 from procuring, contracting with entities that use, or
23 funding the purchase of certain telecommunications
24 products of Chinese companies determined by Con-

gress to pose a substantial threat to the security of our communication infrastructure.

(3) Specifically, section 889(a)(1)(B) of such Act, effective August 13, 2020, will prohibit Federal agencies from entering into, extending, or renewing a contract with an entity that uses covered telecommunications and video surveillance equipment or services from designated Chinese companies, including Huawei and ZTE, in their supply chains.

(4) As of July 1, 2020, the Federal Acquisition Regulatory Council has yet to release a draft rule for public comment on the implementation of the prohibitions described in section 889(a)(1)(B) of such Act, leaving Federal agencies and contractors that provide equipment and services to the Federal Government without implementation guidance necessary to adequately plan for or comply with the prohibitions.

(5) Belated, and then hurried, implementation of this critical prohibition puts at risk the Federal Government's ability to acquire essential goods and services and increases vulnerability in the supply chain through inconsistent implementation.

(6) A senior Department of Defense leader testified on June 10, 2020, that, "I am very concerned

1 about being able to implement [the prohibition] in
2 August, as well as totally comply within two years
3 * * * I believe we need more time”.

4 (7) Subsequent to the enactment of the John S.
5 McCain National Defense Authorization Act for Fis-
6 cal Year 2019 (Public Law 115–232), Congress es-
7 tablished the Federal Acquisition Security Council
8 (FASC)—comprised of senior officials from the Of-
9 fice of Management and Budget, General Services
10 Administration, Department of Defense, Department
11 of Homeland Security and the intelligence commu-
12 nity—to streamline the Federal Government’s sup-
13 ply chain risk management efforts and develop cri-
14 teria and processes for supply chain information
15 sharing among executive agencies.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) successful implementation of the prohibition
19 on using or procuring certain telecommunications
20 and video surveillance equipment under section 889
21 of the John S. McCain National Defense Authoriza-
22 tion Act for Fiscal Year 2019 (Public Law 115–232;
23 132 Stat. 1917; 41 U.S.C. note prec. 3901) is crit-
24 ical to protecting the supply chain of the Federal
25 Government, and Federal agencies should draw upon

1 the expert resources available (such as the Federal
2 Acquisition Security Council established under sub-
3 chapter III of chapter 13 of title 41, United States
4 Code) to ensure implementation of such prohibition
5 is done in a comprehensive and deliberative manner;
6 and

7 (2) the Federal Acquisition Regulatory Council
8 shall ensure successful implementation of such pro-
9 hibition by providing sufficient time for public com-
10 ment and review of any related rulemaking.

11 **SEC. 829. DOMESTIC SOURCING REQUIREMENTS FOR ALU-**
12 **MINUM.**

13 (a) FINDING.—Congress finds that aluminum pro-
14 duction capacity in the United States is critical to United
15 States national security.

16 (b) DESIGNATION OF ALUMINUM AS SPECIALTY
17 METAL.—Section 2533b(1) of title 10, United States
18 Code, is amended by adding at the end the following new
19 paragraph:

20 “(5) Aluminum and aluminum alloys.”

21 (c) FEDERAL HIGHWAY ADMINISTRATION.—Section
22 313(a) of title 23, United States Code, is amended by
23 striking “unless steel, iron, and manufactured products”
24 and inserting “unless steel, iron, aluminum, and manufac-
25 tured products”.

1 (d) FEDERAL TRANSIT ADMINISTRATION.—Section
2 5323(j) of title 49, United States Code, is amended—

3 (1) in paragraph (1), by striking “only if the
4 steel, iron, and manufactured goods” and inserting
5 “only if the steel, iron, aluminum, and manufactured
6 goods”;

7 (2) in paragraph (2)(B), by striking “steel,
8 iron, and goods” and inserting “steel, iron, alu-
9 minum, and manufactured goods”;

10 (3) in paragraph (5), by striking “or iron” and
11 inserting “, iron, or aluminum”;

12 (4) in paragraph (6)(A)(i), by inserting “, alu-
13 minum” after “iron”;

14 (5) in paragraph (10), by inserting “, alu-
15 minum” after “iron”; and

16 (6) in paragraph (12)—

17 (A) in the paragraph heading, by striking
18 “AND IRON” and inserting “, IRON, AND ALU-
19 MINUM”; and

20 (B) by striking “and iron” and inserting “,
21 iron, and aluminum”.

22 (e) FEDERAL RAILROAD ADMINISTRATION.—Section
23 22905(a) of title 49, United States Code, is amended—

24 (1) in paragraph (1), by striking “only if the
25 steel, iron, and manufactured goods” and inserting

1 “only if the steel, iron, aluminum, and manufactured
2 products”;

3 (2) in paragraph (2)(B), by inserting “, alu-
4 minum” after “iron”; and

5 (3) in paragraph (9), by inserting “, alu-
6 minum” after “iron”.

7 (f) FEDERAL AVIATION ADMINISTRATION.—Section
8 50101(a) of title 49, United States Code, is amended by
9 striking “steel and manufactured goods” and inserting
10 “steel, aluminum, and manufactured goods”.

11 (g) AMTRAK.—Section 24305(f)(2) of title 49, United
12 States Code, is amended by inserting “(including alu-
13 minum)” after “supplies” each place it appears.

14 **SEC. 830. REPORT ON ALUMINUM REFINING, PROCESSING,**
15 **AND MANUFACTURING.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that, consistent with any determinations made pur-
18 suant to section 101 of the Defense Production Act of
19 1950 (50 U.S.C. 4511), the refining of aluminum and the
20 development of processing and manufacturing capabilities
21 for aluminum, including a geographically diverse set of
22 such capabilities, may have important implications for the
23 defense industrial base and the national defense.

1 (b) REPORT.—Not later than September 30, 2021,
2 the Secretary of Defense shall submit to the appropriate
3 congressional committees a report on—

4 (1) how authorities under the Defense Produc-
5 tion Act of 1950 (50 U.S.C. 4501 et seq.) could be
6 used to provide incentives to increase activities relat-
7 ing to refining aluminum and the development of
8 processing and manufacturing capabilities for alu-
9 minum; and

10 (2) whether a new initiative would further the
11 development of such processing and manufacturing
12 capabilities for aluminum.

13 (c) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committees on Armed Services of
18 the Senate and the House of Representatives;
19 and

20 (B) the Committee on Financial Services
21 of the House of Representatives and the Com-
22 mittee on Banking, Housing, and Urban Affairs
23 of the Senate.

24 (2) NATIONAL DEFENSE.—The term “national
25 defense” shall have the same meaning as such term

1 under section 702 of the Defense Production Act of
2 1950 (50 U.S. C. 4552).

3 **SEC. 830A. BRIEFING ON THE SUPPLY CHAIN FOR SMALL**
4 **UNMANNED AIRCRAFT SYSTEM COMPO-**
5 **NENTS.**

6 (a) BRIEFING REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Under
8 Secretary of Defense for Acquisition and Sustainment, in
9 consultation with the Administrator of the National Aero-
10 nautics and Space Administration, shall provide to the ap-
11 propriate congressional committees a briefing on the sup-
12 ply chain for small unmanned aircraft system components,
13 including a discussion of current and projected future de-
14 mand for small unmanned aircraft system components.

15 (b) ELEMENTS.—The briefing under subsection (a)
16 shall include the following:

17 (1) The sustainability and availability of secure
18 sources of critical components domestically and from
19 sources in allied and partner nations.

20 (2) The cost, availability, and quality of secure
21 sources of critical components and other relevant in-
22 formation domestically and from sources in allied
23 and partner nations.

24 (3) The plan of the Department of Defense to
25 address any gaps or deficiencies presented in para-

1 graphs (1) and (2), including through the use of
2 funds available under the Defense Production Act of
3 1950 (50 U.S.C. 4501 et seq.) and partnerships
4 with the National Aeronautics and Space Adminis-
5 tration and other public and private stakeholders.

6 (4) Such other information as the Under Sec-
7 retary of Defense for Acquisition and Sustainment
8 determines to be appropriate.

9 (c) DEFINITIONS.—In this section:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the congressional defense committees;

14 (B) the Committee on Science, Space, and
15 Technology and the Committee on Transpor-
16 tation and Infrastructure of the House of Rep-
17 resentatives; and

18 (C) the Committee on Commerce, Science,
19 and Transportation of the Senate.

20 (2) SMALL UNMANNED AIRCRAFT; UNMANNED
21 AIRCRAFT SYSTEM.—The terms “small unmanned
22 aircraft” and “unmanned aircraft system” have the
23 meanings given, respectively, in section 44801 of
24 title 49, United States Code.

1 **SEC. 830B. PROHIBITION ON PROCUREMENT OR OPER-**
2 **ATION OF FOREIGN-MADE UNMANNED AIR-**
3 **CRAFT SYSTEMS.**

4 (a) PROHIBITION ON PROCUREMENT.—

5 (1) IN GENERAL.—Except as otherwise pro-
6 vided in this subsection, the head of an executive
7 agency may not procure any commercial off-the-shelf
8 drone or covered unmanned aircraft, or any compo-
9 nent thereof for use in such a drone or unmanned
10 aircraft, that is manufactured or assembled by a
11 covered foreign entity, including any flight control-
12 lers, radios, core processors, printed circuit boards,
13 cameras, or gimbals.

14 (2) EXEMPTION.—The Secretary of Homeland
15 Security and the Secretary of Defense are exempt
16 from the requirements of paragraph (1) if the oper-
17 ation or procurement—

18 (A) is for the purposes of training, testing,
19 or analysis for—

20 (i) counter-UAS system surrogate in-
21 telligence;

22 (ii) electronic warfare; or

23 (iii) information warfare operations;

24 and

25 (B) is required in the national interest of
26 the United States.

1 (3) PROCUREMENT OF PRINTED CIRCUIT
2 BOARDS.—

3 (A) IN GENERAL.—Beginning in fiscal year
4 2023, the head of an executive agency shall re-
5 quire that any contractor or subcontractor that
6 provides printed circuit boards for use in cov-
7 ered unmanned aircraft or commercial off-the-
8 shelf drones to certify that, of the total value of
9 the printed circuit boards provided by such con-
10 tractor or subcontractor pursuant to a contract
11 with an executive agency, not more than the
12 percentages set forth in subparagraph (B) were
13 manufactured and assembled by a covered for-
14 eign entity.

15 (B) PERCENTAGES.—In making a certifi-
16 cation under subsection (a), a contractor or
17 subcontractor shall use the following percent-
18 ages:

19 (i) During fiscal years 2023 through
20 2027, the lesser of—

21 (I) 50 percent; or

22 (II) 25 percent, if the relevant
23 head of an executive agency has deter-
24 mined that suppliers other than cov-
25 ered foreign entities are capable of

1 supplying 75 percent of the require-
2 ments of the executive agency for
3 printed circuit boards.

4 (ii) During fiscal years 2028 through
5 2032, the lesser of—

6 (I) 25 percent; or

7 (II) 0 percent, if the relevant
8 head of an executive agency has deter-
9 mined that suppliers other than cov-
10 ered foreign entities are capable of
11 supplying 100 percent the require-
12 ments of the executive agency for
13 printed circuit boards.

14 (C) REMEDIATION.—

15 (i) IN GENERAL.—If a contractor or
16 subcontractor is unable to make the certifi-
17 cation required under subparagraph (A),
18 the head of an executive agency may ac-
19 cept printed circuit boards from such con-
20 tractor or subcontractor for up to 1 year
21 while requiring the contractor to complete
22 a remediation plan. Such plan shall be sub-
23 mitted to Congress and shall require the
24 contractor or subcontractor that failed to

1 make the certification required under sub-
2 paragraph (A) to—

3 (I) audit its supply chain to iden-
4 tify any areas of security vulner-
5 ability; and

6 (II) meet the requirements of
7 subparagraph (A) within 1 year after
8 the initial missed certification dead-
9 line.

10 (ii) RESTRICTION.—No contractor or
11 subcontractor that has supplied printed
12 circuit boards while under a remediation
13 plan shall be eligible to enter into another
14 remediation plan under subparagraph (C)
15 for a period of 5 years.

16 (iii) WAIVER.—The head of an execu-
17 tive agency may waive the requirement
18 under subparagraph (A) with respect to a
19 contractor or subcontractor if the head of
20 an executive agency determines that—

21 (I) there are no significant na-
22 tional security concerns regarding
23 counterfeiting, quality, or unauthor-
24 ized access created by accepting print-

1 ed circuit boards under such waiver;
2 and

3 (II) the contractor is otherwise in
4 compliance with all cybersecurity re-
5 quirements applicable to such con-
6 tractor under Federal laws or regula-
7 tions.

8 (iv) AVAILABILITY EXCEPTION.—Sub-
9 paragraph (A) shall not apply to the extent
10 that the head of an executive agency deter-
11 mines that printed circuit boards of satis-
12 factory quality and sufficient quantity, in
13 the required form, cannot be procured as
14 and when needed from entities that are not
15 covered foreign entities.

16 (4) WAIVER.—The head of an executive agency
17 may waive the prohibition under paragraph (1), ex-
18 cept with respect to a contract to procure printed
19 circuit boards for use in covered unmanned aircraft
20 or commercial off-the-shelf drones, on a case-by-case
21 basis with the approval of the Secretary of Home-
22 land Security or the Secretary of Defense and notifi-
23 cation to Congress.

24 (5) COMPONENT PROHIBITION APPLICA-
25 BILITY.—Except as otherwise provided in this sub-

1 section, the prohibition under paragraph (1) regard-
2 ing components of commercial off-the-shelf drones or
3 covered unmanned aircraft shall apply only to con-
4 tracts for the procurement of such components that
5 are entered into on or after the date that is 2 years
6 after the date of the enactment of this Act.

7 (b) PROHIBITION ON OPERATION.—

8 (1) PROHIBITION.—

9 (A) IN GENERAL.—Beginning not later
10 than 180 days after the date of the enactment
11 of this Act, the head of an executive agency
12 may not operate a commercial off-the-shelf
13 drone or covered unmanned aircraft manufac-
14 tured or assembled by a covered foreign entity.

15 (B) PHASE-IN PERIOD FOR EXISTING CON-
16 TRACTS.—The prohibition under subparagraph
17 (A) shall not apply, during the 1-year period
18 beginning on the date of the enactment of this
19 Act, to commercial off-the-shelf drones and cov-
20 ered unmanned aircraft procured through a
21 contract entered into before the date of the en-
22 actment of this Act.

23 (2) EXEMPTION.—The Secretary of Homeland
24 Security and the Secretary of Defense are exempt

1 from the restriction under paragraph (1) if the oper-
2 ation—

3 (A) is for the purposes of training, testing,
4 or analysis for—

5 (i) counter-UAS system surrogate in-
6 telligence;

7 (ii) electronic warfare; or

8 (iii) information warfare operations;

9 and

10 (B) is required in the national interest of
11 the United States.

12 (3) WAIVER.—The head of an executive agency
13 may waive the prohibition under paragraph (1) on a
14 case-by-case basis with the approval of the Secretary
15 of Homeland Security or the Secretary of Defense
16 and notification to Congress.

17 (4) REGULATIONS.—Not later than 180 days
18 after the date of the enactment of this Act, the Di-
19 rector of the Office of Management and Budget, in
20 coordination with the Secretary of Homeland Secu-
21 rity, Secretary of Transportation, the Attorney Gen-
22 eral, and such other Federal departments and agen-
23 cies as determined by the Director of the Office of
24 Management and Budget, and in consultation with
25 the Under Secretary of Commerce for Standards

1 and Technology, shall establish a Governmentwide
2 policy for the operation of UASs for non-Depart-
3 ment of Defense and non-intelligence community op-
4 erations.

5 (c) PROHIBITION ON USE OF FEDERAL FUNDS.—
6 The requirements described in subsection (a) shall apply
7 with respect to the use of Federal funds awarded through
8 a contract, grant, or cooperative agreement, or made avail-
9 able to a State or local government, or any subdivision
10 thereof.

11 (d) COMPTROLLER GENERAL REPORT.—Not later
12 than 90 days after the date of the enactment of this Act,
13 the Comptroller General of the United States shall submit
14 to Congress a report on the quantity of commercial off-
15 the-shelf drones and covered unmanned aircraft procured
16 by Federal departments and agencies from covered foreign
17 entities.

18 (e) INTERACTION WITH OTHER LAW.—Section 848
19 of the National Defense Authorization Act for Fiscal Year
20 2020 (10 U.S.C. 2302 note) does not apply with respect
21 to a commercial off-the-shelf drone or covered unmanned
22 aircraft, or any component thereof intended for use in
23 such a drone or unmanned aircraft, to which the provi-
24 sions of this Act apply.

25 (f) DEFINITIONS.—In this section:

1 (1) COMMERCIAL OFF-THE-SHELF DRONE.—

2 The term “commercial off-the-shelf drone” means a
3 covered unmanned aircraft that is a commercially
4 available off-the-shelf item (as defined in section 104
5 of title 41, United States Code).

6 (2) COVERED FOREIGN ENTITY.—The term
7 “covered foreign entity” means—

8 (A) a covered entity (as determined by the
9 Secretary of Commerce);

10 (B) any entity that is subject to
11 extrajudicial direction from a foreign govern-
12 ment, as determined by the Director of Na-
13 tional Intelligence;

14 (C) any entity the Secretary of Homeland
15 Security, in coordination with the Director of
16 National Intelligence, the Secretary of Defense,
17 and the Secretary of State, determines poses a
18 national security risk;

19 (D) any entity subject to influence or con-
20 trol by the Government of the People Republic
21 of China or the Communist Party of the Peo-
22 ple’s Republic of China, as determined by the
23 Secretary of Homeland Security; and

24 (E) any subsidiary or affiliate of an entity
25 described in subparagraphs (A) through (D).

1 (3) COVERED UNMANNED AIRCRAFT.—The
2 term “covered unmanned aircraft” means an un-
3 manned aircraft or unmanned aircraft system as
4 such terms are defined, respectively, in section
5 44801 of title 49, United States Code.

6 (4) EXECUTIVE AGENCY.—The term “executive
7 agency” has the meaning given such term in section
8 105 of title 5, United States Code.

9 (5) INTELLIGENCE COMMUNITY.—The term
10 “intelligence community” has the meaning given
11 such term in section 3 of the National Security Act
12 of 1947 (50 U.S.C. 3003).

13 (6) UAS.—The term “UAS” has the meaning
14 given the term “unmanned aircraft system” in sec-
15 tion 44801 of title 49, United States Code.

16 **SEC. 830C. SENSE OF CONGRESS ON GAPS OR**
17 **VULNERABILITIES IN THE NATIONAL TECH-**
18 **NOLOGY AND INDUSTRIAL BASE.**

19 It is the sense of Congress that in preparing the an-
20 nual report required by section 2504 of title 10, United
21 States Code, the Secretary of Defense shall include the
22 following:

23 (1) An assessment of gaps or vulnerabilities in
24 the national technology and industrial base (as de-
25 fined in section 2500 of title 10, United States

1 Code) with respect to intellectual property theft as
2 related to the development and long-term sustain-
3 ability of defense technologies.

4 (2) The extent to which, if any, foreign adver-
5 saries engage in operations to exploit such gaps or
6 vulnerabilities.

7 (3) Recommendations to mitigate or address
8 any such gaps or vulnerabilities identified by the
9 Secretary.

10 (4) Any other matters the Secretary of Defense
11 determines should be included.

12 **SEC. 830D. REPORT ON PARTNERSHIPS FOR RARE EARTH**
13 **MATERIAL SUPPLY CHAIN SECURITY.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to Congress a report that—

17 (1) assesses the ability of the Department of
18 Defense to facilitate partnerships with institutions of
19 higher education (as defined in section 101 of the
20 Higher Education Act of 1965 (20 U.S.C. 1001))
21 that receive grants for the purpose of enhancing the
22 security and stability of supply chain for domestic
23 rare earth materials for the National Defense Stock-
24 pile; and

25 (2) identifies barriers to such partnerships; and

1 (3) provides recommendations as to how the
2 Secretary of Defense may improve these partner-
3 ships.

4 **Subtitle D—Small Business Matters**

5 **SEC. 831. TRANSFER OF VERIFICATION OF SMALL BUSI-** 6 **NESS CONCERNS OWNED AND CONTROLLED** 7 **BY VETERANS OR SERVICE-DISABLED VET-** 8 **ERANS TO THE SMALL BUSINESS ADMINIS-** 9 **TRATION.**

10 (a) **TRANSFER DATE.**—For purposes of this section,
11 the term “transfer date” means the date that is 2 years
12 after the date of enactment of this section, except that
13 such date may be extended an unlimited number of times
14 by a period of not more than 6 months if the Adminis-
15 trator of the Small Business Administration and the Sec-
16 retary of Veterans Affairs jointly issue a notice to Con-
17 gress and the Law Revision Counsel of the House of Rep-
18 resentatives containing—

19 (1) a certification that such extension is nec-
20 essary;

21 (2) the rationale for and the length of such ex-
22 tension; and

23 (3) a plan to comply with the requirements of
24 this section within the timeframe of the extension.

1 (b) AMENDMENT TO AND TRANSFER OF VETERAN-
2 OWNED AND SERVICE-DISABLED VETERAN-OWNED BUSI-
3 NESS DATABASE.—

4 (1) AMENDMENT OF VETERAN-OWNED AND
5 SERVICE-DISABLED VETERAN-OWNED BUSINESS
6 DATABASE.—Effective on the transfer date, section
7 8127 of title 38, United States Code, is amended—

8 (A) in subsection (e)—

9 (i) by striking “the Secretary” and in-
10 serting “the Administrator”; and

11 (ii) by striking “subsection (f)” and
12 inserting “section 36 of the Small Business
13 Act”;

14 (B) in subsection (f)—

15 (i) by striking “the Secretary” each
16 place such term appears, other than in the
17 last place such term appears under para-
18 graph (2)(A), and inserting “the Adminis-
19 trator”;

20 (ii) in paragraph (1), by striking
21 “small business concerns owned and con-
22 trolled by veterans with service-connected
23 disabilities” each place such term appears
24 and inserting “small business concerns

1 owned and controlled by service-disabled
2 veterans”;

3 (iii) in paragraph (2)—

4 (I) in subparagraph (A), by strik-
5 ing “to access” and inserting “to ob-
6 tain from the Secretary of Veterans
7 Affairs”; and

8 (II) by striking subparagraph (B)
9 and inserting the following:

10 “(B) For purposes of this subsection—

11 “(i) the Secretary of Veterans Affairs shall—

12 “(I) verify an individual’s status as a vet-
13 eran or a service-disabled veteran; and

14 “(II) establish a system to permit the Ad-
15 ministrator to access, but not alter, such
16 verification; and

17 “(ii) the Administrator shall verify—

18 “(I) the status of a business concern as a
19 small business concern; and

20 “(II) the ownership and control of such
21 business concern.

22 “(C) The Administrator may not certify a concern
23 under subsection (b) or section 36A if the Secretary of
24 Veterans Affairs cannot provide the verification described
25 under subparagraph (B)(i)(I).”;

1 (iv) by striking paragraphs (4) and
2 (7);

3 (v) by redesignating paragraphs (5)
4 and (6) as paragraphs (4) and (5), respec-
5 tively, and redesignating paragraph (8) as
6 paragraph (6);

7 (vi) in paragraph (4), as so redesign-
8 ated, by striking “The Secretary” and in-
9 serting “The Administrator”; and

10 (vii) in paragraph (6), as so redesign-
11 ated—

12 (I) in subparagraph (A)—

13 (aa) by striking “verify the
14 status of the concern as a small
15 business concern or the owner-
16 ship or control of the concern”
17 and inserting “certify the status
18 of the concern as a small busi-
19 ness concern owned and con-
20 trolled by veterans (under section
21 36A) or a small business concern
22 owned and controlled by service-
23 disabled veterans (under section
24 36(g))”; and

1 (bb) by striking
2 “verification” and inserting “cer-
3 tification”;

4 (II) in subparagraph (B)—

5 (aa) in clause (i), by striking
6 “small business concern owned
7 and controlled by veterans with
8 service-connected disabilities”
9 and inserting “small business
10 concern owned and controlled by
11 service-disabled veterans”; and

12 (bb) in clause (ii)—

13 (AA) by amending sub-
14 clause (I) to read as follows:

15 “(I) the Secretary of Veterans Affairs or
16 the Administrator; or”; and

17 (BB) in subclause (II),
18 by striking “the contracting
19 officer of the Department”
20 and inserting “the applicable
21 contracting officer”; and

22 (III) by striking subparagraph
23 (C);

24 (C) by redesignating subsection (k) (relat-
25 ing to definitions) as subsection (l);

1 (D) by inserting after subsection (j) (relat-
2 ing to annual reports) the following:

3 “(k) ANNUAL TRANSFER FOR CERTIFICATION
4 COSTS.—For each fiscal year, the Secretary of Veterans
5 Affairs shall reimburse the Administrator in an amount
6 necessary to cover any cost incurred by the Administrator
7 for certifying small business concerns owned and con-
8 trolled by veterans that do not qualify as small business
9 concerns owned and controlled by service-disabled veterans
10 for the Secretary for purposes of this section and section
11 8128 of this title. The Administrator is authorized to ac-
12 cept such reimbursement. The amount of any such reim-
13 bursement shall be determined jointly by the Secretary
14 and the Administrator and shall be provided from fees col-
15 lected by the Secretary under multiple-award schedule
16 contracts. Any disagreement about the amount shall be
17 resolved by the Director of the Office of Management and
18 Budget.”; and

19 (E) subsection (l) (relating to definitions),
20 as so redesignated, by adding at the end the
21 following:

22 “(4) The term Administrator means the Admin-
23 istrator of the Small Business Administration.”.

24 (2) TRANSFER OF REQUIREMENTS RELATING
25 TO DATABASE TO THE SMALL BUSINESS ACT.—Ef-

1 fective on the transfer date, subsection (f) of section
2 8127 of title 38, United States Code (as amended by
3 paragraph (1)), is transferred to section 36 of the
4 Small Business Act (15 U.S.C. 657f), inserted so as
5 to appear after subsection (e).

6 (3) CONFORMING AMENDMENTS.—The fol-
7 lowing amendments shall take effect on the transfer
8 date:

9 (A) SMALL BUSINESS ACT.—Section
10 3(q)(2)(C)(i)(III) of the Small Business Act (15
11 U.S.C. 632(q)(2)(C)(i)(III)) is amended by
12 striking “section 8127(f) of title 38, United
13 States Code” and inserting “section 36”.

14 (B) TITLE 38.—Section 8128 of title 38,
15 United States Code, is amended by striking
16 “section 8127(f) of this title” and inserting
17 “section 36 of the Small Business Act”.

18 (c) ADDITIONAL REQUIREMENTS FOR DATABASE.—

19 (1) ADMINISTRATION ACCESS TO DATABASE BE-
20 FORE THE TRANSFER DATE.—During the period be-
21 tween the date of the enactment of this section and
22 the transfer date, the Secretary of Veterans Affairs
23 shall provide the Administrator of the Small Busi-
24 ness Administration with access to the contents of

1 the database described under section 8127(f) of title
2 38, United States Code.

3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 section or the amendments made by this section may
5 be construed—

6 (A) as prohibiting the Administrator of the
7 Small Business Administration from combining
8 the contents of the database described under
9 section 8127(f) of title 38, United States Code,
10 with other databases maintained by the Admin-
11 istration; or

12 (B) as requiring the Administrator to use
13 any system or technology related to the data-
14 base described under section 8127(f) of title 38,
15 United States Code, on or after the transfer
16 date to comply with the requirement to main-
17 tain a database under subsection (f) of section
18 36 of the Small Business Act (as transferred
19 pursuant to subsection (b)(2) of this section).

20 (3) RECOGNITION OF THE ISSUANCE OF JOINT
21 REGULATIONS.—The date specified under section
22 1832(e) of the National Defense Authorization Act
23 for Fiscal Year 2017 (15 U.S.C. 632 note) shall be
24 deemed to be October 1, 2018.

1 (d) PROCUREMENT PROGRAM FOR SMALL BUSINESS
2 CONCERNS OWNED AND CONTROLLED BY SERVICE-DIS-
3 ABLED VETERANS.—

4 (1) PROCUREMENT PROGRAM FOR SMALL BUSI-
5 NESS CONCERNS OWNED AND CONTROLLED BY
6 SERVICE-DISABLED VETERANS.—Section 36 of the
7 Small Business Act (15 U.S.C. 657f) is amended—

8 (A) by striking subsections (d) and (e);

9 (B) by redesignating subsections (a), (b),
10 and (c) as subsections (c), (d), and (e) respec-
11 tively;

12 (C) by inserting before subsection (c), as
13 so redesignated, the following:

14 “(a) CONTRACTING OFFICER DEFINED.—For pur-
15 poses of this section, the term ‘contracting officer’ has the
16 meaning given such term in section 2101 of title 41,
17 United States Code.

18 “(b) CERTIFICATION OF SMALL BUSINESS CON-
19 CERNS OWNED AND CONTROLLED BY SERVICE-DISABLED
20 VETERANS.—With respect to a procurement program or
21 preference established under this Act that applies to prime
22 contractors, the Administrator shall—

23 “(1) certify the status of the concern as a
24 ‘small business concern owned and controlled by
25 service-disabled veterans’; and

1 “(2) require the periodic recertification of such
2 status.”;

3 (D) in subsection (d), as so redesignated,
4 by striking “and that the award can be made
5 at a fair market price” and inserting “, that
6 the award can be made at a fair market price,
7 and if each concern is certified by the Adminis-
8 trator as a small business concern owned and
9 controlled by service-disabled veterans”; and

10 (E) by adding at the end the following:

11 “(g) CERTIFICATION REQUIREMENT.—Notwith-
12 standing subsection (c), a contracting officer may only
13 award a sole source contract to a small business concern
14 owned and controlled by service-disabled veterans or a
15 contract on the basis of competition restricted to small
16 business concerns owned and controlled by service-disabled
17 veterans if such a concern is certified by the Administrator
18 as a small business concern owned and controlled by serv-
19 ice-disabled veterans.

20 “(h) ENFORCEMENT; PENALTIES.—

21 “(1) VERIFICATION OF ELIGIBILITY.—In car-
22 rying out this section, the Administrator shall estab-
23 lish procedures relating to—

24 “(A) the filing, investigation, and disposi-
25 tion by the Administration of any challenge to

1 the eligibility of a small business concern to re-
2 ceive assistance under this section (including a
3 challenge, filed by an interested party, relating
4 to the veracity of a certification made or infor-
5 mation provided to the Administration by a
6 small business concern under subsection (b));
7 and

8 “(B) verification by the Administrator of
9 the accuracy of any certification made or infor-
10 mation provided to the Administration by a
11 small business concern under subsection (b).

12 “(2) EXAMINATIONS.—

13 “(A) EXAMINATION OF APPLICANTS.—The
14 procedures established under paragraph (1)
15 shall provide for a program of examinations by
16 the Administrator of any small business concern
17 making a certification or providing information
18 to the Administrator under subsection (b), to
19 determine the veracity of any statements or in-
20 formation provided as part of such certification
21 or otherwise provided under subsection (b).

22 “(B) EXAMINATION OF CERTIFIED CON-
23 CERNS.—The procedures established under
24 paragraph (1) shall provide for the examination
25 of risk-based samples of small business con-

cerns certified under subsection (b), or of any small business concern that the Administrator believes poses a particular risk or with respect to which the Administrator receives specific and credible information alleging that the small business concern no longer meets eligibility requirements to be certified as a small business concern owned and controlled by service-disabled veterans.

“(3) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a small business concern owned and controlled by service-disabled veterans for purposes of subsection (b), shall be subject to—

“(A) section 1001 of title 18, United States Code;

“(B) sections 3729 through 3733 of title 31, United States Code; and

“(C) section 8127(g) of title 38, United States Code.

“(i) PROVISION OF DATA.—Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such

1 information as the Administrator determines to be nec-
 2 essary to carry out subsection (b) or to be able to certify
 3 the status of the concern as a small business concern
 4 owned and controlled by veterans under section 36A.”.

5 (2) PENALTIES FOR MISREPRESENTATION.—

6 Section 16 of the Small Business Act (15 U.S.C.
 7 645) is amended—

8 (A) in subsection (d)(1)—

9 (i) by striking “, a” and inserting “,
 10 a ‘small business concern owned and con-
 11 trolled by service-disabled veterans’, a
 12 ‘small business concern owned and con-
 13 trolled by veterans’, a”; and

14 (ii) in paragraph (A), by striking “9,
 15 15, or 31” and inserting “8, 9, 15, 31, 36,
 16 or 36A”; and

17 (B) in subsection (e), by striking “, a” and
 18 inserting “, a ‘small business concern owned
 19 and controlled by service-disabled veterans’, a
 20 ‘small business concern owned and controlled by
 21 veterans’, a”.

22 (e) CERTIFICATION FOR SMALL BUSINESS CON-
 23 CERNS OWNED AND CONTROLLED BY VETERANS.—The
 24 Small Business Act (15 U.S.C. 631 et seq.) is amended
 25 by inserting after section 36 the following new section:

1 **“SEC. 36A. CERTIFICATION OF SMALL BUSINESS CONCERNS**
2 **OWNED AND CONTROLLED BY VETERANS.**

3 “(a) IN GENERAL.—With respect to the program es-
4 tablished under section 8127 of title 38, United States
5 Code, the Administrator shall—

6 “(1) certify the status of the concern as a
7 ‘small business concern owned and controlled by vet-
8 erans’; and

9 “(2) require the periodic recertification of such
10 status.

11 “(b) ENFORCEMENT; PENALTIES.—

12 “(1) VERIFICATION OF ELIGIBILITY.—In car-
13 rying out this section, the Administrator shall estab-
14 lish procedures relating to—

15 “(A) the filing, investigation, and disposi-
16 tion by the Administration of any challenge to
17 the eligibility of a small business concern to re-
18 ceive assistance under this section (including a
19 challenge, filed by an interested party, relating
20 to the veracity of a certification made or infor-
21 mation provided to the Administration by a
22 small business concern under subsection (a));
23 and

24 “(B) verification by the Administrator of
25 the accuracy of any certification made or infor-

1 mation provided to the Administration by a
2 small business concern under subsection (a).

3 “(2) EXAMINATION OF APPLICANTS.—The pro-
4 cedures established under paragraph (1) shall pro-
5 vide for a program of examinations by the Adminis-
6 trator of any small business concern making a cer-
7 tification or providing information to the Adminis-
8 trator under subsection (a), to determine the verac-
9 ity of any statements or information provided as
10 part of such certification or otherwise provided
11 under subsection (a).

12 “(3) PENALTIES.—In addition to the penalties
13 described in section 16(d), any small business con-
14 cern that is determined by the Administrator to have
15 misrepresented the status of that concern as a small
16 business concern owned and controlled by veterans
17 for purposes of subsection (a), shall be subject to—

18 “(A) section 1001 of title 18, United
19 States Code;

20 “(B) sections 3729 through 3733 of title
21 31, United States Code; and

22 “(C) section 8127(g) of title 38, United
23 States Code.”.

1 (f) STATUS OF SELF-CERTIFIED SMALL BUSINESS
2 CONCERNS OWNED AND CONTROLLED BY SERVICE-DIS-
3 ABLED VETERANS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, any small business concern that
6 self-certified as a small business concern owned and
7 controlled by service-disabled veterans shall—

8 (A) if the concern files a certification ap-
9 plication with the Administrator of the Small
10 Business Administration before the end of the
11 1-year period beginning on the transfer date,
12 maintain such self-certification until the Admin-
13 istrator makes a determination with respect to
14 such certification; and

15 (B) if the concern does not file such a cer-
16 tification application before the end of the 1-
17 year period beginning on the transfer date, lose,
18 at the end of such 1-year period, any self-cer-
19 tification of the concern as a small business
20 concern owned and controlled by service-dis-
21 abled veterans.

22 (2) NON-APPLICABILITY TO DEPARTMENT OF
23 VETERANS AFFAIRS.—Paragraph (1) shall not apply
24 to participation in contracts (including subcontracts)
25 with the Department of Veterans Affairs.

1 (3) NOTICE.—The Administrator shall notify
2 any small business concern that self-certified as a
3 small business concern owned and controlled by serv-
4 ice-disabled veterans about the requirements of this
5 section, including the transfer date and any exten-
6 sion of such transfer date made pursuant to sub-
7 section (a), and make such notice publicly available,
8 on—

9 (A) the date of the enactment of this sec-
10 tion; and

11 (B) the date on which an extension de-
12 scribed under subsection (a) is approved.

13 (g) TRANSFER OF THE CENTER FOR VERIFICATION
14 AND EVALUATION OF THE DEPARTMENT OF VETERANS
15 AFFAIRS TO THE SMALL BUSINESS ADMINISTRATION.—

16 (1) ABOLISHMENT.—The Center for
17 Verification and Evaluation of the Department of
18 Veterans Affairs defined under section 74.1 of title
19 38, Code of Federal Regulations, is abolished effec-
20 tive on the transfer date.

21 (2) TRANSFER OF FUNCTIONS.—All functions
22 that, immediately before the effective date of this
23 subsection, were functions of the Center for
24 Verification and Evaluation shall—

1 (A) on the date of enactment of this sec-
2 tion, be functions of both the Center for
3 Verification and Evaluation and the Small
4 Business Administration, except that the Small
5 Business Administration shall not have any au-
6 thority to carry out any verification functions of
7 the Center for Verification and Evaluation; and

8 (B) on the transfer date, be functions of
9 the Small Business Administration.

10 (3) TRANSFER OF ASSETS.—So much of the
11 personnel, property, and records employed, used,
12 held, available, or to be made available in connection
13 with a function transferred under this subsection
14 shall be available to the Small Business Administra-
15 tion at such time or times as the President directs
16 for use in connection with the functions transferred.

17 (4) REFERENCES.—Any reference in any other
18 Federal law, Executive order, rule, regulation, or
19 delegation of authority, or any document of or per-
20 taining to a function of the Center for Verification
21 and Evaluation that is transferred under this section
22 is deemed, after the transfer date, to refer to the
23 Small Business Administration.

24 (h) REPORT.—Not later than the end of the 1-year
25 period beginning on the date of the enactment of this sec-

1 tion and every 6 months thereafter until the transfer date,
2 the Administrator of the Small Business Administration
3 and Secretary of Veterans Affairs shall jointly issue a re-
4 port to the Committees on Appropriations, Small Busi-
5 ness, and Veterans' Affairs of the House of Representa-
6 tives and the Committees on Appropriations, Small Busi-
7 ness and Entrepreneurship, and Veterans' Affairs of the
8 Senate on the planning for the transfer of functions and
9 property required under this section and the amendments
10 made by this section on the transfer date. Such report
11 shall include—

12 (1) whether and how the verification database
13 and operations of the Center for Verification and
14 Evaluation of the Department of Veterans Affairs
15 will be incorporated into the existing certification
16 database of the Small Business Administration;

17 (2) projections for the numbers and timing, in
18 terms of fiscal year, of—

19 (A) already verified concerns that will
20 come up for recertification; and

21 (B) self-certified concerns that are ex-
22 pected to apply for certification;

23 (3) an explanation of how outreach to veteran
24 service organizations, the service-disabled veteran-

1 owned and veteran-owned small business community,
2 and other stakeholders will be conducted; and

3 (4) other pertinent information determined by
4 the Administrator and the Secretary.

5 **SEC. 832. EQUITABLE ADJUSTMENTS TO CERTAIN CON-**
6 **STRUCTION CONTRACTS.**

7 (a) IN GENERAL.—The Small Business Act (15
8 U.S.C. 631 et seq.) is amended by inserting after section
9 15 the following new section:

10 **“SEC. 15A. EQUITABLE ADJUSTMENTS TO CONSTRUCTION**
11 **CONTRACTS.**

12 “(a) REQUEST FOR AN EQUITABLE ADJUSTMENT.—
13 A small business concern performing a construction con-
14 tract that was awarded by an agency may submit a re-
15 quest for an equitable adjustment to the contracting offi-
16 cer of such agency if the contracting officer directs a
17 change in the work within the general scope of the con-
18 tract without the agreement of the small business concern.
19 Such request shall—

20 “(1) be timely made pursuant to the terms of
21 the contract; and

22 “(2) comply with Federal regulations regarding
23 equitable adjustments, including specifying addi-
24 tional costs resulting from such change in the work
25 within the general scope of the contract.

1 “(b) AMOUNT.—Upon receipt of a request for equi-
2 table adjustment under subsection (a), the agency shall
3 provide to the small business concern an interim partial
4 payment in an amount that is at least 50 percent of the
5 costs identified in the request for equitable adjustment
6 under subsection (a)(2).

7 “(c) LIMITATION.—Any interim partial payment
8 made under this section shall not be deemed to be an ac-
9 tion to definitize the request for an equitable adjustment.

10 “(d) FLOW-DOWN OF INTERIM PARTIAL PAYMENT
11 AMOUNTS.—A small business concern that requests an eq-
12 uitable adjustment under this section shall pay to a first
13 tier subcontractor or supplier the portion of the interim
14 partial payment received that is attributable to the in-
15 creased costs of performance incurred by the first tier sub-
16 contractor or supplier due to the change in the work with-
17 in the general scope of the contract. A subcontractor or
18 supplier at any tier that receives a portion of an interim
19 partial payment under this section shall pay its subcon-
20 tractor or supplier the appropriate portion of such pay-
21 ment.”.

22 (b) IMPLEMENTATION.—The Administrator of the
23 Small Business Administration shall implement the re-
24 quirements of this section not later than the first day of

1 the first full fiscal year beginning after the date of the
2 enactment of this Act.

3 **SEC. 833. EXEMPTION OF CERTAIN CONTRACTS AWARDED**
4 **TO SMALL BUSINESS CONCERNS FROM CAT-**
5 **EGORY MANAGEMENT REQUIREMENTS.**

6 (a) IN GENERAL.—The Small Business Act is
7 amended—

8 (1) by redesignating section 49 as section 50;
9 and

10 (2) by inserting after section 48 the following
11 new section:

12 **“SEC. 49. EXEMPTION OF CERTAIN CONTRACTS FROM CAT-**
13 **EGORY MANAGEMENT REQUIREMENTS.**

14 “(a) IN GENERAL.—A contract awarded under sec-
15 tion 8(a), 8(m), 31, or 32 that is classified as tier 0—

16 “(1) shall be exempt from the procedural re-
17 quirements of any Federal rule or guidance on cat-
18 egory management or successor strategies for con-
19 tract consolidation; and

20 “(2) may not be included when measuring the
21 attainment of any goal or benchmark established
22 under any Federal rule or guidance on category
23 management or successor strategies for contract
24 consolidation, unless the inclusion of such contract

1 aids in the achievement of such a goal or bench-
2 mark.

3 “(b) DEFINITIONS.—In this section:

4 “(1) CATEGORY MANAGEMENT.—The term ‘cat-
5 egory management’ has the meaning given such
6 term by the Director of the Office of Management
7 and Budget.

8 “(2) TIER 0.—The term ‘tier 0’ has the mean-
9 ing given such term by the Director of the Office of
10 Management and Budget with respect to the Spend
11 Under Management tiered maturity model, or any
12 successor model.”.

13 (b) APPLICATION.—Section 49 of the Small Business
14 Act, as added by subsection (a), shall apply with respect
15 to contracts entered into on or after the date of the enact-
16 ment of this Act.

17 (c) PLAN AND REPORT.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, the Di-
20 rector of the Office of Management and Budget
21 shall submit to Congress a report including a plan
22 to increase the participation of small business con-
23 cerns in agency-wide or Government-wide contracts
24 (including best in class designations as defined in
25 section 15(h)(4)(B)). Such plan shall include—

1 (A) strategies to increase the amount and
2 frequency of opportunities for small business
3 concerns to participate in agency-wide or Gov-
4 ernment-wide contracts;

5 (B) strategies to ease or eliminate require-
6 ments that impede such participation of small
7 business concerns; and

8 (C) a specific goal for the number of small
9 business concerns participating in agency-wide
10 or Government-wide contracts and a timeline to
11 achieve such goal.

12 (2) IMPLEMENTATION.—Not later than 60 days
13 after the submission of the report required under
14 paragraph (1), the Director of the Office of Manage-
15 ment and Budget shall implement the plan con-
16 tained in such report.

17 (d) RULEMAKING.—Not later than 90 days after the
18 date of the enactment of this Act, the Federal Acquisition
19 Regulation shall be revised to carry out this Act and the
20 amendment made by this Act.

21 **SEC. 834. REPORT ON ACCELERATED PAYMENTS TO CER-**
22 **TAIN SMALL BUSINESS CONCERNS.**

23 (a) REPORT.—Not later than 3 months after the date
24 of the enactment of this section, the head of each Federal
25 agency shall submit to Congress a report on the timeliness

1 of payments made to a covered prime contractor. Such re-
2 port shall include—

3 (1) the date on which the Federal agency began
4 providing accelerated payments in accordance with
5 section 2307(a)(2) of title 10, United States Code,
6 or paragraphs (10) and (11) of section 3903(a) of
7 title 31, United States Code, as applicable, to a cov-
8 ered prime contractor;

9 (2) of contracts to which such sections apply,
10 the amount and percentage of covered contracts with
11 accelerated payment terms in accordance with such
12 sections; and

13 (3) whether and on what date the agency dis-
14 continued implementation of the Office of Manage-
15 ment and Budget Circular M-11-32 titled “Accel-
16 erating Payments to Small Businesses for Goods
17 and Services” (issued September 14, 2011).

18 (b) DEFINITIONS.—In this section:

19 (1) COVERED PRIME CONTRACTOR.—The term
20 “covered prime contractor” means—

21 (A) a prime contractor (as defined in sec-
22 tion 8701 of title 41) that is a small business
23 concern (as defined in section 3 of the Small
24 Business Act (15 U.S.C. 632)); and

1 (B) a prime contractor that subcontracts
2 with a small business concern.

3 (2) COVERED CONTRACT.—The term “covered
4 contract” means a contract entered into by a cov-
5 ered prime contractor—

6 (A) on or after August 13, 2018, with re-
7 spect to a contract entered into the head of an
8 agency (as defined in section 2302 of title 10,
9 United States Code); or

10 (B) on or after December 20, 2019, with
11 respect to a contract entered into with the head
12 of an agency (as defined in section 3901 of title
13 31, United States Code).

14 (3) FEDERAL AGENCY.—The term “Federal
15 agency” has the meaning given “agency” in section
16 551(a) of title 5, United States Code.

17 **SEC. 835. EXTENSION OF PARTICIPATION IN 8(a) PROGRAM.**

18 (a) IN GENERAL.—The Administrator of the Small
19 Business Administration shall ensure that a small busi-
20 ness concern participating in the program established
21 under section 8(a) of the Small Business Act (15 U.S.C.
22 637) on or before March 13, 2020, may elect to extend
23 such participation by a period of 1 year, regardless of
24 whether such concern previously elected to suspend par-

1 ticipation in such program pursuant to guidance of the
2 Administrator.

3 (b) EMERGENCY RULEMAKING AUTHORITY.—Not
4 later than 15 days after the date of enactment of this sec-
5 tion, the Administrator shall issue regulations to carry out
6 this section without regard to the notice requirements
7 under section 553(b) of title 5, United States Code.

8 **SEC. 836. PAST PERFORMANCE RATINGS OF CERTAIN**
9 **SMALL BUSINESS CONCERNS.**

10 (a) PAST PERFORMANCE RATINGS OF JOINT VEN-
11 TURES FOR SMALL BUSINESS CONCERNS.—Section 15(e)
12 of the Small Business Act (15 U.S.C. 644(e)) is amended
13 by adding at the end the following:

14 “(5) PAST PERFORMANCE RATINGS OF JOINT
15 VENTURES FOR SMALL BUSINESS CONCERNS.—With
16 respect to evaluating an offer for a prime contract
17 made by a small business concern that previously
18 participated in a joint venture with another business
19 concern (whether or not such other business concern
20 was itself a small business concern), the Adminis-
21 trator shall establish regulations—

22 “(A) requiring contracting officers to con-
23 sider the record of past performance of the
24 joint venture when evaluating the past perform-
25 ance of the small business concern; and

1 “(B) requiring the small business concern
2 to inform the contracting officer what duties
3 and responsibilities the small business concern
4 carried out as part of the joint venture.”.

5 (b) PAST PERFORMANCE RATINGS OF FIRST-TIER
6 SMALL BUSINESS SUBCONTRACTORS.—Section 8(d)(17)
7 of the Small Business Act (15 U.S.C. 637(d)(17)) is
8 amended to read as follows:

9 “(17) PAST PERFORMANCE RATINGS FOR CER-
10 TAIN SMALL BUSINESS SUBCONTRACTORS.—

11 “(A) IN GENERAL.—Upon request by a
12 small business concern that performed as a first
13 tier subcontractor on a covered contract (as de-
14 fined in paragraph 13(A)) that is submitting an
15 offer for a solicitation, the prime contractor for
16 such covered contract shall submit to the con-
17 tracting agency issuing the solicitation or to
18 such small business concern a record of past
19 performance for such small business concern
20 with respect to such covered contract.

21 “(B) CONSIDERATION.—A contracting offi-
22 cer shall consider the record of past perform-
23 ance of a small business concern provided under
24 subparagraph (A) when evaluating an offer for

1 a prime contract made by such small business
2 concern.”.

3 (c) RULEMAKING.—

4 (1) SMALL BUSINESS ADMINISTRATION.—Not
5 later than the end of the 120-day period beginning
6 on the date of enactment of this Act, the Adminis-
7 trator of the Small Business Administration shall
8 issue rules to carry out this section and the amend-
9 ments made by this section.

10 (2) FEDERAL ACQUISITION REGULATION.—Not
11 later than the end of the 120-day period beginning
12 on the date that rules are issued under paragraph
13 (1), the Federal Acquisition Regulation shall be re-
14 vised to reflect such rules.

15 **SEC. 837. CATEGORY MANAGEMENT TRAINING.**

16 (a) IN GENERAL.—Not later than 8 months after the
17 date of the enactment of this section, the Administrator
18 of the Small Business Administration, in coordination
19 with the Administrator of the Office of Federal Procure-
20 ment Policy and any other head of a Federal agency as
21 determined by the Administrator, shall develop a training
22 curriculum on category management for staff of Federal
23 agencies with procurement or acquisition responsibilities.
24 Such training shall include—

1 (1) best practices for purchasing goods and
2 services from small business concerns (as defined
3 under section 3 of the Small Business Act (15
4 U.S.C. 632)); and

5 (2) information on avoiding conflicts with the
6 requirements of the Small Business Act (15 U.S.C.
7 631 et seq.).

8 (b) USE OF CURRICULUM.—The Administrator of the
9 Small Business Administration—

10 (1) shall ensure that staff for Federal agencies
11 described in subsection (a) receive the training de-
12 scribed in such subsection; and

13 (2) may request the assistance of the relevant
14 Director of Small and Disadvantaged Business Utili-
15 zation (as described in section 15(k) of the Small
16 Business Act (15 U.S.C. 644(k))) to carry out the
17 requirements of paragraph (1).

18 (c) SUBMISSION TO CONGRESS.—The Administrator
19 of the Small Business Administration shall provide a copy
20 of the training curriculum developed under subsection (a)
21 to the Committee on Small Business of the House of Rep-
22 resentatives and the Committee on Small Business and
23 Entrepreneurship of the Senate.

24 (d) CATEGORY MANAGEMENT DEFINED.—In this
25 Act, the term “category management” has the meaning

1 given by the Director of the Office of Management and
2 Budget.

3 **SEC. 838. SMALL BUSINESSES IN TERRITORIES OF THE**
4 **UNITED STATES.**

5 (a) DEFINITION OF COVERED TERRITORY BUSI-
6 NESS.—Section 3 of the Small Business Act (15 U.S.C.
7 632) is amended by adding at the end the following new
8 subsection:

9 “(ff) COVERED TERRITORY BUSINESS.—In this Act,
10 the term ‘covered territory business’ means a small busi-
11 ness concern that has its principal office located in one
12 of the following:

13 “(1) The United States Virgin Islands.

14 “(2) American Samoa.

15 “(3) Guam.

16 “(4) The Northern Mariana Islands.”.

17 (b) PRIORITY FOR SURPLUS PROPERTY TRANS-
18 FERS.—Section 7(j)(13)(F)(iii) of the Small Business Act
19 (15 U.S.C. 636(j)(13)(F)(iii)) is amended—

20 (1) in clause (I), by striking “means” and all
21 that follows through the period at the end and in-
22 serting the following: “means—

23 “(aa) in the case of a Puerto
24 Rico business, the period begin-
25 ning on August 13, 2018, and

1 ending on the date on which the
2 Oversight Board established
3 under section 2121 of title 48
4 terminates; and

5 “(bb) in the case of a cov-
6 ered territory business, the pe-
7 riod beginning on the date of en-
8 actment of this item and ending
9 on the date that is 4 years after
10 such date of enactment.”; and

11 (2) in clause (II)—

12 (A) by inserting “or a covered territory
13 business” after “a Puerto Rico business”; and

14 (B) by striking “the Puerto Rico business”
15 in both places it appears and inserting “such
16 business”.

17 (c) CONTRACTING INCENTIVES FOR PROTEGE FIRMS
18 THAT ARE COVERED TERRITORY BUSINESSES.—

19 (1) CONTRACTING INCENTIVES.—Section 45(a)
20 of the Small Business Act (15 U.S.C. 657r(a)) is
21 amended by adding at the end the following new
22 paragraph:

23 “(4) COVERED TERRITORY BUSINESSES.—Dur-
24 ing the period beginning on the date of enactment
25 of this paragraph and ending on the date that is 4

1 years after such date of enactment, the Adminis-
2 trator shall identify potential incentives to a covered
3 territory mentor that awards a subcontract to its
4 covered territory protege, including—

5 “(A) positive consideration in any past per-
6 formance evaluation of the covered territory
7 mentor; and

8 “(B) the application of costs incurred for
9 providing training to such covered territory pro-
10 tege to the subcontracting plan (as required
11 under paragraph (4) or (5) of section 8(d)) of
12 the covered territory mentor.”.

13 (2) MENTOR-PROTEGE RELATIONSHIPS.—Sec-
14 tion 45(b)(3)(A) of the Small Business Act (15
15 U.S.C. 657r(b)(3)(A)) is amended by striking “rela-
16 tionships are” and all that follows through the pe-
17 riod at the end and inserting the following: “rela-
18 tionships—

19 “(i) are between a covered protege
20 and a covered mentor; or

21 “(ii) are between a covered territory
22 protege and a covered territory mentor.”.

23 (3) DEFINITIONS.—Section 45(d) of the Small
24 Business Act (15 U.S.C. 657r(d)) is amended by
25 adding at the end the following new paragraphs:

1 “(6) COVERED TERRITORY MENTOR.—The term
 2 ‘covered territory mentor’ means a mentor that en-
 3 ters into an agreement under this Act, or under any
 4 mentor-protege program approved under subsection
 5 (b)(1), with a covered territory protege.

6 “(7) COVERED TERRITORY PROTEGE.—The
 7 term ‘covered territory protege’ means a protege of
 8 a covered territory mentor that is a covered territory
 9 business.”.

10 **SEC. 839. ELIGIBILITY OF THE COMMONWEALTH OF THE**
 11 **NORTHERN MARIANA ISLANDS FOR CERTAIN**
 12 **SMALL BUSINESS ADMINISTRATION PRO-**
 13 **GRAMS.**

14 The Small Business Act (15 U.S.C. 631 et seq.) is
 15 amended—

16 (1) in section 21(a)—

17 (A) in paragraph (1), by inserting before
 18 “The Administration shall require” the fol-
 19 lowing: “The previous sentence shall not apply
 20 to an applicant that has its principal office lo-
 21 cated in the Commonwealth of the Northern
 22 Mariana Islands.”; and

23 (B) in paragraph (4)(C)(ix), by striking
 24 “and American Samoa” and inserting “Amer-

1 ican Samoa, and the Commonwealth of the
2 Northern Mariana Islands”; and
3 (2) in section 34(a)(9), by striking “and Amer-
4 ican Samoa” and inserting “American Samoa, and
5 the Commonwealth of the Northern Mariana Is-
6 lands”.

7 **SEC. 840. BOOTS TO BUSINESS PROGRAM.**

8 Section 32 of the Small Business Act (15 U.S.C.
9 657b) is amended by adding at the end the following new
10 subsection:

11 “(h) BOOTS TO BUSINESS PROGRAM.—

12 “(1) COVERED INDIVIDUAL DEFINED.—In this
13 subsection, the term ‘covered individual’ means—

14 “(A) a member of the Armed Forces, in-
15 cluding the National Guard or Reserves;

16 “(B) an individual who is participating in
17 the Transition Assistance Program established
18 under section 1144 of title 10, United States
19 Code;

20 “(C) an individual who—

21 “(i) served on active duty in any
22 branch of the Armed Forces, including the
23 National Guard or Reserves; and

1 “(ii) was discharged or released from
2 such service under conditions other than
3 dishonorable; and

4 “(D) a spouse or dependent of an indi-
5 vidual described in subparagraph (A), (B), or
6 (C).

7 “(2) ESTABLISHMENT.—Beginning on the first
8 October 1 after the enactment of this subsection and
9 for the subsequent 4 fiscal years, the Administrator
10 shall carry out a program to be known as the ‘Boots
11 to Business Program’ to provide entrepreneurship
12 training to covered individuals.

13 “(3) GOALS.—The goals of the Boots to Busi-
14 ness Program are to—

15 “(A) provide assistance and in-depth train-
16 ing to covered individuals interested in business
17 ownership; and

18 “(B) provide covered individuals with the
19 tools, skills, and knowledge necessary to identify
20 a business opportunity, draft a business plan,
21 identify sources of capital, connect with local
22 resources for small business concerns, and start
23 up a small business concern.

24 “(4) PROGRAM COMPONENTS.—

1 “(A) IN GENERAL.—The Boots to Busi-
2 ness Program may include—

3 “(i) a presentation providing exposure
4 to the considerations involved in self-em-
5 ployment and ownership of a small busi-
6 ness concern;

7 “(ii) an online, self-study course fo-
8 cused on the basic skills of entrepreneur-
9 ship, the language of business, and the
10 considerations involved in self-employment
11 and ownership of a small business concern;

12 “(iii) an in-person classroom instruc-
13 tion component providing an introduction
14 to the foundations of self employment and
15 ownership of a small business concern; and

16 “(iv) in-depth training delivered
17 through online instruction, including an
18 online course that leads to the creation of
19 a business plan.

20 “(B) COLLABORATION.—The Adminis-
21 trator may—

22 “(i) collaborate with public and pri-
23 vate entities to develop course curricula for
24 the Boots to Business Program; and

1 “(ii) modify program components in
2 coordination with entities participating in a
3 Warriors in Transition program, as defined
4 in section 738(e) of the National Defense
5 Authorization Act for Fiscal Year 2013
6 (10 U.S.C. 1071 note).

7 “(C) USE OF RESOURCE PARTNERS.—

8 “(i) IN GENERAL.—The Administrator
9 shall—

10 “(I) ensure that Veteran Busi-
11 ness Outreach Centers regularly par-
12 ticipate, on a nationwide basis, in the
13 Boots to Business Program; and

14 “(II) to the maximum extent
15 practicable, use a variety of other re-
16 source partners and entities in admin-
17 istering the Boots to Business Pro-
18 gram.

19 “(ii) GRANT AUTHORITY.—In carrying
20 out clause (i), the Administrator may make
21 grants to Veteran Business Outreach Cen-
22 ters, other resource partners, or other enti-
23 ties to carry out components of the Boots
24 to Business Program.

1 “(D) AVAILABILITY TO DEPARTMENT OF
2 DEFENSE.—The Administrator shall make
3 available to the Secretary of Defense informa-
4 tion regarding the Boots to Business Program,
5 including all course materials and outreach ma-
6 terials related to the Boots to Business Pro-
7 gram, for inclusion on the website of the De-
8 partment of Defense relating to the Transition
9 Assistance Program, in the Transition Assist-
10 ance Program manual, and in other relevant
11 materials available for distribution from the
12 Secretary of Defense.

13 “(E) AVAILABILITY TO VETERANS AF-
14 FAIRS.—In consultation with the Secretary of
15 Veterans Affairs, the Administrator shall make
16 available for distribution and display at local fa-
17 cilities of the Department of Veterans Affairs
18 outreach materials regarding the Boots to Busi-
19 ness Program which shall, at a minimum—

20 “(i) describe the Boots to Business
21 Program and the services provided; and

22 “(ii) include eligibility requirements
23 for participating in the Boots to Business
24 Program.

1 “(5) REPORT.—Not later than 180 days after
2 the date of the enactment of this subsection and
3 every year thereafter, the Administrator shall submit
4 to the Committee on Small Business and Entrepre-
5 neurship of the Senate and the Committee on Small
6 Business of the House of Representatives a report
7 on the performance and effectiveness of the Boots to
8 Business Program, which may be included as part of
9 another report submitted to such Committees by the
10 Administrator, and which shall include—

11 “(A) information regarding grants award-
12 ed under paragraph (4)(C);

13 “(B) the total cost of the Boots to Busi-
14 ness Program;

15 “(C) the number of program participants
16 using each component of the Boots to Business
17 Program;

18 “(D) the completion rates for each compo-
19 nent of the Boots to Business Program;

20 “(E) to the extent possible—

21 “(i) the demographics of program par-
22 ticipants, to include gender, age, race, rela-
23 tionship to military, military occupational
24 specialty, and years of service of program
25 participants;

1 “(ii) the number of small business
2 concerns formed or expanded with assist-
3 ance under the Boots to Business Pro-
4 gram;

5 “(iii) the gross receipts of small busi-
6 ness concerns receiving assistance under
7 the Boots to Business Program;

8 “(iv) the number of jobs created with
9 assistance under the Boots to Business
10 Program;

11 “(v) the number of referrals to other
12 resources and programs of the Administra-
13 tion;

14 “(vi) the number of program partici-
15 pants receiving financial assistance under
16 loan programs of the Administration;

17 “(vii) the type and dollar amount of
18 financial assistance received by program
19 participants under any loan program of the
20 Administration; and

21 “(viii) results of participant satisfac-
22 tion surveys, including a summary of any
23 comments received from program partici-
24 pants;

1 “(F) an evaluation of the effectiveness of
2 the Boots to Business Program in each region
3 of the Administration during the most recent
4 fiscal year;

5 “(G) an assessment of additional perform-
6 ance outcome measures for the Boots to Busi-
7 ness Program, as identified by the Adminis-
8 trator;

9 “(H) any recommendations of the Admin-
10 istrator for improvement of the Boots to Busi-
11 ness Program, which may include expansion of
12 the types of individuals who are covered individ-
13 uals;

14 “(I) an explanation of how the Boots to
15 Business Program has been integrated with
16 other transition programs and related resources
17 of the Administration and other Federal agen-
18 cies; and

19 “(J) any additional information the Ad-
20 ministrator determines necessary.”.

21 **SEC. 840A. EMPLOYMENT SIZE STANDARD REQUIREMENTS.**

22 (a) IN GENERAL.—Section 3(a)(2) of the Small Busi-
23 ness Act (15 U.S.C. 632(a)(2)) is amended—

1 (1) in subparagraph (A), by inserting “and sub-
 2 ject to the requirements specified under subpara-
 3 graph (C)” after “paragraph (1)”; and

4 (2) in subparagraph (C)—

5 (A) by inserting “(including the Adminis-
 6 tration when acting pursuant to subparagraph
 7 (A))” after “no Federal department or agency”;
 8 and

9 (B) in clause (ii)(I) by striking “12
 10 months” and inserting “24 months”.

11 (b) EFFECTIVE DATE.—This Act and the amend-
 12 ments made by this Act shall take effect 1 year after the
 13 date of the enactment of this Act.

14 **Subtitle E—Other Matters**

15 **SEC. 841. MODIFICATIONS TO SUPERVISION AND AWARD OF** 16 **CERTAIN CONTRACTS.**

17 (a) SUPERVISION OF MILITARY CONSTRUCTION
 18 PROJECTS.—Section 2851 of title 10, United States Code,
 19 is amended—

20 (1) in subsection (c)(1)—

21 (A) by inserting “or appropriated” after
 22 “funds authorized” each place such term ap-
 23 pears; and

24 (B) in subparagraph (E), by inserting “,
 25 Facilities Sustainment, Restoration, and Mod-

1 ernization (FSRM) project,” after “military
2 construction project”; and

3 (2) in subsection (c)(2)—

4 (A) by inserting “, deadline for bid submis-
5 sions,” after “solicitation date”;

6 (B) by inserting “(including the address of
7 such recipient)” after “contract recipient”; and

8 (C) by adding at the end the following new
9 subparagraphs:

10 “(H) Any subcontracting plan required under
11 paragraph (4) or (5) of section 8(d) of the Small
12 Business Act (15 U.S.C. 637(d)) for the project sub-
13 mitted by the contract recipient to the Secretary of
14 Defense.

15 “(I) A detailed written statement describing
16 and justifying any exception applied or waiver grant-
17 ed under—

18 “(i) chapter 83 of title 41;

19 “(ii) section 2533a of this title; or

20 “(iii) section 2533b of this title.”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(4) The information required to be published on the
24 Internet website under subsection (c) shall constitute a

1 record for the purposes of Chapter 21, 29, 31, and 33
2 of title 44.”.

3 (b) REQUIREMENTS RELATING TO THE AWARD OF
4 COVERED MILITARY CONSTRUCTION CONTRACTS.—

5 (1) REQUIREMENTS.—Subchapter III of chap-
6 ter 169 of title 10, United States Code, is amended
7 by inserting after section 2851 the following new
8 section:

9 **“§ 2851a. Requirements relating to the award of cov-**
10 **ered military construction contracts**

11 “(a) PUBLICATION OF CERTAIN INFORMATION RE-
12 LATING TO COVERED MILITARY CONSTRUCTION CON-
13 TRACTS.—

14 “(1) CONTRACTOR REQUIREMENTS.—A con-
15 tractor that has been awarded a covered military
16 construction contract shall—

17 “(A) make publicly available on a website
18 of the General Services Administration or the
19 Small Business Administration, as applicable,
20 any solicitation under that covered military con-
21 struction contract for a subcontract of an esti-
22 mated value of \$250,000 or more; and

23 “(B) submit written notification of the
24 award of the covered military construction con-
25 tract, and of any subcontract awarded under

1 the covered military construction contract, to
2 the relevant agency of a covered State that en-
3 forces workers' compensation or minimum wage
4 laws in such covered State.

5 “(2) NOTICE.—Upon award of a covered mili-
6 tary construction contract with an estimated value
7 greater than or equal to \$2,000,000, the Secretary
8 concerned shall notify any applicable Member of
9 Congress representing the covered State in which
10 that covered military construction contract is to be
11 performed of such award in a timely manner.

12 “(3) FEDERAL PROCUREMENT DATA SYSTEM.—
13 The Secretary of Defense shall ensure that there is
14 a clear and unique indication of any covered military
15 construction contract with subcontracting work of an
16 estimated value of \$250,000 or more in the Federal
17 Procurement Data System established pursuant to
18 section 1122(a)(4) of title 41 (or any successor sys-
19 tem).

20 “(b) USE OF LOCAL FIRMS AND INDIVIDUALS.—

21 “(1) IN GENERAL.—To the extent practicable,
22 in awarding a covered military construction contract,
23 the Secretary concerned shall give preference to
24 those firms and individuals residing or doing busi-
25 ness primarily in the same State as, or within a 60-

1 mile radius of, the location of the work to be per-
2 formed pursuant to the contract.

3 “(2) JUSTIFICATION REQUIRED.—The Sec-
4 retary concerned shall prepare a written justifica-
5 tion, and make such justification available on the
6 Internet site required under section 2851 of this
7 title, for the award of any covered military construc-
8 tion contract to a firm or individual that is not de-
9 scribed under paragraph (1).

10 “(c) LICENSING.—A contractor and any subcontract-
11 tors performing a covered military construction contract
12 shall be licensed to perform the work under such contract
13 in the State in which the work will be performed.

14 “(d) MONTHLY REPORT.—Not later than 10 days
15 after the end of each month, the Secretary of Defense
16 shall submit to the congressional defense committees a re-
17 port identifying for that month the following:

18 “(1) Each covered military construction con-
19 tract and each subcontract of a covered military con-
20 struction contract described in subsection (a)(1)(A)
21 awarded during that month.

22 “(2) The location of the work to be performed
23 pursuant to each covered military construction con-
24 tract and subcontract identified pursuant to para-
25 graph (1).

1 “(3) The prime contractor and any subcon-
2 tractor performing each covered military construc-
3 tion contract and subcontract identified pursuant to
4 paragraph (1).

5 “(4) The estimated value of each covered mili-
6 tary construction contract and subcontract identified
7 pursuant to paragraph (1).

8 “(e) EXCLUSION OF CLASSIFIED PROJECTS.—This
9 section does not apply to a classified covered military con-
10 struction project.

11 “(f) DEFINITIONS.—In this section:

12 “(1) COVERED MILITARY CONSTRUCTION CON-
13 TRACT.—The term ‘covered military construction
14 contract’ means a contract for work on a military
15 construction project, military family housing project,
16 or Facilities Sustainment, Restoration, and Mod-
17 ernization (FSRM) project carried out in a covered
18 State.

19 “(2) COVERED STATE.—The term ‘covered
20 State’ means any of the several States, the District
21 of Columbia, the Commonwealth of Puerto Rico,
22 Guam, American Samoa, the United States Virgin
23 Islands, or the Commonwealth of the Northern Mar-
24 iana Islands.

“2851a. Requirements relating to the award of covered military construction contracts.”.

(c) SMALL BUSINESS CREDIT FOR LOCAL BUSI-
NESSES.—Section 15 of the Small Business Act (15
U.S.C. 644) is amended by adding at the end the following
new subsection—

21 “(1) CREDIT FOR MEETING SUBCONTRACTING
22 GOALS.—If a prime contractor awards a subcontract
23 (at any tier) to a small business concern that has its
24 principal office located in the same State as, or with-

1 in a 60-mile radius of, the location of the work to
2 be performed pursuant to the contract of the prime
3 contractor, the value of the subcontract shall be dou-
4 bled for purposes of determining compliance with the
5 goals for procurement contracts under subsection
6 (g)(1)(A) during such period.

7 “(2) REPORT.—Along with the report required
8 under subsection (h)(1), the head of each Federal
9 agency shall submit to the Administrator, and make
10 publicly available on the scorecard described in sec-
11 tion 868(b) of the National Defense Authorization
12 Act for Fiscal Year 2016 (Public Law 114–92; 129
13 Stat. 933; 15 U.S.C. 644 note), an analysis of the
14 number and dollar amount of subcontracts awarded
15 pursuant to paragraph (1) for each fiscal year of the
16 period described in such paragraph.”.

17 **SEC. 842. AMENDMENTS TO SUBMISSIONS TO CONGRESS**
18 **RELATING TO CERTAIN FOREIGN MILITARY**
19 **SALES.**

20 Section 887(b) of the National Defense Authorization
21 Act for Fiscal Year 2018 (Public Law 115–91; 22 U.S.C.
22 2761 note) is amended—

23 (1) by striking “the Secretary shall” each place
24 it appears and inserting “the Secretary, in consulta-
25 tion with the Secretary of State, shall”;

1 (2) in paragraph (1)—

2 (A) by striking “December 31, 2021” and
3 inserting “December 31, 2024”; and

4 (B) by striking “with a value” and all that
5 follows through the “subsection (a)”; and

6 (3) in paragraph (2), by striking “December
7 31, 2021” and inserting “December 31, 2024”.

8 **SEC. 843. REVISIONS TO REQUIREMENT TO USE FIRM**
9 **FIXED-PRICE CONTRACTS FOR FOREIGN**
10 **MILITARY SALES.**

11 (a) IN GENERAL.—Section 830 of the National De-
12 fense Authorization Act for Fiscal Year 2017 (22 U.S.C.
13 2762 note) is amended—

14 (1) in subsection (a), by inserting “and subject
15 to subsection (e)” after “enactment of this Act”;
16 and

17 (2) by adding at the end the following new sub-
18 section:

19 “(e) APPLICABILITY.—The regulations prescribed
20 pursuant to subsection (a) shall not apply to a foreign
21 military sale for which the foreign country that is the
22 counterparty to such foreign military sale has requested
23 a modification to the defense service or defense article that
24 is the subject of such foreign military sale that would re-
25 quire significant development work.”; and

1 (3) in subsection (c), by adding at the end the
2 following new sentence: “The Secretary may not del-
3 egate the authority to exercise such a waiver below
4 the level of the service acquisition executive (as de-
5 fined in section 101(a)(10) of title 10, United States
6 Code).”.

7 (b) IMPLEMENTATION.—The Secretary of Defense
8 shall—

9 (1) not later than 120 days after the date of
10 the enactment of this Act, issue guidance to carry
11 out the amendments made by this section; and

12 (2) not later than February 1, 2021, revise the
13 Department of Defense Supplement to the Federal
14 Acquisition Regulation to carry out the amendments
15 made by this section.

16 **SEC. 844. SMALL BUSINESS INDUSTRIAL BASE RESILIENCY**
17 **PROGRAM.**

18 (a) ESTABLISHMENT.—The Assistant Secretary of
19 Defense for Industrial Base Policy (established under sec-
20 tion 902 of this Act) shall establish a program to be
21 known as the “Small Business Industrial Base Resiliency
22 Program” under which the Assistant Secretary shall enter
23 into transactions to purchase or to make a commitment
24 to purchase goods or services from small business concerns

1 as described in subsection (b) to respond to the COVID–
2 19 pandemic.

3 (b) USES OF TRANSACTIONS.—A transaction entered
4 into pursuant to the authority under this section shall—

5 (1) support the monitoring and assessment of
6 small business concerns that enter into such a trans-
7 action;

8 (2) address critical issues in the industrial base
9 relating to urgent operational needs in response to
10 the COVID–19 pandemic;

11 (3) support efforts to create, maintain, protect,
12 expand, or restore the industrial base in response to
13 the COVID–19 pandemic; and

14 (4) as applicable, address supply chain
15 vulnerabilities related to the COVID–19 pandemic
16 for small business concerns that enter into such a
17 transaction.

18 (c) DURATION.—The term of a transaction entered
19 into pursuant to the authority under this section shall be
20 2 years.

21 (d) LIABILITIES.—With respect to any transaction
22 entered into pursuant to the authority under this section
23 on or after the date of enactment of this Act, if such trans-
24 action imposes any contingent liability upon the United
25 States, such liability shall be recorded as an obligation

1 against amounts made available from the Research and
2 Development, Defense-Wide, Pandemic Preparedness and
3 Resilience National Security Fund under section 1003 in
4 an amount equal to the maximum amount of the contin-
5 gency at the time such transaction is entered into.

6 (e) REPORT.—Not later than March 1, 2021, the As-
7 sistant Secretary of Defense for Industrial Base Policy
8 shall submit to the appropriate committees a report that
9 includes the following:

10 (1) A description of any guidance or policy
11 issued to carry out this section.

12 (2) A description of any relevant assessments
13 prepared to address critical issues in the industrial
14 base relating to urgent operational needs related to
15 the COVID–19 pandemic.

16 (3) A description of any transaction entered
17 into pursuant to the authority under this section,
18 and the impact such transaction has had on the re-
19 sponse of the Department of Defense to the
20 COVID–19 pandemic.

21 (4) A prioritized list of gaps or vulnerabilities
22 in the transactions of the industrial base in which
23 small business concerns participate that are related
24 the COVID–19 pandemic, including—

1 (A) a description of mitigation strategies
2 necessary to address such gaps or
3 vulnerabilities;

4 (B) the identification of the Secretary con-
5 cerned or the head of the Defense Agency re-
6 sponsible for addressing such gaps or
7 vulnerabilities; and

8 (C) a proposed timeline for action to ad-
9 dress such gaps or vulnerabilities.

10 (5) Identification of each transaction designed
11 to sustain specific essential technological and indus-
12 trial capabilities and processes of the industrial base
13 in which small business concerns participate that are
14 related to the COVID–19 pandemic.

15 (6) Any other steps necessary to foster and
16 safeguard the industrial base in which small busi-
17 ness concerns participate due to the impact of the
18 COVID–19 pandemic.

19 (f) FUNDING.—The Assistant Secretary of Defense
20 for Industrial Base Policy shall use amounts authorized
21 to be appropriated for Research and Development, De-
22 fense-Wide, Pandemic Preparedness and Resilience Na-
23 tional Security Fund under section 1003 to carry out the
24 requirements of this section.

25 (g) DEFINITIONS.—In this Act:

1 (1) APPROPRIATE COMMITTEES.—The term
2 “covered committees” means—

3 (A) the Committees on Armed Services of
4 the Senate and the House of Representatives;
5 and

6 (B) the Committee on Small Business and
7 Entrepreneurship of the Senate and the Com-
8 mittee on Small Business of the House of Rep-
9 resentatives.

10 (2) COVID–19 PANDEMIC.—The term
11 “COVID–19 pandemic” means the national emer-
12 gency declared by the President under the National
13 Emergencies Act (50 U.S.C. 1601 et seq.).

14 (3) DEFENSE AGENCY.—The term “Defense
15 Agency” has the meaning given in section 101 of
16 title 10, United States Code.

17 (4) SECRETARY CONCERNED.—The term “Sec-
18 retary concerned” has the meaning given in section
19 101 of title 10, United States Code.

20 (5) SMALL BUSINESS CONCERN.—The term
21 “small business concern” has the meaning given
22 under section 3 of the Small Business Act (15
23 U.S.C. 632)).

1 **SEC. 845. REQUIREMENTS RELATING TO REPORTS AND**
2 **LIMITATIONS ON THE AVAILABILITY OF**
3 **FUNDS.**

4 (a) LIMITATION ON THE AVAILABILITY OF FUNDS
5 RELATING TO THE DEFENSE CIVILIAN TRAINING CORPS
6 PROGRAM.—

7 (1) INITIAL PLAN AND SCHEDULE.—Beginning
8 on October 1, 2020, if the Secretary of Defense has
9 not submitted the plan and schedule to implement
10 the Defense Civilian Training Corps program re-
11 quired under section 860(b)(1) of the National De-
12 fense Authorization Act for Fiscal Year 2020 (Pub-
13 lic Law 116–92; 133 Stat. 1514; 10 U.S.C. 2200g
14 note), not more than 25 percent of the funds speci-
15 fied in paragraph (3) may be obligated or expended
16 until the date on which such plan and schedule has
17 been submitted.

18 (2) EXPANSION PLAN AND SCHEDULE.—Begin-
19 ning on January 1, 2021, if the Secretary of De-
20 fense has not submitted the expansion plan and
21 schedule relating to the Defense Civilian Training
22 Corps program required under section 860(b)(2) of
23 the National Defense Authorization Act for Fiscal
24 Year 2020 (Public Law 116–92; 133 Stat. 1514; 10
25 U.S.C. 2200g note), not more than 50 percent of the
26 funds specified in paragraph (3) may be obligated or

1 expended until the date on which such expansion
2 plan and schedule has been submitted.

3 (3) FUNDS SPECIFIED.—The funds specified in
4 this paragraph are the funds authorized to be appro-
5 priated by this Act or otherwise made available for
6 fiscal year 2021 for the Department of Defense for
7 the following:

8 (A) The immediate office of the Secretary
9 of Defense.

10 (B) The Office of the Under Secretary of
11 Defense for Personnel and Readiness.

12 (C) The Office of the Under Secretary of
13 Defense for Research and Engineering.

14 (D) The Office of the Under Secretary of
15 Defense for Acquisition and Sustainment.

16 (b) REPORT AND LIMITATION ON THE AVAILABILITY
17 OF FUNDS RELATING TO THE EXTRAMURAL ACQUISITION
18 INNOVATION AND RESEARCH ACTIVITIES.—

19 (1) REPORT.—Not later than October 1, 2020,
20 the Under Secretary of Defense for Acquisition and
21 Sustainment shall submit to the congressional de-
22 fense committees a report—

23 (A) on the establishment of the extramural
24 acquisition innovation and research activities
25 required under section 2361a of title 10, United

1 States Code (as added by section 835(a)(1) of
2 the National Defense Authorization Act for Fis-
3 cal Year 2020 (Public Law 116–92; 133 Stat.
4 1494)); and

5 (B) that includes the name of the Director
6 appointed under section 2361a(c) of such title
7 (as added by section 835(a)(1) of the National
8 Defense Authorization Act for Fiscal Year 2020
9 (Public Law 116–92; 133 Stat. 1494)).

10 (2) LIMITATION.—

11 (A) IN GENERAL.—Beginning on October
12 1, 2020, if the Under Secretary of Defense for
13 Acquisition and Sustainment has not submitted
14 the report required under paragraph (1), not
15 more than 25 percent of the funds specified in
16 subparagraph (B) may be obligated or expended
17 until the date on which such report has been
18 submitted.

19 (B) FUNDS SPECIFIED.—The funds speci-
20 fied in this subparagraph are the funds author-
21 ized to be appropriated by this Act or otherwise
22 made available for fiscal year 2021 for the De-
23 partment of Defense for the following:

24 (i) The immediate office of the Sec-
25 retary of Defense.

1 (ii) The Office of the Under Secretary
2 of Defense for Research and Engineering.

3 (iii) The Office of the Under Sec-
4 retary of Defense for Acquisition and
5 Sustainment.

6 (c) REPORT AND LIMITATION ON THE AVAILABILITY
7 OF FUNDS RELATING TO THE ELIMINATING THE GAPS
8 AND VULNERABILITIES IN THE NATIONAL TECHNOLOGY
9 AND INDUSTRIAL BASE.—

10 (1) REPORT.—Not later than October 1, 2020,
11 the Secretary of Defense shall submit to the con-
12 gressional defense committees the national security
13 strategy for national technology and industrial base
14 required by section 2501(a) of title 10, United
15 States Code.

16 (2) LIMITATION.—

17 (A) IN GENERAL.—Beginning on October
18 1, 2020, if the Secretary of Defense has not
19 submitted the report required under paragraph
20 (1), not more than 25 percent of the funds
21 specified in subparagraph (B) may be obligated
22 or expended until the date on which such report
23 has been submitted.

24 (B) FUNDS SPECIFIED.—The funds speci-
25 fied in this subparagraph are the funds author-

1 ized to be appropriated by this Act or otherwise
2 made available for fiscal year 2021 for the De-
3 partment of Defense for the following:

4 (i) The immediate office of the Sec-
5 retary of Defense.

6 (ii) The Office of the Under Secretary
7 of Defense for Acquisition and
8 Sustainment.

9 **SEC. 846. ASSESSMENT OF THE REQUIREMENTS PROC-**
10 **ESSES OF THE MILITARY DEPARTMENTS.**

11 (a) ASSESSMENT.—The Secretary of the military de-
12 partment concerned shall assess the requirements process
13 of the military department and make recommendations to
14 improve the agility and timeliness of such requirements
15 process for acquisition programs of the military depart-
16 ment.

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than March 31,
19 2021, each Secretary of a military department shall
20 submit to the congressional defense committees a re-
21 port on the assessment conducted pursuant to sub-
22 section (a) and specific plans to update the require-
23 ments processes of the military department con-
24 cerned based on such assessment.

1 (2) ELEMENTS.—Each report shall include an
2 analysis of and recommended improvements for the
3 following elements:

4 (A) If appropriate, information from the
5 report required in section 800(f) of the Na-
6 tional Defense Authorization Act for Fiscal
7 Year 2020 (Public Law 116–92).

8 (B) The alignment of the requirements
9 processes, acquisition system, and budget proc-
10 ess of the military department concerned.

11 (C) The requirements process for each ac-
12 quisition pathway of the adaptive acquisition
13 framework (as described in Department of De-
14 fense Instruction 5000.02, “Operation of the
15 Adaptive Acquisition Framework”), including
16 the time it takes to complete requirements de-
17 velopment and approval process for each path-
18 way.

19 (D) For each acquisition pathway de-
20 scribed in subparagraph (C), the processes for
21 and the extent to which detailed systems engi-
22 neering and requirements trade-off analyses are
23 done before the development of requirements
24 begins for a specific acquisition program to en-
25 sure that risks are understood and accounted

1 for and that both top-level and derived require-
2 ments (development as well as reliability and
3 maintainability) are achievable within cost,
4 schedule, and technology constraints.

5 (E) Organizational roles and responsibil-
6 ities of individuals with responsibilities relating
7 to the requirements process for the military de-
8 partment concerned, including the role, com-
9 position, and metrics used to assess the effec-
10 tiveness of any requirements oversight council
11 of the military department concerned.

12 (F) The composition and sufficiency of in-
13 dividuals who develop requirements for the mili-
14 tary department concerned, including any ac-
15 quisition workforce planning and personnel
16 shortfalls and resources needed to address any
17 such shortfalls.

18 (G) The ability of the requirements process
19 to address the urgent needs of the military de-
20 partment concerned.

21 (H) The capacity to review changes in re-
22 quirements for programs of record.

23 (I) The validation of decisions made from
24 the requirements process and the alignment of
25 each such decision to the national defense strat-

egy required under section 113(g) of title 10,
United States Code.

(J) The use of portfolio management in
the requirements process to coordinate decisions
and avoid any duplication of requirements
across acquisition programs.

(K) The implementation of recommenda-
tions on the process from the Comptroller Gen-
eral of the United States by each military de-
partment.

(L) Identification and comparison of best
practices in the private sector and the public
sector for the requirements development and
approval process.

(M) Other recommendations to improve
the process of establishing requirements, includ-
ing lessons learned from responding to the
COVID-19 pandemic.

(N) Any additional matters that the Secre-
taries determine appropriate.

**SEC. 847. REPORT ON TRANSFER AND CONSOLIDATION OF
CERTAIN DEFENSE ACQUISITION STATUTES.**

Not later than February 21, 2021, the Secretary of
Defense shall submit to the congressional defense commit-
tees a report containing a comprehensive legislative pro-

1 posal for the transfer and consolidation of statutes within
2 the framework for part V of subtitle A of title 10, United
3 States Code (as enacted by section 801 of the National
4 Defense Authorization Act for Fiscal Year 2019 (Public
5 Law 115-232)), along with conforming amendments to law
6 required by such transfer and consolidation. Such report
7 shall include an assessment of the effect of such transfer
8 and consolidation on related Department of Defense ac-
9 tivities, guidance, and interagency coordination.

10 **SEC. 848. PROHIBITION ON CONTRACTING WITH PERSONS**
11 **WITH WILLFUL OR REPEATED VIOLATIONS**
12 **OF THE FAIR LABOR STANDARDS ACT OF**
13 **1938.**

14 The head of a Federal department or agency (as de-
15 fined in section 102 of title 40, United States Code) shall
16 initiate a debarment proceeding with respect to a person
17 for whom information regarding four or more willful or
18 repeated violation of the Fair Labor Standards Act of
19 1938 (29 U.S.C. 201 et seq.) as determined by a disposi-
20 tion described under subsection (c)(1) of section 2313 of
21 title 41, United States Code, and issued in the last 4
22 years, is included in the database established under sub-
23 section (a) of such section. The head of the department
24 or agency shall use discretion in determining whether the
25 debarment is temporary or permanent.

1 **SEC. 849. REESTABLISHMENT OF COMMISSION ON WAR-**
2 **TIME CONTRACTING.**

3 (a) IN GENERAL.—There is hereby reestablished in
4 the legislative branch under section 841 of the National
5 Defense Authorization Act for Fiscal Year 2008 (Public
6 Law 110–181; 122 Stat. 230) the Commission on War-
7 time Contracting.

8 (b) AMENDMENT TO DUTIES.—Section 841(c)(1) of
9 the National Defense Authorization Act for Fiscal Year
10 2008 (Public Law 110–181; 122 Stat. 231) is amended
11 to read as follows:

12 “(1) GENERAL DUTIES.—The Commission shall
13 study the following matters:

14 “(A) Federal agency contracting funded by
15 overseas contingency operations funds.

16 “(B) Federal agency contracting for the
17 logistical support of coalition forces operating
18 under the authority of the 2001 or 2002 Au-
19 thorization for the Use of Military Force.

20 “(C) Federal agency contracting for the
21 performance of security functions in countries
22 where coalition forces operate under the author-
23 ity of the 2001 or 2002 Authorization for the
24 Use of Military Force”.

1 (c) CONFORMING AMENDMENTS.—Section 841 of the
2 National Defense Authorization Act for Fiscal Year 2008
3 (Public Law 110–181; 122 Stat. 230) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), by striking “the
6 Committee on Oversight and Government Re-
7 form” each place it appears and inserting “the
8 Committee on Oversight and Reform”;

9 (B) in paragraph (2), by striking “of this
10 Act” and inserting “of the Wartime Con-
11 tracting Commission Reauthorization Act of
12 2019”; and

13 (C) in paragraph (4), by striking “was
14 first established” each place it appears and in-
15 serting “was reestablished by the Wartime Con-
16 tracting Commission Reauthorization Act of
17 2019”; and

18 (2) in subsection (d)(1), by striking “On March
19 1, 2009” and inserting “Not later than 1 year after
20 the date of enactment of the Wartime Contracting
21 Commission Reauthorization Act of 2019”.

1 **SEC. 850. REPORT ON CERTAIN CONTRACTS RELATING TO**
2 **CONSTRUCTION OR MAINTENANCE OF A BOR-**
3 **DER WALL.**

4 The Secretary of Defense shall include on a public
5 website of the Department of Defense a list of any con-
6 tracts, including any task order contract (as such term
7 is defined in section 2304d of title 10, United States
8 Code) and any modifications to a contract, entered into
9 by the Secretary relating to the construction or mainte-
10 nance of a barrier along the international border between
11 the United States and Mexico that have an estimated
12 value equal to or greater than \$7,000,000.

13 **SEC. 851. CONGRESSIONAL OVERSIGHT OF PRIVATE SECU-**
14 **RITY CONTRACTOR CONTRACTS.**

15 (a) REPORT OF CERTAIN CONTRACTS AND TASK OR-
16 DERS.—

17 (1) REQUIREMENT REGARDING CONTRACTS
18 AND TASK ORDERS.—The Inspector General of the
19 Department of Defense shall compile a report of the
20 work performed or to be performed under a covered
21 contract during the period beginning on October 1,
22 2001, and ending on the last day of the month dur-
23 ing which this Act is enacted for work performed or
24 work to be performed in areas of contingency oper-
25 ations.

1 (2) FORM OF SUBMISSIONS.—The report re-
2 quired by paragraph (1) shall be submitted in un-
3 classified form, to the maximum extent possible, but
4 may contain a classified annex, if necessary.

5 (b) REPORTS ON CONTRACTS FOR WORK TO BE
6 PERFORMED IN AREAS OF CONTINGENCY OPERATIONS
7 AND OTHER SIGNIFICANT MILITARY OPERATIONS.—The
8 Inspector General of the Department of Defense shall sub-
9 mit to each specified congressional committee a report not
10 later than 60 days after the date of the enactment of this
11 Act that contains the following information:

12 (1) The number of civilians performing work in
13 areas of contingency operations under covered con-
14 tracts.

15 (2) The total cost of such covered contracts.

16 (3) The total number of civilians who have been
17 wounded or killed in performing work under such
18 covered contracts.

19 (4) A description of the disciplinary actions
20 that have been taken against persons performing
21 work under such covered contracts by the con-
22 tractor, the United States Government, or the gov-
23 ernment of any country in which the area of contin-
24 gency operations is located.

25 (c) DEFINITIONS.—In this section:

1 (1) COVERED CONTRACT.—The term “covered
2 contract” means a contract for private security en-
3 tered into by the Secretary of Defense in an amount
4 greater than \$5,000,000.

5 (2) CONTINGENCY OPERATION.—The term
6 “contingency operation” has the meaning provided
7 by section 101(a)(13) of title 10, United States
8 Code.

9 (3) SPECIFIED CONGRESSIONAL COMMIT-
10 TEES.—The term “specified congressional commit-
11 tees” means the Committees on Armed Services of
12 the Senate and the House of Representatives.

13 **SEC. 852. REVISIONS TO THE UNIFIED FACILITIES CRI-**
14 **TERIA REGARDING THE USE OF VARIABLE**
15 **REFRIGERANT FLOW SYSTEMS.**

16 (a) IN GENERAL.—The Under Secretary of Defense
17 for Acquisition and Sustainment shall publish any pro-
18 posed revisions to the Unified Facilities Criteria regarding
19 the use of variable refrigerant flow systems in the Federal
20 Register and shall specify a comment period of at least
21 60 days.

22 (b) NOTICE.—The Secretary shall submit to the
23 Committees on Armed Services of the House of Represent-
24 atives and the Senate a written notice and justification
25 for any proposed revisions to the Unified Facilities Cri-

1 teria regarding the use of variable refrigerant flow systems
2 not later than 30 days after the date of publication in the
3 Federal Register.

4 **TITLE IX—DEPARTMENT OF DE-**
5 **FENSE ORGANIZATION AND**
6 **MANAGEMENT**

7 **Subtitle A—Office of the Secretary**
8 **of Defense and Related Matters**

9 **SEC. 901. REPEAL OF POSITION OF CHIEF MANAGEMENT**
10 **OFFICER.**

11 (a) REPEAL OF POSITION OF CHIEF MANAGEMENT
12 OFFICER.—

13 (1) IN GENERAL.—Section 132a of title 10,
14 United States Code is repealed.

15 (2) CONFORMING AMENDMENTS AND RE-
16 PEALS.—

17 (A) Paragraph (2) of section 131(b) of
18 title 10, United States Code, is repealed.

19 (B) The table of sections at the beginning
20 of chapter 4 of title 10, United States Code, is
21 amended by striking the item relating to section
22 132a.

23 (C) Section 910 of the National Defense
24 Authorization Act for Fiscal Year 2018 (Public
25 Law 115–91; 131 Stat. 1516) is repealed.

1 (3) EFFECTIVE DATE.—The amendments and
2 repeals made by paragraphs (1) and (2) shall take
3 effect 30 days after the date of the enactment of
4 this Act.

5 (b) IMPLEMENTATION.—On the effective date of the
6 amendments and repeals under subsection (a)—

7 (1) any duties and responsibilities that remain
8 assigned to the Chief Management Officer of the
9 Department of Defense shall be transferred to a sin-
10 gle official selected by the Secretary of Defense, ex-
11 cept that such official may not be an individual who
12 served as the Chief Management Officer before such
13 effective date;

14 (2) the personnel, functions, and assets of the
15 Office of the Chief Management Officer shall be
16 transferred to such other organizations and elements
17 of the Department as the Secretary determines ap-
18 propriate; and

19 (3) any reference in Federal law, regulations,
20 guidance, instructions, or other documents of the
21 Federal Government to the Chief Management Offi-
22 cer of the Department of Defense shall be deemed
23 to be a reference to the official selected by the Sec-
24 retary under paragraph (1)).

1 (c) LEGISLATIVE PROPOSAL.—Not later than 180
 2 days after the date of the enactment of this Act, the Sec-
 3 retary of Defense shall submit to the congressional defense
 4 committees a report that includes a comprehensive legisla-
 5 tive proposal for additional conforming amendments to
 6 law required by the amendments and repeals made by this
 7 section.

8 **SEC. 902. ASSISTANT SECRETARY OF DEFENSE FOR INDUS-**
 9 **TRIAL BASE POLICY.**

10 (a) IN GENERAL.—

11 (1) ASSISTANT SECRETARIES OF DEFENSE.—
 12 Section 138 of title 10, United States Code, is
 13 amended—

14 (A) in subsection (a)(1), by striking “13”
 15 and inserting “14”; and

16 (B) in subsection (b), by adding at the end
 17 the following new paragraph:

18 “(6) One of the Assistant Secretaries is the As-
 19 sistant Secretary of Defense for Industrial Base Pol-
 20 icy. In addition to any duties and powers prescribed
 21 under paragraph (1), the Assistant Secretary of De-
 22 fense for Industrial Base Policy shall have the duties
 23 described in section 139c of this title.”.

24 (2) ASSISTANT SECRETARY OF DEFENSE FOR
 25 INDUSTRIAL BASE POLICY.—Chapter 4 of subtitle A

1 of title 10, United States Code, is amended by in-
2 serting after section 139b the following new section:

3 **“§ 139c. Assistant Secretary of Defense for Industrial**
4 **Base Policy**

5 “(a) IN GENERAL.—The Assistant Secretary of De-
6 fense for Industrial Base Policy shall report to the Under
7 Secretary of Defense for Acquisition and Sustainment.

8 “(b) RESPONSIBILITIES.—The Assistant Secretary of
9 Defense for Industrial Base Policy shall be the head of
10 the Office of Defense Industrial Base Policy and shall
11 serve as the principal advisor to the Under Secretary of
12 Defense for Acquisition and Sustainment in the perform-
13 ance of the Under Secretary’s duties relating to the fol-
14 lowing:

15 “(1) Providing input to strategy reviews on
16 matters related to—

17 “(A) the defense industrial base; and

18 “(B) materials critical to national security
19 (as defined in section 187(e)(1) of this title).

20 “(2) Establishing policies of the Department of
21 Defense for developing and maintaining the defense
22 industrial base of the United States and ensuring a
23 secure supply of materials critical to national secu-
24 rity.

1 “(3) Providing recommendations on budget
2 matters pertaining to the defense industrial base,
3 the supply chain, and the development and retention
4 of skills necessary to support the defense industrial
5 base.

6 “(4) Providing recommendations and acquisi-
7 tion policy guidance on defense supply chain man-
8 agement and supply chain vulnerability throughout
9 the entire defense supply chain, from suppliers of
10 raw materials to producers of major end items.

11 “(5) Establishing the national security objec-
12 tives concerning the national technology and indus-
13 trial base required under section 2501 of this title.

14 “(6) Executing the national defense program
15 for analysis of the national technology and industrial
16 base required under section 2503 of this title.

17 “(7) Performing the national technology and in-
18 dustrial base periodic defense capability assessments
19 required under section 2505 of this title.

20 “(8) Establishing the technology and industrial
21 base policy guidance required under section 2506 of
22 this title.

23 “(9) Providing policy and oversight of matters
24 related to materials critical to national security to

1 ensure a secure supply of such materials to the De-
2 partment of Defense.

3 “(10) Carrying out the activities of the Depart-
4 ment of Defense relating to the Defense Production
5 Act Committee established under section 722 of the
6 Defense Production Act of 1950 (50 U.S.C. App.
7 2171).

8 “(11) Consistent with section 2(b) of the De-
9 fense Production Act of 1950 (50 U.S.C. App.
10 2062(b)), executing other applicable authorities pro-
11 vided under the Defense Production Act of 1950 (50
12 U.S.C. App. 2061 et seq.), including authorities
13 under titles I and III of such Act.

14 “(12) Establishing Department of Defense poli-
15 cies related to international defense technology secu-
16 rity and export control issues.

17 “(13) Establishing policies related to industrial
18 independent research and development programs
19 under section 2372 of this title.

20 “(14) Coordinating with the Director of Small
21 Business Programs on all matters related to indus-
22 trial base policy of the Department of Defense.

23 “(15) Ensuring reliable sources of materials
24 critical to national security, such as specialty metals,
25 armor plate, and rare earth elements.

1 “(16) Establishing policies of the Department
2 of Defense for continued reliable resource availability
3 from secure sources for the defense industrial base
4 of the United States.

5 “(17) Establishing policies related to a procure-
6 ment technical assistance program funded under this
7 chapter 142 of this title.

8 “(18) Such other duties as are assigned by the
9 Under Secretary.

10 “(c) RULES OF CONSTRUCTION RELATING TO DE-
11 FENSE PRODUCTION ACT.—Nothing in this section shall
12 be construed to modify the authorities or responsibilities
13 of any officer or employee of the United States under the
14 Defense Production Act of 1950 (50 U.S.C. 4501 et seq.),
15 including those authorities and responsibilities specified in
16 Department of Defense Directive 4400.01E (or any suc-
17 cessor directive). In addition, nothing in subsection (b)(9)
18 shall be construed to limit the authority or modify the poli-
19 cies of the Committee on Foreign Investment in the
20 United States established under section 721(k) of such
21 Act (50 U.S.C. 4565(k)).”.

22 (3) CLERICAL AMENDMENT.—The table of con-
23 tents for chapter 4 of subtitle A of title 10, United
24 States Code, is amended by inserting after the item
25 relating to section 139b the following new item:

“139c. Assistant Secretary of Defense for Industrial Base Policy.”.

1 (b) CONTINUATION OF SERVICE.—The Deputy As-
2 sistant Secretary of Defense for Industrial Policy shall be
3 the individual serving as the Assistant Secretary of De-
4 fense for Industrial Base Policy (as established under sec-
5 tion 139c(a) of title 10, United States Code, as added by
6 subsection (a)) until the President has appointed an indi-
7 vidual to serve as Assistant Secretary of Defense for In-
8 dustrial Base Policy pursuant to section 138 of title 10,
9 United States Code.

10 (c) TRANSFER OF OFFICE OF INDUSTRIAL POLICY
11 TO OFFICE OF DEFENSE INDUSTRIAL BASE POLICY.—

12 (1) TRANSFER OF FUNCTIONS.—Not later than
13 180 days after the date of the enactment of this Act,
14 all functions that, immediately before such date of
15 enactment, were functions of the Office of Industrial
16 Policy of the Department of Defense shall be trans-
17 ferred to the Office of Defense Industrial Base Pol-
18 icy.

19 (2) TRANSFER OF ASSETS.—So much of the
20 personnel, property, records, and unexpended bal-
21 ances of appropriations, allocations, and other funds
22 employed, used, held, available, or to be made avail-
23 able in connection with a function transferred under
24 paragraph (1) shall be available to the Office of De-
25 fense Industrial Base Policy at such time or times

1 as the President directs for use in connection with
 2 the functions transferred.

3 (3) TERMINATION.—The Office of Industrial
 4 Policy of the Department of Defense shall terminate
 5 on the earlier of—

6 (A) the effective date of the transfers
 7 under paragraph (1); or

8 (B) 180 days after the date of the enact-
 9 ment of this Act.

10 **SEC. 903. ASSIGNMENT OF RESPONSIBILITY FOR THE ARC-**
 11 **TIC REGION WITHIN THE OFFICE OF THE**
 12 **SECRETARY OF DEFENSE.**

13 The Assistant Secretary of Defense for International
 14 Security Affairs shall assign responsibility for the Arctic
 15 region to the Deputy Assistant Secretary of Defense for
 16 the Western Hemisphere or any other Deputy Assistant
 17 Secretary of Defense the Secretary of Defense considers
 18 appropriate.

19 **Subtitle B—Other Department of**
 20 **Defense Organization and Man-**
 21 **agement Matters**

22 **SEC. 911. LIMITATION ON REDUCTION OF CIVILIAN WORK-**
 23 **FORCE.**

24 Section 129a(b) of title 10, United States Code, is
 25 amended by adding at the end the following: “The Sec-

1 retary may not reduce the civilian workforce programmed
2 full-time equivalent levels unless the Secretary conducts
3 an appropriate analysis of the impacts of such reductions
4 on workload, military force structure, lethality, readiness,
5 operational effectiveness, stress on the military force, and
6 fully burdened costs.”.

7 **SEC. 912. CHIEF DIVERSITY OFFICERS.**

8 (a) DEPARTMENT OF DEFENSE.—

9 (1) IN GENERAL.—Chapter 4 of title 10, United
10 States Code, is amended by adding at the end the
11 following new section:

12 **“§ 146. Chief Diversity Officer**

13 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
14 Chief Diversity Officer of the Department of Defense, ap-
15 pointed from civilian life by the President, by and with
16 the advice and consent of the Senate.

17 “(2) The Chief Diversity Officer shall be appointed
18 from among persons who have an extensive management
19 or business background and experience with diversity and
20 inclusion. A person may not be appointed as Chief Diver-
21 sity Officer within seven years after relief from active duty
22 as a commissioned officer of a regular component of an
23 armed force.

24 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
25 ficer—

1 “(1) is responsible for policy, oversight, guid-
2 ance, and coordination for all matters of the Depart-
3 ment of Defense related to diversity and inclusion;

4 “(2) exercises authority to direct the Secre-
5 taries of the military departments and the heads of
6 all other elements of the Department with regard to
7 matters for which the Chief Diversity Officer has re-
8 sponsibility under this section;

9 “(3) exercises authority, direction, and control
10 over the Office of People Analytics, or any successor
11 organization;

12 “(4) shall establish and maintain a Department
13 of Defense strategic plan that publicly states a di-
14 versity definition, vision, and goals for the Depart-
15 ment of Defense;

16 “(5) shall define a set of strategic metrics that
17 are directly linked to key organizational priorities
18 and goals, actionable, and actively used to imple-
19 ment the strategic plan;

20 “(6) shall establish training in diversity dynam-
21 ics and training in practices for leading diverse
22 groups effectively;

23 “(7) shall establish and maintain a strategic
24 plan for diverse participation by institutions of high-
25 er education (including historically black colleges

1 and universities and minority-serving institutions),
2 federally funded research and development centers,
3 and individuals in defense-related research, develop-
4 ment, testing, and evaluation activities;

5 “(8) shall establish and maintain a strategic
6 plan for outreach to, and recruiting from, untapped
7 locations and underrepresented demographic groups;

8 “(9) shall conduct regular, rigorous evaluations
9 and assessments of diversity within the Department
10 of Defense; and

11 “(10) shall perform such additional duties and
12 exercise such powers as the Secretary of Defense
13 may prescribe.

14 “(c) PRECEDENCE IN THE DEPARTMENT OF DE-
15 FENSE.—(1) The Chief Diversity Officer shall report di-
16 rectly to the Secretary of Defense in the performance of
17 duties under this section.

18 “(2) The Chief Diversity Officer takes precedence in
19 the Department of Defense after the Chief Management
20 Officer.”.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENTS.—

23 (A) The table of sections at the beginning
24 of such chapter is amended by adding at the
25 end the following new item:

“146. Chief Diversity Officer.”.

1 (B) Section 136(b) of such title is amend-
2 ed by inserting “the Chief Diversity Officer
3 and” after “control of the Secretary of De-
4 fense,”.

5 (b) DEPARTMENT OF THE ARMY.—

6 (1) IN GENERAL.—Chapter 703 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 7025. Chief Diversity Officer**

10 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
11 Chief Diversity Officer of the Department of the Army,
12 appointed from civilian life by the President, by and with
13 the advice and consent of the Senate.

14 “(2) The Chief Diversity Officer shall be appointed
15 from among persons who have an extensive management
16 or business background and experience with diversity and
17 inclusion.

18 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
19 ficer—

20 “(1) is responsible for policy, oversight, guid-
21 ance, and coordination for all matters of the Depart-
22 ment of the Army related to diversity and inclusion;

23 “(2) exercises authority to direct the heads of
24 all other elements of the Department with regard to

1 matters for which the Chief Diversity Officer has re-
 2 sponsibility under this section;

3 “(3) shall establish training in diversity dynam-
 4 ics and training in practices for leading diverse
 5 groups effectively;

6 “(4) shall conduct regular, rigorous evaluations
 7 and assessments of diversity within the Department
 8 of the Army; and

9 “(5) shall perform such additional duties and
 10 exercise such powers as the Secretary of the Army
 11 may prescribe.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
 13 MENTS.—

14 (A) The table of sections at the beginning
 15 of such chapter is amended by adding at the
 16 end the following new item:

“7025. Chief Diversity Officer.”.

17 (B) Section 7014(b) of such title is amend-
 18 ed by—

19 (i) by redesignating paragraphs (2)
 20 through (8) as paragraphs (3) through (9),
 21 respectively; and

22 (ii) by inserting after paragraph (1),
 23 the following new paragraph (2):

24 “(2) The Chief Diversity Officer.”.

1 (C) Section 7014(c)(1) of such title is
2 amended by adding at the end the following
3 new subparagraph (H):

4 “(H) Diversity and inclusion.”.

5 (c) DEPARTMENT OF THE NAVY.—

6 (1) IN GENERAL.—Chapter 803 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 8029. Chief Diversity Officer**

10 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
11 Chief Diversity Officer of the Department of the Navy,
12 appointed from civilian life by the President, by and with
13 the advice and consent of the Senate.

14 “(2) The Chief Diversity Officer shall be appointed
15 from among persons who have an extensive management
16 or business background and experience with diversity and
17 inclusion.

18 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
19 ficer—

20 “(1) is responsible for policy, oversight, guid-
21 ance, and coordination for all matters of the Depart-
22 ment of the Navy related to diversity and inclusion;

23 “(2) exercises authority to direct the heads of
24 all other elements of the Department with regard to

1 matters for which the Chief Diversity Officer has re-
 2 sponsibility under this section;

3 “(3) shall establish training in diversity dynam-
 4 ics and training in practices for leading diverse
 5 groups effectively;

6 “(4) shall conduct regular, rigorous evaluations
 7 and assessments of diversity within the Department
 8 of the Navy; and

9 “(5) shall perform such additional duties and
 10 exercise such powers as the Secretary of the Navy
 11 may prescribe.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
 13 MENTS.—

14 (A) The table of sections at the beginning
 15 of chapter 803 of title 10, United States Code,
 16 is amended by adding at the end the following
 17 new item:

“8029. Chief Diversity Officer.”.

18 (B) Section 8014(b) of such title is amend-
 19 ed by—

20 (i) by redesignating paragraphs (2)
 21 through (8) as paragraphs (3) through (9),
 22 respectively; and

23 (ii) by inserting after paragraph (1),
 24 the following new paragraph (2):

25 “(2) The Chief Diversity Officer.”.

1 (C) Section 8014(c)(1) of such title is
2 amended by adding at the end the following
3 new subparagraph (H):

4 “(H) Diversity and inclusion.”.

5 (d) DEPARTMENT OF THE AIR FORCE.—

6 (1) IN GENERAL.—Chapter 903 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 9025. Chief Diversity Officer**

10 “(a) CHIEF DIVERSITY OFFICER.—(1) There is a
11 Chief Diversity Officer of the Department of the Air
12 Force, appointed from civilian life by the President, by
13 and with the advice and consent of the Senate.

14 “(2) The Chief Diversity Officer shall be appointed
15 from among persons who have an extensive management
16 or business background and experience with diversity and
17 inclusion.

18 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
19 ficer—

20 “(1) is responsible for policy, oversight, guid-
21 ance, and coordination for all matters of the Depart-
22 ment of the Air Force related to diversity and inclu-
23 sion;

24 “(2) exercises authority to direct the heads of
25 all other elements of the Department with regard to

1 matters for which the Chief Diversity Officer has re-
 2 sponsibility under this section;

3 “(3) shall establish training in diversity dynam-
 4 ics and training in practices for leading diverse
 5 groups effectively;

6 “(4) shall conduct regular, rigorous evaluations
 7 and assessments of diversity within the Department
 8 of the Air Force; and

9 “(5) shall perform such additional duties and
 10 exercise such powers as the Secretary of the Air
 11 Force may prescribe.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
 13 MENTS.—

14 (A) The table of sections at the beginning
 15 of such chapter is amended by adding at the
 16 end the following new item:

“9025. Chief Diversity Officer.”.

17 (B) Section 9014(b) of such title is amend-
 18 ed by—

19 (i) by redesignating paragraphs (2)
 20 through (8) as paragraphs (3) through (9),
 21 respectively; and

22 (ii) by inserting after paragraph (1),
 23 the following new paragraph (2):

24 “(2) The Chief Diversity Officer.”.

1 (C) Section 9014(c)(1) of such title is
2 amended by adding at the end the following
3 new subparagraph (H):

4 “(H) Diversity and inclusion.”.

5 (e) COAST GUARD.—

6 (1) IN GENERAL.—Chapter 3 of title 14, United
7 States Code, is amended by adding at the end the
8 following new section:

9 **“§ 321. Chief Diversity Officer**

10 “(a) ESTABLISHMENT.—(1) There is a Chief Diver-
11 sity Officer of the Coast Guard, appointed from civilian
12 life by the President, by and with the advice and consent
13 of the Senate.

14 “(2) The Chief Diversity Officer shall be appointed
15 from among persons who have an extensive management
16 or business background and experience with diversity and
17 inclusion.

18 “(b) POWERS AND DUTIES.—The Chief Diversity Of-
19 ficer—

20 “(1) is responsible for policy, oversight, guid-
21 ance, and coordination for all matters of the Coast
22 Guard related to diversity and inclusion;

23 “(2) exercises authority to direct the heads of
24 all other elements of the Coast Guard with regard

1 to matters for which the Chief Diversity Officer has
2 responsibility under this section;

3 “(3) shall establish training in diversity dynam-
4 ics and training in practices for leading diverse
5 groups effectively;

6 “(4) shall conduct regular, rigorous evaluations
7 and assessments of diversity within the Coast
8 Guard; and

9 “(5) shall perform such additional duties and
10 exercise such powers as the Commandant may pre-
11 scribe.

12 “(c) PRECEDENCE.—The Chief Diversity Officer
13 shall report directly to the Commandant in the perform-
14 ance of duties under this section.”.

15 (2) TECHNICAL AND CONFORMING AMEND-
16 MENTS.—The table of sections at the beginning of
17 such chapter is amended by adding at the end the
18 following new item:

“321. Chief Diversity Officer.”.

19 (f) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on February 1, 2021.

21 **SEC. 913. ESTABLISHMENT OF DEPUTY ASSISTANT SECRE-**
22 **TARIES FOR SUSTAINMENT.**

23 (a) DEPARTMENT OF THE ARMY.—

24 (1) IN GENERAL.—Chapter 703 of title 10,
25 United States Code, as amended by section 912(b)

1 of this Act, is further amended by adding at the end
2 the following new section:

3 **“§ 7026. Deputy Assistant Secretary of the Army for**
4 **Sustainment**

5 “(a) APPOINTMENT.—There is a Deputy Assistant
6 Secretary of the Army for Sustainment, who shall be ap-
7 pointed by the Secretary of the Army.

8 “(b) RESPONSIBILITIES.—The Deputy Assistant Sec-
9 retary of the Army for Sustainment shall have the fol-
10 lowing responsibilities with respect to major weapon sys-
11 tems acquired for the Department of the Army:

12 “(1) Reviewing and providing oversight of the
13 sustainment baseline cost estimates required by sec-
14 tion 2366d of this title.

15 “(2) Participating in any review of a life-cycle
16 sustainment plan conducted pursuant to section
17 2366d of this title.

18 “(3) Ensuring that cost modeling, performance
19 metrics, and data analytics are used—

20 “(A) to inform and update life-cycle
21 sustainment plans;

22 “(B) to develop, with respect to the major
23 weapon system to which such plan relates, the
24 budget of the President for the fiscal year as

1 submitted to Congress pursuant to section 1105
2 of title 31; and

3 “(C) to inform the Secretary of the Army
4 when assumptions made in the development of
5 a sustainment baseline cost estimate are no
6 longer valid or when new opportunities arise to
7 reduce costs or improve efficiency.

8 “(4) Making recommendations to the senior ac-
9 quisition executive of the Army regarding the most
10 cost-effective sustainment strategy to incorporate
11 into each life-cycle sustainment plan.

12 “(5) Balancing the range of sustainment activi-
13 ties for each major weapon system to achieve the op-
14 timal balance of affordability, viable military depots
15 and shipyards, and contracted product support ar-
16 rangements.

17 “(6) Advise the Secretary of the Army regard-
18 ing the overall alignment of the sustainment activi-
19 ties, the operations of the sustainment supply chain,
20 and strategic readiness.

21 “(c) DEFINITIONS.—The terms ‘life-cycle
22 sustainment plan’, ‘major weapon system’, and
23 ‘sustainment baseline cost estimate’ have the meanings
24 given in section 2366d of this title.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 703 of title 10,
3 United States Code, is amended by adding at the
4 end the following new item:

“7026. Deputy Assistant Secretary of the Army for Sustainment.”.

5 (b) DEPARTMENT OF THE NAVY.—

6 (1) IN GENERAL.—Chapter 803 of title 10,
7 United States Code, as amended by section 912(c)
8 of this Act, is further amended by adding at the end
9 the following new section:

10 **“§ 8029a. Deputy Assistant Secretary of the Navy for**
11 **Sustainment**

12 “(a) APPOINTMENT.—There is a Deputy Assistant
13 Secretary of the Navy for Sustainment, who shall be ap-
14 pointed by the Secretary of the Navy.

15 “(b) RESPONSIBILITIES.—The Deputy Assistant Sec-
16 retary of the Navy for Sustainment shall have the fol-
17 lowing responsibilities with respect to major weapon sys-
18 tems acquired for the Department of the Navy:

19 “(1) Reviewing and providing oversight of the
20 sustainment baseline cost estimates required by sec-
21 tion 2366d of this title.

22 “(2) Participating in any review of a life-cycle
23 sustainment plan conducted pursuant to section
24 2366d of this title.

1 “(3) Ensuring that cost modeling, performance
2 metrics, and data analytics are used—

3 “(A) to inform and update life-cycle
4 sustainment plans;

5 “(B) to develop, with respect to the major
6 weapon system to which such plan relates, the
7 budget of the President for the fiscal year as
8 submitted to Congress pursuant to section 1105
9 of title 31; and

10 “(C) to inform the Secretary of the Navy
11 when assumptions made in the development of
12 a sustainment baseline cost estimate are no
13 longer valid or when new opportunities arise to
14 reduce costs or improve efficiency.

15 “(4) Making recommendations to the senior ac-
16 quisition executive of the Navy regarding the most
17 cost-effective sustainment strategy to incorporate
18 into each life-cycle sustainment plan.

19 “(5) Balancing the range of sustainment activi-
20 ties for each major weapon system to achieve the op-
21 timal balance of affordability, viable military depots
22 and shipyards, and contracted product support ar-
23 rangements.

24 “(6) Advise the Secretary of the Navy regard-
25 ing the overall alignment of the sustainment activi-

1 ties, the operations of the sustainment supply chain,
2 and strategic readiness.

3 “(c) DEFINITIONS.—The terms ‘life-cycle
4 sustainment plan’, ‘major weapon system’ , and
5 ‘sustainment baseline cost estimate’ have the meanings
6 given in section 2366d of this title.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 803 of title 10,
9 United States Code, is amended by adding at the
10 end the following new item:

“8029a. Deputy Assistant Secretary of the Navy for Sustainment.”.

11 (c) DEPARTMENT OF THE AIR FORCE.—

12 (1) IN GENERAL.—Chapter 903 of title 10,
13 United States Code, as amended by section 912(d)
14 of this Act, is further amended by adding at the end
15 the following new section:

16 **“§ 9026. Deputy Assistant Secretary of the Air Force**
17 **for Sustainment**

18 “(a) APPOINTMENT.—There is a Deputy Assistant
19 Secretary of the Air Force for Sustainment, who shall be
20 appointed by the Secretary of the Air Force.

21 “(b) RESPONSIBILITIES.—The Deputy Assistant Sec-
22 retary of the Air Force for Sustainment shall have the
23 following responsibilities with respect to major weapon
24 systems acquired for the Department of the Air Force:

1 “(1) Reviewing and providing oversight of the
2 sustainment baseline cost estimates required by sec-
3 tion 2366d of this title.

4 “(2) Participating in any review of a life-cycle
5 sustainment plan conducted pursuant to section
6 2366d of this title.

7 “(3) Ensuring that cost modeling, performance
8 metrics, and data analytics are used—

9 “(A) to inform and update life-cycle
10 sustainment plans;

11 “(B) to develop, with respect to the major
12 weapon system to which such plan relates, the
13 budget of the President for the fiscal year as
14 submitted to Congress pursuant to section 1105
15 of title 31; and

16 “(C) to inform the Secretary of the Air
17 Force when assumptions made in the develop-
18 ment of a sustainment baseline cost estimate
19 are no longer valid or when new opportunities
20 arise to reduce costs or improve efficiency.

21 “(4) Making recommendations to the senior ac-
22 quisition executive of the Air Force regarding the
23 most cost-effective sustainment strategy to incor-
24 porate into each life-cycle sustainment plan.

1 “(5) Balancing the range of sustainment activi-
 2 ties for each major weapon system to achieve the op-
 3 timal balance of affordability, viable military depots
 4 and shipyards, and contracted product support ar-
 5 rangements.

6 “(6) Advise the Secretary of the Air Force re-
 7 garding the overall alignment of the sustainment ac-
 8 tivities, the operations of the sustainment supply
 9 chain, and strategic readiness.

10 “(c) DEFINITIONS.—The terms ‘life-cycle
 11 sustainment plan’, ‘major weapon system’, and
 12 ‘sustainment baseline cost estimate’ have the meanings
 13 given in section 2366d of this title.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
 15 tions at the beginning of chapter 903 of title 10,
 16 United States Code, is amended by adding at the
 17 end the following new item:

“9026. Deputy Assistant Secretary of the Air Force for Sustainment.”.

18 **SEC. 914. OFFICE OF DEFENSE COMMUNITY COOPERATION**
 19 **AND ECONOMIC ADJUSTMENT.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—Chapter 141 of title 10,
 22 United States Code, is amended by inserting after
 23 section 2391 the following new section:

1 **“§ 2391a. Office of Defense Community Cooperation**
2 **and Economic Adjustment**

3 “(a) ESTABLISHMENT.—There is in the Office of the
4 Secretary of Defense an Office of Defense Community Co-
5 operation and Economic Adjustment (in this section re-
6 ferred to as the ‘Office’).

7 “(b) HEAD OF OFFICE.—There is a Director of the
8 Office who shall be the head of the Office. The Director
9 shall be appointed by the Secretary of Defense.

10 “(c) DUTIES.—The Office shall—

11 “(1) serve as the office in the Department of
12 Defense with primary responsibility for—

13 “(A) providing assistance to States, coun-
14 ties, municipalities, regions, and other commu-
15 nities to foster cooperation with military instal-
16 lations to enhance the military mission, achieve
17 facility and infrastructure savings and reduced
18 operating costs, address encroachment and
19 compatible land use issues, support military
20 families, and increase military, civilian, and in-
21 dustrial readiness and resiliency; and

22 “(B) providing adjustment and diversifica-
23 tion assistance to State and local governments
24 under section 2391(b) to achieve the objectives
25 described in subparagraph (A);

1 “(2) coordinate the provision of such assistance
2 with other organizations and elements of the De-
3 partment;

4 “(3) provide support to the Economic Adjust-
5 ment Committee established under Executive Order
6 No. 12788 (57 Fed. Reg. 2213; 10 U.S.C. 2391
7 note) or any successor to such Committee; and

8 “(4) carry out such other activities as the Sec-
9 retary of Defense determines appropriate.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such chapter is amended
12 by inserting after the item relating to section 2391
13 the following new item:

“2391a. Office of Defense Community Cooperation and Economic Adjustment.”.

14 (b) TRANSFERS.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary of Defense
16 shall transfer the functions, personnel, and assets of the
17 Office of Economic Adjustment of the Department of De-
18 fense to the Office of Defense Community Cooperation
19 and Economic Adjustment established under section
20 2391a of title 10, United States Code (as added by sub-
21 section (a)).

22 (c) ADMINISTRATION OF CERTAIN PROGRAMS.—Be-
23 ginning on the effective date of the transfers under sub-
24 section (b), any program, project, or other activity admin-
25 istered by the Office of Economic Adjustment of the De-

1 partment of Defense as of the date of the enactment of
2 this Act shall be administered by the Office of Defense
3 Community Cooperation and Economic Adjustment estab-
4 lished under section 2391a of title 10, United States Code
5 (as added by subsection (a)).

6 **SEC. 915. INPUT FROM CHIEF OF NATIONAL GUARD BU-**
7 **REAU TO THE JOINT REQUIREMENTS OVER-**
8 **SIGHT COUNCIL.**

9 Section 181(d) of title 10, United States Code, is
10 amended by adding at the end the following new para-
11 graph:

12 “(4) INPUT FROM CHIEF OF NATIONAL GUARD
13 BUREAU.—The Council shall seek, and strongly con-
14 sider, the views of the Chief of National Guard Bu-
15 reau regarding non-Federalized National Guard ca-
16 pabilities in support of homeland defense and civil
17 support missions.”.

18 **SEC. 916. REDESIGNATION OF THE JOINT FORCES STAFF**
19 **COLLEGE.**

20 (a) IN GENERAL.—Title 10, United States Code, is
21 amended by striking “Joint Forces Staff College” each
22 place it appears and inserting “Joint Forces War Col-
23 lege”.

24 (b) REFERENCES.—Any reference in Federal law,
25 regulations, guidance, instructions, or other documents of

1 the Federal Government to the Joint Forces Staff College
2 shall be deemed to be a reference to the Joint Forces War
3 College.

4 **SEC. 917. REPORTING ON POST-JAIC ASSIGNMENT.**

5 Subsection (b) of section 260 of the National Defense
6 Authorization Act for Fiscal Year 2020 (Public Law 116–
7 92) is amended by adding at the end the following para-
8 graph:

9 “(11) For each uniformed service member who
10 concluded an assignment supporting the Center in
11 the previous 6 months, a position description of the
12 billet that the service member transitioned into.”.

13 **SEC. 918. COMPTROLLER GENERAL REPORT ON**
14 **VULNERABILITIES OF THE DEPARTMENT OF**
15 **DEFENSE RESULTING FROM OFFSHORE**
16 **TECHNICAL SUPPORT CALL CENTERS.**

17 (a) REPORT REQUIRED.—Not later than 180 days
18 after the date of the enactment of this Act, the Comp-
19 troller General of the United States shall submit to the
20 Committees on Armed Services of the Senate and the
21 House of Representatives a report on vulnerabilities in
22 connection with the provision of services by offshore tech-
23 nical support call centers to the Department of Defense.

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

1 (1) A description and assessment of the location
2 of all offshore technical support call centers.

3 (2) A description and assessment of the types
4 of information shared by the Department with for-
5 eign nationals at offshore technical support call cen-
6 ters.

7 (3) An assessment of the extent to which access
8 to such information by foreign nationals creates
9 vulnerabilities to the information technology network
10 of the Department.

11 (c) OFFSHORE TECHNICAL SUPPORT CALL CENTER
12 DEFINED.—In this section, the term “offshore technical
13 support call center” means a call center that—

14 (1) is physically located outside the United
15 States;

16 (2) employs individuals who are foreign nation-
17 als; and

18 (3) may be contacted by personnel of the De-
19 partment to provide technical support relating to
20 technology used by the Department.

21 **SEC. 919. LIMITATION ON CONSOLIDATION OR TRANSITION**
22 **TO ALTERNATIVE CONTENT DELIVERY METH-**
23 **ODS WITHIN THE DEFENSE MEDIA ACTIVITY.**

24 (a) IN GENERAL.—No consolidation or transition to
25 alternative content delivery methods may occur within the

1 Defense Media Activity until a period of 180 days has
2 elapsed following the date on which the Secretary of De-
3 fense submits to the congressional defense committees a
4 report that includes a certification, in detail, that such
5 consolidation or transition to alternative content delivery
6 methods will not—

7 (1) compromise the safety and security of mem-
8 bers of the Armed Forces and their families;

9 (2) compromise the cybersecurity or security of
10 content delivery to members of the Armed Forces,
11 whether through—

12 (A) inherent vulnerabilities in the content
13 delivery method concerned;

14 (B) vulnerabilities in the personal devices
15 used by members; or

16 (C) vulnerabilities in the receivers or
17 streaming devices necessary to accommodate
18 the alternative content delivery method;

19 (3) increase monetary costs or personal finan-
20 cial liabilities to members of the Armed Forces or
21 their families, whether through monthly subscription
22 fees or other tolls required to access digital content;
23 and

1 (4) impede access to content due to bandwidth
2 or other technical limitations where members of the
3 Armed Forces receive content.

4 (b) DEFINITIONS.—In this section:

5 (1) The term “alternative content delivery”
6 means any method of the Defense Media Activity for
7 the delivery of digital content that is different from
8 a method used by the Activity as of the date of the
9 enactment of this Act.

10 (2) The term “consolidation”, when used with
11 respect to the Defense Media Activity, means any
12 action to reduce or limit the functions, personnel, fa-
13 cilities, or capabilities of the Activity, including en-
14 tering into contracts or developing plans for such re-
15 duction or limitation.

16 **Subtitle C—Space Matters**

17 **SEC. 921. ASSISTANT SECRETARY OF DEFENSE FOR SPACE** 18 **AND STRATEGIC DETERRENCE POLICY.**

19 (a) ASSISTANT SECRETARIES OF DEFENSE.—Para-
20 graph (5) of section 138(b) of title 10, United States
21 Code, is amended to read as follows:

22 “(5) One of the Assistant Secretaries is the Assistant
23 Secretary of Defense for Space and Strategic Deterrence
24 Policy. The principal duty of the Assistant Secretary shall
25 be the overall supervision of policy of the Department of

1 Defense for space, nuclear deterrence, and missile de-
2 fense.”.

3 (b) SPACE FORCE ACQUISITION COUNCIL.—Section
4 9021(b)(3) of title 10, United States Code, is amended
5 by striking “Assistant Secretary of Defense for Space Pol-
6 icy” and inserting “Assistant Secretary of Defense for
7 Space and Strategic Deterrence Policy”.

8 (c) ELEMENTS OF OFFICE.—Section 955(b) of the
9 National Defense Authorization Act for Fiscal Year 2020
10 (Public Law 116–92; 133 Stat. 1565) is amended by strik-
11 ing “Assistant Secretary of Defense for Space Policy” and
12 inserting “Assistant Secretary of Defense for Space and
13 Strategic Deterrence Policy”.

14 **SEC. 922. OFFICE OF THE CHIEF OF SPACE OPERATIONS.**

15 (a) IN GENERAL.—Chapter 908 of title 10, United
16 States Code, is amended by striking section 9083 and in-
17 serting the following new sections:

18 **“§ 9083. Office of the Chief of Space Operations: func-**
19 **tion; composition**

20 “(a) FUNCTION.—There is in the executive part of
21 the Department of the Air Force an Office of the Chief
22 of Space Operations to assist the Secretary of the Air
23 Force in carrying out the responsibilities of the Secretary.

24 “(b) COMPOSITION.—The Office of the Chief of
25 Space Operations is composed of the following:

1 “(1) The Chief of Space Operations.

2 “(2) Other members of the Space Force and
3 Air Force assigned or detailed to the Office of the
4 Chief of Space Operations.

5 “(3) Civilian employees in the Department of
6 the Air Force assigned or detailed to the Office of
7 the Chief of Space Operations.

8 “(c) ORGANIZATION.—Except as otherwise specifi-
9 cally prescribed by law, the Office of the Chief of Space
10 Operations shall be organized in such manner, and the
11 members of the Office of the Chief of Space Operations
12 shall perform such duties and have such titles, as the Sec-
13 retary of the Air Force may prescribe.

14 **“§ 9084. Office of the Chief of Space Operations: gen-**
15 **eral duties**

16 “(a) PROFESSIONAL ASSISTANCE.—The Office of the
17 Chief of Space Operations shall furnish professional as-
18 sistance to the Secretary, the Under Secretary, and the
19 Assistant Secretaries of the Air Force and to the Chief
20 of Space Operations.

21 “(b) AUTHORITIES.—Under the authority, direction,
22 and control of the Secretary of the Air Force, the Office
23 of the Chief of Space Operations shall—

24 “(1) subject to subsections (c) and (d) of sec-
25 tion 9014 of this title, prepare for such employment

1 of the Space Force, and for such recruiting, orga-
 2 nizing, supplying, equipping (including research and
 3 development), training, servicing, mobilizing, de-
 4 mobilizing, administering, and maintaining of the
 5 Space Force, as will assist in the execution of any
 6 power, duty, or function of the Secretary of the Air
 7 Force or the Chief of Space Operations;

8 “(2) investigate and report upon the efficiency
 9 of the Space Force and its preparation to support
 10 military operations by commanders of the combatant
 11 commands;

12 “(3) prepare detailed instructions for the execu-
 13 tion of approved plans and supervise the execution
 14 of those plans and instructions;

15 “(4) as directed by the Secretary of the Air
 16 Force or the Chief of Space Operations, coordinate
 17 the action of organizations of the Space Force; and

18 “(5) perform such other duties, not otherwise
 19 assigned by law, as may be prescribed by the Sec-
 20 retary of the Air Force.”.

21 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 22 sections at the beginning of chapter 908 of such title is
 23 amended by striking the item related to section 9083 and
 24 adding at the end the following new items:

“9083. Office of the Chief of Space Operations: function; composition
 “9084. Office of the Chief of Space Operations: general duties”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date on which the Sec-
3 retary of the Air Force and the Chief of Space Operations
4 jointly submit to the congressional defense committees a
5 report detailing the functions that the headquarters staff
6 of the Department of the Air Force will continue to per-
7 form in support of the Space Force.

8 (d) NO AUTHORIZATION OF ADDITIONAL MILITARY
9 BILLETS.—The Secretary shall establish the Office of the
10 Chief of Space Operations under section 9083 of title 10,
11 United States Code, as added by subsection (a), using
12 military personnel otherwise authorized. Nothing in this
13 section or the amendments made by this section shall be
14 construed to authorize additional military billets for the
15 purposes of, or in connection with, the establishment of
16 the Office of the Chief of Space Operations.

17 **SEC. 923. SPACE FORCE MEDAL.**

18 (a) SPACE FORCE MEDAL.—Chapter 937 of title 10,
19 United States Code, is amended by inserting after section
20 9280 the following new section:

21 **“§ 9280a. Space Force Medal: award; limitations**

22 “(a) The President may award a decoration called the
23 ‘Space Force Medal’, of appropriate design with accom-
24 panying ribbon, to any person who, while serving in any
25 capacity with the Space Force, distinguishes himself or

1 herself by heroism not involving actual conflict with an
2 enemy.

3 “(b) Not more than one Space Force Medal may be
4 awarded to a person. However, for each succeeding act
5 that would otherwise justify award of such a medal, the
6 President may award a suitable bar or other device to be
7 worn as the President directs.”.

8 (b) TABLE OF SECTIONS AMENDMENT.—The table of
9 sections at the beginning of such chapter is amended by
10 inserting after the item relating to section 9280 the fol-
11 lowing new item:

“9280a. Space Force Medal: award; limitations.”.

12 **SEC. 924. CLARIFICATION OF PROCUREMENT OF COMMER-**
13 **CIAL SATELLITE COMMUNICATIONS SERV-**
14 **ICES.**

15 (a) IN GENERAL.—Chapter 963 of title 10, United
16 States Code, is amended by inserting before section 9532
17 the following new section:

18 **“§ 9531. Procurement of commercial satellite commu-**
19 **nications services**

20 “The Chief of Space Operations shall be responsible
21 for the procurement of commercial satellite communica-
22 tions services for the Department of Defense.”.

23 (b) TABLE OF SECTIONS AMENDMENT.—The table of
24 sections at the beginning of chapter 963 of such title is

1 amended by inserting before the item relating to section
2 9532 the following new item:

“9531. Procurement of commercial satellite communications services.”.

3 **SEC. 925. TEMPORARY EXEMPTION FROM AUTHORIZED**
4 **DAILY AVERAGE OF MEMBERS IN PAY**
5 **GRADES E-8 AND E-9.**

6 Section 517 of title 10, United States Code, shall not
7 apply to the Space Force until October 1, 2023.

8 **SEC. 926. ONE-TIME UNIFORM ALLOWANCE FOR MEMBERS**
9 **TRANSFERRED TO THE SPACE FORCE.**

10 (a) IN GENERAL.—The Secretary of the Air Force
11 may provide an officer or enlisted member who transfers
12 from the Army, Navy, Air Force, or Marine Corps to the
13 Space Force an allowance of not more than \$400 as reim-
14 bursement for the purchase of required uniforms and
15 equipment.

16 (b) RELATIONSHIP TO OTHER ALLOWANCES.—The
17 allowance under this section is in addition to any allow-
18 ance available under any other provision of law.

19 (c) SOURCE OF FUNDS.—Funds for allowances pro-
20 vided under subsection (a) in a fiscal year may be derived
21 only from amounts authorized to be appropriated for mili-
22 tary personnel for such fiscal year.

23 (d) APPLICABILITY.—The authority for an allowance
24 under this section shall apply with respect to any member
25 of the Army, Navy, Air Force, or Marine Corps who trans-

1 fers to the Space Force on or after December 20, 2019,
2 and on or before September 30, 2023.

3 **SEC. 927. RANK AND GRADE STRUCTURE OF THE UNITED**
4 **STATES SPACE FORCE.**

5 The Space Force shall use a system of ranks and
6 grades that is identical to the system of ranks and grades
7 used by the Navy.

8 **SEC. 928. REPORT ON THE ROLE OF THE NAVAL POST-**
9 **GRADUATE SCHOOL IN SPACE EDUCATION.**

10 (a) REPORT REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of the Navy shall submit to the congressional defense com-
13 mittees a report on the future role of the Naval Post-
14 graduate School in space education.

15 (b) ELEMENTS.—The report under subsection (a)
16 shall include the following:

17 (1) An overview of the Naval Postgraduate
18 School's existing space-focused education and re-
19 search capabilities, programs, products, and outputs.

20 (2) An identification and evaluation of addi-
21 tional space-focused educational requirements that
22 may be fulfilled by the Naval Postgraduate school,
23 including any requirements resulting from the estab-
24 lishment of the Space Force or otherwise neces-

1 sitated by the evolving space-related needs of the
2 Department of Defense.

3 (3) A plan for meeting the requirements identi-
4 fied under paragraph (2), including a description of
5 the types and amounts of additional resources that
6 may be needed for the Naval Postgraduate School to
7 meet such requirements over the period of 5 fiscal
8 years following the date of the report.

9 **TITLE X—GENERAL PROVISIONS**

10 **Subtitle A—Financial Matters**

11 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

12 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

13 (1) AUTHORITY.—Upon determination by the
14 Secretary of Defense that such action is necessary in
15 the national interest, the Secretary may transfer
16 amounts of authorizations made available to the De-
17 partment of Defense in this division for fiscal year
18 2021 between any such authorizations for that fiscal
19 year (or any subdivisions thereof). Amounts of au-
20 thorizations so transferred shall be merged with and
21 be available for the same purposes as the authoriza-
22 tion to which transferred.

23 (2) LIMITATION.—Except as provided in para-
24 graph (3), the total amount of authorizations that

1 the Secretary may transfer under the authority of
2 this section may not exceed \$4,000,000,000.

3 (3) EXCEPTION FOR TRANSFERS BETWEEN
4 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
5 fer of funds between military personnel authoriza-
6 tions under title IV shall not be counted toward the
7 dollar limitation in paragraph (2).

8 (b) LIMITATIONS.—The authority provided by sub-
9 section (a) to transfer authorizations—

10 (1) may only be used to provide authority for
11 items that have a higher priority than the items
12 from which authority is transferred; and

13 (2) may not be used to provide authority for an
14 item that has been denied authorization by Con-
15 gress.

16 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
17 transfer made from one account to another under the au-
18 thority of this section shall be deemed to increase the
19 amount authorized for the account to which the amount
20 is transferred by an amount equal to the amount trans-
21 ferred.

22 (d) NOTICE TO CONGRESS.—The Secretary shall
23 promptly notify Congress of each transfer made under
24 subsection (a).

1 (e) CERTIFICATION REQUIREMENT.—The authority
2 to transfer any authorization under this section may not
3 be used until the Secretary of Defense and the head of
4 each entity affected by such transfer submits to the con-
5 gressional defense committees certification in writing
6 that—

7 (1) the amount transferred will be used for
8 higher priority items, based on unforeseen military
9 requirements, than the items from which authority is
10 transferred; and

11 (2) the amount transferred will not be used for
12 any item for which funds have been denied author-
13 ization by Congress.

14 **SEC. 1002. DETERMINATION OF BUDGETARY EFFECTS.**

15 The budgetary effects of this Act, for the purpose of
16 complying with the Statutory Pay-As-You-Go Act of 2010,
17 shall be determined by reference to the latest statement
18 titled “Budgetary Effects of PAYGO Legislation” for this
19 Act, submitted for printing in the Congressional Record
20 by the Chairman of the House Budget Committee, pro-
21 vided that such statement has been submitted prior to the
22 vote on passage.

1 **SEC. 1003. PANDEMIC PREPAREDNESS AND RESILIENCE**
2 **NATIONAL SECURITY FUND.**

3 (a) FUND PURPOSES.—Amounts authorized to be ap-
4 propriated for Research and Development, Defense-Wide,
5 Pandemic Preparedness and Resilience National Security
6 Fund shall be available for obligation and expenditure only
7 for the purposes of pandemic preparedness. Such amounts
8 may not be used for a purpose or program unless the pur-
9 pose or program is authorized by law.

10 (b) TRANSFERS.—

11 (1) IN GENERAL.—Amounts referred to in sub-
12 section (a) may be transferred as follows:

13 (A) To Procurement, Defense-wide and
14 Research, Development, Test, and Evaluation,
15 Defense-wide, not more than an aggregate of
16 \$200,000,000 to carry out the Small Business
17 Industrial Base Resilience Program established
18 by section 844 of this Act.

19 (B) To Research, Development, Test, and
20 Evaluation, Defense-wide, line 9, Biomedical
21 Technology, not more than \$50,000,000 for re-
22 search that aims to rapidly produce medical
23 countermeasures against novel threats, at popu-
24 lation scale and approved for use in people.

25 (C) To the following, not more than an ag-
26 gregate of \$750,000,000 to support research

1 and development efforts directly related to bio-
2 preparedness and pandemic preparedness and
3 resilience:

4 (i) Research, Development, Test, and
5 Evaluation, Army.

6 (ii) Research, Development, Test, and
7 Evaluation, Navy.

8 (iii) Research, Development, Test, and
9 Evaluation, Air Force.

10 (iv) Research, Development, Test, and
11 Evaluation, Defense-wide.

12 (v) Defense Health Program.

13 (D) To Research, development, test, and
14 evaluation, Defense-wide, Line 16, Chemical
15 and Biological Defense Program, not more than
16 \$27,000,000 for research and development to
17 detect and model treatments for nuclear, chem-
18 ical, and biological exposure.

19 (E) To research, development, test, and
20 evaluation, Defense-wide, line 44, Chemical and
21 Biological Defense Program – Advanced Devel-
22 opment, not more than \$30,000,000 for the de-
23 velopment of decontamination technologies for
24 civilian pandemic preparedness.

1 (F) To research, development, test, and
2 evaluation, Defense-wide, line 49, Manufac-
3 turing Science and Technology Program, not
4 more than \$35,000,000 for support for the de-
5 velopment of advanced manufacturing tech-
6 niques and technologies that enable the United
7 States defense industrial base to rapidly
8 produce needed materials for novel biological
9 threats.

10 (2) LIMITATION.—Amounts referred to in sub-
11 section (a) may not be transferred for—

12 (A) Drug Interdiction and Counter-Drug
13 Activities; or

14 (B) military construction (as defined in
15 section 2801(a) of title 10, United States
16 Code), including the purposes described in sec-
17 tion 2802(b) of such title, or military family
18 housing, including the purposes described in
19 section 2821(a) of such title.

20 (3) NOTICE REQUIREMENT.—Not later than 30
21 days before transferring any amount described in
22 subsection (a), the Secretary of Defense shall submit
23 to the congressional defense committees notice of the
24 transfer.

1 (4) EXCEPTION FROM GENERAL TRANSFER AU-
2 THORITY.—A transfer under this subsection shall
3 not be counted toward the dollar amount limitation
4 under section 1001.

5 **SEC. 1004. BUDGET MATERIALS FOR SPECIAL OPERATIONS**
6 **FORCES.**

7 Section 226 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by inserting “of Defense and the Sec-
11 retary of each of the military departments”
12 after “Secretary”;

13 (B) by striking “2021” and inserting
14 “2022”;

15 (C) by striking “a consolidated budget jus-
16 tification display” and inserting “a budget jus-
17 tification display for each applicable appropria-
18 tion”;

19 (D) in the second sentence, by striking
20 “display” and all that follows and inserting
21 “displays shall include each of the following:”
22 and

23 (E) by adding at the end the following new
24 paragraphs:

1 “(1) Details at the appropriation and line item
2 level, including any amount for service-common sup-
3 port, acquisition support, training, operations, pay
4 and allowances, base operations sustainment, and
5 any other common services and support.

6 “(2) An identification of any change in the level
7 or type of service-common support and enabling ca-
8 pabilities provided by each of the military services or
9 Defense Agencies to special operations forces for the
10 fiscal year covered by the budget justification display
11 when compared to the preceding fiscal year, includ-
12 ing the rationale for any such change and any miti-
13 gating actions.

14 “(3) An assessment of the specific effects that
15 the budget justification display for the fiscal year
16 covered by the display and any anticipated future
17 manpower and force structure changes are likely to
18 have on the ability of each of the military services
19 to provide service-common support and enabling ca-
20 pabilities to special operations forces.

21 “(4) Any other matters the Secretary of De-
22 fense or the Secretary of a military department de-
23 termines are relevant.”;

24 (2) by redesignating subsection (b) as sub-
25 section (c); and

1 (3) by inserting after subsection (a) the fol-
2 lowing new subsection (b):

3 “(b) CONSOLIDATED BUDGET JUSTIFICATION DIS-
4 PLAY.—The Secretary of Defense shall include, in the
5 budget materials submitted to Congress under section
6 1105 of title 31, for fiscal year 2022 and any subsequent
7 fiscal year, a consolidated budget justification display con-
8 taining the same information as is required in the budget
9 justification displays required under subsection (a). Such
10 consolidated budget justification display may be provided
11 as a summary by appropriation for each military depart-
12 ment and a summary by appropriation for all Defense
13 Agencies.”.

14 **SEC. 1005. DEPARTMENT OF DEFENSE AUDIT REMEDI-**
15 **ATION PLAN.**

16 Section 240g(a) of title 10, United States Code, is
17 amended—

18 (1) in paragraph (2), by striking “and” at the
19 end;

20 (2) in paragraph (3), by striking the period and
21 inserting “; and”; and

22 (3) by adding at the end the following new
23 paragraphs:

1 “(4) the amount spent by the Department on
 2 operating and maintaining financial management
 3 systems during the preceding five fiscal years; and
 4 “(5) the amount spent by the Department on
 5 acquiring or developing new financial management
 6 systems during such five fiscal years.”.

7 **SEC. 1006. PUBLIC AVAILABILITY OF DEPARTMENT OF DE-**
 8 **FENSE LEGISLATIVE PROPOSALS.**

9 Not later than 7 days after the transmission to the
 10 Committee on Armed Services of the Senate or the Com-
 11 mittee on Armed Services of the House of Representatives
 12 of any Department of Defense legislative proposal, the
 13 Secretary of Defense shall make publicly available on a
 14 website of the Department such legislative proposal, in-
 15 cluding any bill text and section-by-section analyses asso-
 16 ciated with the proposal.

17 **Subtitle B—Counterdrug Activities**

18 **SEC. 1011. SUPPORT FOR COUNTERDRUG ACTIVITIES AND**
 19 **ACTIVITIES TO COUNTER TRANSNATIONAL**
 20 **ORGANIZED CRIME AFFECTING FLOW OF**
 21 **DRUGS INTO THE UNITED STATES.**

22 Section 284(c) of title 10, United States Code, is
 23 amended—

24 (1) by striking paragraph (2), and inserting the
 25 following new paragraph (2):

1 “(2) SECRETARY OF STATE CONCURRENCE.—

2 The Secretary may only provide support for a pur-
3 pose described in this subsection with the concur-
4 rence of the Secretary of State.”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(3) PRIORITY.—In providing support for a
8 purpose described in this subsection, the Secretary
9 shall give priority to support requested for the pur-
10 pose of affecting the flow of drugs into the United
11 States.”.

12 **SEC. 1012. CONGRESSIONAL NOTIFICATION WITH RESPECT**
13 **TO DEPARTMENT OF DEFENSE SUPPORT**
14 **PROVIDED TO OTHER UNITED STATES AGEN-**
15 **CIES FOR COUNTERDRUG ACTIVITIES AND**
16 **ACTIVITIES TO COUNTER TRANSNATIONAL**
17 **ORGANIZED CRIME.**

18 Section 284(h) of title 10, United States Code, is
19 amended—

20 (1) in paragraph (1)—

21 (A) by redesignating subparagraphs (A)
22 and (B) as subparagraphs (B) and (C), respec-
23 tively; and

1 (B) by inserting before subparagraph (B),
2 as so redesignated, the following new subpara-
3 graph (A):

4 “(A) In case of support for a purpose de-
5 scribed in subsection (b)—

6 “(i) an identification of the recipient
7 of the support;

8 “(ii) a description of the support pro-
9 vided;

10 “(iii) a description of the sources and
11 amounts of funds used to provide such
12 support; and

13 “(iv) a description of the amount of
14 funds obligated to provide such support.”;
15 and

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

18 “(3) APPROPRIATE COMMITTEES OF CON-
19 GRESS.—For purposes of any notice submitted
20 under this subsection with respect to support de-
21 scribed in paragraph (1)(A), the appropriate com-
22 mittees of Congress are—

23 “(A) the Committees on Armed Services of
24 the Senate and House of Representatives; and

1 “(B) any committee with jurisdiction over
 2 the department or agency that receives the sup-
 3 port covered by the notice.”.

4 **Subtitle C—Naval Vessels**

5 **SEC. 1021. LIMITATION ON AVAILABILITY OF CERTAIN** 6 **FUNDS WITHOUT NAVAL VESSELS PLAN AND** 7 **CERTIFICATION.**

8 Section 231(e) of title 10, United States Code, is
 9 amended—

10 (1) in paragraph (1)—

11 (A) by striking “Secretary of the Navy”
 12 and inserting “Secretary of Defense”; and

13 (B) by striking “50 percent” and inserting
 14 “25 percent”; and

15 (2) in paragraph (2)—

16 (A) by striking “Secretary of the Navy”
 17 and inserting “Secretary of Defense”; and

18 (B) by striking “operation and mainte-
 19 nance, Navy” and inserting “operation and
 20 maintenance, Defense-wide”.

21 **SEC. 1022. LIMITATIONS ON USE OF FUNDS IN THE NA-** 22 **TIONAL DEFENSE SEALIFT FUND FOR PUR-** 23 **CHASE OF FOREIGN CONSTRUCTED VESSELS.**

24 Section 2218(f)(3) of title 10, United States Code,
 25 is amended—

1 (1) in subparagraph (C), by striking “seven”
 2 and inserting “nine”; and

3 (2) in subparagraph (E), by striking “two” and
 4 inserting “four”.

5 **SEC. 1023. USE OF NATIONAL SEA-BASED DETERRENCE**
 6 **FUND FOR INCREMENTALLY FUNDED CON-**
 7 **TRACTS TO PROVIDE FULL FUNDING FOR CO-**
 8 **LUMBIA CLASS SUBMARINES.**

9 Section 2218a(h)(1) of title 10, United States Code,
 10 is amended by striking “and properly phased installment
 11 payments” and inserting “, properly phased installment
 12 payments, and full funding for the first two Columbia
 13 class submarines”.

14 **SEC. 1024. PREFERENCE FOR UNITED STATES VESSELS IN**
 15 **TRANSPORTING SUPPLIES BY SEA.**

16 (a) PREFERENCE FOR UNITED STATES VESSELS IN
 17 TRANSPORTING SUPPLIES BY SEA.—

18 (1) IN GENERAL.—Section 2631 of title 10,
 19 United States Code, is amended to read as follows:
 20 **“§ 2631. Preference for United States vessels in trans-**
 21 **porting supplies by sea**

22 “(a) IN GENERAL.—Supplies bought for the Army,
 23 Navy, Air Force, or Marine Corps, or for a Defense Agen-
 24 cy, or otherwise transported by the Department of De-
 25 fense, may only be transported by sea in—

1 “(1) a vessel belonging to the United States; or

2 “(2) a vessel of the United States (as such term
3 is defined in section 116 of title 46).

4 “(b) WAIVER AND NOTIFICATION.—(1) The Sec-
5 retary of Defense may waive the requirement under sub-
6 section (a) if such a vessel is—

7 “(A) not available at a fair and reasonable rate
8 for commercial vessels of the United States; or

9 “(B) otherwise not available.

10 “(2) At least once each fiscal year, the Secretary of
11 Defense shall submit, in writing, to the appropriate con-
12 gressional committees a notice of any waiver granted
13 under this subsection and the reasons for such waiver.

14 “(c) REQUIREMENTS FOR REFLAGGING OR REPAIR
15 WORK.—(1) In each request for proposals to enter into
16 a time-charter contract for the use of a vessel for the
17 transportation of supplies under this section, the Sec-
18 retary of Defense shall require that—

19 “(A) any reflagging or repair work on a vessel
20 for which a proposal is submitted in response to the
21 request for proposals be performed in the United
22 States (including any territory of the United States);
23 and

24 “(B) any corrective and preventive maintenance
25 or repair work on a vessel under contract pursuant

1 to this section relevant to the purpose of such con-
2 tract be performed in the United States (including
3 any territory of the United States) for the duration
4 of the contract, to the greatest extent practicable.

5 “(2) The Secretary of Defense may waive a require-
6 ment under paragraph (1) if the Secretary determines that
7 such waiver is critical to the national security of the
8 United States. The Secretary shall immediately submit, in
9 writing, to the appropriate congressional committees a no-
10 tice of any waiver granted under this paragraph and the
11 reasons for such waiver.

12 “(3) In this subsection:

13 “(A) The term ‘reflagging or repair work’
14 means work performed on a vessel—

15 “(i) to enable the vessel to meet applicable
16 standards to become a vessel of the United
17 States; or

18 “(ii) to convert the vessel to a more useful
19 military configuration.

20 “(B) The term ‘corrective and preventive main-
21 tenance or repair’ means—

22 “(i) maintenance or repair actions per-
23 formed as a result of a failure in order to re-
24 turn or restore equipment to acceptable per-
25 formance levels; and

1 “(ii) scheduled maintenance or repair ac-
2 tions to prevent or discover functional failures.

3 “(d) COMPLIANCE.—The Secretary of Defense shall
4 ensure that contracting officers of the Department of De-
5 fense award contracts under this section to responsible
6 offerors and monitor and ensure compliance with the re-
7 quirements of this section. The Secretary shall—

8 “(1) ensure that timely, accurate, and complete
9 information on contractor performance under this
10 section is included in any contractor past perform-
11 ance database used by an executive agency; and

12 “(2) exercise appropriate contractual rights and
13 remedies against contractors who fail to comply with
14 this section, or subchapter I of chapter 553 of title
15 46 as determined by the Secretary of Transportation
16 under such subchapter, including by—

17 “(A) determining that a contractor is ineli-
18 gible for an award of such a contract; or

19 “(B) terminating such a contract or sus-
20 pension or debarment of the contractor for such
21 contract.

22 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
23 DEFINED.—In this section, the term ‘appropriate congres-
24 sional committees’ means—

1 “(1) the Committees on Armed Services of the
2 Senate and the House of Representatives;

3 “(2) the Committee on Transportation and In-
4 frastructure of the House of Representatives; and

5 “(3) the Committee on Commerce, Science, and
6 Transportation of the Senate.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents for chapter 157 of title 10, United States
9 Code, is amended by amending the item relating to
10 section 2361 to read as follows:

“2361. Preference for United States vessels in transporting supplies by sea.”.

11 (b) AMENDMENTS TO TITLE 46, UNITED STATES
12 CODE.—

13 (1) TRANSFER OF PROVISION RELATING TO
14 PRIORITY LOADING FOR COAL.—

15 (A) IN GENERAL.—Section 55301 of title
16 46, United States Code, is redesignated as sec-
17 tion 55123 of such title, transferred to appear
18 after section 55122 of such title, and amended
19 so that the enumerator, section heading, type-
20 face, and typestyle conform to those appearing
21 in other sections in such title.

22 (B) CONFORMING AMENDMENTS.—

23 (i) The analysis for subchapter I of
24 chapter 553 of title 46, United States

1 Code, is amended by striking the item re-
 2 lating to section 55301.

3 (ii) The analysis for chapter 551 of
 4 title 46, United States Code, is amended
 5 by inserting after the item relating to sec-
 6 tion 55122 the following new item:

“55123. Priority loading for coal.”.

7 (2) AMENDMENT TO SUBCHAPTER HEADING.—
 8 The heading of subchapter I of chapter 553 of title
 9 46, United States Code, is amended to read as fol-
 10 lows:

“SUBCHAPTER I—GOVERNMENT IMPELLED TRANSPORTATION”.

11 **SEC. 1025. RESTRICTIONS ON OVERHAUL, REPAIR, ETC. OF**
 12 **NAVAL VESSELS IN FOREIGN SHIPYARDS.**

13 (a) EXCEPTION FOR DAMAGE REPAIR DUE TO HOS-
 14 TILE ACTIONS OR INTERVENTIONS.—Section 8680(a) of
 15 title 10, United States Code, is amended—

16 (1) in paragraph (1), by striking “, other than
 17 in the case of voyage repairs”; and

18 (2) by adding at the end the following new
 19 paragraph:

20 “(3) Notwithstanding paragraph (1), a naval vessel
 21 described in paragraph (1) may be repaired in a shipyard
 22 outside the United States or Guam if the repairs are—

23 “(A) voyage repairs; or

1 “(B) necessary to correct damage sustained due
2 to hostile actions or interventions.”.

3 (b) LIMITED AUTHORITY TO USE FOREIGN WORK-
4 ERS.—Section 8680(a)(2)(B)(i) of title 10, United States
5 Code, is amended—

6 (1) by inserting “(I)” after “(i)”; and

7 (2) by adding at the end the following new sub-
8 clauses:

9 “(II) Notwithstanding subclause (I), foreign workers
10 may be used to perform corrective and preventive mainte-
11 nance or repair on a vessel as described in subparagraph
12 (A) only if the Secretary of the Navy determines that trav-
13 el by United States Government personnel or United
14 States contractor personnel to perform the corrective or
15 preventive maintenance or repair is not advisable for
16 health or safety reasons. The Secretary of the Navy may
17 not delegate the authority to make a determination under
18 this subclause.

19 “(III) Not later than 30 days after making a deter-
20 mination under subclause (II), the Secretary of the Navy
21 shall submit to the congressional defense committees writ-
22 ten notification of the determination. The notification
23 shall include the reasons why travel by United States per-
24 sonnel is not advisable for health or safety reasons, the
25 location where the corrective and preventive maintenance

1 or repair will be performed, and the approximate duration
2 of the corrective and preventive maintenance or repair.”.

3 (c) TECHNICAL CORRECTION.—Section
4 8680(a)(2)(C)(ii) of title 10, United States Code, is
5 amended by striking the period after “means—”.

6 **SEC. 1026. BIANNUAL REPORT ON SHIPBUILDER TRAINING**
7 **AND THE DEFENSE INDUSTRIAL BASE.**

8 (a) IN GENERAL.—Chapter 863 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 8692. Biannual report on shipbuilder training and**
12 **the defense industrial base**

13 “Not later than February 1 of each even-numbered
14 year until 2026, the Secretary of Defense, in coordination
15 with the Secretary of Labor, shall submit to the Com-
16 mittee on Armed Services and the Committee on Health,
17 Education, Labor, and Pensions of the Senate and the
18 Committee on Armed Services and the Committee on Edu-
19 cation and Labor of the House of Representatives a report
20 on shipbuilder training and hiring requirements necessary
21 to achieve the Navy’s 30-year shipbuilding plan and to
22 maintain the shipbuilding readiness of the defense indus-
23 trial base. Each such report shall include each of the fol-
24 lowing:

1 “(1) An analysis and estimate of the time and
2 investment required for new shipbuilders to gain
3 proficiency in particular shipbuilding occupational
4 specialties, including detailed information about the
5 occupational specialty requirements necessary for
6 construction of naval surface ship and submarine
7 classes to be included in the Navy’s 30-year ship-
8 building plan.

9 “(2) An analysis of the age demographics and
10 occupational experience level (measured in years of
11 experience) of the shipbuilding defense industrial
12 workforce.

13 “(3) An analysis of the potential time and in-
14 vestment challenges associated with developing and
15 retaining shipbuilding skills in organizations that
16 lack intermediate levels of shipbuilding experience.

17 “(4) Recommendations concerning how to ad-
18 dress shipbuilder training during periods of demo-
19 graphic transition and evolving naval fleet architec-
20 ture consistent with the Navy’s 2020 Integrated
21 Force Structure Assessment.

22 “(5) An analysis of whether emerging tech-
23 nologies, such as augmented reality, may aid in new
24 shipbuilder training.

1 “(6) Recommendations concerning how to en-
2 courage young adults to enter the defense ship-
3 building industry and to develop the skills necessary
4 to support the shipbuilding defense industrial base.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by adding
7 at the end the following new item:

 “8692. Biannual report on shipbuilder training and the defense industrial
 base.”.

8 **SEC. 1027. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
9 **MENT OF CERTAIN LITTORAL COMBAT SHIPS.**

10 (a) PROHIBITION.—None of the funds authorized to
11 be appropriated by this Act or otherwise made available
12 for fiscal year 2021 for the Navy may be obligated or ex-
13 pended to retire or prepare for the retirement, transfer,
14 or placement in storage any ships designated as LCS–3
15 or LCS–4 until the date on which the Secretary of the
16 Navy submits the certification required under subsection
17 (b).

18 (b) CERTIFICATION.—Upon the completion of all
19 operational tests on each of the mission modules designed
20 for the Littoral Combat Ship, the Secretary of the Navy
21 shall submit to the congressional defense committees cer-
22 tification of such completion.

1 **SEC. 1028. REPORT ON IMPLEMENTATION OF COM-**
2 **MANDANT'S PLANNING GUIDANCE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port on the implementation of the Commandant's Plan-
7 ning Guidance. Such report shall include a detailed de-
8 scription of each of the following:

9 (1) The specific number and type of manned
10 littoral ships required to execute such Guidance.

11 (2) The role of long-range unmanned surface
12 vessels in the execution of such Guidance.

13 (3) How platforms referred to in paragraphs
14 (1) and (2) account for and interact with ground-
15 based missiles fielded by teams of Marines deployed
16 throughout the Indo-Pacific region.

17 (4) The integrated naval command and control
18 architecture required to support the platforms re-
19 ferred to in paragraphs (1) and (2).

20 (5) The projected cost and any additional re-
21 sources required to deliver the platforms referred to
22 in paragraph (1) and (2) by not later than 5 years
23 after the date of the enactment of this Act.

24 (b) FORM OF REPORT.—The report required under
25 this section shall be submitted in unclassified form, but

1 may contain a classified annex. The unclassified report
2 shall be made publicly available.

3 **SEC. 1029. LIMITATION ON NAVAL FORCE STRUCTURE**
4 **CHANGES.**

5 None of the funds authorized to be appropriated by
6 this Act or otherwise made available for fiscal year 2021
7 for the Navy may be obligated or expended to retire, or
8 to prepare for the retirement, transfer, or placement in
9 storage of, any Department of the Navy ship until the date
10 that is 30 days after the date on which Secretary of De-
11 fense submits to the congressional defense committees the
12 2020 Naval Integrated Force Structure Assessment.

13 **Subtitle D—Counterterrorism**

14 **SEC. 1031. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
15 **OR RELEASE OF INDIVIDUALS DETAINED AT**
16 **UNITED STATES NAVAL STATION, GUANTA-**
17 **NAMO BAY, CUBA, TO CERTAIN COUNTRIES.**

18 No amounts authorized to be appropriated or other-
19 wise made available for the Department of Defense may
20 be used during the period beginning on the date of the
21 enactment of this Act and ending on December 31, 2021,
22 to transfer, release, or assist in the transfer or release of
23 any individual detained in the custody or under the control
24 of the Department of Defense at United States Naval Sta-
25 tion, Guantanamo Bay, Cuba, to the custody or control

1 of any country, or any entity within such country, as fol-
2 lows:

3 (1) Libya.

4 (2) Somalia.

5 (3) Syria.

6 (4) Yemen.

7 **SEC. 1032. ANNUAL REPORT ON USE OF SOCIAL MEDIA BY**
8 **FOREIGN TERRORIST ORGANIZATIONS.**

9 (a) ANNUAL REPORT.—The Secretary of Defense, in
10 coordination with the Secretary of State, shall submit to
11 the appropriate congressional committees an annual re-
12 port on—

13 (1) the use of online social media platforms by
14 entities designated as foreign terrorist organizations
15 by the Department of State for recruitment, fund-
16 raising, and the dissemination of information; and

17 (2) the threat posed to the national security of
18 the United States by the online radicalization of ter-
19 rorists and violent extremists.

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
21 In this section, the appropriate congressional committees
22 are—

23 (1) the Committee on Armed Services, the
24 Committee on Foreign Affairs, and the Permanent

1 Select Committee on Intelligence of the House of
2 Representatives; and

3 (2) the Committee on Armed Services, the
4 Committee on Foreign Relations, and the Select
5 Committee on Intelligence of the Senate.

6 **Subtitle E—Miscellaneous**
7 **Authorities and Limitations**

8 **SEC. 1041. SUPPORT OF SPECIAL OPERATIONS TO COMBAT**
9 **TERRORISM.**

10 Section 127e of title 10, United States Code, is
11 amended—

12 (1) by striking subsection (c) and inserting the
13 following new subsection (c):

14 “(c) PROCEDURES.—

15 “(1) IN GENERAL.—The authority in this sec-
16 tion shall be exercised in accordance with such pro-
17 cedures as the Secretary shall establish for purposes
18 of this section. The Secretary shall notify the con-
19 gressional defense committees of any material
20 change to such procedures.

21 “(2) ELEMENTS.—The procedures required
22 under paragraph (1) shall establish, at a minimum,
23 each of the following:

1 “(A) Policy, strategy, or other guidance for
2 the execution of, and constraints within, activi-
3 ties conducted under this section.

4 “(B) The processes through which activi-
5 ties conducted under this section are to be de-
6 veloped, validated, and coordinated, as appro-
7 priate, with relevant Federal entities.

8 “(C) The processes through which legal re-
9 views and determinations are made to comply
10 with this section and ensure that the exercise of
11 authority under this section is consistent with
12 the national security of the United States.

13 “(3) NOTICE TO CONGRESS.—The Secretary
14 shall provide to the congressional defense commit-
15 tees a notice of the procedures established pursuant
16 to this section before any exercise of the authority
17 in this section, and shall notify such committees of
18 any material change of the procedures.”;

19 (2) in subsection (d)—

20 (A) in the subsection heading, by inserting
21 “OF INITIATION OF SUPPORT OF AN APPROVED
22 MILITARY OPERATION” after “NOTIFICATION”;

23 (B) in paragraph (1), by striking “15” and
24 inserting “30”; and

1 (C) in paragraph (2), by adding at the end
2 the following new subparagraphs:

3 “(G) A description of the entities with
4 which the recipients of support are engaged in
5 hostilities and whether each such entity is cov-
6 ered under an authorization for use of military
7 force.

8 “(H) A description of the steps taken to
9 ensure the support is consistent with other
10 United States diplomatic and security objec-
11 tives, including issues related to local political
12 dynamics, civil-military relations, and human
13 rights.

14 “(I) A description of the steps taken to en-
15 sure that the recipients of the support have not
16 engaged in human rights violations or violations
17 of the Geneva Conventions of 1949, including
18 vetting, training, and support for adequately in-
19 vestigating allegations of violations and remov-
20 ing support in case of credible reports of viola-
21 tions.”;

22 (3) by redesignating subsections (e) through (h)
23 as subsections (f) through (i), respectively;

24 (4) by inserting after subsection (d) the fol-
25 lowing new subsection (e):

1 “(e) NOTIFICATION OF MODIFICATION OR TERMI-
2 NATION OF SUPPORT OF AN APPROVED MILITARY OPER-
3 ATION.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary shall provide to the con-
6 gressional defense committees notice in writing by
7 not later than—

8 “(A) 15 days before exercising the author-
9 ity under this section to modify the support of
10 an approved military operation;

11 “(B) 30 days before exercising the author-
12 ity under this section to terminate the support
13 of an approved military operation; or

14 “(C) as applicable, 30 days before exer-
15 cising any other authority under which the Sec-
16 retary engages or plans to engage with foreign
17 forces, irregular forces, groups, or individuals.

18 “(2) EXTRAORDINARY CIRCUMSTANCES.—If the
19 Secretary finds the existence of extraordinary cir-
20 cumstances affecting the national security of the
21 United States, the Secretary shall provide the notice
22 required under paragraph (1) not later than 48
23 hours before exercising authority referred to in sub-
24 paragraph (A) or (B) of such paragraph.

1 “(3) ELEMENTS.—Notice provided under para-
2 graph (1) with respect to the modification or termi-
3 nation of support shall includes each of the following
4 elements:

5 “(A) A description of the reasons for the
6 modification or termination.

7 “(B) A description of the potential effects
8 of the modification or termination of support on
9 the forces providing the support.

10 “(C) A plan for the modification or termi-
11 nation of the support, including the consider-
12 ation of the transition of such support from one
13 fiscal authority to another.

14 “(D) A list of any relevant entities of the
15 United States Government that are or will be
16 involved in the modification or termination of
17 such support, including any planned transition
18 of such support from one Government entity to
19 another.”;

20 (5) by striking subsection (g), as redesignated
21 by paragraph (3), and inserting the following new
22 subsection (g):

23 “(g) CONSTRUCTION OF AUTHORITY.—Nothing in
24 this section may be construed to constitute authority to

1 conduct or provide statutory authorization for any of the
2 following:

3 “(1) A covert action, as such term is defined in
4 section 503(e) of the National Security Act of 1947
5 (50 U.S.C. 3093(e)).

6 “(2) An introduction of the armed forces, (in-
7 cluding as such term is defined in section 8(c) of the
8 War Powers Resolution (50 U.S.C. 1547(c)), into
9 hostilities, or into situations where hostilities are
10 clearly indicated by the circumstances, without spe-
11 cific statutory authorization within the meaning of
12 section 5(b) of such Resolution (50 U.S.C. 1544(b)).

13 “(3) The provision of support to regular forces,
14 irregular forces, groups, or individuals to conduct
15 operations that United States special operations
16 forces are not otherwise authorized to conduct.

17 “(4) Activities or support of activities, directly
18 or indirectly, that are inconsistent with the laws of
19 armed conflict.”;

20 (6) in subsection (i)(3), as redesignated by
21 paragraph (3)—

22 (A) by redesignating subparagraphs (G)
23 and (H) as subparagraphs (H) and (I), respec-
24 tively; and

1 (B) by inserting after subparagraph (F)
2 the following new subparagraph (G):

3 “(G) If there is a plan to modify or termi-
4 nate the support to military operations to com-
5 bat terrorism in any way, a detailed description
6 of the plan, including—

7 “(i) a description of the reasons for
8 the modification or termination;

9 “(ii) the potential effects of the modi-
10 fication or termination of support on the
11 forces providing the support;

12 “(iii) a detailed plan for the modifica-
13 tion or termination of the support; and

14 “(iv) a list of any relevant Govern-
15 ment entities that are or will be involved in
16 the modification or termination of such
17 support, including any planned transition
18 of such support from one Government enti-
19 ty to another.”; and

20 (7) by adding at the end the following new sub-
21 section:

22 “(j) MODIFICATION DEFINED.—In this section, the
23 term ‘modification’, with respect to support provided for
24 an approved military operation, means—

1 “(1) an increase or decrease in funding of more
2 than \$750,000 or change greater than 40 percent of
3 the material resources provided;

4 “(2) an increase or decrease in the amount or
5 type of equipment that significantly alters the use of
6 or risk to foreign forces, irregular forces, groups, or
7 United States special operations forces; or

8 “(3) a change in the legal or operational au-
9 thorities.”.

10 **SEC. 1042. PROHIBITION ON RETIREMENT OF NUCLEAR**
11 **POWERED AIRCRAFT CARRIERS BEFORE**
12 **FIRST REFUELING.**

13 Section 8062 of title 10, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(f) A nuclear powered aircraft carrier may not be
17 retired before its first refueling.”.

18 **SEC. 1043. REQUIRED MINIMUM INVENTORY OF TACTICAL**
19 **AIRLIFT AIRCRAFT.**

20 Section 9062 of title 10, United States Code, is
21 amended by adding at the end the following new sub-
22 section:

23 “(k) The Secretary of the Air Force shall maintain
24 a total inventory of tactical airlift aircraft of not less than
25 292 aircraft.”.

1 **SEC. 1044. MODIFICATION AND TECHNICAL CORRECTION**
2 **TO DEPARTMENT OF DEFENSE AUTHORITY**
3 **TO PROVIDE ASSISTANCE ALONG THE**
4 **SOUTHERN LAND BORDER OF THE UNITED**
5 **STATES.**

6 (a) **AUTHORITY.**—Subsection (a) of section 1059 of
7 the National Defense Authorization Act for Fiscal Year
8 2016 (Public Law 114–92; 129 Stat. 986; 10 U.S.C. 271
9 note prec.) is amended to read as follows:

10 “(a) **AUTHORITY.**—

11 “(1) **PROVISION OF ASSISTANCE.**—

12 “(A) **IN GENERAL.**—The Secretary of De-
13 fense may provide assistance to United States
14 Customs and Border Protection for purposes of
15 increasing ongoing efforts to secure the south-
16 ern land border of the United States in accord-
17 ance with the requirements of this section.

18 “(B) **REQUIREMENTS.**—If the Secretary
19 provides assistance under subparagraph (A),
20 the Secretary shall ensure that—

21 “(i) the provision of the assistance
22 will not negatively affect military training,
23 operations, readiness, or other military re-
24 quirements; and

25 “(ii) the tasks associated with the
26 support provided align with the mission or

1 occupational specialty of any members of
2 the Armed Forces, including members of
3 the reserve components, or units of the
4 Armed Forces, including the reserve com-
5 ponents, that are deployed.

6 “(2) NOTIFICATION REQUIREMENT.—Not later
7 than 5 days after the date on which the Secretary
8 decides to provide assistance under paragraph (1),
9 the Secretary shall submit to the Committee on
10 Armed Services of the Senate and the Committee on
11 Armed Services and the Committee on Homeland
12 Security of the House of Representatives notice of
13 such decision.”.

14 (b) REPORTING REQUIREMENTS.—Subsection (f) of
15 such section is amended to read as follows:

16 “(f) REPORTS.—

17 “(1) REPORT REQUIRED.—Any time assistance
18 is provided under subsection (a), not later than 30
19 days after the date on which such assistance is first
20 provided, and every 3 months thereafter during the
21 period while such assistance is provided, the Sec-
22 retary of Defense, in coordination with the Secretary
23 of Homeland Security, shall submit to the Com-
24 mittee on Armed Services and the Committee on
25 Homeland Security and Governmental Affairs of the

1 Senate and the Committee on Armed Services and
2 the Committee on Homeland Security of the House
3 of Representatives a report that includes, for both
4 the period covered by the report and the total period
5 of the deployment, each of the following:

6 “(A) A description of the assistance pro-
7 vided.

8 “(B) A description of the Armed Forces,
9 including the reserve components, deployed as
10 part of such assistance, including an identifica-
11 tion of—

12 “(i) the members of the Armed
13 Forces, including members of the reserve
14 components, deployed, including specific
15 information about unit designation, size of
16 unit, and whether any personnel in the
17 unit deployed under section 12302 of title
18 10, United States Code;

19 “(ii) the readiness rating for each of
20 the units deployed, including specific infor-
21 mation about any impacts to planned
22 training exercises for any such unit;

23 “(iii) the projected length of the de-
24 ployment and any special pay and incen-

1 tives for which deployed personnel may
2 qualify during the deployment;

3 “(iv) any specific pre-deployment
4 training provided for such members of the
5 Armed Forces, including members of the
6 reserve components;

7 “(v) the specific missions and tasks,
8 by location, that are assigned to the mem-
9 bers of the Armed Forces, including mem-
10 bers of the reserve components, who are so
11 deployed;

12 “(vi) the life support conditions and
13 associated costs;

14 “(vii) the locations where units so de-
15 ployed are conducting their assigned mis-
16 sion, together with a map showing such lo-
17 cations;

18 “(viii) a description of the rules and
19 additional guidance applicable to the de-
20 ployment, including the standing rules for
21 the use of force for deployed personnel and
22 the issuance of any weapons and ammuni-
23 tion; and

24 “(ix) the plan to transition the func-
25 tions performed by the members of the

1 Armed Forces, including members of the
2 reserve components, to the Department of
3 Homeland Security and Customs Border
4 Protection.

5 “(C) The sources and amounts of funds
6 expended—

7 “(i) during the period covered by the
8 report; and

9 “(ii) during the total period for which
10 such support has been provided.

11 “(D) The amount of funds obligated—

12 “(i) during the period covered by the
13 report; and

14 “(ii) during the total period for which
15 such support has been provided.

16 “(E) An assessment of the efficacy and
17 cost-effectiveness of such assistance in support
18 of the objectives and strategy of the Secretary
19 of Homeland Security to address the challenges
20 on the southern land border of the United
21 States and recommendations, if any, to enhance
22 the effectiveness of such assistance.

23 “(2) FORM OF REPORT.—Each report sub-
24 mitted under this subsection shall be submitted in
25 unclassified form and without any designation relat-

1 ing to dissemination control, but may include a clas-
2 sified annex.”.

3 (c) CLASSIFICATION.—The Law Revision Counsel is
4 directed to place this section in a note following section
5 284 of title 10, United States Code.

6 **SEC. 1045. BATTLEFIELD AIRBORNE COMMUNICATIONS**
7 **NODE CERTIFICATION REQUIREMENT.**

8 (a) LIMITATION.—The Secretary of the Air Force
9 may take no action that would prevent the Air Force from
10 maintaining or operating the fleets of EQ–4 aircraft in
11 the configurations and capabilities in effect on the date
12 of the enactment of this Act, or in improved configurations
13 and capabilities, before the date on which each of the three
14 individual certifications described in subsection (b) have
15 been submitted to the congressional defense committees.

16 (b) CERTIFICATIONS REQUIRED.—The certifications
17 described in this subsection are the following:

18 (1) The written certification of the Chairman of
19 the Joint Requirements Oversight Council that the
20 replacement capability for the EQ–4 aircraft will—

21 (A) be fielded at the same time or before
22 the divestment of the EQ–4 aircraft;

23 (B) result in equal or greater capability
24 available to the commanders of the combatant
25 commanders; and

1 (C) not result in less airborne capacity or
2 on-station time available to the commanders of
3 the combatant commands.

4 (2) The written certification of the Commander
5 of United States Central Command that the replace-
6 ment capability for the EQ-4 aircraft will not result
7 in less airborne capacity or on-station time available
8 for mission taskings that the EQ-4 provides, as of
9 the date of the enactment of this Act, in the United
10 States Central Command area of responsibility.

11 (3) The written certification of the Under Sec-
12 retary of Defense for Acquisition and Sustainment
13 that the validated operating and sustainment costs
14 of the capability developed or fielded to replace an
15 equivalent capacity the EQ-4 aircraft provides is
16 less than the validated operating and sustainment
17 costs for the EQ-4 aircraft on a comparable flight-
18 hour cost basis.

19 (c) CALCULATION OF FLIGHT-HOUR COST BASIS.—
20 For purposes of calculating the flight-hour cost basis
21 under subsection (b)(3), the Under Secretary shall include
22 all costs for—

- 23 (1) Unit level manpower;
24 (2) Unit operations;
25 (3) maintenance;

(4) sustaining support; and

(5) system improvements.

SEC. 1046. REQUIREMENTS RELATING TO NEWEST GENERATIONS OF PERSONAL PROTECTIVE EQUIPMENT.

(a) REPORTS.—

(1) REPORTS REQUIRED.—Not later than January 31, 2021, each Secretary of a military department shall submit to the congressional defense committees a report on the development and fielding of the newest generations of personal protective equipment to the Armed Forces under the jurisdiction of such Secretary.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for each Armed Force covered by such report, the following:

(A) A description and assessment of the development and fielding of the newest generations of personal protective equipment and auxiliary personal protective equipment to members of such Armed Force, including the following:

(i) The number (aggregated by total number and by sex) of members of such Armed Force issued the Army Soldiers Protective System and the Modular Scal-

1 able Vest Generation II body armor as of
2 December 31, 2020.

3 (ii) The number (aggregated by total
4 number and by sex) of members of such
5 Armed Force issued Marine Corps Plate
6 Carrier Generation III (PC Gen III) body
7 armor as of that date.

8 (iii) The number (aggregated by total
9 number and by sex) of members of such
10 Armed Force fitted with legacy personal
11 protective equipment as of that date.

12 (B) A description and assessment of the
13 barriers, if any, to the development and fielding
14 of such generations of equipment to such mem-
15 bers.

16 (C) A description and assessment of chal-
17 lenges in the development and fielding of such
18 generations of equipment to such members, in-
19 cluding cost overruns, contractor delays, and
20 other challenges.

21 (b) SYSTEM FOR TRACKING DATA ON INJURIES.—

22 (1) SYSTEM REQUIRED.—

23 (A) IN GENERAL.—The Director of the
24 Defense Health Agency (DHA) shall develop
25 and maintain a system for tracking data on in-

1 juries among members of the Armed Forces in
2 and during the use of newest generation per-
3 sonal protective equipment.

4 (B) SCOPE OF SYSTEM.—The system re-
5 quired by this subsection may, at the election of
6 the Director, be new for purposes of this sub-
7 section or within or a modification of an appro-
8 priate existing system (such as the Defense Oc-
9 cupational And Environmental Health Readiness
10 System (DOEHRS)).

11 (2) REPORT.—Not later than January 31,
12 2025, the Director shall submit to Congress a report
13 on the prevalence among members of the Armed
14 Forces of preventable injuries attributable to ill-fit-
15 ting or malfunctioning personal protective equip-
16 ment.

17 (c) INCLUSION IN ANNUAL PERIODIC HEALTH AS-
18 SESSMENTS.—The annual Periodic Health Assessment
19 (PHA) of members of the Armed Forces undertaken after
20 the date of the enactment of this Act shall include one
21 or more questions on whether members incurred an injury
22 in connection with ill-fitting or malfunctioning personal
23 protective equipment during the period covered by such
24 assessment, including the nature of such injury.

1 **SEC. 1047. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
2 **MENT OF A-10 AIRCRAFT.**

3 (a) PROHIBITION.—Notwithstanding sections 134
4 and 135 of the National Defense Authorization Act for
5 Fiscal Year 2017 (Public Law 114–328), except as pro-
6 vided in subsection (b), none of the funds authorized to
7 be appropriated by this Act or otherwise made available
8 for fiscal year 2021 for the Air Force may be obligated
9 or expended to retire, prepare to retire, or place in storage
10 or on backup aircraft inventory status any A–10 aircraft.

11 (b) EXCEPTION.—The limitation under subsection
12 (a) shall not apply to any individual A–10 aircraft that
13 the Secretary of the Air Force determines, on a case-by-
14 case basis, to be no longer mission capable because of a
15 mishap or other damage or because the aircraft is uneco-
16 nomical to repair.

17 (c) IMPLEMENTATION REPORT.—Not later than 120
18 days after the date of the enactment of this Act, the Sec-
19 retary of the Air Force shall submit to the congressional
20 defense committees, a report on the progress made toward
21 the A–10 re-wing contracts and the progress made in re-
22 winging some of the 283 A–10 aircraft that have not re-
23 ceived new wings.

1 **SEC. 1048. MANDATORY CRITERIA FOR STRATEGIC BASING**
2 **DECISIONS.**

3 (a) IN GENERAL.—The Secretary of the Air Force
4 shall modify Air Force Instruction 10–503 (pertaining to
5 the strategic basing process) to ensure that the process
6 for the selection of a location in the United States for the
7 strategic basing of an aircraft includes the following:

8 (1) A comparative analysis of the overall com-
9 munity support for the mission among the candidate
10 locations, as indicated by the formal comments re-
11 ceived during the public comment period for the en-
12 vironmental impact statement relating to the basing
13 decision and, in a case in which the Secretary selects
14 a final location with less community support com-
15 pared to other locations as indicated by such anal-
16 ysis, an explanation of the operational considerations
17 that formed the basis for such selection.

18 (2) An analysis of joint and all-domain training
19 capabilities at each candidate location, separate from
20 and in addition to the mission criteria developed for
21 the basing action.

22 (3) A comparative analysis of the airspace and
23 training areas available at each candidate location,
24 separate from and in addition to the mission criteria
25 developed for the basing action.

1 (b) REPORT REQUIRED.—Not later than 14 days
2 after the date on which the Secretary of Defense publicly
3 announces the preferred and reasonable alternative loca-
4 tions for the basing of an aircraft as described in sub-
5 section (a), the Secretary shall submit to the congressional
6 defense committees a report that includes—

7 (1) an assessment of each candidate location
8 that was considered as part of the basing process,
9 including, with respect to each such location, an
10 analysis of each of the factors specified in para-
11 graphs (1) through (3) of such subsection; and

12 (2) an explanation of how each candidate loca-
13 tion was scored against such factors, including the
14 weight assigned to each factor.

15 **SEC. 1049. LIMITATION ON USE OF FUNDS PENDING PUBLIC**
16 **AVAILABILITY OF TOP-LINE NUMBERS OF DE-**
17 **PLOYED MEMBERS OF THE ARMED FORCES.**

18 (a) LIMITATION.—Of the amounts authorized to be
19 appropriated by this Act or otherwise made available for
20 fiscal year 2020 for Operation and Maintenance, Defense-
21 wide, Office of the Secretary of Defense, for Travel of Per-
22 sons, not more than 75 percent may be obligated or ex-
23 pended until the date on which the Secretary of Defense
24 makes publicly available the top-line numbers of deployed
25 members of the Armed Forces described in subsection (b).

1 (b) TOP-LINE NUMBERS DESCRIBED.— The top-line
2 numbers of deployed members of the Armed Forces re-
3 ferred to in subsection (a)—

4 (1) are the numbers required to be made pub-
5 licly available under section 595 of the John S.
6 McCain National Defense Authorization Act for Fis-
7 cal Year 2019 (Public Law 115–232; 10 U.S.C.
8 122a note);

9 (2) shall include all such numbers for fiscal
10 year 2017 and each subsequent fiscal year; and

11 (3) shall include the number of personnel on
12 temporary duty and the number of personnel de-
13 ployed in support of contingency operations.

14 (c) SENSITIVE MILITARY OPERATION.—The require-
15 ment under subsection (a) to make the top-line numbers
16 of deployed members of the Armed Forces publicly avail-
17 able is not satisfied if the Secretary, in exercising the
18 waiver authority under subsection (b) of section 595 of
19 the John S. McCain National Defense Authorization Act
20 for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
21 122a note) does not submit the notice and reasons for the
22 waiver determination to Committees of Armed Services of
23 the House of Representatives and the Senate as required
24 under paragraph (2) of such subsection.

1 **SEC. 1050. LIMITATION ON PHYSICAL MOVE, INTEGRATION,**
2 **REASSIGNMENT, OR SHIFT IN RESPONSIBILITY OF MARINE FORCES NORTHERN COM-**
3 **BILITY OF MARINE FORCES NORTHERN COM-**
4 **MAND.**

5 (a) LIMITATION.—The Secretary of Defense may not
6 take any action to execute the physical move, integration,
7 reassignment, or shift in responsibility of the Marine
8 Forces Northern Command before the date that is 60 days
9 after the date on which the Secretary submits the report
10 described in subsection (b).

11 (b) REPORT.—If the Secretary of Defense plans to
12 take any action to physically move, integrate, reassign, or
13 shift the responsibility of Marine Forces Northern Com-
14 mand, the Secretary shall submit to the congressional de-
15 fense committees a report on such proposed action that
16 includes each of the following:

17 (1) An analysis of how the proposed action
18 would be beneficial to military readiness.

19 (2) A description of how the proposed action
20 would align with the national defense strategy and
21 the supporting strategies for each of the military de-
22 partments.

23 (3) A description of the proposed organizational
24 structure change associated with the action and how
25 will it affect the relationship between Marine Forces
26 Northern Command and administrative control re-

1 sponsibilities, operational control responsibilities,
2 and tactical control responsibilities.

3 (4) The projected cost associated with the pro-
4 posed action and any projected long-term cost sav-
5 ings.

6 (5) A detailed description of any requirements
7 for new infrastructure or relocation of equipment
8 and assets associated with the proposed action.

9 (6) A description of how the proposed action
10 would facilitate total force integration and Marine
11 Corps general officer progression, including with re-
12 spect to the reserve components.

13 (c) WAIVER.—The Secretary may waive the limita-
14 tion under subsection (a) if the Secretary determines such
15 a waiver is necessary by reason of hostilities or the immi-
16 nent threat of hostilities.

17 (d) APPLICABILITY.—This section shall apply with
18 respect to any action to execute the physical move, inte-
19 gration, reassignment, or shift in responsibility of the Ma-
20 rine Forces Northern Command that is initiated on or
21 after the date of the enactment of this Act. In the case
22 of such an action that was initiated but not completed be-
23 fore the date of the enactment of this Act, no additional
24 effort may be made to complete such action before the

1 date that is 60 days after the date on which the Secretary
2 submits the report described in subsection (b).

3 **SEC. 1051. CONDITIONS FOR PERMANENTLY BASING**
4 **UNITED STATES EQUIPMENT OR ADDITIONAL**
5 **FORCES IN HOST COUNTRIES WITH AT-RISK**
6 **VENDORS IN 5G OR 6G NETWORKS.**

7 (a) IN GENERAL.—Prior to basing a major weapon
8 system or additional permanently assigned forces com-
9 parable to or larger than a battalion, squadron, or naval
10 combatant for permanent basing to a host country with
11 at-risk 5th generation (5G) or sixth generation (6G) wire-
12 less network equipment, software, and services, including
13 supply chain vulnerabilities identified by the Federal Ac-
14 quisition Security Council, where United States military
15 personnel and their families will be directly connected or
16 subscribers to networks that include such at-risk equip-
17 ment, software, and services in their official duties or in
18 the conduct of personal affairs, the Secretary of Defense
19 shall provide a notification to the congressional defense
20 committees that includes a description of—

21 (1) steps being taken by the host country to
22 mitigate any potential risks to the weapon systems,
23 military units, or personnel, and the Department of
24 Defense’s assessment of those efforts;

1 (2) steps being taken by the United States Gov-
2 ernment, separately or in collaboration with the host
3 country, to mitigate any potential risks to the weap-
4 on systems, permanently deployed forces, or per-
5 sonnel;

6 (3) any defense mutual agreements between the
7 host country and the United States intended to allay
8 the costs of risk mitigation posed by the at-risk in-
9 frastructure; and

10 (4) any other matters the Secretary determines
11 to be relevant.

12 (b) APPLICABILITY.—The conditions in subsection
13 (a) apply to the permanent long-term stationing of equip-
14 ment and permanently assigned forces, and do not apply
15 to short-term deployments or rotational presence to mili-
16 tary installations outside the United States in connection
17 with exercises, dynamic force employment, contingency op-
18 erations, or combat operations.

19 (c) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, the Secretary of Defense
21 shall submit to the congressional defense committees a re-
22 port that contains an assessment of—

23 (1) the risk to personnel, equipment, and oper-
24 ations of the Department of Defense in host coun-
25 tries posed by the current or intended use by such

1 countries of 5G or 6G telecommunications architec-
2 ture provided by at-risk vendors; and

3 (2) measures required to mitigate the risk de-
4 scribed in paragraph (1), including the merit and
5 feasibility of the relocation of certain personnel or
6 equipment of the Department to another location
7 without the presence of 5G or 6G telecommuni-
8 cations architecture provided by at-risk vendors.

9 (d) FORM.—The report required by subsection (c)
10 shall be submitted in a classified form with an unclassified
11 summary.

12 (e) MAJOR WEAPON SYSTEM DEFINED.—In this sec-
13 tion, the term “major weapon system” has the meaning
14 given that term in section 2379(f) of title 10, United
15 States Code.

16 **SEC. 1052. CURTAILING INSURRECTION ACT VIOLATIONS**
17 **OF INDIVIDUALS’ LIBERTIES.**

18 (a) FEDERAL AID FOR STATE GOVERNMENTS.—Sec-
19 tion 251 of title 10, United States Code, is amended—

20 (1) by striking “Whenever” and inserting “(a)
21 IN GENERAL.—Whenever”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(b) CERTIFICATION TO CONGRESS.—(1) The Presi-
25 dent may not invoke the authority under this section un-

1 less the President and the Secretary of Defense certify to
2 Congress that the State concerned is unable or unwilling
3 to suppress an insurrection described in subsection (a).

4 “(2) A certification under paragraph (1) shall include
5 the following:

6 “(A) A description of the circumstances necessi-
7 tating the invocation of the authority under this sec-
8 tion.

9 “(B) Demonstrable evidence that the State con-
10 cerned is unable or unwilling to suppress such insur-
11 rection, and a legal justification for resorting to the
12 authority under this section to so suppress.

13 “(C) A description of the mission, scope, and
14 duration of use of members of the armed forces
15 under this section.”.

16 (b) USE OF MILITIA AND ARMED FORCES TO EN-
17 FORCE FEDERAL AUTHORITY.—Section 252 of title 10,
18 United States Code, is amended to read as follows:

19 **“§ 252. Use of militia and armed forces to enforce**
20 **Federal authority**

21 “(a) AUTHORITY.—Whenever unlawful obstructions,
22 combinations, or assemblages, or rebellion against the au-
23 thority of the United States, make it impracticable to en-
24 force the laws of the United States in any State by the
25 ordinary course of judicial proceedings, the President may

1 call into Federal service such of the militia of any State,
2 and use such of the armed forces, as the President con-
3 siderers necessary to enforce those laws or to suppress the
4 rebellion.

5 “(b) CERTIFICATION TO CONGRESS.—(1) The Presi-
6 dent may not invoke the authority under this section un-
7 less the President and the Secretary of Defense certify to
8 Congress that the State concerned is unable or unwilling
9 to suppress an unlawful obstruction, combination, or as-
10 semblage, or rebellion against the authority of the United
11 States described in subsection (a).

12 “(2) A certification under paragraph (1) shall include
13 the following:

14 “(A) A description of the circumstances necessi-
15 tating the invocation of the authority under this sec-
16 tion.

17 “(B) Demonstrable evidence that the State con-
18 cerned is unable or unwilling to suppress such un-
19 lawful obstruction, combination, or assemblage, or
20 rebellion against the authority of the United States,
21 and a legal justification for resorting to the author-
22 ity under this section to so suppress.

23 “(C) A description of the mission, scope, and
24 duration of use of members of the armed forces
25 under this section.”.

1 (c) INTERFERENCE WITH STATE AND FEDERAL
2 LAW.—Section 253 of title 10, United States Code, is
3 amended—

4 (1) by striking “The President” and inserting
5 “(a) AUTHORITY.—(1) The President”;

6 (2) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B), respectively;

8 (3) by striking “In any situation covered by
9 clause (1),” and inserting “(2) In any situation cov-
10 ered by paragraph (1)(A),”; and

11 (4) by adding at the end the following new sub-
12 section:

13 “(b) CERTIFICATION TO CONGRESS.—(1) The Presi-
14 dent may not invoke the authority under this section un-
15 less the President and the Secretary of Defense certify to
16 Congress that the State concerned is unable or unwilling
17 to suppress an insurrection, domestic violence, unlawful
18 combination, or conspiracy, as described in subsection (a).

19 “(2) A certification under paragraph (1) shall include
20 the following:

21 “(A) A description of the circumstances necessi-
22 tating the invocation of the authority under this sec-
23 tion.

24 “(B) Demonstrable evidence that the State con-
25 cerned is unable or unwilling to suppress such insur-

1 rection, domestic violence, unlawful combination, or
2 conspiracy, and a legal justification for resorting to
3 the authority under this section to so suppress.

4 “(C) A description of the mission, scope, and
5 duration of use of members of the armed forces
6 under this section.”.

7 (d) CONSULTATION WITH CONGRESS.—

8 (1) IN GENERAL.—Chapter 13 of title 10,
9 United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 256. Consultation**

12 “The President, in every possible instance, shall con-
13 sult with Congress before invoking the authority under
14 section 251, 252, or 253 of this title.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 13 of title 10,
17 United States Code, is amended by adding at the
18 end the following new item:

“256. Consultation.”.

19 (e) RESTRICTION ON DIRECT PARTICIPATION BY
20 MILITARY PERSONNEL.—

21 (1) IN GENERAL.—Such chapter is further
22 amended by adding at the end the following new sec-
23 tion:

1 **“§ 257. Restriction on direct participation by military**
 2 **personnel**

3 “(a) IN GENERAL.—No activity under this chapter
 4 shall permit direct participation by a member of the Army,
 5 Navy, Air Force, Marine Corps, or Space Force in a
 6 search, seizure, arrest, or other similar activity unless par-
 7 ticipation in such activity by such member is otherwise
 8 expressly authorized by law.

9 “(b) REGULATIONS.—The Secretary of Defense shall
 10 prescribe such regulations as may be necessary to ensure
 11 compliance with subsection (a).

12 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
 13 tion shall be construed to limit authority of law enforce-
 14 ment personnel of the armed forces on Federal military
 15 installations”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
 17 tions at the beginning of such chapter is further
 18 amended by adding at the end the following new
 19 item:

“257. Restriction on direct participation by military personnel.”.

20 **SEC. 1053. PROHIBITION ON USE OF FUNDS FOR DISCRIMI-**
 21 **NATORY ALGORITHMIC DECISIONMAKING**
 22 **SYSTEMS.**

23 None of the funds authorized to be appropriated by
 24 this Act or otherwise made available for fiscal year 2021
 25 for the Joint Artificial Intelligence Center to acquire or

1 develop new artificial intelligence systems may be obli-
2 gated or expended unless the Department of Defense, or
3 the vendor of such new system, has—

4 (1) assessed such algorithmic decision-making
5 system, or commits to assess such system within 1
6 year of the date of such acquisition or completion of
7 development, with respect to its potential to perpet-
8 uate or introduce discriminatory bias against pro-
9 tected classes of persons, including on the basis of
10 sex, race, age, disability, color, creed, national ori-
11 gin, or religion, and after the completion of such as-
12 sessment, transmits to the Secretary a description of
13 the methodology by which such assessment was con-
14 ducted;

15 (2) sought to address any unintended discrimi-
16 natory bias identified pursuant to paragraph (1)
17 prior to deploying such system, and through periodic
18 assessments during use of such systems, in any con-
19 text where such usage poses a tangible risk of result-
20 ing in an action which could reasonably be seen to
21 violate any law, policy, regulation, or other codified
22 practice of the United States with respect to anti-
23 discrimination, equal protection, or civil rights, and
24 transmitted to the Secretary a description of the

1 measures undertaken to comply with the require-
2 ments of this section; and

3 (3) ensured that such system conforms to the
4 DoD AI Ethics Principles for purposes of identifying
5 and addressing the causes of potential discrimina-
6 tory biases in the system.

7 **SEC. 1054. INCLUSION OF EXPLOSIVE ORDNANCE DISPOSAL**
8 **IN SPECIAL OPERATIONS ACTIVITIES.**

9 Section 167(k) of title 10, United States Code, is
10 amended—

11 (1) by redesignating paragraph (10) as para-
12 graph (11); and

13 (2) by inserting after paragraph (9) the fol-
14 lowing new paragraph (10):

15 “(10) Explosive ordnance disposal.”.

16 **SEC. 1055. REQUIREMENTS IN CONNECTION WITH USE OF**
17 **PERSONNEL OTHER THAN THE MILITIA OR**
18 **THE ARMED FORCES TO SUPPRESS INTER-**
19 **ERENCE WITH STATE AND FEDERAL LAW.**

20 (a) IN GENERAL.—Section 253 of title 10, United
21 States Code, is amended—

22 (1) by inserting “(a) IN GENERAL.—” before
23 “The President”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(b) USE OF OTHER MEANS.—(1) Other means used
2 by the President pursuant to subsection (a) may only in-
3 clude activities by Federal law enforcement officers.

4 “(2) Any Federal law enforcement officer performing
5 duty pursuant to subsection (a) shall visibly display on the
6 uniform or other clothing of such officer—

7 “(A) the name of such officer; and

8 “(B) the name of the agency for which such of-
9 ficer is employed.

10 “(3) In this subsection:

11 “(A) The term ‘Federal law enforcement offi-
12 cer’ means—

13 “(i) an employee or officer in a position in
14 the executive, legislative, or judicial branch of
15 the Federal Government who—

16 “(I) is authorized by law to engage in
17 or supervise a law enforcement function; or

18 “(II) has statutory powers of arrest or
19 apprehension under section 807(b) of this
20 title (article 7(b) of the Uniform Code of
21 Military Justice); or

22 “(ii) an employee or officer of a contractor
23 or subcontractor (at any tier) of an agency in
24 the executive, legislative, or judicial branch of
25 the Federal Government who is authorized by

1 law or under the contract with the agency to
 2 engage in or supervise a law enforcement func-
 3 tion; and

4 “(B) The term ‘law enforcement function’
 5 means the prevention, detection, or investigation of,
 6 or the prosecution or incarceration of any person
 7 for, any violation of law.”.

8 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
 9 tion, or the amendments made by this section, shall be
 10 construed to limit or otherwise supersede the authority of
 11 Federal law enforcement officials who do not wear a uni-
 12 form in the regular performance of their official duties or
 13 who are engaged in undercover operations to perform their
 14 official duties under authorities other than section 253 of
 15 title 10, United States Code.

16 **SEC. 1056. LIMITATION ON DEACTIVATION, UNMANNING,**
 17 **OR SELLING OF ARMY WATERCRAFT ASSETS**
 18 **PENDING COMPREHENSIVE ANALYSIS OF MO-**
 19 **BILITY REQUIREMENTS AND CAPABILITIES.**

20 None of the funds authorized to be appropriated by
 21 this Act or otherwise made available for fiscal year 2021
 22 for the Department of Defense maybe obligated or ex-
 23 pended for the deactivation, unmanning,or selling of any
 24 Army watercraft assets, until the Secretary of Defense
 25 submits to Congress certification that—

1 (1) the Secretary has received and accepted the
2 federally funded research and development center
3 Army watercraft study as directed by section 1058
4 of the National Defense Authorization Act for Fiscal
5 Year 2020 (Public Law 116–92);

6 (2) the review, analysis, and recommendations
7 of such study are included in the mobility, capabili-
8 ties, requirements study; and

9 (3) the Secretary will include in such study a
10 review and analysis of—

11 (A) doctrine-based roles and missions of
12 the military services;

13 (B) current and future investments;

14 (C) the effects of emerging operational
15 concepts;

16 (D) demand signals of Department of De-
17 fense small vessels relative to Army watercraft,
18 Navy small ships, and amphibious connectors;
19 and

20 (E) readiness risk being assumed across
21 each of the geographic combatant commands.

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **Subtitle A—General Provisions**

4 **SEC. 1101. FAMILY AND MEDICAL LEAVE AMENDMENTS.**

5 (a) IN GENERAL.—

6 (1) PAID PARENTAL LEAVE FOR EMPLOYEES OF
7 DISTRICT OF COLUMBIA COURTS AND DISTRICT OF
8 COLUMBIA PUBLIC DEFENDER SERVICE.—

9 (A) DISTRICT OF COLUMBIA COURTS.—

10 Section 11–1726, District of Columbia Official
11 Code, is amended by adding at the end the fol-
12 lowing new subsection:

13 “(d) In carrying out the Family and Medical Leave
14 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to non-
15 judicial employees of the District of Columbia courts, the
16 Joint Committee on Judicial Administration shall, not-
17 withstanding any provision of such Act, establish a paid
18 parental leave program for the leave described in subpara-
19 graphs (A) and (B) of section 102(a)(1) of such Act (29
20 U.S.C. 2612(a)(1)) (relating to leave provided in connec-
21 tion with the birth of a child or the placement of a child
22 for adoption or foster care). In developing the terms and
23 conditions for this program, the Joint Committee may be
24 guided by the terms and conditions applicable to the provi-
25 sion of paid parental leave for employees of the Federal

1 Government under chapter 63 of title 5, United States
2 Code, and any corresponding regulations.”.

3 (B) DISTRICT OF COLUMBIA PUBLIC DE-
4 FENDER SERVICE.—Section 305 of the District
5 of Columbia Court Reform and Criminal Proce-
6 dure Act of 1970 (sec. 2–1605, D.C. Official
7 Code) is amended by adding at the end the fol-
8 lowing new subsection:

9 “(d) In carrying out the Family and Medical Leave
10 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to em-
11 ployees of the Service, the Director shall, notwithstanding
12 any provision of such Act, establish a paid parental leave
13 program for the leave described in subparagraphs (A) and
14 (B) of section 102(a)(1) of such Act (29 U.S.C.
15 2612(a)(1)) (relating to leave provided in connection with
16 the birth of a child or the placement of a child for adoption
17 or foster care). In developing the terms and conditions for
18 this program, the Director may be guided by the terms
19 and conditions applicable to the provision of paid parental
20 leave for employees of the Federal Government under
21 chapter 63 of title 5, United States Code, and any cor-
22 responding regulations.”.

23 (2) CLARIFICATION OF USE OF OTHER LEAVE
24 IN ADDITION TO 12 WEEKS AS FAMILY AND MEDICAL
25 LEAVE.—

1 (A) TITLE 5.—Section 6382(a) of title 5,
2 United States Code, as amended by section
3 7602 of the National Defense Authorization Act
4 for Fiscal Year 2020 (Public Law 116–92), is
5 amended—

6 (i) in paragraph (1), in the matter
7 preceding subparagraph (A), by inserting
8 “(or, in the case of leave that includes
9 leave under subparagraph (A) or (B) of
10 this paragraph, 12 administrative work-
11 weeks of leave plus any additional period
12 of leave used under subsection
13 (d)(2)(B)(ii))” after “12 administrative
14 workweeks of leave”; and

15 (ii) in paragraph (4), by inserting
16 “(or 26 administrative workweeks of leave
17 plus any additional period of leave used
18 under subsection (d)(2)(B)(ii))” after “26
19 administrative workweeks of leave”.

20 (B) CONGRESSIONAL EMPLOYEES.—Sec-
21 tion 202(a)(1) of the Congressional Account-
22 ability Act of 1995 (2 U.S.C. 1312(a)(1)), as
23 amended by section 7603 of the National De-
24 fense Authorization Act for Fiscal Year 2020
25 (Public Law 116–92), is amended—

1 (i) in the second sentence, by insert-
2 ing “and in the case of leave that includes
3 leave for such an event, the period of leave
4 to which a covered employee is entitled
5 under section 102(a)(1) of such Act shall
6 be 12 administrative workweeks of leave
7 plus any additional period of leave used
8 under subsection (d)(2)(B) of this section”
9 before the period; and

10 (ii) by striking the third sentence and
11 inserting the following: “For purposes of
12 applying section 102(a)(4) of such Act, in
13 the case of leave that includes leave under
14 subparagraph (A) or (B) of section
15 102(a)(1) of such Act, a covered employee
16 is entitled, under paragraphs (1) and (3)
17 of section 102(a) of such Act, to a com-
18 bined total of 26 workweeks of leave plus
19 any additional period of leave used under
20 subsection (d)(2)(B) of this section.”.

21 (C) OTHER EMPLOYEES COVERED UNDER
22 THE FAMILY AND MEDICAL LEAVE ACT OF
23 1993.—Section 102(a) of the Family and Med-
24 ical Leave Act of 1993 (29 U.S.C. 2611(a)) is
25 amended by adding at the end the following:

1 “(6) SPECIAL RULES ON PERIOD OF LEAVE.—

2 With respect to an employee of the Government Ac-
3 countability Office and an employee of the Library
4 of Congress—

5 “(A) in the case of leave that includes
6 leave under subparagraph (A) or (B) of para-
7 graph (1), the employee shall be entitled to 12
8 administrative workweeks of leave plus any ad-
9 ditional period of leave used under subsection
10 (d)(3)(B)(ii) of this section or section
11 202(d)(2)(B) of the Congressional Account-
12 ability Act of 1995 (2 U.S.C. 1312(d)(2)(B)),
13 as the case may be; and

14 “(B) for purposes of paragraph (4), the
15 employee is entitled, under paragraphs (1) and
16 (3), to a combined total of 26 workweeks of
17 leave plus, if applicable, any additional period
18 of leave used under subsection (d)(3)(B)(ii) of
19 this section or section 202(d)(2)(B) of the Con-
20 gressional Accountability Act of 1995 (2 U.S.C.
21 1312(d)(2)(B)), as the case may be.”.

22 (3) APPLICABILITY.—The amendments made
23 by this subsection shall not be effective with respect
24 to any birth or placement occurring before October
25 1, 2020.

1 (b) PAID PARENTAL LEAVE FOR PRESIDENTIAL EM-
2 PLOYEES.—

3 (1) AMENDMENTS TO CHAPTER 5 OF TITLE 3,
4 UNITED STATES CODE.—Section 412 of title 3,
5 United States Code, is amended—

6 (A) in subsection (a)(1), by adding at the
7 end the following: “In applying section 102 of
8 such Act with respect to leave for an event de-
9 scribed in subsection (a)(1)(A) or (B) of such
10 section to covered employees, subsection (c) of
11 this section shall apply and in the case of leave
12 that includes leave for such an event, the period
13 of leave to which a covered employee is entitled
14 under section 102(a)(1) of such Act shall be 12
15 administrative workweeks of leave plus any ad-
16 ditional period of leave used under subsection
17 (c)(2)(B) of this section. For purposes of apply-
18 ing section 102(a)(4) of such Act, in the case
19 of leave that includes leave under subparagraph
20 (A) or (B) of section 102(a)(1) of such Act, a
21 covered employee is entitled, under paragraphs
22 (1) and (3) of section 102(a) of such Act, to a
23 combined total of 26 workweeks of leave plus
24 any additional period of leave used under sub-
25 section (c)(2)(B) of this section.”;

1 (B) by redesignating subsections (c) and
2 (d) as subsections (d) and (e), respectively;

3 (C) by inserting after subsection (b) the
4 following:

5 “(c) SPECIAL RULE FOR PAID PARENTAL LEAVE.—

6 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
7 ered employee may elect to substitute for any leave
8 without pay under subparagraph (A) or (B) of sec-
9 tion 102(a)(1) of the Family and Medical Leave Act
10 of 1993 (29 U.S.C. 2612(a)(1)) any paid leave
11 which is available to such employee for that purpose.

12 “(2) AMOUNT OF PAID LEAVE.—The paid leave
13 that is available to a covered employee for purposes
14 of paragraph (1) is—

15 “(A) the number of weeks of paid parental
16 leave in connection with the birth or placement
17 involved that corresponds to the number of ad-
18 ministrative workweeks of paid parental leave
19 available to employees under section
20 6382(d)(2)(B)(i) of title 5, United States Code;
21 and

22 “(B) during the 12-month period referred
23 to in section 102(a)(1) of the Family and Med-
24 ical Leave Act of 1993 (29 U.S.C. 2612(a)(1))
25 and in addition to the administrative workweeks

1 described in subparagraph (A), any additional
2 paid vacation, personal, family, medical, or sick
3 leave provided by the employing office to such
4 employee.

5 “(3) LIMITATION.—Nothing in this section or
6 section 102(d)(2)(A) of the Family and Medical
7 Leave Act of 1993 (29 U.S.C. 2612(d)(2)(A)) shall
8 be considered to require or permit an employing of-
9 fice to require that an employee first use all or any
10 portion of the leave described in paragraph (2)(B)
11 before being allowed to use the paid parental leave
12 described in paragraph (2)(A).

13 “(4) ADDITIONAL RULES.—Paid parental leave
14 under paragraph (2)(A)—

15 “(A) shall be payable from any appropria-
16 tion or fund available for salaries or expenses
17 for positions within the employing office;

18 “(B) if not used by the covered employee
19 before the end of the 12-month period (as re-
20 ferred to in section 102(a)(1) of the Family and
21 Medical Leave Act of 1993 (29 U.S.C.
22 2612(a)(1))) to which it relates, shall not accu-
23 mulate for any subsequent use; and

24 “(C) shall apply without regard to the limi-
25 tations in subparagraph (E), (F), or (G) of sec-

tion 6382(d)(2) of title 5, United States Code, or section 104(c)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(2)).”; and

(D) in subsection (e)(1), as so redesignated, by striking “subsection (c)” and inserting “subsection (d)”.

(2) APPLICABILITY.—The amendments made by this subsection shall not be effective with respect to any birth or placement occurring before October 1, 2020.

(c) FAA AND TSA.—

(1) FAA.—

(A) IN GENERAL.—Paragraph (3) of section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(3)), as added by section 7604 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), is amended—

(i) in the paragraph heading, by inserting “AND FEDERAL AVIATION ADMINISTRATION” after “GAO”;

(ii) in subparagraphs (A) and (B), by striking “the Government Accountability Office” in each instance and inserting “the

1 Government Accountability Office or the
2 Federal Aviation Administration”; and

3 (iii) in subparagraph (D)(i), by strik-
4 ing “the Government Accountability Of-
5 fice” and inserting “the Government Ac-
6 countability Office or the Federal Aviation
7 Administration (as the case may be)”.

8 (B) APPLICABILITY.—The amendments
9 made by subparagraph (A) shall not be effective
10 with respect to any birth or placement occur-
11 ring before October 1, 2020.

12 (2) CORRECTIONS FOR TSA SCREENERS.—Sec-
13 tion 7606 of the National Defense Authorization Act
14 for Fiscal Year 2020 (Public Law 116–92) is
15 amended—

16 (A) by striking “Section 111(d)(2)” and
17 inserting the following:

18 “(a) IN GENERAL.—Section 111(d)(2)”;

19 (B) by adding at the end the following:

20 “(b) EFFECTIVE DATE; APPLICATION.—

21 “(1) IN GENERAL.—The amendment made by
22 subsection (a) shall not be effective with respect to
23 any event for which leave may be taken under sub-
24 chapter V of chapter 63 of title 5, United States
25 Code, occurring before October 1, 2020.

1 “(2) APPLICATION TO SERVICE REQUIREMENT
2 FOR ELIGIBILITY.—For purposes of applying the pe-
3 riod of service requirement under subparagraph (B)
4 of section 6381(1) to an individual appointed under
5 section 111(d)(1) of the Aviation and Transpor-
6 tation Security Act (49 U.S.C. 44935 note), the
7 amendment made by subsection (a) of this section
8 shall apply with respect to any period of service by
9 the individual under such an appointment, including
10 service before the effective date of such amend-
11 ment.”.

12 (d) TITLE 38 EMPLOYEES.—

13 (1) IN GENERAL.—Section 7425 of title 38,
14 United States Code, is amended—

15 (A) in subsection (b), by striking “Not-
16 withstanding” and inserting “Except as pro-
17 vided in subsection (c), and notwithstanding”;
18 and

19 (B) by adding at the end the following:

20 “(c) Notwithstanding any other provision of this sub-
21 chapter, the Administration shall provide to individuals
22 appointed to any position described in section 7421(b) who
23 are employed by the Administration family and medical
24 leave in the same manner, to the maximum extent prac-
25 ticable, as family and medical leave is provided under sub-

1 chapter V of chapter 63 of title 5 to employees, as defined
2 in section 6381(1) of such title.”.

3 (2) APPLICABILITY.—The amendments made
4 by paragraph (1) shall not be effective with respect
5 to any event for which leave may be taken under
6 subchapter V of chapter 63 of title 5, United States
7 Code, occurring before October 1, 2020.

8 (e) ARTICLE I JUDGES.—

9 (1) BANKRUPTCY JUDGES.—Section 153(d) of
10 title 28, United States Code, is amended—

11 (A) by striking “A bankruptcy judge” and
12 inserting “(1) Except as provided in paragraph
13 (2), a bankruptcy judge”; and

14 (B) by adding at the end the following:

15 “(2) The provisions of subchapter V of chapter 63
16 of title 5 shall apply to a bankruptcy judge as if the bank-
17 ruptcy judge were an employee (within the meaning of
18 subparagraph (A) of section 6381(1) of such title).”.

19 (2) MAGISTRATE JUDGES.—Section 631(k) of
20 title 28, United States Code, is amended—

21 (A) by striking “A United States mag-
22 istrate judge” and inserting “(1) Except as pro-
23 vided in paragraph (2), a United States mag-
24 istrate judge”; and

25 (B) by adding at the end the following:

1 “(2) The provisions of subchapter V of chapter 63
2 of title 5 shall apply to a United States magistrate judge
3 as if the United States magistrate judge were an employee
4 (within the meaning of subparagraph (A) of section
5 6381(1) of such title).”.

6 (3) APPLICABILITY.—The amendments made
7 by this subsection shall not be effective with respect
8 to any birth or placement occurring before October
9 1, 2020.

10 (f) TECHNICAL CORRECTIONS.—

11 (1) Section 7605 of the National Defense Au-
12 thorization Act for Fiscal Year 2020 (Public Law
13 116–92) is amended by striking “on active duty”
14 each place it appears and inserting “on covered ac-
15 tive duty”.

16 (2) Subparagraph (E) of section 6382(d)(2) of
17 title 5, United States Code, as added by section
18 7602 of the National Defense Authorization Act for
19 Fiscal Year 2020 (Public Law 116–92), is amended
20 by striking “the requirement to complete” and all
21 that follows and inserting “the service requirement
22 under subparagraph (B) of section 6381(1).”.

23 (3) Section 202(d)(2)(B) of the Congressional
24 Accountability Act of 1995 (2 U.S.C.
25 1312(d)(2)(B)), as amended by section 7603 of the

1 National Defense Authorization Act for Fiscal Year
2 2020 (Public Law 116–92), is amended by inserting
3 “accrued” before “sick leave”.

4 (g) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect as if enacted immediately
6 after the enactment of the National Defense Authorization
7 Act for Fiscal Year 2020 (Public Law 116–92).

8 **SEC. 1102. LIMITATION ON AUTHORITY TO EXCLUDE EM-**
9 **PLOYEES FROM CHAPTER 71 OF TITLE 5.**

10 None of the funds authorized to be appropriated by
11 this Act or otherwise made available for fiscal year 2021
12 for the Department of Defense may be used to carry out
13 the authority provided under section 7103(b) of title 5,
14 United States Code, to exclude the Department of Defense
15 or any agency or subdivision thereof from coverage under
16 chapter 71 of such title.

17 **SEC. 1103. AUTHORITY TO PROVIDE TRAVEL AND TRANS-**
18 **PORTATION ALLOWANCES IN CONNECTION**
19 **WITH TRANSFER CEREMONIES OF DEPART-**
20 **MENT OF DEFENSE AND COAST GUARD CIVIL-**
21 **IAN EMPLOYEES WHO DIE OVERSEAS.**

22 (a) TRAVEL AND TRANSPORTATION ALLOWANCES.—
23 (1) IN GENERAL.—Subchapter II of chapter 75
24 of title 10, United States Code, is amended by add-
25 ing at the end the following new section:

1 **“§ 1492. Authority to provide travel and transpor-**
 2 **tation allowances in connection with**
 3 **transfer ceremonies of department of de-**
 4 **fense and coast guard civilian employees**
 5 **who die overseas**

6 “The Secretary of the military department concerned,
 7 the agency head of a Defense Agency or Department of
 8 Defense Field Activity, or the Secretary of Homeland Se-
 9 curity, as appropriate, may provide round trip travel and
 10 transportation allowances in connection with ceremonies
 11 for the transfer of a Department of Defense or Coast
 12 Guard civilian employee who dies while located or serving
 13 overseas to eligible relatives and provide for the accom-
 14 paniment of such persons to the same extent as the Sec-
 15 retary of Defense may provide such travel and transpor-
 16 tation allowances and accompaniment services to such per-
 17 sons with respect to a deceased service member under
 18 chapter 8 of title 37.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
 20 tents at the beginning of such subchapter is amend-
 21 ed by adding at the end the following new item:

“1492. Authority to provide travel and transportation allowances in connection
 with transfer ceremonies of department of defense and coast
 guard civilian employees who die overseas.”.

22 (b) TECHNICAL AMENDMENTS.—Section 481f(d) of
 23 title 37, United States Code, is amended—

1 (1) in the subsection heading, by striking
2 “TRANSPORTATION TO” and inserting “TRAVEL AND
3 TRANSPORTATION ALLOWANCES IN CONNECTION
4 WITH”; and

5 (2) in paragraph (1) in the matter preceding
6 subparagraph (A), by striking “transportation to”
7 and inserting “travel and transportation allowances
8 in connection with”.

9 **SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
10 **ANNUAL LIMITATION ON PREMIUM PAY AND**
11 **AGGREGATE LIMITATION ON PAY FOR FED-**
12 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
13 **SEAS.**

14 Subsection (a) of section 1101 of the Duncan Hunter
15 National Defense Authorization Act for Fiscal Year 2009
16 (Public Law 110–417; 122 Stat. 4615), as most recently
17 amended by section 1105 of the National Defense Author-
18 ization Act for Fiscal Year 2020 (Public Law 116–92),
19 is further amended by striking “through 2020” and in-
20 serting “through 2021”.

1 **SEC. 1105. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
2 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
3 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
4 **FICIAL DUTY IN A COMBAT ZONE.**

5 Paragraph (2) of section 1603(a) of the Emergency
6 Supplemental Appropriations Act for Defense, the Global
7 War on Terror, and Hurricane Recovery, 2006 (Public
8 Law 109–234; 120 Stat. 443), as added by section 1102
9 of the Duncan Hunter National Defense Authorization
10 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
11 4616) and as most recently amended by section 1104 of
12 the National Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116–92), is further amended by strik-
14 ing “2021” and inserting “2022”.

15 **SEC. 1106. LIMITING THE NUMBER OF LOCAL WAGE AREAS**
16 **DEFINED WITHIN A PAY LOCALITY.**

17 (a) **LOCAL WAGE AREA LIMITATION.**—Section
18 5343(a) of title 5, United States Code, is amended—

19 (1) in paragraph (1)(B)(i), by striking “(but
20 such” and all that follows through “are employed”;

21 (2) in paragraph (4), by striking “and” after
22 the semicolon;

23 (3) in paragraph (5), by striking the period at
24 the end and inserting “; and”; and

25 (4) by adding at the end of the following:

1 “(6) the Office of Personnel Management may
2 define not more than 1 local wage area within a pay
3 locality, except that this paragraph shall not apply
4 to the pay locality designated as ‘Rest of United
5 States’.”.

6 (b) PAY LOCALITY DEFINED.—Section 5342(a) of
7 title 5, United States Code, is amended—

8 (1) in paragraph (2)(C), by striking “and” at
9 the end;

10 (2) in paragraph (3), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(4) ‘pay locality’ has the meaning given that
14 term under section 5302(5).”.

15 (c) REGULATIONS.—The Director of the Office of
16 Personnel Management shall prescribe any regulations
17 necessary to carry out this section and the amendments
18 made by this section, including regulations to ensure that
19 this section and the amendments made by this section
20 shall not have the effect of reducing any rate of basic pay
21 payable to any individual who is serving as a prevailing
22 rate employee (as defined under section 5342(a)(2) of title
23 5, United States Code).

1 (d) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall apply with respect to fis-
3 cal year 2022 and each fiscal year thereafter.

4 **SEC. 1107. CIVILIAN FACULTY AT THE DEFENSE SECURITY**
5 **COOPERATION UNIVERSITY AND INSTITUTE**
6 **OF SECURITY GOVERNANCE.**

7 Section 1595(c) of title 10, United States Code, is
8 amended by adding at the end the following:

9 “(6) The Defense Security Cooperation Univer-
10 sity.

11 “(7) The Defense Institute for Security Govern-
12 ance.”.

13 **SEC. 1108. EXPANSION OF AUTHORITY FOR APPOINTMENT**
14 **OF RECENTLY-RETIRED MEMBERS OF THE**
15 **ARMED FORCES TO POSITIONS AT CERTAIN**
16 **INDUSTRIAL BASE FACILITIES.**

17 (a) IN GENERAL.—Subsection (b) of section 3326 of
18 title 5, United States Code, is amended—

19 (1) in paragraph (1), by striking “or” at the
20 end;

21 (2) in paragraph (2), by striking the period at
22 the end and inserting “; or”; and

23 (3) by adding at the end the following:

24 “(3) the proposed appointment is to a position
25 in the competitive service—

1 “(A) at any industrial base facility (as that
 2 term is defined in section 2208(u)(3) of title
 3 10) that is part of the core logistics capabilities
 4 (as described in section 2464(a) of such title);
 5 and

6 “(B) that has been certified by the Sec-
 7 retary concerned as lacking sufficient numbers
 8 of qualified applicants.”.

9 (b) LIMITATION ON DELEGATION OF CERTIFICATION
 10 AUTHORITY.—Such section 3326 is further amended by
 11 adding at the end the following:

12 “(d) The authority to make a certification described
 13 in subsection (b)(3) may not be delegated to an individual
 14 with a grade lower than colonel, or captain in the Navy,
 15 or an individual with an equivalent civilian grade.”.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-
 17 gress that the amendments made by subsections (a) and
 18 (b) shall supplement, and not provide any exception to,
 19 the competitive hiring process for the Federal civil service.

20 **SEC. 1109. FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE**
 21 **DEMONSTRATION PROJECT.**

22 (a) IN GENERAL.—Not later than 180 days after the
 23 date of enactment of this Act, the Commander, Navy Re-
 24 gion Mid-Atlantic, shall establish and carry out, for a pe-
 25 riod of not less than 5 years, a Fire Fighters Alternative

1 Work Schedule demonstration project for the Navy Region
2 Mid-Atlantic Fire and Emergency Services. Such dem-
3 onstration project shall provide, with respect to each Serv-
4 ices employee, that—

5 (1) assignments to tours of duty are scheduled
6 in advance over periods of not less than 2 weeks;

7 (2) tours of duty are scheduled using a regu-
8 larly recurring pattern of 48-hour shifts followed by
9 48 or 72 consecutive non-work hours, as determined
10 by mutual agreement between the Navy Region Mid-
11 Atlantic and the exclusive employee representative at
12 each Navy Region Mid-Atlantic Installation, in such
13 a manner that each employee is regularly scheduled
14 for 144-hours in any 2-week period;

15 (3) for any such employee that is a fire fighter
16 working an alternative work schedule, such employee
17 shall earn overtime compensation in a manner con-
18 sistent with other applicable law and regulation;

19 (4) no right shall be established to any form of
20 premium pay, including night, Sunday, holiday, or
21 hazard duty pay; and

22 (5) leave accrual and use shall be consistent
23 with other applicable law and regulation.

24 (b) REPORT.—Not later than 180 days following the
25 end of such demonstration project, the Commander, Navy

1 Region Mid-Atlantic, shall submit a report to the Commit-
2 tees on Armed Services of the House of Representatives
3 and the Senate detailing—

4 (1) any financial savings or expenses directly
5 and inseparably linked to the demonstration project;

6 (2) any intangible quality of life and morale im-
7 provements achieved by the demonstration project;
8 and

9 (3) any adverse impact of the demonstration
10 project occurring solely as the result of the transi-
11 tion to the demonstration project.

12 **SEC. 1110. SPECIAL RULES FOR CERTAIN MONTHLY WORK-**
13 **ERS' COMPENSATION PAYMENTS AND OTHER**
14 **PAYMENTS FOR FEDERAL GOVERNMENT**
15 **PERSONNEL UNDER CHIEF OF MISSION AU-**
16 **THORITY.**

17 Section 901 of title IX of division J of the Further
18 Consolidated Appropriations Act, 2020 (Public Law 116–
19 94; 22 U.S.C. 2680b) is amended—

20 (1) in subsection (a), by inserting “or the head
21 of any other Federal agency” after “The Secretary
22 of State”;

23 (2) in subsection (e)(2)—

24 (A) by striking “the Department of State”
25 and inserting “the Federal Government”; and

1 (B) by inserting after “subsection (f)” the
2 following: “, but does not include an individual
3 receiving compensation under section 19A of
4 the Central Intelligence Agency Act of 1949 (50
5 U.S.C. 3519b)”; and

6 (3) in subsection (h)(2), by striking the first
7 sentence and inserting the following: “Nothing in
8 this section shall limit, modify, or otherwise super-
9 sede chapter 81 of title 5, United States Code, the
10 Defense Base Act (42 U.S.C. 1651 et seq.), or sec-
11 tion 19A of the Central Intelligence Agency Act of
12 1949 (50 U.S.C. 3519b).”.

13 **SEC. 1111. RESTORATION OF ANNUAL LEAVE DUE TO A**
14 **PANDEMIC.**

15 (a) IN GENERAL.—Section 6304(d) of title 5, United
16 States Code, is amended by adding at the end the fol-
17 lowing new paragraph:

18 “(5) For the purposes of this subsection, the
19 service of an employee during a pandemic shall be
20 deemed to be an exigency of the public business, and
21 any leave that, by reason of such service, is lost by
22 the employee by operation of this section (regardless
23 of whether such leave was scheduled) shall be re-
24 stored to the employee and shall be credited and
25 available in accordance with paragraph (2).”.

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply to any leave lost on or after the
3 date of enactment of this Act.

4 **SEC. 1112. PROHIBITION ON DOWNLOADING OR USING**
5 **TIKTOK BY FEDERAL EMPLOYEES.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), no employee of the United States, officer of the
8 United States, Member of Congress, congressional em-
9 ployee, or officer or employee of a government corporation
10 may download or use TikTok or any successor application
11 developed by ByteDance or any entity owned by
12 ByteDance on any device issued by the United States or
13 a government corporation.

14 (b) EXCEPTION.—Subsection (a) shall not apply to
15 any investigation, cybersecurity research activity, enforce-
16 ment action, disciplinary action, or intelligence activity.

17 **SEC. 1113. TELEWORK TRAVEL EXPENSES PROGRAM OF**
18 **THE UNITED STATES PATENT AND TRADE-**
19 **MARK OFFICE.**

20 (a) IN GENERAL.—Section 5711 of title 5, United
21 States Code, is amended—

22 (1) in the section heading, by striking “**test**”;

23 (2) in subsection (f)—

24 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “committee” and in-
3 serting “committees”; and

4 (ii) in subparagraph (B), by striking
5 “Government”;

6 (B) in paragraph (2)—

7 (i) by striking “test”; and

8 (ii) by striking “section, including the
9 provision of reports in accordance with
10 subsection (d)(1)” and inserting “sub-
11 section”;

12 (C) in paragraph (4)(B), in the matter
13 preceding clause (i), by inserting “and main-
14 tain” after “develop”; and

15 (D) in paragraph (5)—

16 (i) in subparagraph (A), by striking
17 “test”; and

18 (ii) by striking subparagraph (B) and
19 inserting the following:

20 “(B) The Director of the Patent and Trademark Of-
21 fice shall prepare and submit to the appropriate commit-
22 tees of Congress an annual report on the operation of the
23 program under this subsection, which shall include—

24 “(i) the costs and benefits of the program; and

1 “(ii) an analysis of the effectiveness of the pro-
 2 gram, as determined under criteria developed by the
 3 Director.”; and

4 (3) in subsection (g), by striking “this section”
 5 and inserting “subsection (b)”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

7 The table of sections for subchapter I of chapter 57 of
 8 title 5, United States Code, is amended by striking the
 9 item relating to section 5711 and inserting the following:

“5711. Authority for telework travel expenses programs.”.

10 **SEC. 1114. EXTENSION OF RATE OF OVERTIME PAY AU-**

11 **THORITY FOR DEPARTMENT OF THE NAVY**

12 **EMPLOYEES PERFORMING WORK ABOARD OR**

13 **DOCKSIDE IN SUPPORT OF THE NUCLEAR-**

14 **POWERED AIRCRAFT CARRIER FORWARD DE-**

15 **PLOYED IN JAPAN.**

16 Section 5542(a)(6)(B) of title 5, United States Code,
 17 is amended by striking “September 30, 2021” and insert-
 18 ing “September 30, 2026”.

19 **SEC. 1115. VACANCY OF INSPECTOR GENERAL POSITIONS.**

20 (a) IN GENERAL.—Section 3345 of title 5, United
 21 States Code, is amended by adding at the end the fol-
 22 lowing:

23 “(d)(1) Notwithstanding subsection (a), if an Inspec-
 24 tor General position that requires appointment by the
 25 President by and with the advice and consent of the Sen-

1 ate to be filled is vacant, the first assistant of such posi-
2 tion shall perform the functions and duties of the Inspec-
3 tor General temporarily in an acting capacity subject to
4 the time limitations of section 3346.

5 “(2) Notwithstanding subsection (a), if for purposes
6 of carrying out paragraph (1) of this subsection, by reason
7 of absence, disability, or vacancy, the first assistant to the
8 position of Inspector General is not available to perform
9 the functions and duties of the Inspector General, an act-
10 ing Inspector General shall be appointed by the President
11 from among individuals serving in an office of any Inspec-
12 tor General, provided that—

13 “(A) during the 365-day period preceding the
14 date of death, resignation, or beginning of inability
15 to serve of the applicable Inspector General, the in-
16 dividual served in a position in an office of any In-
17 spector General for not less than 90 days; and

18 “(B) the rate of pay for the position of such in-
19 dividual is equal to or greater than the minimum
20 rate of pay payable for a position at GS–15 of the
21 General Schedule.”.

22 (b) APPLICATION.—The amendment made by sub-
23 section (a) shall apply to any vacancy first occurring with
24 respect to an Inspector General position on or after the
25 date of enactment of this Act.

1 **Subtitle B—Elijah E. Cummings**
2 **Federal Employee Antidiscrimi-**
3 **nation Act of 2020**

4 **SEC. 1121. SHORT TITLE.**

5 This subtitle may be cited as the “Elijah E. Cum-
6 mings Federal Employee Antidiscrimination Act of 2020”.

7 **SEC. 1122. SENSE OF CONGRESS.**

8 Section 102 of the Notification and Federal Em-
9 ployee Antidiscrimination and Retaliation Act of 2002 (5
10 U.S.C. 2301 note) is amended—

11 (1) by striking paragraph (4) and inserting the
12 following:

13 “(4) accountability in the enforcement of the
14 rights of Federal employees is furthered when Fed-
15 eral agencies agree to take appropriate disciplinary
16 action against Federal employees who are found to
17 have intentionally committed discriminatory (includ-
18 ing retaliatory) acts;” and

19 (2) in paragraph (5)(A)—

20 (A) by striking “nor is accountability” and
21 inserting “accountability is not”; and

22 (B) by inserting “for what, by law, the
23 agency is responsible” after “under this Act”.

1 **SEC. 1123. NOTIFICATION OF VIOLATION.**

2 Section 202 of the Notification and Federal Em-
3 ployee Antidiscrimination and Retaliation Act of 2002 (5
4 U.S.C. 2301 note) is amended by adding at the end the
5 following:

6 “(d) NOTIFICATION OF FINAL AGENCY ACTION.—

7 “(1) IN GENERAL.—Not later than 90 days
8 after the date on which an event described in para-
9 graph (2) occurs with respect to a finding of dis-
10 crimination (including retaliation), the head of the
11 Federal agency subject to the finding shall provide
12 notice—

13 “(A) on the public internet website of the
14 agency, in a clear and prominent location linked
15 directly from the home page of that website;

16 “(B) stating that a finding of discrimina-
17 tion (including retaliation) has been made; and

18 “(C) which shall remain posted for not less
19 than 1 year.

20 “(2) EVENTS DESCRIBED.—An event described
21 in this paragraph is any of the following:

22 “(A) All appeals of a final action by a Fed-
23 eral agency involving a finding of discrimination
24 (including retaliation) prohibited by a provision
25 of law covered by paragraph (1) or (2) of sec-
26 tion 201(a) have been exhausted.

1 “(B) All appeals of a final decision by the
2 Equal Employment Opportunity Commission
3 involving a finding of discrimination (including
4 if the finding included a finding of retaliation)
5 prohibited by a provision of law covered by
6 paragraph (1) or (2) of section 201(a) have
7 been exhausted.

8 “(C) A court of jurisdiction issues a final
9 judgment involving a finding of discrimination
10 (including retaliation) prohibited by a provision
11 of law covered by paragraph (1) or (2) of sec-
12 tion 201(a).

13 “(3) CONTENTS.—A notification provided under
14 paragraph (1) with respect to a finding of discrimi-
15 nation (including retaliation) shall—

16 “(A) identify the date on which the finding
17 was made, the date on which each discrimina-
18 tory act occurred, and the law violated by each
19 such discriminatory act; and

20 “(B) advise Federal employees of the
21 rights and protections available under the provi-
22 sions of law covered by paragraphs (1) and (2)
23 of section 201(a).”.

24 **SEC. 1124. REPORTING REQUIREMENTS.**

25 (a) ELECTRONIC FORMAT REQUIREMENT.—

1 (1) IN GENERAL.—Section 203(a) of the Notifi-
2 cation and Federal Employee Antidiscrimination and
3 Retaliation Act of 2002 (5 U.S.C. 2301 note) is
4 amended in the matter preceding paragraph (1)—

5 (A) by inserting “Homeland Security and”
6 before “Governmental Affairs”;

7 (B) by striking “on Government Reform”
8 and inserting “on Oversight and Reform”; and

9 (C) by inserting “(in an electronic format
10 prescribed by the Director of the Office of Per-
11 sonnel Management),” after “an annual re-
12 port”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1)(C) shall take effect on the date
15 that is 1 year after the date of enactment of this
16 Act.

17 (3) TRANSITION PERIOD.—Notwithstanding the
18 requirements of section 203(a) of the Notification
19 and Federal Employee Antidiscrimination and Retal-
20 iation Act of 2002 (5 U.S.C. 2301 note), the report
21 required under such section 203(a) may be sub-
22 mitted in an electronic format, as prescribed by the
23 Director of the Office of Personnel Management,
24 during the period beginning on the date of enact-

1 ment of this Act and ending on the effective date in
2 paragraph (2).

3 (b) REPORTING REQUIREMENT FOR DISCIPLINARY
4 ACTION.—Section 203 of the Notification and Federal
5 Employee Antidiscrimination and Retaliation Act of 2002
6 (5 U.S.C. 2301 note) is amended by adding at the end
7 the following:

8 “(c) DISCIPLINARY ACTION REPORT.—Not later
9 than 120 days after the date on which a Federal agency
10 takes final action, or a Federal agency receives a final de-
11 cision issued by the Equal Employment Opportunity Com-
12 mission, involving a finding of discrimination (including
13 retaliation) in violation of a provision of law covered by
14 paragraph (1) or (2) of section 201(a), as applicable, the
15 applicable Federal agency shall submit to the Commission
16 a report stating—

17 “(1) whether disciplinary action has been pro-
18 posed against a Federal employee as a result of the
19 violation; and

20 “(2) the reasons for any disciplinary action pro-
21 posed under paragraph (1).”.

1 **SEC. 1125. DATA TO BE POSTED BY EMPLOYING FEDERAL**
2 **AGENCIES.**

3 Section 301(b) of the Notification and Federal Em-
4 ployee Antidiscrimination and Retaliation Act of 2002 (5
5 U.S.C. 2301 note) is amended—

6 (1) in paragraph (9)—

7 (A) in subparagraph (A), by striking
8 “and” at the end;

9 (B) in subparagraph (B)(ii), by striking
10 the period at the end and inserting “, and”;
11 and

12 (C) by adding at the end the following:

13 “(C) with respect to each finding described
14 in subparagraph (A)—

15 “(i) the date of the finding,

16 “(ii) the affected Federal agency,

17 “(iii) the law violated, and

18 “(iv) whether a decision has been
19 made regarding disciplinary action as a re-
20 sult of the finding.”; and

21 (2) by adding at the end the following:

22 “(11) Data regarding each class action com-
23 plaint filed against the agency alleging discrimina-
24 tion (including retaliation), including—

25 “(A) information regarding the date on
26 which each complaint was filed,

1 “(B) a general summary of the allegations
2 alleged in the complaint,

3 “(C) an estimate of the total number of
4 plaintiffs joined in the complaint, if known,

5 “(D) the current status of the complaint,
6 including whether the class has been certified,
7 and

8 “(E) the case numbers for the civil actions
9 in which discrimination (including retaliation)
10 has been found.”.

11 **SEC. 1126. DATA TO BE POSTED BY THE EQUAL EMPLOY-**
12 **MENT OPPORTUNITY COMMISSION.**

13 Section 302(b) of the Notification and Federal Em-
14 ployee Antidiscrimination and Retaliation Act of 2002 (5
15 U.S.C. 2301 note) is amended by striking “(10)” and in-
16 serting “(11)”.

17 **SEC. 1127. NOTIFICATION AND FEDERAL EMPLOYEE ANTI-**
18 **DISCRIMINATION AND RETALIATION ACT OF**
19 **2002 AMENDMENTS.**

20 (a) NOTIFICATION REQUIREMENTS.—Title II of the
21 Notification and Federal Employee Antidiscrimination
22 and Retaliation Act of 2002 (5 U.S.C. 2301 note) is
23 amended by adding at the end the following:

1 **“SEC. 207. COMPLAINT TRACKING.**

2 “Not later than 1 year after the date of enactment
3 of the Elijah E. Cummings Federal Employee Anti-
4 discrimination Act of 2020, each Federal agency shall es-
5 tablish a system to track each complaint of discrimination
6 arising under section 2302(b)(1) of title 5, United States
7 Code, and adjudicated through the Equal Employment
8 Opportunity process from the filing of a complaint with
9 the Federal agency to resolution of the complaint, includ-
10 ing whether a decision has been made regarding discipli-
11 nary action as the result of a finding of discrimination.

12 **“SEC. 208. NOTATION IN PERSONNEL RECORD.**

13 “If a Federal agency takes an adverse action covered
14 under section 7512 of title 5, United States Code, against
15 a Federal employee for an act of discrimination (including
16 retaliation) prohibited by a provision of law covered by
17 paragraph (1) or (2) of section 201(a), the agency shall,
18 after all appeals relating to that action have been ex-
19 hausted, include a notation of the adverse action and the
20 reason for the action in the personnel record of the em-
21 ployee.”.

22 (b) PROCESSING AND REFERRAL.—The Notification
23 and Federal Employee Antidiscrimination and Retaliation
24 Act of 2002 (5 U.S.C. 2301 note) is amended by adding
25 at the end the following:

1 **“TITLE IV—PROCESSING AND**
2 **REFERRAL**

3 **“SEC. 401. PROCESSING AND RESOLUTION OF COMPLAINTS.**

4 “Each Federal agency shall—

5 “(1) be responsible for the fair and impartial
6 processing and resolution of complaints of employ-
7 ment discrimination (including retaliation) prohib-
8 ited by a provision of law covered by paragraph (1)
9 or (2) of section 201(a); and

10 “(2) establish a model Equal Employment Op-
11 portunity Program that—

12 “(A) is not under the control, either struc-
13 turally or practically, of the agency’s Office of
14 Human Capital or Office of the General Coun-
15 sel (or the equivalent);

16 “(B) is devoid of internal conflicts of inter-
17 est and ensures fairness and inclusiveness with-
18 in the agency; and

19 “(C) ensures the efficient and fair resolu-
20 tion of complaints alleging discrimination (in-
21 cluding retaliation).

22 **“SEC. 402. NO LIMITATION ON ADVICE OR COUNSEL.**

23 “Nothing in this title shall prevent a Federal agency
24 or a subcomponent of a Federal agency, or the Depart-
25 ment of Justice, from providing advice or counsel to em-

1 ployees of that agency (or subcomponent, as applicable)
2 in the resolution of a complaint.

3 **“SEC. 403. HEAD OF PROGRAM SUPERVISED BY HEAD OF**
4 **AGENCY.**

5 “The head of each Federal agency’s Equal Employ-
6 ment Opportunity Program shall report directly to the
7 head of the agency.

8 **“SEC. 404. REFERRALS OF FINDINGS OF DISCRIMINATION.**

9 “(a) EEOC FINDINGS OF DISCRIMINATION.—

10 “(1) IN GENERAL.—Not later than 30 days
11 after the date on which the Equal Employment Op-
12 portunity Commission (referred to in this section as
13 the ‘Commission’) receives, or should have received,
14 a Federal agency report required under section
15 203(c), the Commission may refer the matter to
16 which the report relates to the Office of Special
17 Counsel if the Commission determines that the Fed-
18 eral agency did not take appropriate action with re-
19 spect to the finding that is the subject of the report.

20 “(2) NOTIFICATIONS.—The Commission shall—

21 “(A) notify the applicable Federal agency
22 if the Commission refers a matter to the Office
23 of Special Counsel under paragraph (1); and

1 “(B) with respect to a fiscal year, include
2 in the Annual Report of the Federal Workforce
3 of the Commission covering that fiscal year—

4 “(i) the number of referrals made
5 under paragraph (1) during that fiscal
6 year; and

7 “(ii) a brief summary of each referral
8 described in clause (i).

9 “(b) REFERRALS TO SPECIAL COUNSEL.—The Office
10 of Special Counsel shall accept and review a referral from
11 the Commission under subsection (a)(1) for purposes of
12 pursuing disciplinary action under the authority of the Of-
13 fice against a Federal employee who commits an act of
14 discrimination (including retaliation).

15 “(c) NOTIFICATION.—The Office of Special Counsel
16 shall notify the Commission and the applicable Federal
17 agency in a case in which—

18 “(1) the Office of Special Counsel pursues dis-
19 ciplinary action under subsection (b); and

20 “(2) the Federal agency imposes some form of
21 disciplinary action against a Federal employee who
22 commits an act of discrimination (including retalia-
23 tion).

24 “(d) SPECIAL COUNSEL APPROVAL.—A Federal
25 agency may not take disciplinary action against a Federal

1 employee for an alleged act of discrimination (including
 2 retaliation) referred by the Commission under this section,
 3 except in accordance with the requirements of section
 4 1214(f) of title 5, United States Code.”.

5 (c) CONFORMING AMENDMENTS.—The table of con-
 6 tents in section 1(b) of the Notification and Federal Em-
 7 ployee Antidiscrimination and Retaliation Act of 2002 (5
 8 U.S.C. 2301 note) is amended—

9 (1) by inserting after the item relating to sec-
 10 tion 206 the following:

“Sec. 207. Complaint tracking.

“Sec. 208. Notation in personnel record.”; and

11 (2) by adding at the end the following:

“TITLE IV—PROCESSING AND REFERRAL

“Sec. 401. Processing and resolution of complaints.

“Sec. 402. No limitation on advice or counsel.

“Sec. 403. Head of Program supervised by head of agency.

“Sec. 404. Referrals of findings of discrimination.”.

12 **SEC. 1128. NONDISCLOSURE AGREEMENT LIMITATION.**

13 Section 2302(b)(13) of title 5, United States Code,
 14 is amended—

15 (1) by striking “agreement does not” and in-
 16 serting the following: “agreement—

17 “(A) does not”;

18 (2) in subparagraph (A), as so designated, by
 19 inserting “or the Office of Special Counsel” after
 20 “Inspector General”; and

21 (3) by adding at the end the following:

1 “(B) prohibits or restricts an employee or
2 applicant for employment from disclosing to
3 Congress, the Special Counsel, the Inspector
4 General of an agency, or any other agency com-
5 ponent responsible for internal investigation or
6 review any information that relates to any viola-
7 tion of any law, rule, or regulation, or mis-
8 management, a gross waste of funds, an abuse
9 of authority, or a substantial and specific dan-
10 ger to public health or safety, or any other
11 whistleblower protection; or”.

12 **Subtitle C—Office of the National**
13 **Cyber Director**

14 **SEC. 1131. SHORT TITLE.**

15 This subtitle may be cited as the “National Cyber
16 Director Act”.

17 **SEC. 1132. NATIONAL CYBER DIRECTOR.**

18 (a) ESTABLISHMENT.—There is established, within
19 the Executive Office of the President, the Office of the
20 National Cyber Director (in this section referred to as the
21 “Office”).

22 (b) NATIONAL CYBER DIRECTOR.—

23 (1) IN GENERAL.—The Office shall be headed
24 by the National Cyber Director (in this section re-
25 ferred to as the “Director”) who shall be appointed

1 by the President, by and with the advice and consent
2 of the Senate. The Director shall hold office at the
3 pleasure of the President, and shall be entitled to re-
4 ceive the same pay and allowances as are provided
5 for level I of the Executive Schedule under section
6 5312 of title 5, United States Code.

7 (2) DEPUTY DIRECTORS.—There shall be two
8 Deputy National Cyber Directors, to be appointed
9 by the President, who shall hold office at the pleas-
10 ure of the President, and who shall report to the Di-
11 rector, as follows:

12 (A) The Deputy National Cyber Director
13 for Strategy, Capabilities, and Budget.

14 (B) The Deputy National Cyber Director
15 for Plans and Operations.

16 (c) DUTIES OF THE NATIONAL CYBER DIRECTOR.—

17 (1) IN GENERAL.—Subject to the authority, di-
18 rection, and control of the President, the Director
19 shall—

20 (A) serve as the principal advisor to the
21 President on cybersecurity strategy and policy;

22 (B) in consultation with appropriate Fed-
23 eral departments and agencies, develop the
24 United States' National Cyber Strategy, which

1 shall include elements related to Federal de-
2 partments and agencies—

3 (i) information security; and

4 (ii) programs and policies intended to
5 improve the United States' cybersecurity
6 posture;

7 (C) in consultation with appropriate Fed-
8 eral departments and agencies and upon ap-
9 proval of the National Cyber Strategy by the
10 President, supervise implementation of the
11 strategy by—

12 (i) in consultation with the Director of
13 the Office of Management and Budget,
14 monitoring and assessing the effectiveness,
15 including cost-effectiveness, of Federal de-
16 partments and agencies' implementation of
17 the strategy;

18 (ii) making recommendations relevant
19 to changes in the organization, personnel
20 and resource allocation, and policies of
21 Federal departments and agencies to the
22 Director of the Office of Management and
23 Budget and heads of such departments
24 and agencies in order to implement the
25 strategy;

1 (iii) reviewing the annual budget pro-
2 posal for each Federal department or agen-
3 cy and certifying to the head of each Fed-
4 eral department or agency and the Direc-
5 tor of the Office Management and Budget
6 whether the department or agency proposal
7 is consistent with the strategy;

8 (iv) continuously assessing and mak-
9 ing relevant recommendations to the Presi-
10 dent on the appropriate level of integration
11 and interoperability across the Federal cy-
12 bersecurity operations centers;

13 (v) coordinating with the Federal
14 Chief Information Officer, the Federal
15 Chief Information Security Officer, the Di-
16 rector of the Cybersecurity and Infrastruc-
17 ture Security Agency, and the Director of
18 National Institute of Standards and Tech-
19 nology on the development and implemen-
20 tation of policies and guidelines related to
21 issues of Federal department and agency
22 information security; and

23 (vi) reporting annually to the Presi-
24 dent and the Congress on the state of the
25 United States' cybersecurity posture, the

1 effectiveness of the strategy, and the sta-
2 tus of Federal departments and agencies’
3 implementation of the strategy;

4 (D) lead joint interagency planning for the
5 Federal Government’s integrated response to
6 cyberattacks and cyber campaigns of significant
7 consequence, to include—

8 (i) coordinating with relevant Federal
9 departments and agencies in the develop-
10 ment of, for the approval of the President,
11 joint, integrated operational plans, proc-
12 esses, and playbooks for incident response
13 that feature—

14 (I) clear lines of authority and
15 lines of effort across the Federal Gov-
16 ernment;

17 (II) authorities that have been
18 delegated to an appropriate level to
19 facilitate effective operational re-
20 sponses across the Federal Govern-
21 ment; and

22 (III) support for the integration
23 of defensive cyber plans and capabili-
24 ties with offensive cyber plans and ca-
25 pabilities in a manner consistent with

1 improving the United States' cyberse-
2 curity posture;

3 (ii) exercising these operational plans,
4 processes, and playbooks;

5 (iii) updating these operational plans,
6 processes, and playbooks for incident re-
7 sponse as needed in coordination with on-
8 going offensive cyber plans and operations;
9 and

10 (iv) ensuring these plans, processes,
11 and playbooks are properly coordinated
12 with relevant private sector entities, as ap-
13 propriate;

14 (E) direct the Federal Government's re-
15 sponse to cyberattacks and cyber campaigns of
16 significant consequence, to include—

17 (i) developing for the approval of the
18 President, with the heads of relevant Fed-
19 eral departments and agencies independ-
20 ently or through the National Security
21 Council as directed by the President, oper-
22 ational priorities, requirements, and tasks;

23 (ii) coordinating, deconflicting, and
24 ensuring the execution of operational ac-
25 tivities in incident response; and

1 (iii) coordinating operational activities
2 with relevant private sector entities;

3 (F) coordinate and consult with private
4 sector leaders on cybersecurity and emerging
5 technology issues with the support of, and in
6 coordination with, the Cybersecurity and Infra-
7 structure Security Agency and other Federal
8 departments and agencies, as appropriate;

9 (G) annually report to Congress on cyber-
10 security threats and issues facing the nation,
11 including any new or emerging technologies
12 that may impact national security, economic
13 prosperity, or enforcing the rule of law; and

14 (H) be responsible for such other functions
15 as the President may direct.

16 (2) DELEGATION OF AUTHORITY.—The Direc-
17 tor may—

18 (A) serve as the senior representative on
19 any body that the President may establish for
20 the purpose of providing the President advice
21 on cybersecurity;

22 (B) be empowered to convene National Se-
23 curity Council, National Economic Council and
24 Homeland Security Council meetings, with the
25 concurrence of the National Security Advisor,

1 Homeland Security Advisor, or Director of the
2 National Economic Council, as appropriate;

3 (C) be included as a participant in prep-
4 arations for and, if appropriate, execution of cy-
5 bersecurity summits and other international
6 meetings at which cybersecurity is a major
7 topic;

8 (D) delegate any of the Director's func-
9 tions, powers, and duties to such officers and
10 employees of the Office as he may designate;
11 and

12 (E) authorize such successive re-delega-
13 tions of such functions, powers, and duties to
14 such officers and employees of the Office as he
15 may deem appropriate.

16 (d) ATTENDANCE AND PARTICIPATION IN NATIONAL
17 SECURITY COUNCIL MEETINGS.—Section 101(c)(2) of the
18 National Security Act of 1947 (50 U.S.C. 3021(c)(2)) is
19 amended by striking “and the Chairman of the Joint
20 Chiefs of Staff” and inserting “the Chairman of the Joint
21 Chiefs of Staff, and the National Cyber Director”.

22 (e) POWERS OF THE DIRECTOR.—The Director may,
23 for the purposes of carrying out the Director's functions
24 under this section—

1 (1) subject to the civil service and classification
2 laws, select, appoint, employ, and fix the compensa-
3 tion of such officers and employees as are necessary
4 and prescribe their authority and duties, except that
5 not more than 75 individuals may be employed with-
6 out regard to any provision of law regulating the
7 employment or compensation at rates not to exceed
8 the basic rate of basic pay payable for level IV of
9 the Executive Schedule under section 5315 of title
10 5, United States Code;

11 (2) employ experts and consultants in accord-
12 ance with section 3109 of title 5, United States
13 Code, and compensate individuals so employed for
14 each day (including travel time) at rates not in ex-
15 cess of the maximum rate of basic pay for grade
16 GS-15 as provided in section 5332 of such title, and
17 while such experts and consultants are so serving
18 away from their homes or regular place of business,
19 to pay such employees travel expenses and per diem
20 in lieu of subsistence at rates authorized by section
21 5703 of such title 5 for persons in Federal Govern-
22 ment service employed intermittently;

23 (3) promulgate such rules and regulations as
24 may be necessary to carry out the functions, powers,
25 and duties vested in the Director;

1 (4) utilize, with their consent, the services, per-
2 sonnel, and facilities of other Federal agencies;

3 (5) enter into and perform such contracts,
4 leases, cooperative agreements, or other transactions
5 as may be necessary in the conduct of the work of
6 the Office and on such terms as the Director may
7 determine appropriate, with any Federal agency, or
8 with any public or private person or entity;

9 (6) accept voluntary and uncompensated serv-
10 ices, notwithstanding the provisions of section 1342
11 of title 31, United States Code;

12 (7) adopt an official seal, which shall be judi-
13 cially noticed; and

14 (8) provide, where authorized by law, copies of
15 documents to persons at cost, except that any funds
16 so received shall be credited to, and be available for
17 use from, the account from which expenditures relat-
18 ing thereto were made.

19 (f) DEFINITIONS.—In this section:

20 (1) CYBERSECURITY POSTURE.—The term “cy-
21 bersecurity posture” means the ability to identify
22 and protect, and detect, respond to and recover from
23 intrusions in, information systems the compromise of
24 which could constitute a cyber attack or cyber cam-
25 paign of significant consequence.

1 (2) CYBER ATTACKS AND CYBER CAMPAIGNS OF
2 SIGNIFICANT CONSEQUENCE.—The term “cyber at-
3 tacks and cyber campaigns of significant con-
4 sequence” means an incident or series of incidents
5 that have the purpose or effect of—

6 (A) causing a significant disruption to the
7 availability of a Federal information system;

8 (B) harming, or otherwise significantly
9 compromising the provision of service by, a
10 computer or network of computers that support
11 one or more entities in a critical infrastructure
12 sector;

13 (C) significantly compromising the provi-
14 sion of services by one or more entities in a
15 critical infrastructure sector;

16 (D) causing a significant misappropriation
17 of funds or economic resources, trade secrets,
18 personal identifiers, or financial information for
19 commercial or competitive advantage or private
20 financial gain; or

21 (E) otherwise constituting a significant
22 threat to the national security, foreign policy, or
23 economic health or financial stability of the
24 United States.

1 (3) INCIDENT.—The term “incident” has the
2 meaning given that term in section 3552 of title 44,
3 United States Code.

4 (4) INFORMATION SECURITY.—The term “infor-
5 mation security” has the meaning given that term in
6 section 3552 of title 44, United States Code.

7 **TITLE XII—MATTERS RELATING**
8 **TO FOREIGN NATIONS**
9 **Subtitle A—Assistance and**
10 **Training**

11 **SEC. 1201. MODIFICATION AND EXTENSION OF SUPPORT OF**
12 **SPECIAL OPERATIONS FOR IRREGULAR WAR-**
13 **FARE.**

14 (a) AUTHORITY.—Subsection (a) of section 1202 of
15 the National Defense Authorization Act for Fiscal Year
16 2018 (Public Law 115–91; 131 Stat. 1639) is amended—

17 (1) by striking “\$10,000,000” and inserting
18 “\$15,000,000”; and

19 (2) by striking “2023” and inserting “2025”.

20 (b) NOTIFICATION.—Subsection (d)(2) of such sec-
21 tion is amended—

22 (1) by redesignating subparagraph (E) as sub-
23 paragraph (G);

24 (2) by inserting after subparagraph (D) the fol-
25 lowing:

1 “(E) A description of steps taken to ensure
2 the support is consistent with other United
3 States diplomatic and security interests, includ-
4 ing issues related to local political dynamics,
5 civil-military relations, and human rights.

6 “(F) A description of steps taken to ensure
7 that the recipients of the support have not and
8 will not engage in human rights violations or
9 violations of the Geneva Conventions of 1949,
10 including vetting, training, and support for ade-
11 quately investigating allegations of violations
12 and removing support in case of credible re-
13 ports of violations.”; and

14 (3) in clause (i) of subparagraph (G), as redes-
15 ignated, to read as follows:

16 “(i) An introduction of United States
17 Armed Forces (including as such term is
18 defined in section 8(c) of the War Powers
19 Resolution (50 U.S.C. 1547(c))) into hos-
20 tilities, or into situations where hostilities
21 are clearly indicated by the circumstances,
22 without specific statutory authorization
23 within the meaning of section 5(b) of such
24 Resolution (50 U.S.C. 1544(b)).”.

1 (c) CONSTRUCTION OF AUTHORITY.—Subsection
2 (f)(2) of such section is amended by striking “of section
3 5(b)”.

4 (d) CLARIFICATION.—Such section, as so amended,
5 is further amended—

6 (1) by redesignating subsections (g), (h), and
7 (i) as subsections (h), (i), and (j), respectively; and
8 (2) by inserting after subsection (f) the fol-
9 lowing:

10 “(g) CLARIFICATION.—The provision of support to
11 foreign forces, irregular forces, groups, or individuals pur-
12 suant to subsection (a) constitutes support to a unit of
13 a foreign security force for purposes of section 362 of title
14 10, United States Code.”.

15 **SEC. 1202. DEPARTMENT OF DEFENSE PARTICIPATION IN**
16 **EUROPEAN PROGRAM ON MULTILATERAL EX-**
17 **CHANGE OF SURFACE TRANSPORTATION**
18 **SERVICES.**

19 (a) IN GENERAL.—Subchapter II of chapter 138 of
20 title 10, United States Code, is amended by adding at the
21 end the following:

1 **“§ 2350o. Participation in European Program on Mul-**
2 **tilateral Exchange of Surface Transpor-**
3 **tation Services**

4 “(a) PARTICIPATION AUTHORIZED.—(1) The Sec-
5 retary of Defense may, with the concurrence of the Sec-
6 retary of State, authorize the participation of the United
7 States in the Surface Exchange of Services program (in
8 this section referred to as the ‘SEOS program’) of the
9 Movement Coordination Centre Europe.

10 “(2) Participation in the SEOS program under para-
11 graph (1) may include—

12 “(A) the reciprocal exchange or transfer of sur-
13 face transportation on a reimbursable basis or by re-
14 placement-in-kind; or

15 “(B) the exchange of surface transportation
16 services of equal value.

17 “(b) WRITTEN ARRANGEMENTS OR AGREEMENTS.—
18 (1) The participation of the United States in the SEOS
19 program under subsection (a) shall be in accordance with
20 a written arrangement or agreement entered into by the
21 Secretary of Defense, with the concurrence of the Sec-
22 retary of State, and the Movement Coordination Centre
23 Europe.

24 “(2) If facilities, equipment, or funds of the Depart-
25 ment of Defense are used to support the SEOS program,
26 the written arrangement or agreement entered into under

1 paragraph (1) shall specify the details of any equitable
2 cost sharing or other funding arrangement.

3 “(3) Any written arrangement or agreement entered
4 into under paragraph (1) shall require that any accrued
5 credits and liabilities resulting from an unequal exchange
6 or transfer of surface transportation services shall be liq-
7 uidated, not less than once every five years, through the
8 SEOS program.

9 “(c) IMPLEMENTATION.—In carrying out any ar-
10 rangement or agreement entered into under subsection
11 (b)(1), the Secretary of Defense may—

12 “(1) from funds available to the Department of
13 Defense for operation and maintenance, pay the eq-
14 uitable share of the United States for the operating
15 expenses of the Movement Coordination Centre Eu-
16 rope and the SEOS program; and

17 “(2) assign members of the armed forces or ci-
18 vilian personnel of the Department of Defense, from
19 among members and personnel within billets author-
20 ized for the United States European Command, to
21 duty at the Movement Coordination Centre Europe
22 as necessary to fulfill the obligations of the United
23 States under that arrangement or agreement.

24 “(d) CREDITING OF RECEIPTS.—Any amount re-
25 ceived by the United States as part of the SEOS program

1 shall be credited, at the option of the Secretary of Defense,
2 to—

3 “(1) the appropriation, fund, or account used in
4 incurring the obligation for which such amount is re-
5 ceived; or

6 “(2) an appropriate appropriation, fund, or ac-
7 count currently available for the purposes for which
8 the expenditures were made.

9 “(e) EXPIRATION.—The authority provided by this
10 section to participate in the SEOS program shall expire
11 five years after the date on which the Secretary of Defense
12 first enters into a written arrangement or agreement
13 under subsection (b). The Secretary shall publish notice
14 of such date on a public website of the Department of De-
15 fense.

16 “(f) LIMITATION ON STATUTORY CONSTRUCTION.—
17 Nothing in this section may be construed to authorize the
18 use of foreign sealift in violation of section 2631 of this
19 title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such subchapter is amended by adding
22 at the end the following new item:

“2350o. Participation in European program on multilateral exchange of surface
transportation services.”.

1 **SEC. 1203. EXTENSION OF AUTHORITY TO TRANSFER EX-**
2 **CESS HIGH MOBILITY MULTIPURPOSE**
3 **WHEELED VEHICLES TO FOREIGN COUN-**
4 **TRIES.**

5 Section 1276 of the National Defense Authorization
6 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
7 1699) is amended—

8 (1) in subsection (b)(2)—

9 (A) in subparagraph(A), by adding at the
10 end the following: “Such description may in-
11 clude, if applicable, a description of the priority
12 United States security or defense cooperation
13 interest with the recipient country that is ful-
14 filled by the waiver.”; and

15 (B) by striking subparagraph (B) and in-
16 serting the following:

17 “(B) An explanation of why it is in the na-
18 tional interests of the United States to make
19 the transfer notwithstanding the requirements
20 of subsection (a)(1).”; and

21 (2) in subsection (c)(2), by striking “three” and
22 inserting “five”.

1 **SEC. 1204. MODIFICATION AND EXTENSION OF UPDATE OF**
2 **DEPARTMENT OF DEFENSE FREEDOM OF**
3 **NAVIGATION REPORT.**

4 (a) IN GENERAL.—Subsection (a) of section 1275 of
5 the National Defense Authorization Act for Fiscal Year
6 2017 (Public Law 114–328; 130 Stat. 2540) is amend-
7 ed—

8 (1) by striking “an annual basis” and inserting
9 “a biannual basis”; and

10 (2) by striking “the previous year” and insert-
11 ing “the previous 6 months”.

12 (b) ELEMENTS.—Subsection (b) of such section is
13 amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “the year” and inserting “the period”;

16 (2) in paragraph (1), by inserting “the number
17 of maritime and overflight challenges to each such
18 claim and” before “the country”;

19 (3) in paragraph (5), by inserting “have been
20 protested by the United States but” before “have
21 not been challenged”; and

22 (4) by adding at the end the following:

23 “(6) A summary of each excessive maritime
24 claim challenged jointly with international partners
25 and allies.”.

1 (c) FORM.—Subsection (c) of such section is amend-
2 ed by adding at the end before the period the following:
3 “and made publicly available”.

4 (d) SUNSET.—Subsection (d) of such section is
5 amended by striking “December 31, 2021” and inserting
6 “December 31, 2025”.

7 (e) CONFORMING AMENDMENT.—The heading of
8 such section is amended by striking “**ANNUAL**” and in-
9 serting “**BIANNUAL**”.

10 **SEC. 1205. EXTENSION OF REPORT ON WORKFORCE DEVEL-**
11 **OPMENT.**

12 Section 1250(b)(1) of the National Defense Author-
13 ization Act for Fiscal Year 2017 (Public Law 114–328;
14 130 Stat. 2529) is amended by striking “through 2021”
15 and inserting “through 2026”.

16 **SEC. 1206. REPORT ON HUMAN RIGHTS AND BUILDING**
17 **PARTNER CAPACITY PROGRAMS.**

18 (a) IN GENERAL.—Not later than 120 days after the
19 date of the enactment of this Act, the Secretary of De-
20 fense, in coordination with the Secretary of State, shall
21 submit to the appropriate congressional committees a re-
22 port identifying units of national security forces of foreign
23 countries that—

24 (1) have participated in programs under the au-
25 thority of section 333 of title 10, United States

1 Code, during any of fiscal years 2017 through 2020;
2 and

3 (2) are subject to United States sanctions relat-
4 ing to gross violations of internationally recognized
5 human rights under any other provision of law, in-
6 cluding as described in the annual Department of
7 State’s Country Reports on Human Rights Prac-
8 tices.

9 (b) MATTERS TO BE INCLUDED.—The report re-
10 quired by subsection (a) should include recommendations
11 to improve human rights training and additional measures
12 that can be adopted to prevent violations of human rights
13 under any other provision of law.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
15 FINED.—In this section, the term “appropriate congres-
16 sional committees” means—

17 (1) the Committee on Armed Services and the
18 Committee on Foreign Relations of the Senate; and

19 (2) the Committee on Armed Services and the
20 Committee on Foreign Affairs of the House of Rep-
21 resentatives.

1 **SEC. 1207. EXTENSION OF DEPARTMENT OF DEFENSE SUP-**
2 **PORT FOR STABILIZATION ACTIVITIES IN NA-**
3 **TIONAL SECURITY INTEREST OF THE UNITED**
4 **STATES.**

5 Subsection (h) of section 1210A of the National De-
6 fense Authorization Act for Fiscal Year 2020 (Public Law
7 116–92; 133 Stat. 1628) is amended by striking “Decem-
8 ber 31, 2020” and inserting “December 31, 2021”.

9 **Subtitle B—Matters Relating to**
10 **Afghanistan and Pakistan**

11 **SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY**
12 **FOR REIMBURSEMENT OF CERTAIN COALI-**
13 **TION NATIONS FOR SUPPORT PROVIDED TO**
14 **UNITED STATES MILITARY OPERATIONS.**

15 (a) EXTENSION.—Subsection (a) of section 1233 of
16 the National Defense Authorization Act for Fiscal Year
17 2008 (Public Law 110–181; 122 Stat. 393) is amended
18 by striking “October 1, 2019, and ending on December
19 31, 2020” and inserting “October 1, 2020, and ending
20 on December 31, 2021”.

21 (b) MODIFICATION TO LIMITATION.—Subsection
22 (d)(1) of such section is amended—

23 (1) by striking “October 1, 2019, and ending
24 on December 31, 2020” and inserting “October 1,
25 2020, and ending on December 31, 2021”; and

1 (2) by striking “\$450,000,000” and inserting
2 “\$180,000,000”.

3 **SEC. 1212. EXTENSION OF THE AFGHAN SPECIAL IMMI-**
4 **GRANT VISA PROGRAM.**

5 (a) IN GENERAL.—Section 602(b)(3)(F) of the Af-
6 ghan Allies Protection Act of 2009 (8 U.S.C. 1101 note)
7 is amended—

8 (1) in the heading, by striking “2020” and in-
9 serting “2021”;

10 (2) in clause (i), by striking “December 31,
11 2021” and inserting “December 31, 2022”; and

12 (3) in clause (ii), the striking “December 31,
13 2021” inserting “December 31, 2022”.

14 (b) REPORT EXTENSION.—Section 602(b)(13) of
15 such Act (8 U.S.C. 1101 note) is amended by striking
16 “January 31, 2021” and inserting “January 31, 2023”.

17 **SEC. 1213. LIMITATION ON USE OF FUNDS TO REDUCE DE-**
18 **PLOYMENT TO AFGHANISTAN.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) it is in the national security interests of the
22 United States to deny terrorists safe haven in Af-
23 ghanistan, protect the United States homeland, up-
24 hold the United States partnership with the Govern-
25 ment of Afghanistan and cooperation with the Af-

1 ghan National Defense and Security Forces, and
2 protect the hard-fought rights of women, girls, and
3 other vulnerable populations in Afghanistan;

4 (2) a rapid military drawdown and a lack of
5 United States commitment to the security and sta-
6 bility of Afghanistan would undermine diplomatic ef-
7 forts for peace;

8 (3) the current agreement between the United
9 States and the Taliban is not a substitute for a final
10 intra-Afghan agreement that provides for the appro-
11 priate protections for vulnerable populations, creates
12 conditions for the rejection of violence and preven-
13 tion of international terrorist safe havens, and rep-
14 resents a durable diplomatic solution, based on
15 verifiable facts and conditions on the ground, that
16 provides for long-term stability; and

17 (4) the Administration has a constitutional obli-
18 gation to provide Congress with regular, timely, and
19 comprehensive information on the status of security
20 operations and diplomatic efforts in a form that can
21 be transparently communicated to the American peo-
22 ple.

23 (b) LIMITATION.—Until the date on which the Sec-
24 retary of Defense, in concurrence with each covered offi-
25 cial, submits the report described in subsection (c) to the

1 appropriate congressional committees, none of the
2 amounts authorized to be appropriated for fiscal year
3 2020 or 2021 for the Department of Defense may be obli-
4 gated or expended for any activity having either of the
5 following effects:

6 (1) Reducing the total number of Armed Forces
7 deployed to Afghanistan below the lesser of—

8 (A) 8,000; or

9 (B) the total number of the Armed Forces
10 deployed as of the date of the enactment of this
11 Act.

12 (2) Reducing the total number of Armed Forces
13 deployed to Afghanistan below 4,000.

14 (c) REPORT.—The report described in this subsection
15 shall include each of the following:

16 (1) A certification that the intended withdrawal
17 of the United States Armed Forces in Afghani-
18 stan—

19 (A) will not compromise or otherwise nega-
20 tively affect the ongoing United States counter-
21 terrorism mission against the Islamic State, al-
22 Qaeda, and associated forces;

23 (B) will not unduly increase the risk to
24 United States personnel in Afghanistan;

1 (C) will not increase the risk for the ex-
2 pansion of existing or formation of new inter-
3 national terrorist safe havens inside Afghani-
4 stan;

5 (D) will be undertaken with the consulta-
6 tion and coordination of allies supporting the
7 United States- and North Atlantic Treaty Or-
8 ganization-led missions; and

9 (E) is in the best interest of United States
10 national security and in furtherance of United
11 States policy toward Afghanistan for achieving
12 an enduring diplomatic solution.

13 (2) An analysis of the impact that the intended
14 withdrawal of United States Armed Forces from Af-
15 ghanistan would have on each of the following:

16 (A) The threat posed by the Taliban and
17 terrorist organizations, including by each cov-
18 ered terrorist organization, to—

- 19 (i) the United States homeland;
20 (ii) United States interests abroad;
21 (iii) allied countries of the North At-
22 lantic Treaty Organization;
23 (iv) the Government of Afghanistan;
24 and
25 (v) regional peace and security.

1 (B) The ability of the Afghan government
2 to uphold the human and civil rights (including
3 access to voting, education, justice, and eco-
4 nomic opportunities) of women, girls, people
5 with disabilities, religious and ethnic minorities,
6 and other vulnerable populations in Afghani-
7 stan.

8 (C) Transparent, credible, and inclusive
9 political processes in Afghanistan.

10 (D) The capacity of the Afghan National
11 Defense and Security Forces to effectively—

12 (i) prevent or defend against attacks
13 by the Taliban or by terrorist organiza-
14 tions (including by each covered terrorist
15 organization) on civilian populations;

16 (ii) prevent the permanent takeover of
17 one or more provincial capitals by the
18 Taliban or by associated organizations;

19 (iii) conduct counterterrorism oper-
20 ations necessary to deny safe harbor to
21 international terrorist organizations that
22 the intelligence community assess pose a
23 threat to the United States homeland and
24 United States interests abroad; and

1 (iv) maintain institutional order and
2 discipline.

3 (E) The influence of Afghanistan's neigh-
4 bors and near neighbors on the sovereignty of
5 Afghanistan and the strategic national security
6 interests of the United States in the region.

7 (F) Any other matter the Secretary of De-
8 fense, in concurrence with each covered official,
9 determines appropriate.

10 (3) An assessment by the intelligence commu-
11 nity of the manner and extent to which—

12 (A) state actors have provided any incen-
13 tives to the Taliban, their affiliates, or other
14 foreign terrorist organizations for attacks
15 against United States, coalition, or Afghan se-
16 curity forces or civilians in Afghanistan in the
17 last 2 years, including the details of any attacks
18 believed to have been connected with such in-
19 centives;

20 (B) the Taliban has publicly renounced al-
21 Qaeda;

22 (C) the Taliban has made any efforts to
23 break with al-Qaeda since February 29, 2020,
24 and a description of these efforts;

1 (D) any senior al-Qaeda leaders, including
2 Ayman al-Zawahiri, or any leaders of al-Qaeda
3 in the Indian Subcontinent, have been present
4 in Afghanistan since February 29, 2020, and if
5 so, the names of the leaders, the dates they
6 were present in Afghanistan, and their other lo-
7 cations since February 29, 2020;

8 (E) any members of al-Qaeda, al-Qaeda in
9 the Indian Subcontinent, al-Qaeda-affiliated
10 groups, or any covered terrorist organization
11 have, since February 29, 2020—

12 (i) fought alongside, trained alongside,
13 otherwise operated alongside, or sheltered
14 with the Taliban in Afghanistan;

15 (ii) conducted attacks inside Afghani-
16 stan, and, if so, the dates and locations of
17 such attacks;

18 (iii) operated training camps or re-
19 lated facilities inside Afghanistan, and, if
20 so, the locations of those camps or facili-
21 ties;

22 (iv) traveled to Afghanistan from
23 Pakistan, Iran, or neighboring countries;

1 (v) continued to have ties to any
2 Taliban leaders or members located in
3 Pakistan; or

4 (vi) continued to work with the
5 Haqqani Network;

6 (F) any of the prisoners released by the
7 Government of Afghanistan since February 29,
8 2020—

9 (i) are members of, or have ties to,
10 any covered terrorist organizations or any
11 other organization designated by the
12 United States as a foreign terrorist organi-
13 zation pursuant to section 219 of the Im-
14 migration and Nationality Act (8 U.S.C.
15 1189) and, if so, the names of such former
16 prisoners and the reasons for their deten-
17 tion inside Afghanistan; or

18 (ii) are suspected of taking part in at-
19 tacks against American service members or
20 civilians or attacks that caused American
21 casualties and, if so, the names of the pris-
22 oners, the date and location of such at-
23 tacks, and the number of American casual-
24 ties attributed to such attacks;

1 (G) any of the prisoners the Taliban has
2 requested for release, but who have not yet been
3 released as of the date of the enactment of this
4 Act, are members of, or have ties to, any cov-
5 ered terrorist organizations or any other organi-
6 zation designated by the United States as a for-
7 eign terrorist organization pursuant to section
8 219 of the Immigration and Nationality Act (8
9 U.S.C. 1189) and, if so, the names of the pris-
10 oners and the organizations to which they are
11 affiliated; and

12 (H) senior Taliban leaders, including mem-
13 bers of the Haqqani Network, who are located
14 in Pakistan continue to exercise control over the
15 insurgency in Afghanistan.

16 (4) The number of attacks that the Taliban has
17 carried out in Afghanistan since February 29, 2020,
18 including the location and date of each attack as
19 well as casualties related to each attack.

20 (d) FORM.—The report described in subsection (c)
21 shall be submitted in unclassified form without any des-
22 ignation relating to dissemination control, but may contain
23 a classified annex that is accompanied by an unclassified
24 summary of the annex.

1 (e) WAIVER.—The Secretary of Defense may waive
2 the limitation under subsection (b) if, in consultation with
3 the Chairman of the Joint Chiefs of Staff and the Com-
4 mander of United States Forces, Afghanistan, the Sec-
5 retary—

6 (1) determines that the waiver is—

7 (A) necessary due to an imminent and ex-
8 traordinary threat to members of the United
9 States Armed Forces in the Afghanistan; or

10 (B) vital to the national security interests
11 of the United States; and

12 (2) submits to the appropriate congressional
13 committees a detailed, written justification for such
14 waiver, not later than 10 days after the effective
15 date of the waiver; and

16 (3) in the case of a determination described in
17 paragraph (1)(A), includes in such justification each
18 of the following:

19 (A) A detailed description of the change in
20 threat assessment leading to the determination.

21 (B) An explanation for the reasons for
22 which existing force protection mechanisms
23 were not sufficient to reasonably ensure the
24 safety of members of the Armed Forces.

1 (C) The steps that have been taken to en-
2 sure that United States equipment does not fall
3 into enemy hands.

4 (D) A description of the coordination with
5 allied countries of the North Atlantic Treaty
6 Organization and with other allies and partners
7 with respect to the withdrawal.

8 (E) A description of the coordination with
9 the Department of State to ensure the safety of
10 American citizens in Afghanistan in light of and
11 subsequent to the withdrawal.

12 (f) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Armed Services of
17 the House of Representatives and the Com-
18 mittee on Armed Services of the Senate;

19 (B) the Committee on Foreign Affairs of
20 the House of Representatives and the Com-
21 mittee on Foreign Relations of the Senate; and

22 (C) the Permanent Select Committee on
23 Intelligence of the House of Representatives
24 and the Select Committee on Intelligence of the
25 Senate.

1 (2) COVERED OFFICIAL.—The term “covered
2 official” means—

3 (A) the Secretary of State;

4 (B) the Director of National Intelligence;

5 (C) the Director of the Central Intelligence
6 Agency;

7 (D) the Chairman of the Joint Chiefs of
8 Staff;

9 (E) the Commander of United States Cen-
10 tral Command;

11 (F) the Commander of United States
12 Forces, Afghanistan; and

13 (G) the United States Permanent Rep-
14 resentative to the North Atlantic Treaty Orga-
15 nization.

16 (3) COVERED TERRORIST ORGANIZATION.—The
17 term “covered terrorist organization” means any of
18 the following:

19 (A) al-Qaeda and affiliates, including al-
20 Qaeda in the Indian Subcontinent.

21 (B) The Islamic State and affiliates.

22 (C) Tehrik-e Taliban Pakistan.

23 (D) The Haqqani Network.

24 (E) Islamic Movement of Uzbekistan.

25 (F) Eastern Turkistan Islamic Movement.

1 (G) Ansralluh.

2 (H) Lashkar-e-Tayyiba (including under
3 the alias Jamaat-ud-Dawa).

4 (I) Jaish-e-Mohammed.

5 (J) Harakat ul-Jihad-Islami.

6 (K) Harakat ul-Mujahidin.

7 (L) Jaysh al-Adl.

8 (M) Lashkar-i-Jhangvi.

9 (N) Mullah Nasir Group.

10 (O) Hafiz Gul Bahadar Group.

11 (P) Lashkar-i-Islam.

12 (Q) Islamic Jihad Union Group.

13 (R) Jamaat-ud-Dawa al Quran.

14 (S) Ansarul Islam.

15 **SEC. 1214. REPORT ON OPERATION FREEDOM SENTINEL.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of the enactment of this Act, and as part of the mate-
18 rials relating to Operation Freedom Sentinel submitted to
19 Congress by the Secretary of Defense in support of the
20 budget of the President for the following 2 fiscal years,
21 the Secretary shall submit to the Committee on Armed
22 Services of the House of Representatives and the Com-
23 mittee on Armed Services of the Senate a report on Oper-
24 ation Freedom Sentinel.

1 (b) MATTERS TO BE INCLUDED.—The report re-
 2 quired by subsection (a) shall include a list and description
 3 of activities, exercises, and funding amounts carried out
 4 under the operation, including—

5 (1) specific direct war costs;

6 (2) activities that occur in Afghanistan;

7 (3) activities that occur outside of Afghanistan,
 8 including training and costs relating to personnel;

9 (4) activities that provide funding to any of the
 10 services that is part of the operation’s budget re-
 11 quest; and

12 (5) activities related to transportation, logistics,
 13 and other support.

14 **SEC. 1215. MODIFICATIONS TO IMMUNITY FROM SEIZURE**
 15 **UNDER JUDICIAL PROCESS OF CULTURAL**
 16 **OBJECTS.**

17 (a) IN GENERAL.—The Act of October 19, 1965, en-
 18 titled “An Act to render immune from seizure under judi-
 19 cial process certain objects of cultural significance im-
 20 ported into the United States for temporary display or ex-
 21 hibition, and for other purposes” (22 U.S.C. 2459; 79
 22 Stat. 985) is amended—

23 (1) in the heading, by striking “temporary exhi-
 24 bition or display” and inserting “temporary storage,

1 conservation, scientific research, exhibition, or dis-
2 play”;

3 (2) in subsection (a)—

4 (A) by striking “the temporary exhibition
5 or display thereof” each place it appears and
6 inserting “temporary storage, conservation, sci-
7 entific research, exhibition, or display”; and

8 (B) by striking “cultural or educational”
9 each place it appears and inserting “cultural,
10 educational, or religious”; and

11 (3) by adding at the end the following:

12 “(d) For purposes of this section, the terms ‘im-
13 ported’ and ‘importation’ include a transfer from a mis-
14 sion of a foreign country located within the United States
15 to a cultural, educational, or religious institution located
16 within the United States.”.

17 (b) AFGHANISTAN.—

18 (1) IN GENERAL.—A work of art or other ob-
19 ject of cultural significance that is imported into the
20 United States for temporary storage, conservation,
21 scientific research, exhibition, or display shall be
22 deemed to be immune from seizure under such Act
23 of October 19, 1965 (22 U.S.C. 2459) (as amended
24 by subsection (a)), and the provisions of such Act

1 shall apply in the same manner and to the same ex-
2 tent to such work or object, if—

3 (A) the work or object is exported from Af-
4 ghanistan with an export permit or license duly
5 issued by the Government of Afghanistan; and

6 (B)(i) an agreement is entered into be-
7 tween the Government of Afghanistan and the
8 cultural, educational, or religious institution
9 within the United States that specifies the con-
10 ditions for such material to be returned to Af-
11 ghanistan; or

12 (ii) the work or object is transferred to a
13 cultural, educational, or religious institution in
14 the United States in accordance with an agree-
15 ment described in clause (i) that also includes
16 an authorization to transfer such work or object
17 to such an institution.

18 **SEC. 1216. STRATEGY FOR POST-CONFLICT ENGAGEMENT**

19 **BY THE UNITED STATES IN AFGHANISTAN.**

20 (a) IN GENERAL.—The Secretary of State, in con-
21 sultation with the Administrator of the United States
22 Agency for International Development and other relevant
23 Federal departments and agencies, shall submit to the
24 Committee on Foreign Affairs of the House of Representa-
25 tives and the Committee on Foreign Relations of the Sen-

1 ate not later than 120 days after a final Afghan Reconcili-
2 ation Agreement is reached, a strategy for post-conflict
3 engagement by the United States in Afghanistan to sup-
4 port the implementation of commitments for women and
5 girls' inclusion and empowerment in the Agreement, as
6 well as to protect and promote basic human rights in Af-
7 ghanistan, especially the human rights of women and girls.

8 (b) REQUIRED ELEMENTS.—The Secretary of State
9 shall seek to ensure that activities carried out under the
10 strategy—

11 (1) employ rigorous monitoring and evaluation
12 methodologies, including ex-post evaluation, and gen-
13 der analysis as defined by the Women's Entrepre-
14 neurship and Economic Empowerment Act of 2018
15 (Public Law 115–428) and required by the U.S.
16 Strategy on Women, Peace, and Security;

17 (2) disaggregate all data collected and reported
18 by age, gender, marital and motherhood status, dis-
19 ability, and urbanity, to the extent practicable and
20 appropriate; and

21 (3) advance the principles and objectives speci-
22 fied in the Policy Guidance on Promoting Gender
23 Equality of the Department of State and the Gender
24 Equality and Female Empowerment Policy of the

1 United States Agency for International Develop-
2 ment.

3 **SEC. 1217. CONGRESSIONAL OVERSIGHT OF UNITED**
4 **STATES TALKS WITH TALIBAN OFFICIALS**
5 **AND AFGHANISTAN'S COMPREHENSIVE**
6 **PEACE PROCESS.**

7 (a) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Foreign Relations,
12 the Committee on Armed Services, and the Se-
13 lect Committee on Intelligence of the Senate;
14 and

15 (B) the Committee on Foreign Affairs, the
16 Committee on Armed Services, and the Perma-
17 nent Select Committee on Intelligence of the
18 House of Representatives.

19 (2) GOVERNMENT OF AFGHANISTAN.—The
20 term “Government of Afghanistan” means the Gov-
21 ernment of the Islamic Republic of Afghanistan and
22 its agencies, instrumentalities, and controlled enti-
23 ties.

24 (3) THE TALIBAN.—The term “the Taliban”—

1 (A) refers to the organization that refers
2 to itself as the “Islamic Emirate of Afghani-
3 stan”, that was founded by Mohammed Omar,
4 and that is currently led by Mawlawi Hibatullah
5 Akhundzada; and

6 (B) includes subordinate organizations,
7 such as the Haqqani Network, and any suc-
8 cessor organization.

9 (4) FEBRUARY 29 AGREEMENT.—The term
10 “February 29 Agreement” refers to the political ar-
11 rangement between the United States and the
12 Taliban titled “Agreement for Bringing Peace to Af-
13 ghanistan Between the Islamic Emirate of Afghani-
14 stan which is not recognized by the United States as
15 a state and is known as the Taliban and the United
16 States of America” signed at Doha, Qatar February
17 29, 2020.

18 (b) OVERSIGHT OF PEACE PROCESS AND OTHER
19 AGREEMENTS.—

20 (1) TRANSMISSION TO CONGRESS OF MATE-
21 RIALS RELEVANT TO THE FEBRUARY 29 AGREE-
22 MENT.—The Secretary of State, in consultation with
23 the Secretary of Defense, shall continue to submit to
24 the appropriate congressional committees materials
25 relevant to the February 29 Agreement.

1 (2) SUBMISSION TO CONGRESS OF ANY FUTURE
2 DEALS INVOLVING THE TALIBAN.—The Secretary of
3 State shall submit to the appropriate congressional
4 committees, within 5 days of conclusion and on an
5 ongoing basis thereafter, any future agreement or
6 arrangement involving the Taliban in any manner,
7 as well as materials relevant to any future agree-
8 ment or arrangement involving the Taliban in any
9 manner.

10 (3) DEFINITIONS.—In this subsection, the
11 terms “materials relevant to the February 29 Agree-
12 ment” and “materials relevant to any future agree-
13 ment or arrangement” include all annexes, appen-
14 dices, and instruments for implementation of the
15 February 29 Agreement or a future agreement or
16 arrangement, as well as any understandings or ex-
17 pectations related to the Agreement or a future
18 agreement or arrangement.

19 (c) REPORT AND BRIEFING ON VERIFICATION AND
20 COMPLIANCE.—

21 (1) IN GENERAL.—

22 (A) REPORT.—Not later than 90 days
23 after the date of the enactment of this Act, and
24 not less frequently than once every 120 days
25 thereafter, the President shall submit to the ap-

1 appropriate congressional committees a report
2 verifying whether the key tenets of the Feb-
3 ruary 29 Agreement, or future agreements, and
4 accompanying implementing frameworks are
5 being preserved and honored.

6 (B) BRIEFING.—At the time of each report
7 submitted under subparagraph (A), the Sec-
8 retary of State shall direct a Senate-confirmed
9 Department of State official and other appro-
10 priate officials to brief the appropriate congres-
11 sional committees on the contents of the report.
12 The Director of National Intelligence shall also
13 direct an appropriate official to participate in
14 the briefing.

15 (2) ELEMENTS.—The report and briefing re-
16 quired under paragraph (1) shall include—

17 (A) an assessment—

18 (i) of the Taliban’s compliance with
19 counterterrorism guarantees, including
20 guarantees to deny safe haven and freedom
21 of movement to al-Qaeda and other ter-
22 rorist threats from operating on territory
23 under its influence; and

24 (ii) whether the United States intel-
25 ligence community has collected any intel-

1 ligence indicating the Taliban does not in-
2 tend to uphold its commitments;

3 (B) an assessment of Taliban actions
4 against terrorist threats to United States na-
5 tional security interests;

6 (C) an assessment of whether Taliban offi-
7 cials have made a complete, transparent, public,
8 and verifiable breaking of all ties with al-Qaeda;

9 (D) an assessment of the current relation-
10 ship between the Taliban and al-Qaeda, includ-
11 ing any interactions between members of the
12 two groups in Afghanistan, Pakistan, or other
13 countries, and any change in Taliban conduct
14 towards al-Qaeda since February 29, 2020;

15 (E) an assessment of the relationship be-
16 tween the Taliban and any other terrorist group
17 that is assessed to threaten the security of the
18 United States or its allies, including any change
19 in conduct since February 29, 2020;

20 (F) an assessment of whether the Haqqani
21 Network has broken ties with al-Qaeda, and
22 whether the Haqqani Network's leader
23 Sirajuddin Haqqani remains part of the leader-
24 ship structure of the Taliban;

1 (G) an assessment of threats emanating
2 from Afghanistan against the United States
3 homeland and United States partners, and a
4 description of how the United States Govern-
5 ment is responding to those threats;

6 (H) an assessment of intra-Afghan discus-
7 sions, political reconciliation, and progress to-
8 wards a political roadmap that seeks to serve
9 all Afghans;

10 (I) an assessment of the viability of any
11 intra-Afghan governing agreement;

12 (J) an assessment as to whether the terms
13 of any reduction in violence or ceasefire are
14 being met by all sides in the conflict;

15 (K) a detailed overview of any United
16 States and NATO presence remaining in Af-
17 ghanistan and any planned changes to such
18 force posture;

19 (L) an assessment of the status of human
20 rights, including the rights of women, minori-
21 ties, and youth;

22 (M) an assessment of the access of women,
23 minorities, and youth to education, justice, and
24 economic opportunities in Afghanistan;

1 (N) an assessment of the status of the rule
2 of law and governance structures at the central,
3 provincial, and district levels of government;

4 (O) an assessment of the media and of the
5 press and civil society's operating space in Af-
6 ghanistan;

7 (P) an assessment of illicit narcotics pro-
8 duction in Afghanistan, its linkages to ter-
9 rorism, corruption, and instability, and policies
10 to counter illicit narcotics flows;

11 (Q) an assessment of corruption in Gov-
12 ernment of Afghanistan institutions at the dis-
13 trict, provincial, and central levels of govern-
14 ment;

15 (R) an assessment of the number of
16 Taliban and Afghan prisoners and any plans
17 for the release of such prisoners from either
18 side;

19 (S) an assessment of any malign Iranian,
20 Chinese, and Russian influence in Afghanistan;

21 (T) an assessment of how other regional
22 actors, such as Pakistan, the countries of Cen-
23 tral Asia, and India, are engaging with Afghan-
24 istan;

1 (U) a detailed overview of national-level ef-
2 forts to promote transitional justice, including
3 forensic efforts and documentation of war
4 crimes, mass killings, or crimes against human-
5 ity, redress to victims, and reconciliation activi-
6 ties;

7 (V) A detailed overview of United States
8 support for Government of Afghanistan and
9 civil society efforts to promote peace and justice
10 at the local level and how these efforts are in-
11 forming government-level policies and negotia-
12 tions;

13 (W) an assessment of the progress made
14 by the Afghanistan Ministry of Interior and the
15 Office of the Attorney General to address gross
16 violations of human rights (GVHRs) by civilian
17 security forces, Taliban, and non-government
18 armed groups, including—

19 (i) a breakdown of resources provided
20 by the Government of Afghanistan towards
21 these efforts; and

22 (ii) a summary of assistance provided
23 by the United States Government to sup-
24 port these efforts; and

1 (X) an overview of civilian casualties
2 caused by the Taliban, non-government armed
3 groups, and Afghan National Defense and Se-
4 curity Forces, including—

5 (i) an estimate of the number of de-
6 stroyed or severely damaged civilian struc-
7 tures;

8 (ii) a description of steps taken by the
9 Government of Afghanistan to minimize ci-
10 vilian casualties and other harm to civil-
11 ians and civilian infrastructure;

12 (iii) an assessment of the Government
13 of Afghanistan's capacity and mechanisms
14 for investigating reports of civilian casual-
15 ties; and

16 (iv) an assessment of the Government
17 of Afghanistan's efforts to hold local mili-
18 tias accountable for civilian casualties.

19 (3) COUNTERTERRORISM STRATEGY.—In the
20 event that the Taliban does not meet its counterter-
21 rorism obligations under the February 29 Agree-
22 ment, the report and briefing required under this
23 subsection shall include information detailing the
24 United States' counterterrorism strategy in Afghani-
25 stan and Pakistan.

(e) SUNSET.—Except for subsections (b) and (d), the provisions of this section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter subject to subsection (c), the Secretary of Defense and Secretary of State shall submit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on civilian casualties caused by the Afghan National Defense and Security Forces and Taliban.

1 Such report shall adhere to the existing reporting frame-
2 work as the “Enhancing Security and Stability in Afghan-
3 istan” semiannual report.

4 (b) CONTENTS.—The report shall include the fol-
5 lowing:

6 (1) A description of the steps the Government
7 of Afghanistan is taking to minimize civilian casual-
8 ties and other harm to civilians and civilian infra-
9 structure limited to health facilities, schools, and
10 non-governmental organizations.

11 (2) An assessment of civilian casualties and
12 other harm to civilians and civilian infrastructure
13 limited to health facilities, schools, and non-govern-
14 mental organizations caused by the Taliban.

15 (3) An assessment of the progress of implemen-
16 tation of the Government of Afghanistan’s national
17 civilian casualty and mitigation policy.

18 (4) An assessment of the Government of Af-
19 ghanistan’s capacity and mechanisms for assessing
20 and investigating reports of civilian casualties, to in-
21 clude a description of the function and effectiveness
22 of the Afghan Civilian Casualty Mitigation Team
23 and an assessment of the availability of channels for
24 civilians to report civilian harm.

1 (5) An assessment of the capacity of the Af-
2 ghan National Defense and Security Forces and the
3 Taliban to operate in effective compliance with the
4 laws of armed conflict, to include its principles of
5 proportion and distinction, and any gaps or weak-
6 nesses in need of addressing.

7 (6) An assessment of the Afghan National De-
8 fense and Security Forces' capacity for planning and
9 conducting operations in accordance with the laws of
10 armed conflict and for employing practices designed
11 specifically to limit harm to civilians and civilian in-
12 frastructure; any plans in place by the United States
13 Government to enhance the capacity of the ANDSF
14 to minimize harm to civilians in the conduct of its
15 operations; and any anticipated changes in support
16 and oversight by United States forces that may have
17 an effect on said capabilities.

18 (7) A description of the Government of Af-
19 ghanistan's support for non-state localized and re-
20 gional militias in Afghanistan, including—

21 (A) an assessment of whether the Govern-
22 ment of Afghanistan has the necessary over-
23 sight mechanisms in place to effectively restrain
24 adverse impacts on stability and hold local mili-
25 tias accountable; and

1 (B) a summary of the efforts by the Gov-
2 ernment of Afghanistan including the Ministry
3 of Interior to integrate local and regionalized
4 militias into the uniformed Afghan National
5 Defense and Security Forces including efforts
6 to support accountability and address human
7 rights violations and abuses.

8 (8) Any other matters the Secretary of Defense
9 determines are relevant.

10 (c) SUNSET.—The reporting requirement under this
11 section shall terminate on the date that is 3 years after
12 the date of enactment of this Act.

13 **Subtitle C—Matters Relating to**
14 **Syria, Iraq, and Iran**

15 **SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY**
16 **TO PROVIDE ASSISTANCE TO COUNTER THE**
17 **ISLAMIC STATE OF IRAQ AND SYRIA.**

18 (a) IN GENERAL.—Subsection (a) of section 1236 of
19 the Carl Levin and Howard P. “Buck” McKeon National
20 Defense Authorization Act for Fiscal Year 2015 (Public
21 Law 113–291; 128 Stat. 3558) is amended by striking
22 “December 31, 2020” and inserting “December 31,
23 2021”.

24 (b) FUNDING.—Subsection (g) of such section is
25 amended—

1 (1) by striking “fiscal year 2020” and inserting
2 “fiscal year 2021”; and

3 (2) by striking “\$645,000,000” and inserting
4 “\$500,000,000”.

5 (c) WAIVER AUTHORITY; SCOPE.—Subsection (j)(3)
6 of such section is amended—

7 (1) by striking “congressional defense commit-
8 tees” each place it appears and inserting “appro-
9 priate congressional committees”; and

10 (2) by adding at the end the following:

11 “(C) APPROPRIATE CONGRESSIONAL COM-
12 MITTEES DEFINED.—In this paragraph, the
13 term ‘appropriate congressional committees’
14 means—

15 “(i) the Committee on Armed Services
16 and the Committee on Foreign Affairs of
17 the House of Representatives; and

18 “(ii) the Committee on Armed Serv-
19 ices and the Committee on Foreign Rela-
20 tions of the Senate.”.

21 (d) ANNUAL REPORT.—Such section is amended by
22 adding at the end the following:

23 “(o) ANNUAL REPORT.—Not later than 90 days after
24 the date of the enactment of this subsection, and annually
25 thereafter for two years, the Secretary of Defense shall

1 submit to the Committee on Armed Services of the House
2 of Representatives and the Committee on Armed Services
3 of the Senate a report that includes—

4 “(1) a detailed description of the weapons and
5 equipment purchased using the Counter-ISIS Train
6 and Equip Fund in the previous fiscal year; and

7 “(2) a detailed description of the incremental
8 costs for operations and maintenance for Operation
9 Inherent Resolve in the previous fiscal year.”.

10 (e) BUDGET DISPLAY SUBMISSION.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall include in the budget materials submitted by
13 the Secretary in support of the budget of the Presi-
14 dent (as submitted to Congress pursuant to section
15 1105 of title 31, United States Code) for each of fis-
16 cal years 2022 and 2023 a detailed budget display
17 for funds requested for the Department of Defense
18 for such fiscal year for Operation Inherent Resolve.

19 (2) MATTERS TO BE INCLUDED.—The detailed
20 budget display required under paragraph (1) shall
21 include the following:

22 (A) With respect to procurement ac-
23 counts—

1 (i) amounts displayed by account,
2 budget activity, line number, line item, and
3 line item title; and

4 (ii) a description of the requirements
5 for each such amount.

6 (B) With respect to research, development,
7 test, and evaluation accounts—

8 (i) amounts displayed by account,
9 budget activity, line number, program ele-
10 ment, and program element title; and

11 (ii) a description of the requirements
12 for each such amount.

13 (C) With respect to operation and mainte-
14 nance accounts—

15 (i) amounts displayed by account title,
16 budget activity title, line number, and sub-
17 activity group title; and

18 (ii) a description of the specific man-
19 ner in which each such amount would be
20 used.

21 (D) With respect to military personnel ac-
22 counts—

23 (i) amounts displayed by account,
24 budget activity, budget subactivity, and
25 budget subactivity title; and

1 (ii) a description of the requirements
2 for each such amount.

3 (E) With respect to each project under
4 military construction accounts (including with
5 respect to unspecified minor military construc-
6 tion and amounts for planning and design), the
7 country, location, project title, and project
8 amount for each fiscal year.

9 **SEC. 1222. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**
10 **ANCE TO THE VETTED SYRIAN OPPOSITION.**

11 (a) IN GENERAL.—Subsection (a) of section 1209 of
12 the Carl Levin and Howard P. “Buck” McKeon National
13 Defense Authorization Act for Fiscal Year 2015 (Public
14 Law 113–291; 128 Stat. 3451) is amended by striking
15 “December 31, 2020” and inserting “December 31,
16 2021”.

17 (b) NOTICE BEFORE PROVISION OF ASSISTANCE.—
18 Subsection (b)(2)(A) of such section is amended by strik-
19 ing “fiscal year 2019 or fiscal year 2020” and inserting
20 “fiscal year 2019, fiscal year 2020, or fiscal year 2021”.

21 (c) CERTIFICATION.—Not later than 30 days after
22 the date of the enactment of this Act, the Secretary of
23 Defense shall certify to the Committee on Armed Services
24 and the Committee on Foreign Affairs of the House of
25 Representatives and the Committee on Armed Services

1 and the Committee on Foreign Relations of the Senate
2 that no United States military forces are being used or
3 have been used for the extraction, transport, transfer, or
4 sale of oil from Syria.

5 **SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
6 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
7 **SECURITY COOPERATION IN IRAQ.**

8 Section 1215 of the National Defense Authorization
9 Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amend-
10 ed—

11 (1) in subsections (c) and (d), by striking “fis-
12 cal year 2020” each place it appears and inserting
13 “each of fiscal years 2020 and 2021”; and

14 (2) in subsection (h), by striking “Of the
15 amount made available for fiscal year 2020 to carry
16 out section 1215 of the National Defense Authoriza-
17 tion Act for Fiscal Year 2012, not more than
18 \$20,000,000” and inserting “Of the amounts made
19 available for fiscal years 2020 and 2021 to carry out
20 this section, not more than \$20,000,000 for each
21 such fiscal year”.

1 **SEC. 1224. PROHIBITION ON PROVISION OF WEAPONS AND**
2 **OTHER FORMS OF SUPPORT TO CERTAIN OR-**
3 **GANIZATIONS.**

4 None of the funds authorized to be appropriated by
5 this Act or otherwise made available for the Department
6 of Defense for fiscal year 2021 may be used to knowingly
7 provide weapons or any other form of support to Al Qaeda,
8 the Islamic State of Iraq and Syria (ISIS), Jabhat Fateh
9 al Sham, Hamas, Hizballah, Palestine Islamic Jihad, al-
10 Shabaab, Islamic Revolutionary Guard Corps, or any indi-
11 vidual or group affiliated with any such organization.

12 **SEC. 1225. CONSOLIDATED BUDGET DISPLAY AND REPORT**
13 **ON OPERATION SPARTAN SHIELD.**

14 (a) BUDGET DISPLAY SUBMISSION.—

15 (1) IN GENERAL.—The Secretary of Defense
16 shall include in the budget materials submitted by
17 the Secretary in support of the budget of the Presi-
18 dent (as submitted to Congress pursuant to section
19 1105 of title 31, United States Code) for each of fis-
20 cal years 2022 and 2023 a detailed budget display
21 for funds requested for the Department of Defense
22 for such fiscal year for Operation Spartan Shield
23 and Iran deterrence-related programs and activities
24 of the Department of Defense in the United States
25 Central Command area of operation.

1 (2) MATTERS TO BE INCLUDED.—The detailed
2 budget display required under paragraph (1) shall
3 include the following:

4 (A) With respect to procurement ac-
5 counts—

6 (i) amounts displayed by account,
7 budget activity, line number, line item, and
8 line item title; and

9 (ii) a description of the requirements
10 for each such amount.

11 (B) With respect to research, development,
12 test, and evaluation accounts—

13 (i) amounts displayed by account,
14 budget activity, line number, program ele-
15 ment, and program element title; and

16 (ii) a description of the requirements
17 for each such amount.

18 (C) With respect to operation and mainte-
19 nance accounts—

20 (i) amounts displayed by account title,
21 budget activity title, line number, and sub-
22 activity group title; and

23 (ii) a description of the specific man-
24 ner in which each such amount would be
25 used.

1 (D) With respect to military personnel ac-
2 counts—

3 (i) amounts displayed by account,
4 budget activity, budget subactivity, and
5 budget subactivity title; and

6 (ii) a description of the requirements
7 for each such amount.

8 (E) With respect to each project under
9 military construction accounts (including with
10 respect to unspecified minor military construc-
11 tion and amounts for planning and design), the
12 country, location, project title, and project
13 amount for each fiscal year.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, and an-
17 nually thereafter in conjunction with the submission
18 of the budget of President (as submitted to Congress
19 pursuant to section 1105 of title 31, United States
20 Code) for each of fiscal years 2022 and 2023, the
21 Secretary of Defense shall submit to the Committee
22 on Armed Services of the House of Representatives
23 and the Committee on Armed Services of the Senate
24 a report on Operation Spartan Shield.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required by paragraph (1) should include—

3 (A)(i) for the first report, a history of the
4 operation and its objectives; and

5 (ii) for each subsequent report, a descrip-
6 tion of the operation and its objectives during
7 the prior year;

8 (B) a list and description of significant ac-
9 tivities and exercises carried out under the op-
10 eration during the prior year;

11 (C) a description of the purpose and goals
12 of such activities and exercises and an assess-
13 ment of the degree to which stated goals were
14 achieved during the prior year;

15 (D) a description of criteria used to judge
16 the effectiveness of joint exercises to build part-
17 ner capacity under the operation during the
18 prior year;

19 (E) an identification of incremental and
20 estimated total costs of the operation during
21 the prior year, including a separate identifica-
22 tion of incremental costs of increased force
23 presence in the United States Central Com-
24 mand area of responsibility to counter Iran
25 since May 2019; and

1 (F) any other matters the Secretary deter-
2 mines appropriate.

3 (3) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form but may
5 include a classified annex.

6 **SEC. 1226. SENSE OF CONGRESS ON PESHMERGA FORCES**
7 **AS A PARTNER IN OPERATION INHERENT RE-**
8 **SOLVE.**

9 It is the sense of Congress that—

10 (1) the Peshmerga of the Kurdistan Region of
11 Iraq have made, and continue to make, significant
12 contributions to the security of Northern Iraq, by
13 defending nearly 650 miles of critical terrain, to de-
14 grade, dismantle, and ultimately defeat the Islamic
15 State of Iraq and Syria (ISIS) in Iraq as a partner
16 in Operation Inherent Resolve;

17 (2) although ISIS has been severely degraded,
18 their ideology and combatants still linger and pose
19 a threat of resurgence if regional security is not sus-
20 tained;

21 (3) a strong Peshmerga and Kurdistan Re-
22 gional Government is critical to maintaining a stable
23 and tolerant Iraq in which all faiths, sects, and
24 ethnicities are afforded equal protection under the

1 law and full integration into the Government and so-
2 ciety of Iraq;

3 (4) continued security assistance, as appro-
4 priate, to the Ministry of Peshmerga Affairs of the
5 Kurdistan Region of Iraq in support of counter-ISIS
6 operations, in coordination with the Government of
7 Iraq, is critical to United States national security in-
8 terests; and

9 (5) continued United States support to the
10 Peshmerga, coupled with security sector reform in
11 the region, will enable them to more effectively part-
12 ner with other elements of the Iraqi Security Forces,
13 the United States, and other coalition members to
14 consolidate gains, hold territory, and protect infra-
15 structure from ISIS and its affiliates in an effort to
16 deal a lasting defeat to ISIS and prevent its reemer-
17 gence in Iraq.

18 **SEC. 1227. REPORT ON THE THREAT POSED BY IRANIAN-**

19 **BACKED MILITIAS IN IRAQ.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the Secretary of De-
22 fense, in consultation with the Secretary of State, shall
23 submit to the appropriate congressional committees a re-
24 port on the short- and long-term threats posed by Iranian-

1 backed militias in Iraq to Iraq and to United States per-
2 sons and interests.

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

5 (1) A detailed description of acts of violence
6 and intimidation that Iranian-backed militias in Iraq
7 have committed against Iraqi civilians during the
8 previous 2 years.

9 (2) A detailed description of the threat that
10 Iranian-backed militias in Iraq pose to United States
11 persons in Iraq and in the Middle East, including
12 United States Armed Forces and diplomats.

13 (3) A detailed description of the threat Iranian-
14 backed militias in Iraq pose to United States part-
15 ners in the region.

16 (4) A detailed description of the role that Ira-
17 nian-backed militias in Iraq play in Iraq's armed
18 forces and security services, including Iraq's Popular
19 Mobilization Forces.

20 (5) An assessment of whether and to what ex-
21 tent any Iranian-backed militia in Iraq, or member
22 of such militia, had illicit access to United States-
23 origin defense equipment provided to Iraq since
24 2014 and the response from the Government of Iraq
25 to each incident.

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex only if such annex is provided separately
4 from the unclassified report.

5 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
6 DEFINED.—In this section, the term “appropriate con-
7 gressional committees” means—

8 (1) the Committee on Armed Services and the
9 Committee on Foreign Affairs of the House of Rep-
10 resentatives; and

11 (2) the Committee on Armed Services and the
12 Committee Foreign Relations of the Senate.

13 **Subtitle D—Matters Relating to**
14 **Russia**

15 **SEC. 1231. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
16 **LATING TO SOVEREIGNTY OF THE RUSSIAN**
17 **FEDERATION OVER CRIMEA.**

18 (a) PROHIBITION.—None of the funds authorized to
19 be appropriated by this Act or otherwise made available
20 for fiscal year 2021 for the Department of Defense may
21 be obligated or expended to implement any activity that
22 recognizes the sovereignty of the Russian Federation over
23 Crimea.

24 (b) WAIVER.—The Secretary of Defense, with the
25 concurrence of the Secretary of State, may waive the re-

1 striction on the obligation or expenditure of funds required
 2 by subsection (a) if the Secretary of Defense—

3 (1) determines that to do so is in the national
 4 security interest of the United States; and

5 (2) submits a notification of the waiver, at the
 6 time the waiver is invoked, to the Committee on
 7 Armed Services and the Committee on Foreign Af-
 8 fairs of the House of Representatives and the Com-
 9 mittee on Armed Services and the Committee on
 10 Foreign Relations of the Senate.

11 **SEC. 1232. EXTENSION OF LIMITATION ON MILITARY CO-**
 12 **OPERATION BETWEEN THE UNITED STATES**
 13 **AND THE RUSSIAN FEDERATION.**

14 Section 1232(a) of the National Defense Authoriza-
 15 tion Act for Fiscal Year 2017 (Public Law 114–328; 130
 16 Stat. 2488), is amended by striking “, 2019, or 2020”
 17 and inserting “2019, 2020, or 2021”.

18 **SEC. 1233. MODIFICATION AND EXTENSION OF UKRAINE SE-**
 19 **CURITY ASSISTANCE INITIATIVE.**

20 (a) IN GENERAL.—Section 1250 of the National De-
 21 fense Authorization Act for Fiscal Year 2016 (Public Law
 22 114–92; 129 Stat. 1068) is amended—

23 (1) in subsection (c)—

24 (A) in paragraph (1), by striking “50 per-
 25 cent of the funds available for fiscal year 2020

1 pursuant to subsection (f)(5)” and inserting
 2 “50 percent of the funds available for fiscal
 3 year 2021 pursuant to subsection (f)(6)”;

4 (B) in paragraph (3), by striking “fiscal
 5 year 2020” and inserting “fiscal year 2021”;
 6 and

7 (C) in paragraph (5), by striking “Of the
 8 funds available for fiscal year 2020 pursuant to
 9 subsection (f)(5)” and inserting “Of the funds
 10 available for fiscal year 2021 pursuant to sub-
 11 section (f)(6)”;

12 (2) in subsection (f), by adding at the end the
 13 following:

14 “(6) For fiscal year 2021, \$250,000,000.”; and

15 (3) in subsection (h), by striking “December
 16 31, 2022” and inserting “December 31, 2023”.

17 (b) EXTENSION OF REPORTS ON MILITARY ASSIST-
 18 ANCE TO UKRAINE.—Section 1275(e) of the Carl Levin
 19 and Howard P. “Buck” McKeon National Defense Au-
 20 thorization Act for Fiscal Year 2015 (Public Law 113–
 21 291; 128 Stat. 3592) is amended by striking “January
 22 31, 2021” and inserting “December 31, 2023”.

23 **SEC. 1234. UNITED STATES PARTICIPATION IN THE OPEN**
 24 **SKIES TREATY.**

25 (a) NOTIFICATION REQUIRED.—

1 (1) IN GENERAL.—Upon withdrawal of the
2 United States from the Open Skies Treaty pursuant
3 to Article XV of the Treaty, the Secretary of De-
4 fense and the Secretary of State shall jointly submit
5 to the appropriate congressional committees—

6 (A) a notification that the United States
7 has concluded agreements with other state par-
8 ties to the Treaty that host United States mili-
9 tary forces and assets to ensure that after such
10 withdrawal the United States will be provided
11 sufficient notice by such state parties of re-
12 quests for observation flights over the terri-
13 tories of such state parties under the Treaty; or

14 (B) if the United States has not concluded
15 the agreements described in subparagraph (A),
16 a description of how the United States will con-
17 sistently and reliably be provided with sufficient
18 warning of observation flights described in sub-
19 paragraph (A) by other means, including a de-
20 scription of assets and personnel and policy im-
21 plications of using such other means.

22 (2) SUBMISSION OF AGREEMENTS.—Upon with-
23 drawal of the United States from the Open Skies
24 Treaty pursuant to Article XV of the Treaty, the
25 Secretary of Defense and the Secretary of State

1 shall jointly submit to the appropriate congressional
2 committees copies of the agreements described in
3 paragraph (1)(A).

4 (b) REPORT.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, the Secretary
7 of Defense and the Secretary of State, in coordina-
8 tion with the Director of National Intelligence and
9 the Under Secretary of Defense for Intelligence and
10 Security, shall jointly submit to the appropriate con-
11 gressional committees a report on the effects of a
12 potential withdrawal of the United States from the
13 Open Skies Treaty.

14 (2) MATTERS TO BE INCLUDED.—The report
15 required by paragraph (1) shall include the fol-
16 lowing:

17 (A) A description of how the United States
18 will replace benefits of cooperation with United
19 States allies under the Treaty.

20 (B) A description of—

21 (i) how the United States will obtain
22 unclassified, publicly-releasable imagery it
23 currently receives under the Treaty;

1 (ii) if national technical means are
2 used as a replacement to obtain such im-
3 agery—

4 (I) how the requirements satis-
5 fied by collection under the Treaty
6 will be prioritized within the National
7 Intelligence Priorities Framework;

8 (II) a plan to mitigate any gaps
9 in collection; and

10 (III) requirements and timelines
11 for declassification of data for public
12 release; and

13 (iii) if commercial imagery is used as
14 a replacement to obtain such imagery—

15 (I) contractual actions and asso-
16 ciated timelines needed to purchase
17 such imagery;

18 (II) costs to purchase commercial
19 imagery equivalent to that which is
20 obtained under the Treaty; and

21 (III) estimates of costs to share
22 that data with other state parties to
23 the Treaty that are United States
24 partners.

1 (C) A description of how the United States
2 will replace intelligence information, other than
3 imagery, obtained under the Treaty.

4 (D) A description of how the United States
5 will ensure continued dialogue with Russia in a
6 manner similar to formal communications as
7 confidence-building measures to reinforce stra-
8 tegic stability required under the Treaty.

9 (E) All unedited responses to the question-
10 naire provided to United States allies by the
11 United States in 2019 and all official state-
12 ments provided to the United States by United
13 States allies in 2019 or 2020 relating to United
14 States withdrawal from the Treaty.

15 (F) An assessment of the impact of such
16 withdrawal on—

17 (i) United States leadership in the
18 North Atlantic Treaty Organization
19 (NATO); and

20 (ii) cohesion and cooperation among
21 NATO member states.

22 (G) A description of options to continue
23 confidence-building measures under the Treaty
24 with other state parties to the Treaty that are
25 United States allies.

1 (H) An assessment of the Defense Intel-
2 ligence Agency of the impact on national secu-
3 rity of such withdrawal.

4 (I) An assessment of how the United
5 States will influence decisions regarding certifi-
6 cations of new sensors, primarily synthetic ap-
7 erture radar sensors, under the Treaty that
8 could pose additional risk to deployed United
9 States military forces and assets.

10 (3) FORM.—The report required by paragraph
11 (1) shall be submitted in unclassified form but may
12 contain a classified annex.

13 (c) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the congressional defense committees;

18 (B) the Committee on Foreign Affairs and
19 the Permanent Select Committee on Intelligence
20 of the House of Representatives; and

21 (C) the Committee on Foreign Relations
22 and the Select Committee on Intelligence of the
23 Senate.

1 (2) OBSERVATION FLIGHT.—The term “obser-
2 vation flight” has the meaning given such term in
3 Article II of the Open Skies Treaty.

4 (3) OPEN SKIES TREATY; TREATY.—The term
5 “Open Skies Treaty” or “Treaty” means the Treaty
6 on Open Skies, done at Helsinki March 24, 1992,
7 and entered into force January 1, 2002.

8 **SEC. 1235. SENSE OF CONGRESS ON SUPPORT FOR**
9 **UKRAINE.**

10 It is the sense of Congress that the United States
11 should—

12 (1) reaffirm support for an enduring strategic
13 partnership between the United States and Ukraine;

14 (2) support Ukraine’s sovereignty and terri-
15 torial integrity within its internationally-recognized
16 borders and make clear it does not recognize the
17 independence of Crimea or Eastern Ukraine cur-
18 rently occupied by Russia;

19 (3) continue support for multi-domain security
20 assistance for Ukraine in the form of lethal and non-
21 lethal measures to build resiliency, bolster deterrence
22 against Russia, and promote stability in the region
23 by—

24 (A) strengthening defensive capabilities
25 and promoting readiness; and

1 (B) improving interoperability with NATO
2 forces; and

3 (4) further enhance security cooperation and
4 engagement with Ukraine and other Black Sea re-
5 gional partners.

6 **SEC. 1236. REPORT ON PRESENCE OF RUSSIAN MILITARY**
7 **FORCES IN OTHER FOREIGN COUNTRIES.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of De-
10 fense, in consultation with the Secretary of State, shall
11 submit to the appropriate congressional committees a re-
12 port that contains the following:

13 (1) A list of foreign countries that have con-
14 sented to host military forces of Russia, including a
15 description of—

16 (A) any agreement between each country
17 and Russia to host such forces;

18 (B) the number of Russian military forces
19 that are present in each country;

20 (C) the location of Russian military forces
21 that are present in each country;

22 (D) the types of Russian military force
23 structures that are present in each country;

24 (E) the level and type of United States se-
25 curity assistance provided to each country; and

1 (F) any military exercises that Russian
2 forces have undertaken with each country.

3 (2) A list of foreign countries with respect to
4 which Russia has deployed military forces in viola-
5 tion of the territorial sovereignty of such countries,
6 including a description of—

7 (A) the number of Russian military forces
8 that are present in each country;

9 (B) the location of Russian military forces
10 that are present in each country; and

11 (C) the types of Russian military force
12 structures that are present in each country.

13 (b) FORM.—The report required by subsection (a)
14 shall be submitted in unclassified form, but may include
15 a classified annex.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the congressional defense committees;

20 (2) the Committee on Foreign Affairs and the
21 Committee on Appropriations of the House of Rep-
22 resentatives; and

23 (3) the Committee on Foreign Relations and
24 the Committee on Appropriations of the Senate.

1 **SEC. 1237. SENSE OF CONGRESS ON THE OPEN SKIES TREA-**
2 **TY.**

3 It is the sense of Congress that—

4 (1) the decision to withdraw from the Treaty on
5 Open Skies, done at Helsinki March 24, 1992, and
6 entered into force January 1, 2002—

7 (A) did not comply with the requirement in
8 section 1234(a) of the National Defense Au-
9 thorization Act for Fiscal Year 2020 (133 Stat.
10 1648; 22 U.S.C. 2593a note) to notify Congress
11 not fewer than 120 days prior to any such an-
12 nouncement;

13 (B) was made without asserting material
14 breach of the Treaty by any other Treaty signa-
15 tory; and

16 (C) was made over the objections of NATO
17 allies and regional partners;

18 (2) confidence and security building measures
19 that are designed to reduce the risk of conflict, in-
20 crease trust among participating countries, and con-
21 tribute to military transparency remain vital to the
22 strategic interests of our NATO allies and partners
23 and should continue to play a central role as the
24 United States engages in the region to promote
25 transatlantic security; and

1 (3) while the United States must always con-
2 sider the national security benefits of remaining in
3 any treaty, responding to Russian violations of trea-
4 ty protocols should be prioritized through inter-
5 national engagement and robust diplomatic action.

6 **SEC. 1238. COUNTERING RUSSIAN AND OTHER OVERSEAS**
7 **KLEPTOCRACY.**

8 (a) DEFINITIONS.—In this section

9 (1) RULE OF LAW.—The term “rule of law”
10 means the principle of governance in which all per-
11 sons, institutions, and entities, whether public or
12 private, including the state itself, are accountable to
13 laws that are publicly promulgated, equally enforced,
14 and independently adjudicated, and which are con-
15 sistent with international human rights norms and
16 standards.

17 (2) FOREIGN STATE.—The term “foreign state”
18 has the meaning given such term in section 1603 of
19 title 28, United States Code.

20 (3) INTELLIGENCE COMMUNITY.—The term
21 “intelligence community” has the meaning given
22 such term in section 3(4) of the National Security
23 Act of 1947 (50 U.S.C. 3003(4)).

24 (4) PUBLIC CORRUPTION.—The term “public
25 corruption” means the unlawful exercise of entrusted

1 public power for private gain, including by bribery,
2 nepotism, fraud, or embezzlement.

3 (5) FOREIGN ASSISTANCE.—The term “foreign
4 assistance” means foreign assistance authorized
5 under the Foreign Assistance Act of 1961.

6 (6) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Relations,
10 the Committee on Banking, Housing, and
11 Urban Affairs, and the Committee on Finance
12 of the Senate; and

13 (B) the Committee on Foreign Affairs, the
14 Committee on Financial Services, and the Com-
15 mittee on Ways and Means of the House of
16 Representatives.

17 (b) INTERNATIONAL STANDARDS.—It is the sense of
18 Congress that the following international standards should
19 be the foundation for foreign states to combat corruption,
20 kleptocracy, and illicit finance:

21 (1) The United Nations Convention against
22 Corruption.

23 (2) Recommendations of the Financial Action
24 Task Force (FATF) comprising the International

1 Standards on Combating Money Laundering and the
2 Financing of Terrorism & Proliferation.

3 (3) The Organisation for Economic Co-oper-
4 ation and Development Convention on Combating
5 Bribery of Foreign Public Officials in International
6 Business Transactions (OECD Anti-Bribery Conven-
7 tion), the 2009 Recommendation of the Council for
8 Further Combating Bribery, the 2009 Recommenda-
9 tion on the Tax Deductibility of Bribes to Foreign
10 Public Officials; and other related instruments.

11 (4) Legal instruments adopted by the Council
12 of Europe and monitored by the Group of States
13 against Corruption (GRECO), including the Crimi-
14 nal Law Convention on Corruption, the Civil Law
15 Convention on Corruption, the Additional Protocol
16 to the Criminal Law Convention on Corruption, the
17 Twenty Guiding Principles against Corruption, the
18 Recommendation on Codes of Conduct for Public
19 Officials, and the Recommendation on Common
20 Rules against Corruption in the Funding of Political
21 Parties and Electoral Campaigns.

22 (5) Organization for Security and Cooperation
23 in Europe (OSCE) “Second Dimension” commit-
24 ments on good governance, anti-corruption, anti-
25 money laundering, and related issues.

1 (6) The Inter-American Convention Against
2 Corruption under the Organization of American
3 States.

4 (c) STATEMENT OF POLICY.—It is the policy of the
5 United States to—

6 (1) leverage United States diplomatic engage-
7 ment and foreign assistance to promote the rule of
8 law;

9 (2) promote the international standards identi-
10 fied in section 4, as well as other relevant inter-
11 national standards and best practices as such stand-
12 ards and practices develop, and to seek the universal
13 adoption and implementation of such standards and
14 practices by foreign states;

15 (3) support foreign states in promoting good
16 governance and combating public corruption;

17 (4) encourage and assist foreign partner coun-
18 tries to identify and close loopholes in their legal and
19 financial architecture, including the misuse of anon-
20 ymous shell companies, free trade zones, and other
21 legal structures, that are enabling illicit finance and
22 authoritarian capital to penetrate their financial sys-
23 tems;

24 (5) help foreign partner countries to investigate
25 and combat the use of corruption by authoritarian

1 governments, particularly that of Vladimir Putin in
2 Russia, as a tool of malign influence worldwide;

3 (6) make use of sanctions authorities, such as
4 the Global Magnitsky Human Rights Accountability
5 Act (enacted as subtitle F of title XII of the Na-
6 tional Defense Authorization Act for Fiscal Year
7 2017 (Public Law 114–328; 22 U.S.C. 2656 note)),
8 to identify and take action against corrupt foreign
9 actors; and

10 (7) ensure coordination between the depart-
11 ments and agencies of the United States Govern-
12 ment with jurisdiction over the advancement of good
13 governance in foreign states.

14 (d) ANTI-CORRUPTION ACTION FUND.—

15 (1) IN GENERAL.—The Secretary of State shall
16 establish in the Department of State a fund to be
17 known as the “Anti-Corruption Action Fund” to aid
18 foreign states to prevent and fight public corruption
19 and develop rule of law-based governance structures,
20 including accountable investigative, prosecutorial,
21 and judicial bodies, and supplement existing foreign
22 assistance and diplomacy with respect to such ef-
23 forts.

24 (2) FUNDING.—There is authorized to be ap-
25 propriated to the Fund an amount equal to five per-

1 cent of each civil and criminal fine and penalty im-
2 posed pursuant to actions brought under the For-
3 eign Corrupt Practices Act on or after the date of
4 the enactment of this Act for each fiscal year.
5 Amounts appropriated pursuant to this authoriza-
6 tion shall be authorized to remain available until ex-
7 pended.

8 (3) SUPPORT.—The Anti-Corruption Action
9 Fund may support governmental and nongovern-
10 mental parties in advancing the goals specified in
11 paragraph (1) and shall be allocated in a manner
12 complementary to existing United States foreign as-
13 sistance, diplomacy, and the anti-corruption activi-
14 ties of other international donors.

15 (4) PREFERENCE.—In programing foreign as-
16 sistance using the Anti-Corruption Action Fund, the
17 Secretary of State shall give preference to projects
18 that—

19 (A) assist countries that are undergoing
20 historic opportunities for democratic transition,
21 combating corruption, and the establishment of
22 the rule of law;

23 (B) are important to United States na-
24 tional interests; and

1 (C) where United States foreign assistance
2 could significantly increase the chance of a suc-
3 cessful transition described in subparagraph
4 (A).

5 (5) PUBLIC DIPLOMACY.—The Secretary of
6 State shall publicize that funds provided to the Anti-
7 Corruption Action Fund originate from actions
8 brought under the Foreign Corrupt Practices Act so
9 as to demonstrate that monies obtained under such
10 Act are contributing to international anti-corruption
11 work under this section, including by reducing the
12 pressure that United States businesses face to pay
13 bribes overseas, thereby contributing to greater
14 United States competitiveness.

15 (e) INTERAGENCY TASK FORCE.—

16 (1) IN GENERAL.—The Secretary of State shall
17 have primary responsibility for managing a whole-of-
18 government effort to improve coordination among
19 United States Government departments and agen-
20 cies, as well as with other donor organizations, that
21 have a role in promoting good governance in foreign
22 states and enhancing the ability of foreign states to
23 combat public corruption.

24 (2) INTERAGENCY TASK FORCE.—Not later
25 than 180 days after the date of the enactment of

1 this Act, the Secretary of State shall establish and
2 convene an Interagency Task Force composed of—

3 (A) representatives appointed by the Presi-
4 dent from appropriate departments and agen-
5 cies, including the Department of State, the
6 United States Agency for International Devel-
7 opment (USAID), the Department of Justice,
8 the Department of the Treasury, the Depart-
9 ment of Homeland Security, the Department of
10 Defense, the Department of Commerce, the Mil-
11 lennium Challenge Corporation, and the intel-
12 ligence community; and

13 (B) representatives from any other United
14 States Government departments or agencies, as
15 determined by the Secretary.

16 (3) ADDITIONAL MEETINGS.—The Interagency
17 Task Force established in paragraph (2) shall meet
18 not less than twice per year.

19 (4) DUTIES.—The Interagency Task Force es-
20 tablished in paragraph (2) shall—

21 (A) evaluate, on a general basis, the effec-
22 tiveness of existing foreign assistance programs,
23 including programs funded by the Anti-Corrup-
24 tion Action Fund under section 6, that have an
25 impact on promoting good governance in for-

1 eign states and enhancing the ability of foreign
2 states to combat public corruption;

3 (B) assist the Secretary of State in man-
4 aging the whole-of-government effort described
5 in subsection (a);

6 (C) identify general areas in which such
7 whole-of-government effort could be enhanced;
8 and

9 (D) recommend specific programs for for-
10 eign states that may be used to enhance such
11 whole-of-government effort.

12 (f) DESIGNATION OF EMBASSY ANTI-CORRUPTION
13 POINTS OF CONTACT.—

14 (1) EMBASSY ANTI-CORRUPTION POINT OF CON-
15 TACT.—The chief of mission of each United States
16 embassy shall designate an anti-corruption point of
17 contact for each such embassy.

18 (2) DUTIES.—The designated anti-corruption
19 points of contact under paragraph (1) shall—

20 (A) with guidance from the Interagency
21 Task Force established under subsection (e),
22 coordinate an interagency approach within
23 United States embassies to combat public cor-
24 ruption in the foreign states in which such em-
25 bassies are located that is tailored to the needs

1 of such foreign states, including all relevant
2 United States Government departments and
3 agencies with a presence in such foreign states,
4 such as the Department of State, USAID, the
5 Department of Justice, the Department of the
6 Treasury, the Department of Homeland Security,
7 the Department of Defense, the Millennium
8 Challenge Corporation, and the intelligence
9 community;

10 (B) make recommendations regarding the
11 use of the Anti-Corruption Action Fund under
12 section 6 and other foreign assistance related to
13 anti-corruption efforts in their respective foreign
14 states, aligning such assistance with
15 United States diplomatic engagement; and

16 (C) ensure that anti-corruption activities
17 carried out within their respective foreign states
18 are included in regular reporting to the Secretary
19 of State and the Interagency Task Force
20 under subsection (e), including United States
21 embassy strategic planning documents and foreign
22 assistance-related reporting, as appropriate.
23

24 (3) TRAINING.—The Secretary of State shall
25 develop and implement appropriate training for des-

1 ignated anti-corruption points of contact under this
2 subsection.

3 (g) REPORTING REQUIREMENTS.—

4 (1) REPORT ON PROMOTING INTERNATIONAL
5 STANDARDS IN COMBATING CORRUPTION,
6 KLEPTOCRACY, AND ILLICIT FINANCE.—Not later
7 than 180 days after the date of the enactment of
8 this Act, the Secretary of State, in consultation with
9 the Administrator of the USAID and the Secretary
10 of the Treasury, shall submit to the appropriate con-
11 gressional committees a report that—

12 (A) summarizes any progress made by for-
13 eign states to adopt and implement each of the
14 international standards in combating corrup-
15 tion, kleptocracy, and illicit finance listed in
16 subsection (b);

17 (B) details the efforts of the United States
18 Government to promote such international
19 standards;

20 (C) identifies priority countries for out-
21 reach regarding such international standards;
22 and

23 (D) outlines a plan to encourage the adop-
24 tion and implementation of such international
25 standards, including specific steps to take with

1 the priority countries identified in accordance
2 with subparagraph (C).

3 (2) REPORT ON PROGRESS TOWARD IMPLEMEN-
4 TATION.—Not later than 1 year after the date of the
5 enactment of this Act and annually thereafter for 3
6 years, the Secretary of State, in consultation with
7 the Administrator of the USAID, shall submit to the
8 appropriate congressional committees a report sum-
9 marizing progress in implementing this Act, includ-
10 ing—

11 (A) a description of the bureaucratic struc-
12 ture of the offices within the Department and
13 USAID that are engaged in activities to combat
14 corruption, kleptocracy, and illicit finance, and
15 how such offices coordinate with one another;

16 (B) information relating to the amount of
17 funds deposited in the Anti-Corruption Action
18 Fund established under section 6 and the obli-
19 gation, expenditure, and impact of such funds;

20 (C) the activities of the Interagency Task
21 Force established pursuant to subsection (e)(2);

22 (D) the designation of anti-corruption
23 points of contact for foreign states pursuant to
24 subsection (f)(1) and any training provided to

1 such points of contact pursuant to subsection
2 (f)(3); and

3 (E) additional resources or personnel needs
4 to better achieve the goals of this Act to combat
5 corruption, kleptocracy, and illicit finance over-
6 seas.

7 (3) ONLINE PLATFORM.—The Secretary of
8 State, in conjunction with the Administrator of the
9 USAID, shall consolidate existing reports and brief-
10 ings with anti-corruption components into one on-
11 line, public platform, that includes the following:

12 (A) The Annual Country Reports on
13 Human Rights Practices.

14 (B) The Fiscal Transparency Report.

15 (C) The Investment Climate Statement re-
16 ports.

17 (D) The International Narcotics Control
18 Strategy Report.

19 (E) Any other relevant public reports.

20 (F) Links to third-party indicators and
21 compliance mechanisms used by the United
22 States Government to inform policy and pro-
23 gramming, such as the following:

24 (i) The International Finance Cor-
25 poration's Doing Business surveys.

1 (ii) The International Budget Part-
2 nership's Open Budget Index.

3 (iii) Multilateral peer review anti-cor-
4 ruption compliance mechanisms, such as
5 the Organisation for Economic Co-oper-
6 ation and Development's Working Group
7 on Bribery in International Business
8 Transactions, the Follow-Up Mechanism
9 for the Inter-American Convention against
10 Corruption (MESICIC), and the United
11 Nations Convention against Corruption,
12 done at New York October 31, 2003, to
13 further highlight expert international views
14 on foreign state challenges and efforts.

15 **SEC. 1239. REPORT ON THREATS TO THE UNITED STATES**
16 **ARMED FORCES FROM THE RUSSIAN FED-**
17 **ERATION.**

18 (a) REPORT.—Not later than 120 days after the date
19 of the enactment of this Act, the Secretary of Defense,
20 in consultation with the Director of National Intelligence
21 and the Secretary of State, shall submit to the appropriate
22 congressional committees a report on all threats to the
23 United States Armed Forces and personnel of the United
24 States from the Russian Federation and associated
25 agents, entities, and proxies.

1 (b) ELEMENTS.—The report under subsection (a)
2 shall include the following:

3 (1) An assessment of all threats to the United
4 States Armed Forces and personnel of the United
5 States from Russia and associated agents, entities,
6 and proxies in all theaters where United States
7 Armed Forces are engaged.

8 (2) A description of all actions taken to ensure
9 force protection of both the United States Armed
10 Forces and diplomats of the United States.

11 (3) A description of non-military actions taken
12 to emphasize to Russia that the United States will
13 not tolerate threats to the armed forces of the
14 United States, the allies of the United States, and
15 the diplomats and operations of the United States.

16 (c) FORM.—The report required by subsection (b)
17 shall be submitted in unclassified form, but may include
18 a classified annex.

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

22 (1) The Committee on Armed Services, the
23 Committee on Foreign Affairs, and the Permanent
24 Select Committee on Intelligence of the House of
25 Representatives.

1 (2) The Committee on Armed Services, the
2 Committee on Foreign Relations, and the Select
3 Committee on Intelligence of the Senate.

4 **Subtitle E—Matters Relating to**
5 **Europe and NATO**

6 **SEC. 1241. LIMITATIONS ON USE OF FUNDS TO REDUCE**
7 **THE TOTAL NUMBER OF MEMBERS OF THE**
8 **ARMED FORCES SERVING ON ACTIVE DUTY**
9 **WHO ARE STATIONED IN GERMANY, TO RE-**
10 **DUCE THE TOTAL NUMBER OF MEMBERS OF**
11 **THE ARMED FORCES STATIONED IN EUROPE,**
12 **AND TO DIVEST MILITARY INFRASTRUCTURE**
13 **IN EUROPE.**

14 (a) LIMITATION ON USE OF FUNDS TO REDUCE THE
15 TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES
16 SERVING ON ACTIVE DUTY WHO ARE STATIONED IN
17 GERMANY.—None of the funds authorized to be appro-
18 priated or otherwise made available to the Department of
19 Defense may be used during the period beginning on the
20 date of the enactment of this Act and ending on December
21 31, 2021, to take any action to reduce the total number
22 of members of the Armed Forces serving on active duty
23 who are stationed in Germany below the levels present on
24 June 10, 2020, until 180 days after the date on which
25 the Secretary of Defense and the Chairman of the Joint

1 Chiefs of Staff have separately submitted to the congres-
2 sional defense committees the following:

3 (1) A certification that—

4 (A) such a reduction is in the national se-
5 curity interest of the United States and will not
6 significantly undermine the security of the
7 United States or its allies in the region, includ-
8 ing a justification explaining the analysis be-
9 hind the certification; and

10 (B) the Secretary has appropriately con-
11 sulted with United States allies and partners in
12 Europe, including all members of the North At-
13 lantic Treaty Organization (NATO), regarding
14 such a reduction.

15 (2) A detailed analysis of the impact such a re-
16 duction would have on the security of United States
17 allies and partners in Europe and on interoperability
18 and joint activities with such allies and partners, in-
19 cluding major military exercises.

20 (3) A detailed analysis of the impact such a re-
21 duction would have on the ability to deter Russian
22 aggression and ensure the territorial integrity of
23 United States allies and partners in Europe.

1 (4) A detailed analysis of the impact such a re-
2 duction would have on the ability to counter Russian
3 malign activity.

4 (5) A detailed analysis of where the members of
5 the Armed Forces will be moved and stationed as a
6 consequence of such a reduction.

7 (6) A detailed plan for how such a reduction
8 would be implemented.

9 (7) A detailed analysis of the cost implications
10 of such a reduction, to include the cost associated
11 with new facilities to be constructed at the location
12 to which the members of the Armed Forces are to
13 be moved and stationed.

14 (8) A detailed analysis of the impact such a re-
15 duction would have on United States service mem-
16 bers and their families stationed in Europe.

17 (9) A detailed analysis of the impact such a re-
18 duction would have on Joint Force Planning.

19 (10) A detailed explanation of the impact such
20 a reduction would have on implementation of the
21 National Defense Strategy and a certification that
22 the reduction would not negatively affect implemen-
23 tation of the National Defense Strategy.

24 (b) LIMITATION ON USE OF FUNDS TO REDUCE THE
25 TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES

1 STATIONED IN EUROPE.—None of the funds authorized
2 to be appropriated or otherwise made available for the De-
3 partment of Defense may be used during the period begin-
4 ning on the date of the enactment of this Act and ending
5 on December 31, 2021, to reduce the total number of
6 members of the Armed Forces serving on active duty who
7 are stationed in Europe below the levels present on June
8 10, 2020, until 180 days after the date on which the Sec-
9 retary of Defense and the Chairman of the Joint Chiefs
10 of Staff have separately submitted to the congressional de-
11 fense committees the following:

12 (1) A certification that—

13 (A) such a reduction is in the national se-
14 curity interest of the United States and will not
15 significantly undermine the security of the
16 United States or its allies in the region, includ-
17 ing a justification explaining the analysis be-
18 hind the certification.

19 (B) the Secretary has appropriately con-
20 sulted with United States allies and partners in
21 Europe, including all members of NATO, re-
22 garding such a reduction.

23 (2) A detailed analysis of the impact such a re-
24 duction would have on the security of United States
25 allies and partners in Europe and on interoperability

1 and joint activities with such allies and partners, in-
2 cluding major military exercises.

3 (3) A detailed analysis of the impact such a re-
4 duction would have on the ability to deter Russian
5 aggression and ensure the territorial integrity of
6 United States allies and partners in Europe.

7 (4) A detailed analysis of the impact such a re-
8 duction would have on the ability to counter Russian
9 malign activity.

10 (5) A detailed analysis of where the forces will
11 be moved and stationed as a consequence of such a
12 reduction.

13 (6) A detailed plan for how such a reduction
14 would be implemented.

15 (7) A detailed analysis of the cost implications
16 of such a reduction, to include the cost associated
17 with new facilities to be constructed at the location
18 to which the members of the Armed Forces are to
19 be moved and stationed.

20 (8) A detailed analysis of the impact such a re-
21 duction would have on service members and their
22 families stationed in Europe.

23 (9) A detailed analysis of the impact such a re-
24 duction would have on Joint Force Planning.

1 (10) A detailed explanation of the impact such
2 a reduction would have on implementation of the
3 National Defense Strategy and a certification that
4 the reduction would not negatively affect implemen-
5 tation of the National Defense Strategy.

6 (c) LIMITATION TO DIVEST MILITARY INFRASTRUC-
7 TURE IN EUROPE.—

8 (1) IN GENERAL.—The Secretary of Defense
9 may not take any action to divest any infrastructure
10 or real property in Europe under the operational
11 control of the Department of Defense unless, prior
12 to taking such action, the Secretary certifies to the
13 congressional defense committees that no military
14 requirement for future use of the infrastructure or
15 real property is foreseeable.

16 (2) SUNSET.—This subsection shall terminate
17 on the date that is 5 years after the date of the en-
18 actment of this Act.

19 **SEC. 1242. SENSE OF CONGRESS REAFFIRMING THE COM-**
20 **MITMENT OF THE UNITED STATES TO NATO.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) On April 4, 1949, the North Atlantic Trea-
23 ty Organization (NATO) was founded on the prin-
24 ciples of democracy, individual liberty, and the rule

1 of law with the aim of promoting collective security
2 through collective defense.

3 (2) NATO has been the most successful mili-
4 tary alliance in history and, for over seven decades,
5 an example of successful political cooperation.

6 (3) NATO's commitment to collective defense is
7 essential to deter security threat against its mem-
8 bers.

9 (4) NATO strengthens the security of the
10 United States by enabling United States forces to
11 work by, with, and through a network of committed,
12 interoperable allies.

13 (5) NATO solidarity sends a clear collective
14 message to Russia that members of the alliance will
15 not tolerate aggressive acts that threaten their secu-
16 rity and sovereignty.

17 (6) In response to changing national security
18 threats, NATO continues to adapt to take on new
19 dynamics such as terrorism, hybrid warfare, the
20 spread of weapons of mass destruction, and cyber
21 attacks.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the United States reaffirms its commitment
25 to the North Atlantic Treaty Organization as the

1 foundation of transatlantic security and defense , in-
2 cluding Article V of the North Atlantic Treaty; and

3 (2) NATO plays a critical role in preserving
4 peace and stability in the transatlantic region.

5 **SEC. 1243. SENSE OF CONGRESS ON SUPPORT FOR COORDI-**
6 **NATED ACTION TO ENSURE THE SECURITY**
7 **OF BALTIC ALLIES.**

8 It is the sense of Congress that—

9 (1) the continued security of the Baltic states
10 of Estonia, Latvia, and Lithuania is critical to
11 achieving United States national security interests
12 and defense objectives against the acute and formi-
13 dable threat posed by Russia;

14 (2) the United States and the Baltic states are
15 leaders in the mission of defending independence
16 and democracy from aggression and in promoting
17 stability and security within the North Atlantic
18 Treaty Organization (NATO), with non-NATO part-
19 ners, and with other international organizations such
20 as the European Union;

21 (3) the Baltic states are model NATO allies in
22 terms of burden sharing and capital investment in
23 materiel critical to United States and allied security,
24 investment of over 2 percent of their gross domestic
25 product on defense expenditure, allocating over 20

1 percent of their defense budgets on capital mod-
2 ernization, matching security assistance from the
3 United States, frequently deploying their forces
4 around the world in support of allied and United
5 States objectives, and sharing diplomatic, technical,
6 military, and analytical expertise on defense and se-
7 curity matters;

8 (4) the United States should continue to
9 strengthen bilateral and multilateral defense by,
10 with, and through allied nations, particularly those
11 which possess expertise and dexterity but do not
12 enjoy the benefits of national economies of scale;

13 (5) the United States should pursue consistent
14 efforts focused on defense and security assistance,
15 coordination, and planning designed to ensure the
16 continued security of the Baltic states and on deter-
17 ring current and future challenges to the national
18 sovereignty of United States allies and partners in
19 the Baltic region; and

20 (6) such an initiative should include an innova-
21 tive and comprehensive conflict deterrence strategy
22 for the Baltic region encompassing the unique geog-
23 raphy of the Baltic states, modern and diffuse
24 threats to their land, sea, and air spaces, and nec-
25 essary improvements to their defense posture, in-

1 including command-and-control infrastructure, intel-
2 ligence, surveillance, and reconnaissance capabilities,
3 communications equipment and networks, and spe-
4 cial forces.

5 **SEC. 1244. SENSE OF CONGRESS ON SUPPORT FOR ESTO-**
6 **NIA, LATVIA, AND LITHUANIA.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Baltic countries of Estonia, Latvia, and
9 Lithuania are highly valued allies of the United
10 States, and they have repeatedly demonstrated their
11 commitment to advancing our mutual interests as
12 well as those of the NATO Alliance.

13 (2) Operation Atlantic Resolve is a series of ex-
14 ercises and coordinating efforts demonstrating the
15 United States' commitment to its European partners
16 and allies, including the Baltic countries of Estonia,
17 Latvia, and Lithuania, with the shared goal of peace
18 and stability in the region. Operation Atlantic Re-
19 solve strengthens communication and understanding,
20 and is an important effort to deter Russian aggres-
21 sion in the region.

22 (3) Through Operation Atlantic Resolve, the
23 European Deterrence Initiative undertakes exercises,
24 training, and rotational presence necessary to reas-

1 sure and integrate our allies, including the Baltic
2 countries, into a common defense framework.

3 (4) All three Baltic countries contributed to the
4 NATO-led International Security Assistance Force
5 in Afghanistan, sending troops and operating with
6 few caveats. The Baltic countries continue to commit
7 resources and troops to the Resolute Support Mis-
8 sion in Afghanistan.

9 (b) SENSE OF CONGRESS.—Congress—

10 (1) reaffirms its support for the principle of col-
11 lective defense in Article 5 of the North Atlantic
12 Treaty for our NATO allies, including Estonia, Lat-
13 via, and Lithuania;

14 (2) supports the sovereignty, independence, ter-
15 ritorial integrity, and inviolability of Estonia, Latvia,
16 and Lithuania as well as their internationally recog-
17 nized borders, and expresses concerns over increas-
18 ingly aggressive military maneuvering by the Rus-
19 sian Federation near their borders and airspace;

20 (3) expresses concern over and condemns sub-
21 versive and destabilizing activities by the Russian
22 Federation within the Baltic countries; and

23 (4) encourages the Administration to further
24 enhance defense cooperation efforts with Estonia,
25 Latvia, and Lithuania and supports the efforts of

1 their Governments to provide for the defense of their
2 people and sovereign territory.

3 **SEC. 1245. SENSE OF CONGRESS ON SUPPORT FOR GEOR-**
4 **GIA.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Georgia is a valued friend of the United
7 States and has repeatedly demonstrated its commit-
8 ment to advancing the mutual interests of both
9 countries, including the deployment of Georgian
10 forces as part of the former International Security
11 Assistance Force (ISAF) and the current Resolute
12 Support Mission led by the North Atlantic Treaty
13 Organization (NATO) in Afghanistan and the Multi-
14 National Force in Iraq.

15 (2) The European Deterrence Initiative builds
16 the partnership capacity of Georgia so it can work
17 more closely with the United States and NATO, as
18 well as provide for its own defense.

19 (3) In addition to the European Deterrence Ini-
20 tiative, Georgia's participation in the NATO initia-
21 tive Partnership for Peace is paramount to inter-
22 operability with the United States and NATO, and
23 establishing a more peaceful environment in the re-
24 gion.

1 (4) Despite the losses suffered, as a NATO
2 partner, Georgia is committed to the Resolute Sup-
3 port Mission in Afghanistan with the fifth-largest
4 contingent on the ground.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the United States should—

7 (1) reaffirm support for an enduring strategic
8 partnership between the United States and Georgia;

9 (2) support Georgia’s sovereignty and territorial
10 integrity within its internationally-recognized bor-
11 ders, and does not recognize the independence of the
12 Abkhazia and South Ossetia regions currently occu-
13 pied by the Russian Federation;

14 (3) continue support for multi-domain security
15 assistance for Georgia in the form of lethal and non-
16 lethal measures to build resiliency, bolster deterrence
17 against Russian aggression, and promote stability in
18 the region, by—

19 (A) strengthening defensive capabilities
20 and promote readiness; and

21 (B) improving interoperability with NATO
22 forces; and

23 (4) further enhance security cooperation and
24 engagement with Georgia and other Black Sea re-
25 gional partners.

1 **SEC. 1246. SENSE OF CONGRESS ON BURDEN SHARING BY**
2 **PARTNERS AND ALLIES.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The United States' alliances and other crit-
6 ical defense partnerships are a cornerstone of De-
7 partment of Defense (DOD) efforts to deter aggres-
8 sion from our adversaries, counter violent extre-
9 mism, and preserve United States national security
10 interests in the face of challenges to those interests
11 by Russia, China and other actors.

12 (2) The North Atlantic Treaty Organization
13 (NATO) is the most successful military alliance in
14 history, having deterred war between major state
15 powers for more than 70 years.

16 (3) Collective security and the responsibility of
17 each member of the security of the other members
18 as well as the alliance as a whole is a pillar of the
19 NATO alliance.

20 (4) NATO members other than the United
21 States collectively expend over \$300,000,000,000 in
22 defense investments annually and maintain military
23 forces totaling an estimated 1,900,000 service mem-
24 bers, bolstering the alliance's collective capacity to
25 counter shared threats.

1 (5) At the NATO Wales Summit in 2014,
2 NATO members pledged to strive to increase their
3 own defense spending to 2 percent of their respective
4 gross domestic products and to spend at least 20
5 percent of their defense budgets on equipment by
6 2024 as part of their burden sharing commitments.

7 (6) Since 2014, there has been a steady in-
8 crease in allied defense spending, with 22 member
9 countries meeting defense spending targets in 2018
10 and having submitted plans to meet the targets by
11 2024.

12 (7) In addition to individual defense spending
13 contributions, NATO allies and partners also con-
14 tribute to NATO and United States operations
15 around the world, including the Resolute Support
16 Mission in Afghanistan and the Global Coalition to
17 Defeat the Islamic State in Iraq and Syria (ISIS).

18 (8) South Korea hosts a baseline of 28,500
19 United States forces including the Eighth Army and
20 Seventh Air Force.

21 (9) South Korea maintains Aegis Ballistic Mis-
22 sile Defense and Patriot Batteries that contribute to
23 regional Ballistic Missile Defense, is a participant in
24 the Enforcement Coordination Center, and is a sig-

1 nificant contributor to United Nations peacekeeping
2 operations.

3 (10) South Korea is an active consumer of
4 United States Foreign Military Sales (FMS) with
5 approximately \$30,500,000,000 in active FMS cases
6 and makes significant financial contributions to sup-
7 port forward deployed United States forces in South
8 Korea, including contributions of \$924,000,000
9 under the Special Measures Agreement in 2019 and
10 over 90 percent of the cost of developing Camp
11 Humphreys.

12 (11) Japan hosts 54,000 United States forces
13 including the Seventh Fleet, the only forward-de-
14 ployed United States aircraft carrier, and the United
15 States Marine Corps' III Marine Expeditionary
16 Force.

17 (12) Japan maintains Aegis Ballistic Missile
18 Defense and Patriot Batteries that contribute to re-
19 gional Ballistic Missile Defense, conducts bilateral
20 presence operations and mutual asset protection
21 missions with United States forces, and is a capacity
22 building contributor to United Nations peacekeeping
23 operations.

24 (13) Japan is an active consumer of United
25 States FMS with approximately \$28,400,000,000 in

1 active FMS cases and makes significant financial
2 contributions to enable optimized United States mili-
3 tary posture, including contributions of approxi-
4 mately \$2,000,000,000 annually under the Special
5 Measures Agreement, \$187,000,000 annually under
6 the Japan Facilities Improvement Program,
7 \$12,100,000,000 for the Futenma Replacement Fa-
8 cility, \$4,800,000,000 for Marine Corps Air Station
9 Iwakuni, and \$3,100,000,000 for construction on
10 Guam to support the movement of United States
11 Marines from Okinawa.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) the United States Government should focus
15 on United States national security requirements for
16 investment in forward presence, joint exercises, in-
17 vestments, and commitments that contribute to the
18 security of the United States and collective security,
19 and cease efforts that solely focus on the financial
20 contributions of United States allies and partners
21 when negotiating joint security arrangements;

22 (2) the United States must continue to
23 strengthen its alliances and security partnerships
24 with like-minded democracies around the world to
25 deter aggression from authoritarian competitors and

1 promote peace and respect for democratic values and
2 human rights around the world;

3 (3) United States partners and allies should
4 continue to increase their military capacity and en-
5 hance their ability to contribute to global peace and
6 security;

7 (4) NATO allies should continue working to-
8 ward their 2014 Wales Defense Investment Pledge
9 commitments;

10 (5) the United States should work with the
11 Governments of South Korea and Japan respectively
12 to reach fair and equitable Special Measures Agree-
13 ments that reflect the critical security relationships
14 between both countries and the United States;

15 (6) the United States should maintain forward-
16 deployed United States forces in order to better en-
17 sure United States national security and global sta-
18 bility;

19 (7) alliances and partnerships are the corner-
20 stone of United States national security and critical
21 to countering the threat posed by malign actors to
22 the post-World War II liberal international order;
23 and

1 (8) the United States and NATO allies should
2 prioritize at each NATO Summit deterrence against
3 Russian aggression.

4 **SEC. 1247. SENSE OF CONGRESS ON NATO’S RESPONSE TO**
5 **THE COVID-19 PANDEMIC.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The North Atlantic Treaty Organization
8 (NATO) has been working with allies and partners
9 to provide support to the civilian response to the
10 Coronavirus Disease 2019 (commonly referred to as
11 “COVID-19”) pandemic, including logistics and
12 planning, field hospitals, and transport, while main-
13 taining NATO’s operational readiness and con-
14 tinuing to carry out critical NATO missions.

15 (2) Since the beginning of the pandemic, NATO
16 allies and partners have completed more than 350
17 airlift flights, supplying hundreds of tons of critical
18 supplies globally, have built nearly 100 field hos-
19 pitals and dedicated more than half a million troops
20 to support the civilian response to the pandemic.

21 (3) NATO’s Euro-Atlantic Disaster Response
22 Coordination Centre has been operating 24 hours, 7
23 days a week to coordinate requests for supplies and
24 resources.

1 (4) The NATO Support and Procurement
2 Agency's Strategic Airlift Capability and Strategic
3 Airlift International Solution programs have char-
4 tered flights to transport medical supplies between
5 partners and allies.

6 (5) NATO established Rapid Air Mobility to
7 speed up military air transport of medical supplies
8 and resources to allies and partners experiencing a
9 shortage of medical supplies and personal protective
10 equipment.

11 (6) In June 2020, NATO Defense Ministers
12 agreed to future steps to prepare for a potential sec-
13 ond wave of the COVID-19 pandemic, including a
14 new operation plan, establishing a stockpile of med-
15 ical equipment and supplies, and a new fund to ac-
16 quire medical supplies and services.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) NATO's response to the COVID-19 pan-
20 demic is an excellent example of the democratic alli-
21 ance's capacity tackling overwhelming logistical chal-
22 lenges through close collaboration;

23 (2) the United States should remain committed
24 to strengthening NATO's operational response to
25 the pandemic; and

1 (3) the United States should fulfill its commit-
2 ments made at the 2020 NATO Defense Ministerial
3 and continue to bolster the work of the Euro-Atlan-
4 tic Disaster Response Coordination Centre, the
5 NATO Support and Procurement Agency’s Strategic
6 Airlift Capability and Strategic Airlift International
7 Solution programs, and other efforts to utilize
8 NATO’s capabilities to support the civilian pandemic
9 response.

10 **SEC. 1248. CLARIFICATION AND EXPANSION OF SANCTIONS**
11 **RELATING TO CONSTRUCTION OF NORD**
12 **STREAM 2 OR TURKSTREAM PIPELINE**
13 **PROJECTS.**

14 (a) IN GENERAL.—Subsection (a)(1) of section 7503
15 of the Protecting Europe’s Energy Security Act of 2019
16 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note)
17 is amended—

18 (1) in subparagraph (A), by inserting “or pipe-
19 laying activities” after “pipe-laying”; and

20 (2) in subparagraph (B)—

21 (A) in clause (i)—

22 (i) by inserting “, or significantly fa-
23 cilitated the sale, lease, or provision of,”
24 after “provided”; and

1 (ii) by striking “; or” and inserting a
2 semicolon;

3 (B) in clause (ii), by striking the period at
4 the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(iii) provided significant under-
7 writing services or insurance for those ves-
8 sels; or

9 “(iv) provided significant services or
10 facilities for technology upgrades or instal-
11 lation of welding equipment for, or retro-
12 fitting or tethering of, those vessels.”.

13 (b) DEFINITIONS.—Subsection (i) of such section is
14 amended—

15 (1) by redesignating paragraph (5) as para-
16 graph (6); and

17 (2) by inserting after paragraph (4) the fol-
18 lowing:

19 “(5) PIPE-LAYING ACTIVITIES.—The term
20 ‘pipe-laying activities’ means activities that facilitate
21 pipe-laying, including site preparation, trenching,
22 surveying, placing rocks, stringing, bending, welding,
23 coating, lowering of pipe, and backfilling.”.

24 (c) CLARIFICATION.—The amendments made by sub-
25 section (a) shall take effect in accordance with (d) of sec-

tion 7503 of the Protecting Europe's Energy Security Act of 2019 (22 U.S.C. 9526 note).

(d) INTERIM REPORT REQUIRED.—

(1) IN GENERAL.—As soon as practicable and not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report on the matters required by subsection (a) of section 7503 of the Protecting Europe's Energy Security Act of 2019 (22 U.S.C. 9526 note), as amended by this section, with respect to the period—

(A) beginning on the later of—

(i) the date of the enactment of this Act; or

(ii) the date of the most recent submission of a report required by such section 7503; and

(B) ending on the date on which the report required by this subparagraph is submitted.

(2) TREATMENT.—A report submitted pursuant to paragraph (1) shall be—

(A) submitted to the same committees as a report submitted under subsection (a) of such section 7503; and

1 (B) otherwise treated as a report sub-
2 mitted under such subsection (a) for purposes
3 of all authorities granted by such section pursu-
4 ant to such a report.

5 **SEC. 1249. COORDINATION OF STOCKPILES WITH THE**
6 **NORTH ATLANTIC TREATY ORGANIZATION**
7 **AND OTHER ALLIES.**

8 Title I of the Defense Production Act of 1950 (50
9 U.S.C. 5411 et seq.) is amended by adding at the end
10 the following new section:

11 **“SEC. 109. COORDINATION WITH THE NORTH ATLANTIC**
12 **TREATY ORGANIZATION AND OTHER ALLIES.**

13 “(a) COORDINATION REQUIRED.—If the President
14 determines to use or invoke an authority under this title
15 in the context of the outbreak of a pandemic that affects
16 other North Atlantic Treaty Organization (NATO) mem-
17 ber countries or affects any country with which the United
18 States has entered into a mutual defense treaty, the Presi-
19 dent, acting through the Secretary of Defense with the
20 concurrence of the Secretary of State, and in consultation
21 with the Secretary of Health and Human Services, shall—

22 “(1) coordinate with appropriate counterparts
23 of NATO member countries or mutual defense trea-
24 ty countries to assess any logistical challenges relat-

1 ing to demand or supply chain gaps with respect to
2 the United States and such countries;

3 “(2) work to fill such gaps in order to ensure
4 a necessary and appropriate level of scarce and crit-
5 ical material essential to the national defense for the
6 United States and such countries; and

7 “(3) promote access to vaccines or other rem-
8 edies through Federally funded medical research to
9 respond to the declared pandemic.

10 “(b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the United States should work with its NATO
12 and other allies and partners to build permanent mecha-
13 nisms to strengthen supply chains, fill supply chain gaps,
14 and maintain commitments made at the June 2020 NATO
15 Defense Ministerial.”.

16 **Subtitle F—Matters Relating to the**
17 **Indo-Pacific Region**

18 **SEC. 1251. INDO-PACIFIC REASSURANCE INITIATIVE.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) a stable, peaceful, and secure Indo-Pacific
22 region is vital to United States economic and na-
23 tional security;

24 (2) revisionist states, rogue states, violent ex-
25 tremist organizations, and natural and manmade

1 disasters are persistent challenges to regional sta-
2 bility and security;

3 (3) maintaining stability and upholding a rules-
4 based order requires a holistic United States strat-
5 egy that—

6 (A) synchronizes all elements of national
7 power;

8 (B) is inclusive of United States allies and
9 partner countries; and

10 (C) ensures a persistent, predictable
11 United States presence to reinforce regional de-
12 fense;

13 (4) enhancing regional defense requires robust
14 efforts to increase capability, readiness, and respon-
15 siveness to deter and mitigate destabilizing activities;

16 (5) the Department of Defense should pursue
17 an integrated program of activities to—

18 (A) reassure United States allies and part-
19 ner countries in the Indo-Pacific region;

20 (B) appropriately prioritize activities and
21 resources to implement the National Defense
22 Strategy; and

23 (C) enhance the ability of Congress to pro-
24 vide oversight of and support to Department of
25 Defense efforts;

1 (6) an integrated, coherent, and strategic pro-
2 gram of activities in the Indo-Pacific region, similar
3 to the European Deterrence Initiative (originally the
4 European Reassurance Initiative), will enhance
5 United States presence and positioning, allow for ad-
6 ditional exercises, improve infrastructure and logis-
7 tics, and build allied and partner capacity to deter
8 aggression, strengthen ally and partner interoper-
9 ability, and demonstrate United States commitment
10 to Indo-Pacific countries;

11 (7) an integrated, coherent, and strategic pro-
12 gram of activities in the Indo-Pacific region will also
13 assist in resourcing budgetary priorities and enhanc-
14 ing transparency and oversight of programs and ac-
15 tivities to better enable a coordinated and strategic
16 plan for Department of Defense programs;

17 (8) not less than \$3,578,360,000 of base fund-
18 ing should be allocated to fully support such pro-
19 gram of activities in fiscal year 2021; and

20 (9) the Department of Defense should ensure
21 adequate, consistent planning is conducted for fu-
22 ture funding and build upon the activities identified
23 in fiscal year 2021 in future budget requests, as ap-
24 propriate.

1 (b) INDO-PACIFIC REASSURANCE INITIATIVE.—The
2 Secretary of Defense shall carry out a program of
3 prioritized activities to reassure United States allies and
4 partner countries in the Indo-Pacific region that shall be
5 known as the “Indo-Pacific Reassurance Initiative” (in
6 this section referred to as the “Initiative”).

7 (c) OBJECTIVES.—The objectives of the Initiative
8 shall include reassuring United States allies and partner
9 countries in the Indo-Pacific region by—

10 (1) optimizing the presence of United States
11 Armed Forces in the region;

12 (2) strengthening and maintaining bilateral and
13 multilateral military exercises and training with such
14 countries;

15 (3) improving infrastructure in the region to
16 enhance the responsiveness of United States Armed
17 Forces;

18 (4) enhancing the prepositioning of equipment
19 and materiel in the region; and

20 (5) building the defense and security capabili-
21 ties, capacity, and cooperation of such countries.

22 (d) PLAN RELATING TO TRANSPARENCY FOR THE
23 INDO-PACIFIC REASSURANCE INITIATIVE.—

24 (1) PLAN REQUIRED.—

1 (A) IN GENERAL.—Not later than Feb-
2 ruary 1, 2022, and annually thereafter, the Sec-
3 retary of Defense, in consultation with the
4 Commander of the United States Indo-Pacific
5 Command, shall submit to the congressional de-
6 fense committees a future years plan on activi-
7 ties and resources of the Initiative.

8 (B) APPLICABILITY.—The plan shall apply
9 to the Initiative with respect to the first fiscal
10 year beginning after the date of submission of
11 the plan and at least the 4 succeeding fiscal
12 years.

13 (2) MATTERS TO BE INCLUDED.—The plan re-
14 quired under paragraph (1) shall include each of the
15 following:

16 (A) A summary of progress made towards
17 achieving the objectives of the Initiative.

18 (B) An assessment of resource require-
19 ments to achieve such objectives.

20 (C) An assessment of capabilities require-
21 ments to achieve such objectives.

22 (D) An assessment of logistics require-
23 ments, including force enablers, equipment,
24 supplies, storage, and maintenance require-
25 ments, to achieve such objectives.

1 (E) An identification of the intended force
2 structure and posture of the assigned and allo-
3 cated forces within the area of responsibility of
4 the United States Indo-Pacific Command for
5 the last fiscal year of the plan and the manner
6 in which such force structure and posture sup-
7 port such objectives.

8 (F) An identification and assessment of re-
9 quired infrastructure and military construction
10 investments to achieve such objectives, includ-
11 ing potential infrastructure investments pro-
12 posed by host countries, new construction or
13 modernization of existing sites that would be
14 funded by the United States, and a master plan
15 that includes the following:

16 (i) A list of specific locations, orga-
17 nized by country, in which the Commander
18 of the United States Indo-Pacific Com-
19 mand anticipates requiring infrastructure
20 investments to support an enduring or
21 periodic military presence in the region.

22 (ii) A list of specific infrastructure in-
23 vestments required at each location identi-
24 fied under clause (i), to include the project
25 title and estimated cost of each project.

1 (iii) A brief explanation for how each
2 location identified under clause (i) and in-
3 frastructure investments identified under
4 clause (ii) support a validated requirement
5 or component of the overall strategy in the
6 region.

7 (iv) A discussion of any gaps in the
8 current infrastructure authorities that
9 would preclude implementation of the in-
10 frastructure investments identified under
11 clause (ii).

12 (v) A description of the type and size
13 of military force elements that would main-
14 tain an enduring presence or operate peri-
15 odically from each location identified under
16 clause (i).

17 (vi) A summary of kinetic and non-ki-
18 netic vulnerabilities for current locations
19 and each location identified in clause (i), to
20 include—

21 (I) the level of risk associated
22 with each vulnerability; and

23 (II) the proposed mitigations and
24 projected costs to address each such
25 vulnerability, to include—

1 (aa) hardening and other re-
2 silience measures;

3 (bb) active and passive
4 counter-Intelligence, Surveillance,
5 and Reconnaissance;

6 (cc) active and passive
7 counter Positioning, Navigation,
8 and Timing;

9 (dd) air and missile defense
10 capabilities;

11 (ee) enhanced logistics and
12 sea lines of communication secu-
13 rity; and

14 (ff) other issues identified by
15 the Commander of the United
16 States Indo-Pacific Command.

17 (G) An assessment of logistics require-
18 ments, including force enablers, equipment,
19 supplies, storage, fuel storage and distribution,
20 and maintenance requirements, to achieve such
21 objectives.

22 (H) An analysis of the challenges to the
23 ability of the United States to deploy significant
24 forces from the continental United States to the
25 Indo-Pacific theater in the event of a major

1 contingency, and a description of the plans of
2 the Department of Defense, including military
3 exercises, to address such challenges.

4 (I) An assessment and plan for security co-
5 operation investments to enhance such objec-
6 tives.

7 (J) A plan to resource United States force
8 posture and capabilities, including—

9 (i) the infrastructure capacity of exist-
10 ing locations and their ability to accommo-
11 date additional United States forces in the
12 Indo-Pacific region;

13 (ii) the potential new locations for ad-
14 ditional United States Armed Forces in the
15 Indo-Pacific region, including an assess-
16 ment of infrastructure and military con-
17 struction resources necessary to accommo-
18 date such forces;

19 (iii) a detailed timeline to achieve de-
20 sired posture requirements;

21 (iv) a detailed assessment of the re-
22 sources necessary to achieve the require-
23 ments of the plan, including specific cost
24 estimates for each project under the Initia-
25 tive to support optimized presence, exer-

1 cises and training, enhanced
2 prepositioning, improved infrastructure,
3 and building partnership capacity; and

4 (v) a detailed timeline to achieve the
5 force posture and capabilities, including
6 force requirements.

7 (K) A detailed explanation of any signifi-
8 cant modifications of the requirements or re-
9 sources, as compared to plans previously sub-
10 mitted under paragraph (1).

11 (L) Any other matters the Secretary of
12 Defense determines should be included.

13 (3) FORM.—The plan required under paragraph
14 (1) shall be submitted in unclassified form, but may
15 include a classified annex.

16 (e) BUDGET SUBMISSION INFORMATION.—For fiscal
17 year 2022 and each fiscal year thereafter, the Secretary
18 of Defense shall include in the budget justification mate-
19 rials submitted to Congress in support of the Department
20 of Defense budget for that fiscal year (as submitted with
21 the budget of the President under section 1105(a) of title
22 31, United States Code)—

23 (1) the amounts, by budget function and as a
24 separate item, requested for the Department of De-

1 fense for such fiscal year for all programs and activi-
2 ties under the Initiative; and

3 (2) a detailed budget display for the Initiative,
4 including—

5 (A) with respect to procurement ac-
6 counts—

7 (i) amounts displayed by account,
8 budget activity, line number, line item, and
9 line item title; and

10 (ii) a description of the requirements
11 for each such amounts;

12 (B) with respect to research, development,
13 test, and evaluation accounts—

14 (i) amounts displayed by account,
15 budget activity, line number, program ele-
16 ment, and program element title; and

17 (ii) a description of the requirements
18 for each such amount;

19 (C) with respect to operation and mainte-
20 nance accounts—

21 (i) amounts displayed by account title,
22 budget activity title, line number, and sub-
23 activity group title; and

24 (ii) a description of how such amounts
25 will specifically be used;

1 (D) with respect to military personnel ac-
2 counts—

3 (i) amounts displayed by account,
4 budget activity, budget subactivity, and
5 budget subactivity title; and

6 (ii) a description of the requirements
7 for each such amount; and

8 (E) with respect to each project under
9 military construction accounts (including with
10 respect to unspecified minor military construc-
11 tion and amounts for planning and design), the
12 country, location, project title, and project
13 amount for each fiscal year.

14 (f) END OF FISCAL YEAR REPORT.—Not later than
15 November 20, 2022, and annually thereafter, the Sec-
16 retary of Defense shall submit to the congressional defense
17 committees a report that contains—

18 (1) a detailed summary of funds obligated for
19 the Initiative during the preceding fiscal year; and

20 (2) a detailed comparison of funds obligated for
21 the Initiative during the preceding fiscal year to the
22 amount of funds requested for the Initiative for such
23 fiscal year in the materials submitted to Congress by
24 the Secretary in support of the budget of the Presi-
25 dent for that fiscal year as required by subsection

1 (e), including with respect to each of the accounts
2 described in subparagraphs (A), (B), (C), (D), and
3 (E) of subsection (e)(2) and the information re-
4 quired under each such subparagraph.

5 (g) BRIEFINGS REQUIRED.—Not later than March 1,
6 2023, and annually thereafter, the Secretary of Defense
7 shall provide to the congressional defense committees a
8 briefing on the status of all matters covered by the report
9 required by section (f).

10 (h) RELATIONSHIP TO BUDGET.—Nothing in this
11 section shall be construed to affect section 1105(a) of title
12 31, United States Code.

13 (i) CONFORMING REPEAL.—Section 1251 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2018
15 (Public Law 115–91; 131 Stat. 1676) is repealed.

16 **SEC. 1252. LIMITATION ON USE OF FUNDS TO REDUCE THE**
17 **TOTAL NUMBER OF MEMBERS OF THE**
18 **ARMED FORCES SERVING ON ACTIVE DUTY**
19 **WHO ARE DEPLOYED TO SOUTH KOREA.**

20 None of the funds authorized to be appropriated by
21 this Act may be used to reduce the total number of mem-
22 bers of the Armed Forces serving on active duty who are
23 deployed to South Korea below 28,500 until 180 days
24 after the date on which the Secretary of Defense certifies
25 to the congressional defense committees the following:

1 (1) Such a reduction is in the national security
2 interest of the United States and will not signifi-
3 cantly undermine the security of United States allies
4 in the region.

5 (2) Such a reduction is commensurate with a
6 reduction in the threat posed to the United States
7 and its allies in the region by the Democratic Peo-
8 ple’s Republic of Korea.

9 (3) Following such a reduction, the Republic of
10 Korea would be capable of deterring a conflict on
11 the Korean Peninsula.

12 (4) The Secretary has appropriately consulted
13 with allies of the United States, including South
14 Korea and Japan, regarding such a reduction.

15 **SEC. 1253. IMPLEMENTATION OF GAO RECOMMENDATIONS**
16 **ON PREPAREDNESS OF UNITED STATES**
17 **FORCES TO COUNTER NORTH KOREAN CHEM-**
18 **ICAL AND BIOLOGICAL WEAPONS.**

19 (a) PLAN REQUIRED.—

20 (1) IN GENERAL.—The Secretary of Defense
21 shall develop a plan to address the recommendations
22 in the U.S. Government Accountability Office’s re-
23 port entitled “Preparedness of U.S. Forces to
24 Counter North Korean Chemical and Biological
25 Weapons” (GAO–20–79C).

1 (2) ELEMENTS.—The plan required under
2 paragraph (1) shall, with respect to each rec-
3 ommendation in the report described in paragraph
4 (1) that the Secretary of Defense has implemented
5 or intends to implement, include—

6 (A) a summary of actions that have been
7 or will be taken to implement the recommenda-
8 tion; and

9 (B) a schedule, with specific milestones,
10 for completing implementation of the rec-
11 ommendation.

12 (b) SUBMITTAL TO CONGRESS.—Not later than 1
13 year after the date of the enactment of this Act, the Sec-
14 retary of Defense shall submit to the congressional defense
15 committees the plan required under subsection (a).

16 (c) DEADLINE FOR IMPLEMENTATION.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), not later than 18 months after the date
19 of the enactment of this Act, the Secretary of De-
20 fense shall carry out activities to implement the plan
21 developed under subsection (a).

22 (2) EXCEPTION FOR IMPLEMENTATION OF CER-
23 TAIN RECOMMENDATIONS.—

24 (A) DELAYED IMPLEMENTATION.—The
25 Secretary of Defense may initiate implementa-

tion of a recommendation in the report described in subsection (a)(1) after the date specified in paragraph (1) if the Secretary provides the congressional defense committees with a specific justification for the delay in implementation of such recommendation on or before such date.

(B) NONIMPLEMENTATION.—The Secretary of Defense may decide not to implement a recommendation in the report described in subsection (a)(1) if the Secretary provides to the congressional defense committees, on or before the date specified in paragraph (1)—

(i) a specific justification for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the conditions underlying the recommendation.

SEC. 1254. PUBLIC REPORTING OF CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.

(a) DETERMINATION OF OPERATIONS.—Not later than 1 year after the date of the enactment of this Act, and on an ongoing basis thereafter, the Secretary of De-

1 fense shall identify each entity the Secretary determines,
2 based on the most recent information available, is—

3 (1)(A) directly or indirectly owned, controlled,
4 or beneficially owned by, or in an official or unoffi-
5 cial capacity acting as an agent of or on behalf of,
6 the People’s Liberation Army or any of its affiliates;
7 or

8 (B) identified as a military-civil fusion contrib-
9 utor to the Chinese defense industrial base;

10 (2) engaged in providing commercial services,
11 manufacturing, producing, or exporting; and

12 (3) operating directly or indirectly in the
13 United States, including any of its territories and
14 possessions.

15 (b) SUBMISSION; PUBLICATION.—

16 (1) SUBMISSION.—Not later than 1 year after
17 the date of the enactment of this Act, and every 2
18 years thereafter, the Secretary shall submit to the
19 Committees on Armed Services of the House of Rep-
20 resentatives and the Senate an updated list of each
21 entity determined to be a Chinese military company
22 pursuant to subsection (a), in classified and unclas-
23 sified forms.

24 (2) PUBLICATION.—Concurrent with the sub-
25 mission of a list under paragraph (1), the Secretary

1 shall publish the unclassified portion of such list in
2 the Federal Register.

3 (c) CONSULTATION.—The Secretary may consult
4 with the head of any appropriate Federal department or
5 agency in making the determinations required under sub-
6 section (a) and shall transmit a copy of each list submitted
7 under subsection (b)(1) to the heads of each appropriate
8 Federal department and agency.

9 (d) DEFINITIONS.—

10 (1) MILITARY-CIVIL FUSION CONTRIBUTOR.—In
11 this section, the term “military-civil fusion contrib-
12 utor” includes—

13 (A) entities receiving assistance from the
14 Government of China through science and tech-
15 nology efforts initiated under the Chinese mili-
16 tary industrial planning apparatus;

17 (B) entities affiliated with the Chinese
18 Ministry of Industry and Information Tech-
19 nology, including entities connected through
20 Ministry schools, research partnerships, and
21 state-aided science and technology projects;

22 (C) entities receiving assistance from the
23 Government of China or operational direction
24 or policy guidance from the State Administra-

tion for Science, Technology and Industry for
National Defense;

(D) entities recognized and awarded with
receipt of an innovation prize for science and
technology by such State Administration;

(E) any other entity or subsidiary defined
as a “defense enterprise” by the Chinese State
Council; and

(F) entities residing in or affiliated with a
military-civil fusion enterprise zone or receiving
assistance from the Government of China
through such enterprise zone.

(2) PEOPLE’S LIBERATION ARMY.—The term
“People’s Liberation Army” means the land, naval,
and air military services, the police, and the intel-
ligence services of the Government of China, and
any member of any such service or of such police.

**SEC. 1255. INDEPENDENT STUDY ON THE DEFENSE INDUS-
TRIAL BASE OF THE PEOPLE’S REPUBLIC OF
CHINA.**

(a) IN GENERAL.—Not later than 30 days after the
date of the enactment of this Act, the Secretary of Defense
shall seek to enter into a contract with a federally funded
research and development center to conduct a study on

1 the defense industrial base of the People's Republic of
2 China.

3 (b) ELEMENTS OF STUDY.—The study required
4 under subsection (a) shall assess the resiliency and capac-
5 ity of China's defense industrial base to support its objec-
6 tives in competition and conflict, including with respect
7 to the following:

8 (1) The manufacturing capacity and physical
9 plant capacity of the defense industrial base, includ-
10 ing its ability to modernize to meet future needs.

11 (2) Gaps in national-security-related domestic
12 manufacturing capabilities, including non-existent,
13 extinct, threatened, and single-point-of-failure capa-
14 bilities.

15 (3) Supply chains with single points of failure
16 or limited resiliency, especially suppliers at third-tier
17 and lower.

18 (4) Energy consumption and vulnerabilities.

19 (5) Domestic education and manufacturing
20 workforce skills.

21 (6) Exclusive or dominant supply of military
22 and civilian materiel, raw materials, or other goods
23 (or components thereof) essential to China's national
24 security by the United States or United States allies
25 and partners.

1 (7) The ability to meet the likely repair and
2 new construction demands of the People's Liberation
3 Army in the event of a protracted conflict.

4 (8) The availability of substitutes or alternative
5 sources for goods identified pursuant to paragraph
6 (6).

7 (9) Recommendations for legislative, regulatory,
8 and policy changes and other actions by the Presi-
9 dent and the heads of Federal agencies as appro-
10 prium based upon a reasoned assessment that the
11 benefits outweigh the costs (broadly defined to in-
12 clude any economic, strategic, and national security
13 benefits or costs) over the short, medium, and long-
14 term to erode, in the event of a conflict, the ability
15 of China's defense industrial base to support the na-
16 tional objectives of China.

17 (c) SUBMISSION TO DEPARTMENT OF DEFENSE.—
18 Not later than 210 days after the date of the enactment
19 of this Act, the federally funded research and development
20 center shall submit to the Secretary a report containing
21 the study conducted under subsection (a).

22 (d) SUBMISSION TO CONGRESS.—Not later than 240
23 days after the date of the enactment of this Act, the Sec-
24 retary shall submit to the congressional defense commit-
25 tees the report submitted to the Secretary under sub-

1 section (c), without change but with any comments of the
2 Secretary with respect to the report.

3 **SEC. 1256. DETERRENCE STRATEGY AGAINST CHINESE-ORI-**
4 **GIN CYBER ATTACKS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Cyber-enabled industrial espionage and the
7 large scale cybertheft of personal information by the
8 People’s Republic of China (“PRC”) are severely
9 detrimental to national security, economic vitality,
10 and technological preeminence.

11 (2) Such attacks are generally situated within
12 the context of state-sponsored gray zone campaigns
13 and not generally ultimately attributable to sub-state
14 actors.

15 (3) The United States response to such espio-
16 nage has not included the imposition of sufficient
17 costs on the PRC to deter or credibly respond to
18 such attacks.

19 (b) STATEMENT OF POLICY.—It is the policy of the
20 United States to deter and respond to industrial espionage
21 and the theft of personal information conducted against
22 the United States or United States persons by the PRC,
23 PRC persons or entities, or persons or entities acting on
24 behalf of the PRC.

1 (c) IN GENERAL.—Not later than 180 days after the
2 date of the enactment of this Act, the President shall sub-
3 mit to the appropriate congressional committees a whole-
4 of-government strategy, in unclassified and classified
5 forms as specified in paragraphs (1) through (4), to im-
6 pose costs on the PRC or appropriate PRC persons or en-
7 tities in order to deter industrial espionage and the large-
8 scale theft of personal information conducted by the PRC,
9 PRC persons or entities, or persons or entities acting on
10 behalf of the PRC against the United States or United
11 States persons, that includes the following:

12 (1) An unclassified discussion of United States
13 interests in preventing such cyber attacks that in-
14 cludes a general discussion of the impact on the
15 United States and its economy from such attacks.

16 (2) An unclassified general discussion of the
17 contexts in which and the means by which the
18 United States will seek to deter such cyber attacks,
19 that seeks to demonstrate the credibility of United
20 States resolve to defend its interests in cyberspace.

21 (3) A classified theory of deterrence with re-
22 spect to the PRC that explains—

23 (A) the means or combination of means,
24 including available non-cyber responses, antici-

1 pated to achieve deterrence and the justification
2 for such assessment; and

3 (B) an escalation ladder that describes the
4 circumstances and the timeframe under which
5 the President plans to invoke the use of such
6 means to be effective to deter such attacks or
7 to invoke lesser means to provide a credible re-
8 sponse.

9 (4) A classified description of the roles of the
10 Secretary of State, the Secretary of Defense, the At-
11 torney General, the Secretary of Commerce, the Sec-
12 retary of the Treasury, the Secretary of Homeland
13 Security, the Secretary of Health and Human Serv-
14 ices, and, as appropriate, the head of each element
15 of the intelligence community (as such term is de-
16 fined by section 3 of the National Security Act of
17 1947 (50 U.S.C. 3003)) in carrying out such strat-
18 egy.

19 (d) IMPLEMENTATION PLAN.—Not later than 30
20 days after the date of the submission of the strategy re-
21 quired by subsection (c), each Federal official listed in
22 subsection (c)(4) shall submit to the appropriate congres-
23 sional committees a classified implementation plan to de-
24 scribe the manner in which the respective department or
25 agency will carry out this strategy.

1 (e) UPDATE.—Not later than 1 year after the date
2 of the submission of the strategy required by subsection
3 (c), and annually thereafter, the President shall submit
4 to the appropriate congressional committees an unclassi-
5 fied assessment of the effectiveness of the strategy, an un-
6 classified summary of the lessons learned from the past
7 year on the effectiveness of deterrence (which may contain
8 a classified annex), and an unclassified summary of
9 planned changes to the strategy with a classified annex
10 on changes to its theory of deterrence.

11 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Foreign Affairs, the
15 Committee on Armed Services, the Permanent Select
16 Committee on Intelligence, the Committee on the
17 Judiciary, the Committee on Energy and Commerce,
18 the Committee on Homeland Security, and the Com-
19 mittee on Financial Services of the House of Rep-
20 resentatives; and

21 (2) the Committee on Foreign Relations, the
22 Committee on Armed Services, the Committee on
23 Banking, Housing, and Urban Affairs, the Com-
24 mittee on Commerce, Science, and Transportation,
25 the Committee on Homeland Security and Govern-

1 ment Affairs, and the Committee on the Judiciary of
2 the Senate.

3 **SEC. 1257. REPORT ON CHINA'S ONE BELT, ONE ROAD INI-**
4 **TIATIVE IN AFRICA.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Secretary of De-
7 fense, in coordination with the Secretary of State and the
8 Director of National Intelligence, shall submit to the ap-
9 propriate congressional committees a report on the mili-
10 tary and defense implications of China's One Belt, One
11 Road Initiative in Africa and a strategy to address im-
12 pacts on United States military and defense interests in
13 Africa.

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired by subsection (a) shall include the following:

16 (1) An assessment of Chinese dual-use invest-
17 ments in Africa, including a description of which in-
18 vestments that are of greatest concern to United
19 States military or defense interests.

20 (2) A description of such investments that are
21 associated with People's Liberation Army coopera-
22 tion with African countries.

23 (3) An assessment of the potential military, in-
24 telligence, and logistical threats facing United
25 States' key regional military infrastructure, supply

1 chains, and staging grounds due to such invest-
2 ments.

3 (4) An identification of Department of Defense
4 measures taken to mitigate the risk posed to United
5 States forces and defense interests by such invest-
6 ments.

7 (5) A strategy to address ongoing military and
8 defense implications posed by the expansion of such
9 investments.

10 (c) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Armed Services, the
15 Committee on Foreign Affairs, and the Perma-
16 nent Select Committee on Intelligence of the
17 House of Representatives; and

18 (B) the Committee on Armed Services, the
19 Committee on Foreign Relations, and Select
20 Committee on Intelligence of the Senate.

21 (2) CHINESE DUAL-USE INVESTMENTS IN AFRI-
22 CA.—The term “Chinese dual-use investments in Af-
23 rica” means investments made by the Government of
24 the People’s Republic of China, the Chinese Com-
25 munist Party, or companies owned or controlled by

1 such Government or Party in the infrastructure of
2 African countries or related projects for both com-
3 mercial and military or proliferation purposes.

4 (d) FORM.—The report required by subsection (a)
5 shall—

6 (1) be submitted in unclassified form but may
7 contain a classified annex; and

8 (2) be made available to the public on the
9 website of the Department of Defense.

10 **SEC. 1258. SENSE OF CONGRESS ON ENHANCEMENT OF THE**
11 **UNITED STATES-TAIWAN DEFENSE RELA-**
12 **TIONSHIP.**

13 It is the sense of Congress that—

14 (1) Taiwan is a vital partner of the United
15 States and is critical to a free and open Indo-Pacific
16 region;

17 (2) the Taiwan Relations Act (22 U.S.C. 3301
18 et seq.) and the “Six Assurances” are both corner-
19 stones of United States relations with Taiwan;

20 (3) the United States should continue to
21 strengthen defense and security cooperation with
22 Taiwan to support the development of capable,
23 ready, and modern defense forces necessary for Tai-
24 wan to maintain a sufficient self-defense capability;

1 (4) consistent with the Taiwan Relations Act,
2 the United States should strongly support the acqui-
3 sition by Taiwan of defense articles and services
4 through foreign military sales, direct commercial
5 sales, and industrial cooperation, with an emphasis
6 on anti-ship, coastal defense, anti-armor, air defense,
7 defensive naval mining, and resilient command and
8 control capabilities that support the asymmetric de-
9 fense strategy of Taiwan;

10 (5) the President and Congress should deter-
11 mine the nature and quantity of such defense arti-
12 cles and services based solely upon their judgment of
13 the needs of Taiwan, as required by the Taiwan Re-
14 lations Act and in accordance with procedures estab-
15 lished by law;

16 (6) the United States should continue efforts to
17 improve the predictability of United States arms
18 sales to Taiwan by ensuring timely review of and re-
19 sponse to requests of Taiwan for defense articles
20 and services;

21 (7) the Secretary of Defense should promote
22 policies concerning exchanges that enhance the secu-
23 rity of Taiwan, including—

24 (A) opportunities with Taiwan for practical
25 training and military exercises that—

1 (i) enable Taiwan to maintain a suffi-
2 cient self-defense capability, as described
3 in section 3(a) of the Taiwan Relations Act
4 (22 U.S.C. 3302(a)); and

5 (ii) emphasize capabilities consistent
6 with the asymmetric defense strategy of
7 Taiwan;

8 (B) exchanges between senior defense offi-
9 cials and general officers of the United States
10 and Taiwan, consistent with the Taiwan Travel
11 Act (Public Law 115–135), especially for the
12 purpose of enhancing cooperation on defense
13 planning and improving the interoperability of
14 United States and Taiwan forces; and

15 (C) opportunities for exchanges between
16 junior officers and senior enlisted personnel of
17 the United States and Taiwan;

18 (8) the Secretary of Defense should consider ex-
19 panded air and naval engagements and training with
20 Taiwan to enhance regional security;

21 (9) the United States and Taiwan should ex-
22 pand cooperation in humanitarian assistance and
23 disaster relief including conducting port calls in Tai-
24 wan with the United States Naval Ship Comfort and
25 United States Naval Ship Mercy;

1 (10) the Secretary of Defense should consider
2 options, including exercising ship visits and port
3 calls, as appropriate, to expand the scale and scope
4 of humanitarian assistance and disaster response co-
5 operation with Taiwan and other regional partners
6 so as to improve disaster response planning and pre-
7 paredness;

8 (11) the Secretary of Defense should continue
9 regular transits of United States Navy vessels
10 through the Taiwan Strait and encourage allies and
11 partners to follow suit in conducting such transits to
12 demonstrate the commitment of the United States
13 and its allies and partners to fly, sail, and operate
14 anywhere international law allows;

15 (12) the violation of international law by the
16 Government of China with respect to the Joint Dec-
17 laration of the Government of the United Kingdom
18 of Great Britain and Northern Ireland and the Gov-
19 ernment of the People's Republic of China on the
20 Question of Hong Kong, done at Beijing December
21 19, 1984, is gravely concerning and erodes inter-
22 national confidence in China's willingness to honor
23 its international commitments, including not to
24 change the status quo with respect to Taiwan by
25 force;

1 (13) the increasingly coercive and aggressive
2 behavior of China towards Taiwan, including grow-
3 ing military maneuvers targeting Taiwan, is contrary
4 to the expectation of the peaceful resolution of the
5 future of Taiwan; and

6 (14) the United States and Taiwan should ex-
7 pand consultation and cooperation on combating the
8 Coronavirus Disease 2019 (“COVID–19”) and seek
9 to share the best practices and cooperate on a range
10 of activities under this partnership.

11 **SEC. 1259. REPORT ON SUPPLY CHAIN SECURITY COOPERA-**
12 **TION WITH TAIWAN.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, the Secretary of Defense, in coordination
15 with the head of each appropriate Federal department and
16 agency, shall submit to the congressional defense commit-
17 tees a report on the following:

18 (1) The feasibility of establishing a high-level,
19 interagency United States-Taiwan working group for
20 coordinating cooperation related to supply chain se-
21 curity.

22 (2) A discussion of the Department of De-
23 fense’s current and future plans to engage with Tai-
24 wan with respect to activities ensuring supply chain
25 security.

1 (3) A discussion of obstacles encountered in
2 forming, executing, or implementing agreements
3 with Taiwan for conducting activities to ensure sup-
4 ply chain security.

5 (4) Any other matters the Secretary of Defense
6 determines should be included.

7 **SEC. 1260. REPORT ON UNITED STATES-TAIWAN MEDICAL**
8 **SECURITY PARTNERSHIP.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of Defense, in coordination
11 with the Secretary of Health and Human Services, shall
12 submit to the congressional defense committees a report
13 on the following:

14 (1) The goals, objectives, and feasibility of de-
15 veloping a United States-Taiwan medical security
16 partnership on issues related to pandemic prepared-
17 ness and control.

18 (2) A discussion of current and future plans to
19 engage with Taiwan in medical security activities.

20 (3) An evaluation of cooperation on a range of
21 activities under the partnership to include—

22 (A) research and production of vaccines
23 and medicines;

24 (B) joint conferences with scientists and
25 experts;

1 (C) collaboration relating to and exchanges
2 of medical supplies and equipment; and

3 (D) the use of hospital ships such as the
4 United States Naval Ship Comfort and United
5 States Naval Ship Mercy.

6 (4) Any other matters the Secretary of Defense
7 determines appropriate.

8 **SEC. 1260A. REPORT ON UNITED FRONT WORK DEPART-**
9 **MENT.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Secretary of Defense shall submit
12 to the congressional defense committees a report on the
13 following:

14 (1) The extent to which the United Front Work
15 Department of the People's Republic of China poses
16 a threat to the national defense and national secu-
17 rity of the United States.

18 (2) An evaluation of which actions, if any, the
19 United States should take in response to the threat
20 and activities of the United Front Work Department
21 as described in paragraph (1).

22 (3) Any other matters the Secretary of Defense
23 determines should be included.

1 **SEC. 1260B. SENSE OF CONGRESS ON CROSS-BORDER VIO-**
2 **LENCE BETWEEN THE PEOPLE'S REPUBLIC**
3 **OF CHINA AND INDIA AND THE GROWING**
4 **TERRITORIAL CLAIMS OF CHINA.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Since a truce in 1962 ended skirmishes be-
8 tween the People's Republic of China and India, the
9 countries have been divided by a 2,100-mile-long
10 Line of Actual Control.

11 (2) In the decades since the truce, military
12 standoffs between the People's Republic of China
13 and India have flared; however, the standoffs have
14 rarely claimed the lives of soldiers.

15 (3) In the months leading up to June, 15,
16 2020, along the Line of Actual Control, the People's
17 Republic of China's military—

18 (A) reportedly amassed 5,000 soldiers; and

19 (B) is trying to redraw long-standing set-
20 tled boundaries through the use of force and
21 aggression.

22 (4) On June 6, 2020, the People's Republic of
23 China and India reached an agreement of de-esca-
24 late and disengage along the Line of Actual Control.

25 (5) On June 15, 2020, at least 20 Indian sol-
26 diers and an unconfirmed number of Chinese sol-

1 diers were killed in skirmishes following a weekslong
2 standoff in Eastern Ladakh, which is the de facto
3 border between India and the People’s Republic of
4 China.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) there is significant concern about the con-
8 tinued military aggression by the Government of the
9 People’s Republic of China along its border with
10 India and in other parts of the world, including with
11 Bhutan, in the South China Sea, and with the
12 Senkaku Islands, as well as the Government of the
13 People’s Republic of China’s aggressive posture to-
14 ward Hong Kong and Taiwan; and

15 (2) the Government of the People’s Republic of
16 China should work toward de-escalating the situa-
17 tion along the Line of Actual Control with India
18 through existing diplomatic mechanisms and not
19 through force.

20 **SEC. 1260C. SENSE OF CONGRESS ON UNITED STATES COM-**
21 **MITMENTS TO PACIFIC ALLIES.**

22 It is the sense of Congress that—

23 (1) the United States affirms the strategic im-
24 portance of the United States commitments to allies
25 such as the Republic of Korea and Japan;

1 (2) the United States remains committed to the
2 mutually-beneficial relationships with the Republic of
3 Korea and Japan and welcomes the strong leader-
4 ship of those countries in the Indo-Pacific region;
5 and

6 (3) as the United States seeks to strengthen
7 longstanding military relationships and encourage
8 the development of a strong defense network with al-
9 lies and partners, the United States reaffirms the
10 United States commitments to maintaining the pres-
11 ence of the United States Armed Forces in the Re-
12 public of Korea and Japan.

13 **SEC. 1260D. RESTRICTIONS ON EXPORT, REEXPORT, AND**
14 **IN-COUNTRY TRANSFERS OF CERTAIN ITEMS**
15 **THAT PROVIDE A CRITICAL CAPABILITY TO**
16 **THE GOVERNMENT OF THE PEOPLE'S REPUB-**
17 **LIC OF CHINA TO SUPPRESS INDIVIDUAL PRI-**
18 **VACY, FREEDOM, AND OTHER BASIC HUMAN**
19 **RIGHTS.**

20 (a) STATEMENT OF POLICY.—It is the policy of the
21 United States to protect the basic human rights of
22 Uighurs and other ethnic minorities in the People's Re-
23 public of China.

24 (b) LIST OF COVERED ITEMS.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of the enactment of this Act, and as
3 appropriate thereafter, the President—

4 (A) shall identify those items that provide
5 a critical capability to the Government of the
6 People’s Republic of China, or any person act-
7 ing on behalf of such Government, to suppress
8 individual privacy, freedom of movement, and
9 other basic human rights, specifically through—

10 (i) surveillance, interception, and re-
11 striction of communications;

12 (ii) monitoring of individual location
13 or movement or restricting individual
14 movement;

15 (iii) monitoring or restricting access
16 to and use of the internet;

17 (iv) monitoring or restricting use of
18 social media;

19 (v) identification of individuals
20 through facial recognition, voice recogni-
21 tion, or biometric indicators;

22 (vi) detention of individuals who are
23 exercising basic human rights; and

24 (vii) forced labor in manufacturing;
25 and

1 (B) shall, pursuant to the Export Control
2 Reform Act of 2018 (50 U.S.C. 4801 et seq.),
3 include items identified pursuant to subpara-
4 graph (A) on the Commerce Control List in a
5 category separate from other items, as appro-
6 priate, on the Commerce Control List.

7 (2) SUPPORT AND COOPERATION.—Upon re-
8 quest, the head of a Federal agency shall provide
9 full support and cooperation to the President in car-
10 rying out this subsection.

11 (3) CONSULTATION.—In carrying out this sub-
12 section, the President shall consult with the relevant
13 technical advisory committees of the Department of
14 Commerce to ensure that the composition of items
15 identified under paragraph (1)(A) and included on
16 the Commerce Control List under paragraph (1)(B)
17 does not unnecessarily restrict commerce between
18 the United States and the People’s Republic of
19 China, consistent with the purposes of this section.

20 (c) SPECIAL LICENSE OR OTHER AUTHORIZATION.—

21 (1) IN GENERAL.—Beginning not later than
22 180 days after the date of the enactment of this Act,
23 the President shall, pursuant to the Export Control
24 Reform Act of 2018 (50 U.S.C. 4801 et seq.), re-
25 quire a license or other authorization for the export,

1 reexport, or in-country transfer to or within the Peo-
2 ple's Republic of China of an item identified pursu-
3 ant to subsection (b)(1)(A) and included on the
4 Commerce Control List pursuant to subsection
5 (b)(1)(B).

6 (2) PRESUMPTION OF DENIAL.—An application
7 for a license or other authorization described in
8 paragraph (1) shall be subject to a presumption of
9 denial.

10 (3) PUBLIC NOTICE AND COMMENT.—The
11 President shall provide for notice and public com-
12 ment with respect actions necessary to carry out this
13 subsection.

14 (d) INTERNATIONAL COORDINATION AND MULTILAT-
15 ERAL CONTROLS.—It shall be the policy of the United
16 States to seek to harmonize United States export control
17 regulations with international export control regimes with
18 respect to the items identified pursuant to subsection
19 (b)(1)(A), including through the Wassenaar Arrangement
20 and other bilateral and multilateral mechanisms involving
21 countries that export such items.

22 (e) TERMINATION OF SUSPENSION OF CERTAIN
23 OTHER PROGRAMS AND ACTIVITIES.—Section 902(b)(1)
24 of the Foreign Relations Authorization Act, Fiscal Years

1 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151
2 note) is amended—

3 (1) in the matter preceding subparagraph (A),
4 by inserting “and China’s Xinjiang Uighur Autono-
5 mous Region” after “Tibet”;

6 (2) in subparagraph (D), by striking “and” at
7 the end;

8 (3) in subparagraph (E), by striking “or” after
9 the semicolon and inserting “and”; and

10 (4) by adding the following new subparagraph:

11 “(F) the ending of the mass internment of
12 ethnic Uighurs and other Turkic Muslims in
13 the Xinjiang Uighur Autonomous Region, in-
14 cluding the intrusive system of high-tech sur-
15 veillance and policing in the region; or”.

16 (f) DEFINITIONS.—In this section:

17 (1) COMMERCE CONTROL LIST.—The term
18 “Commerce Control List” means the list set forth in
19 Supplement No. 1 to part 774 of the Export Admin-
20 istration Regulations under subchapter C of chapter
21 VII of title 15, Code of Federal Regulations.

22 (2) EXPORT, IN-COUNTRY TRANSFER, ITEM,
23 AND REEXPORT.—The terms “export”, “in-country
24 transfer”, “item”, and “reexport” have the mean-

1 ings given such terms in section 1742 of the Export
2 Control Reform Act of 2018 (50 U.S.C. 4801).

3 **SEC. 1260E. PROHIBITION ON COMMERCIAL EXPORT OF**
4 **COVERED DEFENSE ARTICLES AND SERVICES**
5 **AND COVERED MUNITIONS ITEMS TO THE**
6 **HONG KONG POLICE.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), the President shall prohibit the issuance of licenses
9 to export covered defense articles and services and covered
10 munitions items to the Hong Kong Police.

11 (b) WAIVER.—The prohibition under subsection (a)
12 shall not apply to the issuance of a license with respect
13 to which the President submits to the appropriate congress-
14 sional committees a written certification that the exports
15 to be covered by such license are important to the national
16 interests and foreign policy goals of the United States, in-
17 cluding a description of the manner in which such exports
18 will promote such interests and goals.

19 (c) TERMINATION.—The prohibition under sub-
20 section (a) shall terminate on the date on which the Presi-
21 dent certifies to the appropriate congressional committees
22 that—

23 (1) the Hong Kong Police have not engaged in
24 gross violations of human rights during the 1-year
25 period ending on the date of such certification; and

1 (2) there has been an independent examination
2 of human rights concerns related to the crowd con-
3 trol tactics of the Hong Kong Police and the Gov-
4 ernment of the Hong Kong Special Administrative
5 Region has adequately addressed those concerns.

6 (d) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Foreign Affairs of
11 the House of Representatives;

12 (B) the Committee on Foreign Relations of
13 the Senate; and

14 (C) the Committee on Banking, Housing,
15 and Urban Affairs of the Senate.

16 (2) COVERED DEFENSE ARTICLES AND SERV-
17 ICES.—The term “covered defense articles and serv-
18 ices” means defense articles and defense services
19 designated by the President under section 38(a)(1)
20 of the Arms Export Control Act (22 U.S.C.
21 2778(a)(1)).

22 (3) COVERED MUNITIONS ITEMS.—The term
23 “covered munitions items” means—

24 (A) items controlled under section 742.7 of
25 part 742 of subtitle B of title 15, Code of Fed-

1 eral Regulations (relating to crime control and
2 detection instruments and equipment and re-
3 lated technology and software); and

4 (B) items listed under the “600 series” of
5 the Commerce Control List contained in Sup-
6 plement No. 1 to part 774 of subtitle B of title
7 15, Code of Federal Regulations.

8 (4) HONG KONG.—The term “Hong Kong” has
9 the meaning given such term in section 3 of the
10 United States-Hong Kong Policy Act of 1992 (22
11 U.S.C. 5702).

12 (5) HONG KONG POLICE.—The term “Hong
13 Kong Police” means—

14 (A) the Hong Kong Police Force; and

15 (B) the Hong Kong Auxiliary Police Force.

16 **SEC. 1260F. SOUTHEAST ASIA STRATEGY.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) Southeast Asia is the fulcrum of the Indo-
19 Pacific region, providing both a geographic and mar-
20 itime link between East and South Asia.

21 (2) The Association of Southeast Asian Nations
22 (ASEAN), a regional intergovernmental organiza-
23 tion, remains central to the Indo-Pacific region’s in-
24 stitutional architecture and to United States foreign
25 policy toward the region.

1 (3) The United States has reaffirmed that the
2 security and sovereignty of its Southeast Asian allies
3 and partners, including a strong, independent
4 ASEAN, remain vital to the security, prosperity, and
5 stability of the Indo-Pacific region.

6 (4) The United States has committed to con-
7 tinuing to deepen longstanding alliances and part-
8 nerships with a range of Southeast Asian nations,
9 including by promoting our shared values, democ-
10 racy, human rights, and civil society.

11 (5) Since the end of the Second World War,
12 United States investments in strengthening alliances
13 and partnerships with Southeast Asian nations have
14 yielded tremendous returns for United States inter-
15 ests, as working with and through these alliances
16 and partnerships have increased the region's capac-
17 ity and capability to address common challenges.

18 (6) ASEAN member states are critical United
19 States security partners in preventing violent extre-
20 mism and protecting the freedom and openness of
21 the maritime domain and in preventing the traf-
22 ficking of weapons of mass destruction.

23 (7) ASEAN member states have contributed
24 significantly to regional disaster monitoring and
25 management and emergency response through initia-

1 tives such as the ASEAN Coordinating Centre for
2 Humanitarian Assistance on Disaster Management,
3 an inter-governmental organization that facilitates
4 coordination and cooperation among ASEAN mem-
5 ber states and international organizations in times
6 of emergency.

7 (8) According to the 2018 ASEAN Business
8 Outlook Survey, ASEAN member states are vital to
9 the prosperity of the United States economy and ex-
10 ports to ASEAN economies support more than
11 500,000 jobs in the United States.

12 (9) The United States and ASEAN have re-
13 cently celebrated the 40th anniversary of their ties
14 and established a new strategic partnership that will
15 enhance cooperation across the economic, political-
16 security, and people-to-people pillars of the relation-
17 ship.

18 (b) STATEMENT OF POLICY.—It is the policy of the
19 United States to—

20 (1) deepen cooperation with ASEAN and
21 ASEAN member states in the interest of promoting
22 peace, security, and stability in the Indo-Pacific re-
23 gion;

1 (2) affirm the importance of ASEAN centrality
2 and ASEAN-led mechanisms in the evolving institu-
3 tional architecture of the Indo-Pacific region; and

4 (3) establish and communicate a comprehensive
5 strategy toward the Indo-Pacific region that articu-
6 lates—

7 (A) the role and importance of Southeast
8 Asia to the United States;

9 (B) the value of the United States-ASEAN
10 relationship;

11 (C) the mutual interests of all parties;

12 (D) the concrete and material benefits all
13 nations derive from strong United States en-
14 gagement and leadership in Southeast Asia; and

15 (E) efforts to forge and maintain ASEAN
16 consensus, especially on key issues of political
17 and security concern to the region, such as the
18 South China Sea.

19 (c) STRATEGY FOR ENGAGEMENT WITH SOUTHEAST
20 ASIA AND ASEAN.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary of State, in consultation with the heads of
24 other Federal departments and agencies as appro-
25 priate, shall develop and submit to the appropriate

1 congressional committees a comprehensive strategy
2 for engagement with Southeast Asia and ASEAN.

3 (2) MATTERS TO BE INCLUDED.—The strategy
4 required by paragraph (1) shall include the fol-
5 lowing:

6 (A) A statement of enduring United States
7 interests in Southeast Asia and a description of
8 efforts to bolster the effectiveness of ASEAN.

9 (B) A description of efforts to—

10 (i) deepen and expand Southeast
11 Asian alliances, partnerships, and multilat-
12 eral engagements, including efforts to ex-
13 pand broad based and inclusive economic
14 growth, security ties, security cooperation
15 and interoperability, economic connectivity,
16 and expand opportunities for ASEAN to
17 work with other like-minded partners in
18 the region; and

19 (ii) encourage like-minded partners
20 outside of the Indo-Pacific region to en-
21 gage with ASEAN.

22 (C) A summary of initiatives across the
23 whole of the United States Government to
24 strengthen the United States partnership with
25 Southeast Asian nations and ASEAN, including

1 to promote broad based and inclusive economic
2 growth, trade, investment, energy and efforts to
3 combat climate change, public-private partner-
4 ships, physical and digital infrastructure devel-
5 opment, education, disaster management, public
6 health and economic and political diplomacy in
7 Southeast Asia.

8 (D) A summary of initiatives across the
9 whole of the United States Government to en-
10 hance the capacity of Southeast Asian nations
11 with respect to enforcing international law and
12 multilateral sanctions, and initiatives to cooper-
13 ate with ASEAN as an institution in these
14 areas.

15 (E) A summary of initiatives across the
16 whole of the United States Government to pro-
17 mote human rights and democracy, to strength-
18 en the rule of law, civil society, and transparent
19 governance, and to protect the integrity of elec-
20 tions from outside influence.

21 (F) A summary of initiatives to promote
22 security cooperation and security assistance
23 within Southeast Asian nations, including—

24 (i) maritime security and maritime
25 domain awareness initiatives for protecting

1 the maritime commons and supporting
 2 international law and freedom of naviga-
 3 tion in the South China Sea; and

4 (ii) efforts to combat terrorism,
 5 human trafficking, piracy, and illegal fish-
 6 ing, and promote more open, reliable
 7 routes for sea lines of communication.

8 (3) APPROPRIATE CONGRESSIONAL COMMIT-
 9 TEES DEFINED.—In this subsection, the term “ap-
 10 propriate congressional committees” means—

11 (A) the Committee on Foreign Affairs and
 12 the Committee on Armed Services of the House
 13 of Representatives; and

14 (B) the Committee on Foreign Relations
 15 and the Committee on Armed Services of the
 16 Senate.

17 **SEC. 1260G. SENSE OF CONGRESS ON STRATEGIC SECURITY**
 18 **RELATIONSHIP BETWEEN THE UNITED**
 19 **STATES AND MONGOLIA.**

20 Congress—

21 (1) recognizes the security relationship between
 22 the United States and Mongolia and remains com-
 23 mitted to advancing the comprehensive partnership
 24 in the future;

1 (2) urges the United States Government and
2 the Government of Mongolia to deepen military co-
3 operation through joint defense exercises and
4 hosting military officers for training in the United
5 States;

6 (3) encourages the Government of Mongolia to
7 continue its contributions to multinational peace-
8 keeping operations, including the North Atlantic
9 Treaty Organization (NATO) and the United Na-
10 tions;

11 (4) commends the Mongolian Armed Forces
12 continued contributions to NATO's Resolute Sup-
13 port Mission in Afghanistan to help train Afghan
14 Security Forces and provide security at Kabul Inter-
15 national Airport, and continued enforcement of
16 United Nations Security Council sanctions in re-
17 sponse to North Korea's illicit nuclear and ballistic
18 missile programs; and

19 (5) applauds the continued engagement of Mon-
20 golia in the Organization for Security and Co-oper-
21 ation in Europe, the Community of Democracies,
22 congressional-parliamentary partnerships, and other
23 institutions that promote democratic values, which
24 reinforces the commitment of the people and the

1 Government of Mongolia to those values and stand-
2 ards.

3 **Subtitle G—Other Matters**

4 **SEC. 1261. PROVISION OF GOODS AND SERVICES TO KWAJA-**
5 **LEIN ATOLL.**

6 (a) AUTHORITY FOR PROVISION OF GOODS AND
7 SERVICES.—Chapter 767 of title 10, United States Code,
8 is amended by adding at the end the following new section:

9 **“§ 7596. Provision of goods and services to Kwajalein**
10 **Atoll**

11 “(a) AUTHORITY.—

12 “(1) IN GENERAL.—The Secretary of the Army
13 may, subject to the concurrence of the Secretary of
14 State as provided in paragraph (2), use any amounts
15 appropriated to the Department of the Army to pro-
16 vide goods and services, including inter-atoll trans-
17 portation, to the Government of the Republic of the
18 Marshall Islands and to other eligible patrons at
19 Kwajalein Atoll, under regulations and at rates to be
20 prescribed by the Secretary of the Army in accord-
21 ance with this section.

22 “(2) EFFECT ON COMPACT.—The Secretary of
23 State may not concur to the provision of goods and
24 services under paragraph (1) if the Secretary deter-
25 mines that such provision would be inconsistent with

1 the Compact of Free Association between the Gov-
2 ernment of the United States of America and the
3 Government of the Republic of the Marshall Islands
4 (as set forth in title II of the Compact of Free Asso-
5 ciation Act of 1985 (48 U.S.C. 1901 et seq.)) or
6 with any subsidiary agreement or implementing ar-
7 rangement with respect to such Compact.

8 “(b) REIMBURSEMENT.—

9 “(1) AUTHORITY TO COLLECT REIMBURSE-
10 MENT.—The Secretary of the Army may collect re-
11 imbursement from the Government of the Republic
12 of the Marshall Islands or eligible patrons for the
13 provision of goods and services under this section in
14 an amount that does not exceed the costs to the
15 United States of providing such goods or services.

16 “(2) MAXIMUM REIMBURSEMENT.—The total
17 amount collected in a fiscal year pursuant to the au-
18 thority under paragraph (1) may not exceed
19 \$7,000,000.”.

20 (b) CLERICAL AMENDMENTS.—The table of contents
21 for chapter 767 of title 10, United States Code, is amend-
22 ed by adding at the end the following new item:

“Sec. 7595. Provision of goods and services to Kwajalein Atoll.”.

1 **SEC. 1262. ANNUAL BRIEFINGS ON CERTAIN FOREIGN MILI-**
2 **TARY BASES OF ADVERSARIES.**

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

6 **“§ 130l. Annual briefings on certain foreign military**
7 **bases of adversaries**

8 “(a) REQUIREMENT.—Not later than February 15 of
9 each year, the Chairman of the Joint Chiefs of Staff and
10 the Secretary of Defense, acting through the Under Sec-
11 retary of Defense for Intelligence and Security, shall pro-
12 vide to the congressional defense committees, the Com-
13 mittee on Foreign Affairs of the House of Representatives,
14 and the Committee on Foreign Relations of the Senate
15 a briefing on—

16 “(1) covered foreign military bases and the re-
17 lated capabilities of that foreign military; and

18 “(2) the effects of such bases and capabilities
19 on—

20 “(A) the military installations of the
21 United States located outside the United
22 States; and

23 “(B) current and future deployments and
24 operations of the armed forces of the United
25 States.

1 “(b) ELEMENTS.—Each briefing under subsection
2 (a) shall include the following:

3 “(1) An assessment of covered foreign military
4 bases, including such bases established by China,
5 Russia, and Iran, and any updates to such assess-
6 ment provided in a previous briefing under such sub-
7 section.

8 “(2) Information regarding known plans for
9 any future covered foreign military base.

10 “(3) An assessment of the capabilities, includ-
11 ing those pertaining to anti-access and area denial,
12 provided by covered foreign military bases to that
13 foreign military, including an assessment of how
14 such capabilities could be used against the armed
15 forces of the United States in the country and the
16 geographic combatant command in which such base
17 is located.

18 “(4) A description of known ongoing activities
19 and capabilities at covered foreign military bases,
20 and how such activities and capabilities advance the
21 foreign policy and national security priorities of the
22 relevant foreign countries.

23 “(5) The extent to which covered foreign mili-
24 tary bases could be used to counter the defense pri-
25 orities of the United States.

1 “(c) FORM.—Each briefing under subsection (a) shall
2 be provided in classified form.

3 “(d) COVERED FOREIGN MILITARY BASE DE-
4 FINED.—In this section, the term ‘covered foreign military
5 base’ means, with respect to a foreign country that is an
6 adversary of the United States, a military base of that
7 country located in a different country.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by adding
10 at the end the following new item:

“130l. Annual briefings on certain foreign military bases of adversaries.”.

11 **SEC. 1263. REPORT ON PROGRESS OF THE DEPARTMENT**
12 **OF DEFENSE WITH RESPECT TO DENYING A**
13 **FAIT ACCOMPLI BY A STRATEGIC COMPET-**
14 **ITOR AGAINST A COVERED DEFENSE PART-**
15 **NER.**

16 (a) DEFINITIONS.—In this section:

17 (1) COVERED DEFENSE PARTNER.—The term
18 “covered defense partner” means a partner identi-
19 fied in the “Department of Defense Indo-Pacific
20 Strategy Report” issued on June 1, 2019, located
21 within 100 miles off the coast of a strategic competi-
22 tor.

23 (2) FAIT ACCOMPLI.—The term “fait accompli”
24 means the strategy of a strategic competitor de-
25 signed to allow such strategic competitor to use mili-

1 tary force to seize control of a covered defense part-
2 ner before the United States Armed Forces are able
3 to respond effectively.

4 (3) STRATEGIC COMPETITOR.—The term “stra-
5 tegic competitor” means a country labeled as a stra-
6 tegic competitor in the “Summary of the 2018 Na-
7 tional Defense Strategy of the United States of
8 America: Sharpening the American Military’s Com-
9 petitive Edge” issued by the Department of Defense
10 pursuant to section 113 of title 10, United States
11 Code.

12 (b) REPORT ON PROGRESS OF THE DEPARTMENT OF
13 DEFENSE WITH RESPECT TO DENYING A FAIT
14 ACCOMPLI BY A STRATEGIC COMPETITOR AGAINST A
15 COVERED DEFENSE PARTNER.—

16 (1) IN GENERAL.—Not later than April 30 each
17 year, beginning in 2021 and ending in 2026, the
18 Secretary of Defense shall submit to the congres-
19 sional defense committees a report on the progress
20 of the Department of Defense with respect to im-
21 proving the ability of the United States Armed
22 Forces to conduct combined joint operations to deny
23 the ability of a strategic competitor to execute a fait
24 accompli against a covered defense partner.

1 (2) MATTERS TO BE INCLUDED.—Each report
2 under paragraph (1) shall include the following:

3 (A) An explanation of the objectives for
4 the United States Armed Forces that would be
5 necessary to deny the fait accompli by a stra-
6 tegic competitor against a covered defense part-
7 ner.

8 (B) An identification of joint warfighting
9 capabilities and current efforts to organize,
10 train, and equip the United States Armed
11 Forces in support of the objectives referred to
12 in paragraph (1), including—

13 (i) an assessment of whether the pro-
14 grams included in the most recent future-
15 years defense program submitted to Con-
16 gress under section 221 of title 10, United
17 States Code, are sufficient to enable the
18 United States Armed Forces to conduct
19 joint combined operations to achieve such
20 objectives;

21 (ii) a description of additional invest-
22 ments or force posture adjustments re-
23 quired to maintain or improve the ability
24 of the United States Armed Forces to con-

1 duct joint combined operations to achieve
2 such objectives;

3 (iii) a description of the manner in
4 which the Secretary of Defense intends to
5 develop and integrate Army, Navy, Air
6 Force, Marine Corps, and Space Force
7 operational concepts to maintain or im-
8 prove the ability of the United States
9 Armed Forces to conduct joint combined
10 operations to achieve such objectives; and

11 (iv) an assessment of the manner in
12 which different options for pre-delegating
13 authorities may improve the ability of the
14 United States Armed Forces to conduct
15 joint combined operations to achieve such
16 objectives.

17 (C) An assessment of options for deterring
18 limited use of nuclear weapons by a strategic
19 competitor in the Indo-Pacific region without
20 undermining the ability of the United States
21 Armed Forces to maintain deterrence against
22 other strategic competitors and adversaries.

23 (D) An assessment of a strategic compet-
24 itor theory of victory for invading and unifying

1 a covered defense partner with such a strategic
2 competitor by military force.

3 (E) A description of the military objectives
4 a strategic competitor would need to achieve in
5 a covered defense partner campaign.

6 (F) A description of the military missions
7 a strategic competitor would need to execute a
8 covered defense partner invasion campaign, in-
9 cluding—

10 (i) blockade and bombing operations;

11 (ii) amphibious landing operations;

12 and

13 (iii) combat operations.

14 (G) An assessment of competing demands
15 on a strategic competitor's resources and how
16 such demands impact such a strategic competi-
17 tor's ability to achieve its objectives in a cov-
18 ered defense partner campaign.

19 (H) An assessment of a covered defense
20 partner's self-defense capability and a summary
21 of defense articles and services that are re-
22 quired to enhance such capability.

23 (I) An assessment of the capabilities of
24 partner and allied countries to conduct com-

1 bined operations with the United States Armed
2 Forces in a regional contingency.

3 (3) FORM.—Each report under paragraph (1)
4 shall be submitted in classified form but may include
5 an unclassified executive summary.

6 **SEC. 1264. MODIFICATION TO REQUIREMENTS OF THE INI-**
7 **TIATIVE TO SUPPORT PROTECTION OF NA-**
8 **TIONAL SECURITY ACADEMIC RESEARCHERS**
9 **FROM UNDUE INFLUENCE AND OTHER SECU-**
10 **RITY THREATS.**

11 (a) ENHANCED INFORMATION SHARING.—Subsection
12 (d)(1) section 1286 of the John S. McCain National De-
13 fense Authorization Act for Fiscal Year 2019 (10 U.S.C.
14 2358 note) is amended by striking “(other than basic re-
15 search)”.

16 (b) PUBLICATION OF UPDATED LIST.—Subsection
17 (e) of such section is amended by adding at the end the
18 following new paragraph:

19 “(4) PUBLICATION OF UPDATED LIST.—

20 “(A) IN GENERAL.—Not later than Janu-
21 ary 1, 2021, and annually thereafter, the Sec-
22 retary shall submit to the congressional defense
23 committees the most recently updated list de-
24 scribed in subsection (c)(8) in unclassified form
25 (but with a classified annex as applicable) and

1 make the unclassified portion of each such list
2 publicly available on an internet website in a
3 searchable format.

4 “(B) INTERVENING PUBLICATION.—The
5 Secretary may submit and publish an updated
6 list described in subparagraph (A) more fre-
7 quently than required by such subparagraph if
8 the Secretary determines necessary.”.

9 **SEC. 1265. REPORT ON DIRECTED USE OF FISHING FLEETS.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Commander of the Office of Naval
12 Intelligence shall submit to the congressional defense com-
13 mittees, the Committee on Foreign Affairs of the House
14 of Representatives, and the Committee on Foreign Rela-
15 tions of the Senate an unclassified report on the use of
16 distant-water fishing fleets by foreign governments as ex-
17 tensions of such countries’ official maritime security
18 forces, including the manner and extent to which such
19 fishing fleets are leveraged in support of naval operations
20 and foreign policy more generally. The report shall also
21 consider the threats, on a country-by-country basis, posed
22 by such use of distant-water fishing fleets to—

23 (1) fishing or other vessels of the United States
24 and partner countries;

1 (2) United States and partner naval and coast
2 guard operations; and

3 (3) other interests of the United States and
4 partner countries.

5 **SEC. 1266. EXPANDING THE STATE PARTNERSHIP PRO-**
6 **GRAM IN AFRICA.**

7 The Secretary of Defense, in coordination with the
8 Chief of the National Guard Bureau, shall seek to build
9 partner capacity and interoperability in the United States
10 Africa Command area of responsibility through increased
11 partnerships with countries on the African continent, mili-
12 tary-to-military engagements, and traditional activities of
13 the combatant commands.

14 **SEC. 1267. REPORT RELATING TO REDUCTION IN THE**
15 **TOTAL NUMBER OF UNITED STATES ARMED**
16 **FORCES DEPLOYED TO UNITED STATES AFRI-**
17 **CA COMMAND AREA OF RESPONSIBILITY.**

18 (a) REDUCTION DESCRIBED.—

19 (1) IN GENERAL.—If the Department of De-
20 fense reduces the number of United States Armed
21 Forces deployed to the United States Africa Com-
22 mand area of responsibility (in this section referred
23 to as “AFRICOM AOR”) (other than United States
24 Armed Forces described in paragraph (2)) to a num-
25 ber that is below 80 percent of the number deployed

1 as of the day before the date of the enactment of
2 this Act, the Secretary of Defense, in consultation
3 with the Secretary of State and the Director of Na-
4 tional Intelligence, shall, not later than 90 days after
5 date of such a reduction, submit to the appropriate
6 congressional committees a report described in sub-
7 section (b).

8 (2) UNITED STATES ARMED FORCES DE-
9 SCRIBED.—United States Armed Forces described in
10 this paragraph are United States Armed Forces that
11 are deployed to AFRICOM AOR but are not under
12 the direct authority of the Commander of United
13 States Africa Command, including—

14 (A) forces deployed in conjunction with
15 other Commands;

16 (B) forces participating in joint exercises;

17 (C) forces identified for pre-planned activi-
18 ties;

19 (D) forces used to assist in emergency sit-
20 uations; and

21 (E) forces designated or assigned for diplo-
22 matic or embassy security.

23 (b) REPORT.—

1 (1) IN GENERAL.—A report described in this
2 subsection is a report that includes each of the fol-
3 lowing:

4 (A) A strategic plan to—

5 (i) degrade each of the violent extrem-
6 ist organizations described in paragraph
7 (2) within the AFRICOM AOR, to include
8 an assessment of the extent to which such
9 violent extremist organizations pose a di-
10 rect threat to the United States; and

11 (ii) counter the military influence of
12 China and Russia within the AFRICOM
13 AOR.

14 (B) The average number of United States
15 Armed Forces that are under the direct author-
16 ity of the Commander of United States Africa
17 Command and deployed to AFRICOM AOR
18 and the amount of associated expenditures, to
19 be listed by month for each of the fiscal years
20 2019 and 2020 and disaggregated by mission
21 and country, to include those forces deployed to
22 secure United States embassies.

23 (C) The average number of United States
24 Armed Forces that are planned to be under the
25 direct authority of the Commander of United

1 States Africa Command and deployed to
2 AFRICOM AOR and the amount of projected
3 associated expenditures, to be listed by month
4 for fiscal years 2021 and 2022 and
5 disaggregated by mission and country, to in-
6 clude those forces deployed to secure United
7 States embassies.

8 (D) The effect that a reduction described
9 in subsection (a) would have on military and in-
10 telligence efforts to combat each of the violent
11 extremist organizations described in paragraph
12 (2), including a statement of the current objec-
13 tives of the Secretary of Defense with respect to
14 such efforts.

15 (E) A description of any consultation or
16 coordination with the Department of State or
17 the United States Agency for International De-
18 velopment with respect to such a reduction and
19 the effect that such a reduction would have on
20 diplomatic, developmental, or humanitarian ef-
21 forts in Africa, including statements of the cur-
22 rent objectives of the Secretary of State and the
23 Administrator of the United States Agency for
24 International Development with respect to such
25 efforts.

1 (F) The strength, regenerative capacity,
2 and intent of such violent extremist organiza-
3 tions in the AFRICOM AOR, including—

4 (i) an assessment of the number of
5 fighters in the Sahel, the Horn of Africa,
6 and West Africa who are members of such
7 violent extremist organizations;

8 (ii) the threat such violent extremist
9 organizations pose to host nations and
10 United States allies and partners, and the
11 extent to which such violent extremist or-
12 ganizations pose a direct threat to the
13 United States; and

14 (iii) the likely reaction of such violent
15 extremist organizations to the withdrawal
16 of United States Armed Forces.

17 (G) The strategic risks involved with coun-
18 tering such violent extremist organizations fol-
19 lowing such a reduction.

20 (H) The operational risks involved with
21 conducting United States led or enabled oper-
22 ations in Africa against such violent extremist
23 organizations following such a reduction.

24 (I) For any region of the AFRICOM AOR
25 in which United States Armed Forces currently

1 are present or conduct activities, the effect such
2 a reduction would have on power and influence
3 of China and Russia in such region.

4 (J) Any consultation or coordination with
5 United States allies and partners concerning
6 such a reduction.

7 (K) An assessment of the response from
8 the governments and military forces of France,
9 the United Kingdom, and Canada to such a re-
10 duction.

11 (L) An assessment of how the frequency of
12 air strikes could change as a result of such re-
13 duction.

14 (M) An assessment of the commitment of
15 partner security forces in the AFRICOM AOR
16 to address gross violations of internationally
17 recognized human rights and uphold inter-
18 national humanitarian law, and the impact such
19 reduction could have on such commitment.

20 (2) VIOLENT EXTREMIST ORGANIZATIONS DE-
21 SCRIBED.—The violent extremist organizations de-
22 scribed in this paragraph are adversarial groups and
23 forces in the AFRICOM AOR, as determined by the
24 Secretary of Defense.

1 (c) ADDITIONAL REPORTING REQUIREMENT.—Not
2 later than 60 days after the date of the enactment of this
3 Act, the Secretary of Defense shall submit to the appro-
4 priate congressional committees a report that includes the
5 information required by subsection (b)(1)(B).

6 (d) FORM.—The reports required by subsections (b)
7 and (c) shall be submitted in unclassified form, but may
8 contain a classified annex.

9 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the congressional defense committees (which
13 has the meaning given the term in section
14 101(a)(16) of title 10, United States Code);

15 (2) the Committee on Foreign Affairs and the
16 Permanent Select Committee on Intelligence of the
17 House of Representatives; and

18 (3) the Committee on Foreign Relations and
19 the Select Committee on Intelligence of the Senate.

20 **SEC. 1268. REPORT ON ENHANCING PARTNERSHIPS BE-**
21 **TWEEN THE UNITED STATES AND AFRICAN**
22 **COUNTRIES.**

23 (a) REPORT REQUIRED.—

24 (1) IN GENERAL.—Not later than June 1,
25 2021, the Secretary of Defense, in coordination with

1 the Secretary of State, shall submit to the appro-
2 priate congressional committees a report on the ac-
3 tivities and resources required to enhance security
4 and economic partnerships between the United
5 States and African countries.

6 (2) ELEMENTS.—The report required under
7 paragraph (1) shall include the following:

8 (A) An assessment of the infrastructure
9 accessible to the Department of Defense on the
10 continent of Africa.

11 (B) An identification of the ability of the
12 Department to conduct freedom of movement
13 on the continent, including identifying the ac-
14 tivities of partners, allies, and other Federal de-
15 partments and agencies that are facilitated by
16 the Department's ability to conduct freedom of
17 movement.

18 (C) Recommendations to meet the require-
19 ments identified in subparagraph (B), includ-
20 ing—

- 21 (i) dual-use infrastructure projects;
- 22 (ii) military construction;
- 23 (iii) the acquisition of additional mo-
24 bility capability by African countries or the
25 United States Armed Forces, including

1 strategic air lift, tactical air lift, or sealift
2 capability; or

3 (iv) any other option as determined by
4 the Secretary.

5 (D) Recommendations to expand and
6 strengthen partner and ally capability, including
7 traditional activities of the combatant com-
8 mands, train and equip opportunities, partner-
9 ships with the National Guard and the United
10 States Coast Guard, and multilateral contribu-
11 tions.

12 (E) Recommendations for enhancing joint
13 exercises and training.

14 (F) An analysis of the security, economic,
15 and stability benefits of the recommendations
16 identified under subparagraphs (C) through
17 (E).

18 (G)(i) A plan to fully resource United
19 States force posture, capabilities, and stability
20 operations, including—

21 (I) a detailed assessment of the
22 resources required to address the ele-
23 ments described in subparagraphs (B)
24 through (E), including specific cost

1 estimates for recommended invest-
2 ments or projects; and

3 (II) a detailed timeline to achieve
4 the recommendations described in
5 subparagraphs (B) through (D).

6 (ii) The specific cost estimates re-
7 quired by clause (i)(I) shall, to the max-
8 imum extent practicable, include the fol-
9 lowing:

10 (I) With respect to procurement
11 accounts—

12 (aa) amounts displayed by
13 account, budget activity, line
14 number, line item, and line item
15 title; and

16 (bb) a description of the re-
17 quirements for each such
18 amount.

19 (II) With respect to research, de-
20 velopment, test, and evaluation ac-
21 counts—

22 (aa) amounts displayed by
23 account, budget activity, line
24 number, program element, and
25 program element title; and

1 (bb) a description of the re-
2 quirements for each such
3 amount.

4 (III) With respect to operation
5 and maintenance accounts—

6 (aa) amounts displayed by
7 account title, budget activity
8 title, line number, and subactivity
9 group title; and

10 (bb) a description of the
11 specific manner in which each
12 such amount would be used.

13 (IV) With respect to military per-
14 sonnel accounts—

15 (aa) amounts displayed by
16 account, budget activity, budget
17 subactivity, and budget sub-
18 activity title; and

19 (bb) a description of the re-
20 quirements for each such
21 amount.

22 (V) With respect to each project
23 under military construction accounts
24 (including unspecified minor military
25 construction and amounts for plan-

1 ning and design), the country, loca-
2 tion, project title, and project amount
3 for each fiscal year.

4 (VI) With respect to any expendi-
5 ture or proposed appropriation not de-
6 scribed in clause (i) through (iv), a
7 level of detail equivalent or greater
8 than the level of detail provided in the
9 future-years defense program sub-
10 mitted pursuant to section 221(a) of
11 title 10, United States Code.

12 (3) CONSIDERATIONS.—In preparing the report
13 required under paragraph (1), the Secretary shall
14 consider—

15 (A) the economic development and stability
16 of African countries;

17 (B) the strategic and economic value of the
18 relationships between the United States and Af-
19 rican countries;

20 (C) the military, intelligence, diplomatic,
21 developmental, and humanitarian efforts of
22 China and Russia on the African continent; and

23 (D) the ability of the United States, allies,
24 and partners to combat violent extremist orga-
25 nizations operating in Africa.

1 (4) FORM.—The report required under para-
2 graph (1) may be submitted in classified form, but
3 shall include an unclassified summary.

4 (b) INTERIM BRIEFING REQUIRED.—Not later than
5 April 15, 2021, the Secretary of Defense (acting through
6 the Under Secretary of Defense for Policy, the Under Sec-
7 retary of Defense (Comptroller), and the Director of Cost
8 Assessment and Program Evaluation) and the Chairman
9 of the Joint Chiefs of Staff shall provide to the congres-
10 sional defense committees a joint interim briefing, and any
11 written comments the Secretary of Defense and the Chair-
12 man of the Joint Chiefs of Staff consider necessary, with
13 respect to their assessments of the report anticipated to
14 be submitted under subsection (a).

15 (c) DEFINITIONS.—In this section:

16 (1) DUAL-USE INFRASTRUCTURE PROJECTS.—
17 The term “dual-use infrastructure projects” means
18 projects that may be used for either military or civil-
19 ian purposes.

20 (2) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the congressional defense committees;
24 and

1 (B) the Committee on Foreign Relations of
2 the Senate and the Committee on Foreign Af-
3 fairs of the House of Representatives.

4 **SEC. 1269. SENSE OF CONGRESS WITH RESPECT TO QATAR.**

5 It is the sense of Congress that—

6 (1) the United States and the country of Qatar
7 have built a strong, enduring, and forward-looking
8 strategic partnership based on long-standing and
9 mutually beneficial cooperation, including through
10 security, defense, and economic ties;

11 (2) robust security cooperation between the
12 United States and Qatar is crucial to promoting
13 peace and stability in the Middle East region;

14 (3) Qatar plays a unique role as host of the for-
15 ward headquarters for the United States Central
16 Command, and that partnership facilitates United
17 States coalition operations countering terrorism;

18 (4) Qatar is a major security cooperation part-
19 ner of the United States, as recognized in the 2018
20 Strategic Dialogue and the 2019 Memorandum of
21 Understanding to expand Al Udeid Air Base to im-
22 prove and expand accommodation for United States
23 military personnel;

24 (5) the United States values Qatar's provision
25 of access to its military facilities and its manage-

1 ment and financial assistance in expanding the Al
2 Udeid Air Base, which supports the continued secu-
3 rity presence of the United States in the Middle
4 East region; and

5 (6) the United States should—

6 (A) continue to strengthen the relationship
7 between the United States and Qatar, including
8 through security and economic cooperation; and

9 (B) seek a resolution to the dispute be-
10 tween partner countries of the Arabian Gulf,
11 which would promote peace and stability in the
12 Middle East region.

13 **SEC. 1270. SENSE OF CONGRESS ON UNITED STATES MILI-**
14 **TARY SUPPORT FOR AND PARTICIPATION IN**
15 **THE MULTINATIONAL FORCE AND OBSERV-**
16 **ERS.**

17 It is the sense of Congress that—

18 (1) the mission of the Multinational Force and
19 Observers (MFO) is to supervise implementation of
20 the security provisions of the Egypt-Israel Peace
21 Treaty, signed at Washington on March 26, 1979,
22 and employ best efforts to prevent any violation of
23 its terms;

24 (2) the MFO was established by the Protocol to
25 the Egypt-Israel Peace Treaty, signed on August 3,

1 1981, and remains a critical institution for regional
2 peace and stability; and

3 (3) as a signatory to the Egypt-Israel Peace
4 Treaty and subsequent Protocol, the United States
5 strongly supports and encourages continued United
6 States military support for and participation in the
7 MFO.

8 **SEC. 1271. REPORT ON US MILITARY SUPPORT OF THE**
9 **SAUDI-LED COALITION IN YEMEN.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of the enactment of this Act, the Comptroller General
12 of the United States shall submit to the appropriate com-
13 mittees of Congress a report that includes—

14 (1) a description of the military support, train-
15 ing, and defense articles provided by the Department
16 of Defense to Saudi Arabia, the Government of the
17 United Arab Emirates, and other countries partici-
18 pating in the Saudi-led coalition since March 2015,
19 including—

20 (A) an annual description, by fiscal year or
21 calendar year, of all transfers of logistics sup-
22 port, supplies, defense articles, and services
23 under sections 2341 and 2342 of title 10,
24 United States Code, or any other applicable
25 law;

1 (B) a description of the total financial
2 value of such transfers and which countries
3 bore the cost described in subparagraph (A) of
4 these transfers, including the status of the re-
5 imbursement of costs from Saudi Arabia, the
6 Government of the United Arab Emirates and
7 the Saudi-led coalition to the Department of
8 Defense; and

9 (C) a description of the types of training
10 provided by the Department of Defense, includ-
11 ing the authorities under which this training
12 was provided, and whether such training has in-
13 cluded tactics for stopping, searching and seiz-
14 ing boats, or other activities that could be used
15 to restrict the importation of commercial and
16 humanitarian shipments into and out of Yemen;

17 (2) a description and evaluation of processes
18 used by the Department of Defense to determine
19 whether the types of military support described in
20 paragraph (1)(A) have impacted the restriction of
21 the movement of persons into or out of Yemen, the
22 restriction of the importation of commercial and hu-
23 manitarian shipments into and out of Yemen, or the
24 illicit profit from such importation by any of the
25 warring parties in the conflict in Yemen;

1 (3) a description and evaluation of processes
2 used by the Department of Defense to determine
3 whether the type of military support described in
4 paragraph (1)(C) has been use by any of the war-
5 ring parties in the conflict in Yemen to restrict the
6 importation of commercial and humanitarian ship-
7 ments into and out of Yemen; and

8 (4) a description and evaluation of processes
9 used by the Department of Defense to determine
10 what steps the Department has taken to reduce re-
11 strictions on the movement of persons into or out of
12 Yemen, and restrictions on the importation of com-
13 mercial and humanitarian shipments into and out of
14 Yemen, or the illicit profit of such importation by
15 any of the warring parties in the conflict in Yemen.

16 (b) FORM.—The report required by subsection (a)
17 shall be submitted in unclassified form, but may include
18 a classified annex.

19 (c) APPROPRIATE COMMITTEES OF CONGRESS.—In
20 this section, the term “appropriate committees of Con-
21 gress” means—

22 (1) the Committee on Armed Services, the
23 Committee on Foreign Affairs, the Permanent Select
24 Committee on Intelligence, and the Committee on

1 Financial Services of the House of Representatives;
2 and

3 (2) the Committee on Armed Services, the
4 Committee on Foreign Relations, the Select Com-
5 mittee on Intelligence, and the Committee on Bank-
6 ing, Housing, and Urban Affairs of the Senate.

7 **SEC. 1272. PROHIBITION ON SUPPORT FOR MILITARY PAR-**
8 **TICIPATION AGAINST THE HOUTHIS.**

9 (a) PROHIBITION RELATING TO SUPPORT.—None of
10 the funds authorized to be appropriated or otherwise made
11 available by this Act may be made available to provide
12 United States logistical support to the Saudi-led coal-
13 tion’s operations against the Houthis in Yemen for coal-
14 ition strikes, specifically by providing maintenance or
15 transferring spare parts to coalition members flying war-
16 planes engaged in anti-Houthi bombings for coalition
17 strikes.

18 (b) PROHIBITION RELATING TO MILITARY PARTICI-
19 PATION.—None of the funds authorized to be appropriated
20 or otherwise made available by this Act may be made
21 available for any civilian or military personnel of the De-
22 partment of Defense or contractors of the Department to
23 command, coordinate, participate in the movement of, or
24 accompany the regular or irregular military forces of the
25 Saudi and United Arab Emirates-led coalition forces en-

1 gaged in hostilities against the Houthis in Yemen or in
2 situations in which there exists an imminent threat that
3 such coalition forces become engaged in such hostilities,
4 unless and until the President has obtained specific statu-
5 tory authorization, in accordance with section 8(a) of the
6 War Powers Resolution (50 U.S.C. 1547(a)).

7 (c) RULE OF CONSTRUCTION.—The prohibitions
8 under this section may not be construed to apply with re-
9 spect to United States Armed Forces engaged in oper-
10 ations directed at al-Qaeda or associated forces.

11 **SEC. 1273. RULE OF CONSTRUCTION RELATING TO USE OF**
12 **MILITARY FORCE.**

13 Nothing in this Act or any amendment made by this
14 Act may be construed to authorize the use of military
15 force.

16 **SEC. 1274. COUNTERING WHITE IDENTITY TERRORISM**
17 **GLOBALLY.**

18 (a) STRATEGY AND COORDINATION.—Not later than
19 6 months after the date of the enactment of this Act, the
20 Secretary of State shall—

21 (1) develop and submit to the Committee on
22 Foreign Affairs of the House of Representatives and
23 the Committee on Foreign Relations of the Senate
24 a Department of State-wide strategy entitled the
25 “Department of State Strategy for Countering

1 White Identity Terrorism Globally” (in this section
2 referred to as the “strategy”); and

3 (2) designate the Coordinator for Counterter-
4 rorism of the Department to coordinate Department
5 efforts to counter white identity terrorism globally,
6 including with United States diplomatic and con-
7 sular posts, the Director of the National Counterter-
8 rorism Center, the Director of the Central Intel-
9 ligence Agency, the Attorney General, the Director
10 of National Intelligence, the Secretary of Homeland
11 Security, the Director of the Federal Bureau of In-
12 vestigation, the Secretary of the Treasury, and the
13 heads of any other relevant Federal departments or
14 agencies.

15 (b) ELEMENTS.—The strategy shall at a minimum
16 contain the following:

17 (1) An assessment of the global threat from
18 white identity terrorism abroad, including geo-
19 graphic or country prioritization based on the as-
20 sessed threat to the United States.

21 (2) A description of the coordination mecha-
22 nisms between relevant bureaus and offices within
23 the Department of State, as well as with United
24 States diplomatic and consular posts, for developing

1 and implementing efforts to counter white identity
2 terrorism.

3 (3) A description of how the Department plans
4 to build on any existing strategy developed by the
5 Bureau for Counterterrorism to—

6 (A) adapt or expand existing Department
7 programs, projects, activities, or policy instru-
8 ments based on existing authorities for the spe-
9 cific purpose of degrading and delegitimizing
10 the white identity terrorist movement globally;
11 and

12 (B) identify the need for any new Depart-
13 ment programs, projects, activities, or policy in-
14 struments for the specific purpose of degrading
15 and delegitimizing the white identity terrorist
16 movement globally, including a description of
17 the steps and resources necessary to establish
18 any such programs, projects, activities, or policy
19 instruments, noting whether such steps would
20 require new authorities.

21 (4) Detailed plans for using public diplomacy,
22 including the efforts of the Secretary of State and
23 other senior Executive Branch officials, including
24 the President, to degrade and delegitimize white

1 identity terrorist ideologues and ideology globally, in-
2 cluding by—

3 (A) countering white identity terrorist mes-
4 saging and supporting efforts to redirect poten-
5 tial supporters away from white identity ter-
6 rorist content online;

7 (B) exposing foreign government support
8 for white identity terrorist ideologies, objectives,
9 ideologues, networks, organizations, and inter-
10 net platforms;

11 (C) engaging with foreign governments and
12 internet service providers and other relevant
13 technology entities, to prevent or limit white
14 identity terrorists from exploiting internet plat-
15 forms in furtherance of or in preparation for
16 acts of terrorism or other targeted violence, as
17 well as the recruitment, radicalization, and in-
18 doctrination of new adherents to white identity
19 terrorism; and

20 (D) identifying the roles and responsibil-
21 ities for the Office of the Under Secretary for
22 Public Affairs and Public Diplomacy and the
23 Global Engagement Center in developing and
24 implementing such plans.

1 (5) An outline of steps the Department is tak-
2 ing or will take in coordination, as appropriate, with
3 the Director of the National Counterterrorism Cen-
4 ter, the Director of the Central Intelligence Agency,
5 the Attorney General, the Director of National Intel-
6 ligence, the Secretary of Homeland Security, the Di-
7 rector of the Federal Bureau of Investigation, the
8 Secretary of the Treasury, and the heads of any
9 other relevant Federal departments or agencies to
10 improve information and intelligence sharing with
11 other countries on white identity terrorism based on
12 existing authorities by—

13 (A) describing plans for adapting or ex-
14 panding existing mechanisms for sharing infor-
15 mation, intelligence, or counterterrorism best
16 practices, including facilitating the sharing of
17 information, intelligence, or counterterrorism
18 best practices gathered by Federal, State, and
19 local law enforcement; and

20 (B) proposing new mechanisms or forums
21 that might enable expanded sharing of informa-
22 tion, intelligence, or counterterrorism best prac-
23 tices.

24 (6) An outline of how the Department plans to
25 use designation as a Specially Designated Global

1 Terrorist (under Executive Order No. 13224 (50
2 U.S.C. 1701 note)) and foreign terrorist organiza-
3 tion (pursuant to section 219 of the Immigration
4 and Nationality Act (8 U.S.C. 1189)) to support the
5 strategy, including—

6 (A) an assessment and explanation of the
7 utility of applying or not applying such designa-
8 tions when individuals or entities satisfy the cri-
9 teria for such designations; and

10 (B) a description of possible remedies if
11 such criteria are insufficient to enable designa-
12 tion of any individuals or entities the Secretary
13 of State considers a potential terrorist threat to
14 the United States.

15 (7) A description of the Department's plans, in
16 consultation with the Department of the Treasury,
17 to work with foreign governments, financial institu-
18 tions, and other related entities to counter the fi-
19 nancing of white identity terrorists within the pa-
20 rameters of current law, or if no such plans exist,
21 a description of why.

22 (8) A description of how the Department plans
23 to implement the strategy in conjunction with ongo-
24 ing efforts to counter the Islamic State, al-Qaeda,
25 and other terrorist threats to the United States.

1 (9) A description of how the Department will
2 integrate into the strategy lessons learned in the on-
3 going efforts to counter the Islamic State, al-Qaeda,
4 and other terrorist threats to the United States.

5 (10) A identification of any additional resources
6 or staff needed to implement the strategy.

7 (c) INTERAGENCY COORDINATION.—The Secretary of
8 State shall develop the strategy in coordination with the
9 Director of the National Counterterrorism Center and in
10 consultation with the Director of the Central Intelligence
11 Agency, the Attorney General, the Director of National
12 Intelligence, the Secretary of Homeland Security, the Di-
13 rector of the Federal Bureau of Investigation, the Sec-
14 retary of the Treasury, and the heads of any other rel-
15 evant Federal departments or agencies.

16 (d) STAKEHOLDER INCLUSION.—The strategy shall
17 be developed in consultation with representatives of
18 United States and international civil society and academic
19 entities with experience researching or implementing pro-
20 grams to counter white identity terrorism.

21 (e) FORM.—The strategy shall be submitted in un-
22 classified form that can be made available to the public,
23 but may include a classified annex if the Secretary of
24 State determines such is appropriate.

1 (f) IMPLEMENTATION.—Not later than 3 months
2 after the submission of the strategy, the Secretary of State
3 shall begin implementing the strategy.

4 (g) CONSULTATION.—Not later than 90 days after
5 the date of the enactment of this Act and not less often
6 than annually thereafter, the Secretary of State shall con-
7 sult with the Committee on Foreign Affairs of the House
8 of Representatives and the Committee on Foreign Rela-
9 tions of the Senate regarding the development and imple-
10 mentation of the strategy.

11 (h) COUNTRY REPORTS ON TERRORISM.—The Sec-
12 retary of State shall incorporate all credible information
13 about white identity terrorism, including regarding rel-
14 evant attacks, the identification of perpetrators and vic-
15 tims of such attacks, the size and identification of organi-
16 zations and networks, and the identification of notable
17 ideologues, in the annual country reports on terrorism
18 submitted pursuant to section 140 of the Foreign Rela-
19 tions Authorization Act, Fiscal Years 1988 and 1989 (22
20 U.S.C. 2656f).

21 (i) REPORT ON SANCTIONS.—

22 (1) IN GENERAL.—Not later than 120 days and
23 again 240 days after the submission of each annual
24 country report on terrorism submitted pursuant to
25 section 140 of the Foreign Relations Authorization

1 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f),
2 as modified in accordance with subsection (h), the
3 President shall submit to the Committee on Foreign
4 Affairs of the House of Representatives and the
5 Committee on Foreign Relations of the Senate a re-
6 port that determines whether the foreign persons,
7 organizations, and networks identified in such an-
8 nual country reports on terrorism as so modified,
9 satisfy the criteria to be designated as—

10 (A) foreign terrorist organizations under
11 section 219 of the Immigration and Nationality
12 Act (8 U.S.C. 1189); or

13 (B) Specially Designated Global Terrorist
14 under Executive Order No. 13224 (50 U.S.C.
15 1701 note).

16 (2) FORM.—Each determination required under
17 subsection (a) shall be submitted in unclassified
18 form, but may include a classified annex, if appro-
19 priate.

20 (j) REQUIREMENT FOR INDEPENDENT STUDY TO
21 MAP THE GLOBAL WHITE IDENTITY TERRORISM MOVE-
22 MENT.—

23 (1) IN GENERAL.—Not later than 60 days after
24 the date of the enactment of this Act, the Secretary
25 of State shall enter into a contract with a federally

1 funded research and development center with appro-
2 priate expertise and analytical capability to carry out
3 the study described in paragraph (2).

4 (2) STUDY.—The study described in this sub-
5 section shall provide for a comprehensive social net-
6 work analysis of the global white identity terrorism
7 movement to—

8 (A) identify key actors, organizations, and
9 supporting infrastructure; and

10 (B) map the relationships and interactions
11 between such actors, organizations, and sup-
12 porting infrastructure.

13 (3) REPORT.—

14 (A) TO THE SECRETARY.—Not later than
15 1 year after the date on which the Secretary of
16 State enters into a contract pursuant to sub-
17 section (a), the federally funded research and
18 development center referred to in such sub-
19 section that has entered into such contract with
20 the Secretary shall submit to the Secretary a
21 report containing the results of the study re-
22 quired under this section.

23 (B) TO CONGRESS.—Not later than 30
24 days after receipt of the report under subpara-
25 graph (A), the Secretary of State shall submit

1 to the Committee of Foreign Affairs of the
2 House of Representatives and the Committee
3 on Foreign Relations of the Senate such report,
4 together with any additional views or rec-
5 ommendations of the Secretary.

6 **SEC. 1275. YEMEN.**

7 (a) STATEMENT OF POLICY.—It is the policy of the
8 United States—

9 (1) to protect United States citizens and stra-
10 tegic interests in the Middle East region;

11 (2) to support United Nations-led efforts to end
12 violence in Yemen and secure a comprehensive polit-
13 ical settlement to the conflict in Yemen that results
14 in protection of civilians and civilian infrastructure
15 and alleviates the humanitarian crisis including by
16 facilitating unfettered access for all Yemenis to food,
17 fuel, and medicine;

18 (3) to encourage all parties to the conflict in
19 Yemen to participate in good faith in the United Na-
20 tions-led process and to uphold interim agreements
21 as part of that process to end the conflict, leading
22 to reconstruction in Yemen;

23 (4) to support United States allies and partners
24 in defending their borders and territories in order to
25 maintain stability and security in the Middle East

1 region and encourage burden sharing among such
2 allies and partners;

3 (5) to assist United States allies and partners
4 in countering destabilization of the Middle East re-
5 gion;

6 (6) to oppose Iranian arms transfers in viola-
7 tion of UN Security Council resolutions, including
8 transfers to the Houthis;

9 (7) to encourage the Government of Saudi Ara-
10 bia and the Government of the United Arab Emir-
11 ates to assist significantly in the economic stabiliza-
12 tion and eventual reconstruction of Yemen; and

13 (8) to encourage all parties to the conflict to
14 comply with the law of armed conflict, including to
15 investigate credible allegations of war crimes and
16 provide redress to civilian victims.

17 (b) REPORT ON CONFLICT IN YEMEN.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act , the Sec-
20 retary of State, in consultation with the Secretary of
21 Defense and the Director of National Intelligence,
22 shall submit to the appropriate congressional com-
23 mittees a report on United States policy in Yemen.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required under subsection (b) shall include the fol-
3 lowing:

4 (A) A detailed description of diplomatic ac-
5 tions taken by the United States Government to
6 help ease human suffering in Yemen, includ-
7 ing—

8 (i) United States direct humanitarian
9 assistance and United States donations to
10 multilateral humanitarian assistance ef-
11 forts, including to address the COVID–19
12 pandemic;

13 (ii) efforts to ensure that humani-
14 tarian assistance is delivered in line with
15 internationally recognized humanitarian
16 principles, and the results of such efforts;

17 (iii) efforts to facilitate humanitarian
18 and commercial cargo shipments into
19 Yemen and minimize delays associated
20 with such shipments, including access to
21 ports for humanitarian and commercial
22 cargo, and the results of such efforts;

23 (iv) efforts to work with parties to the
24 conflict in Yemen to ensure protection of

1 civilians and civilian infrastructure, and
2 the results of such efforts;

3 (v) efforts to help the Government of
4 Yemen to create a mechanism to ensure
5 that salaries and pensions are paid to civil
6 servants as appropriate, and the results of
7 such efforts; and

8 (vi) efforts to work with ROYG and
9 countries that are members of the Saudi-
10 led coalition in Yemen to address the cur-
11 rency crisis in Yemen and the solvency of
12 the Central Bank of Yemen, and the re-
13 sults of such efforts.

14 (B) An assessment of plans, commitments,
15 and pledges for reconstruction of Yemen made
16 by countries that are members of the Saudi-led
17 coalition in Yemen, including an assessment of
18 proposed coordination with the Government of
19 Yemen and international organizations.

20 (C) A description of civilian harm occur-
21 ring in the context of the conflict in Yemen
22 since Nov 2017, including—

- 23 (i) mass casualty incidents; and
24 (ii) damage to, and destruction of, ci-
25 vilian infrastructure and services.

1 (D) An estimated total number of civilian
2 casualties in the context of the conflict in
3 Yemen since September 2014, disaggregated by
4 year.

5 (E) A detailed description of actions taken
6 by the United States Government to support
7 the efforts of the United Nations Special Envoy
8 for Yemen to reach a lasting political solution
9 in Yemen.

10 (F) A detailed assessment of whether and
11 to what extent members of the Saudi-led coali-
12 tion in Yemen have used United States-origin
13 defense articles and defense services in Yemen
14 in contravention of the laws of armed conflict
15 when engaging in any military operations
16 against the Houthis in Yemen.

17 (G) A description of external and cross
18 border attacks perpetrated by the Houthis.

19 (H) A detailed assessment of the Govern-
20 ment of Yemen's willingness and capacity to ef-
21 fectively—

22 (i) provide public services to the peo-
23 ple of Yemen;

24 (ii) service the external debts of
25 Yemen; and

1 (iii) facilitate or ensure access to hu-
2 manitarian assistance and key commodities
3 in Yemen.

4 (I) A description of support for the
5 Houthis by Iran and Iran-backed groups, in-
6 cluding provision of weapons and training.

7 (J) A description of recruitment and use of
8 child soldiers by parties to the conflict in
9 Yemen.

10 (3) FORM.—The report required under para-
11 graph (1) shall be submitted in unclassified form
12 (without the classification “For Official Use Only”)
13 but may contain a classified annex.

14 (4) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this subsection, the term “ap-
16 propriate congressional committees” means—

17 (A) the Committee on Foreign Affairs and
18 the Committee on Armed Services of the House
19 of Representatives;

20 (B) the Committee on Foreign Relations
21 and the Committee on Armed Services of the
22 Senate;

23 (C) the Permanent Select Committee on
24 Intelligence of the House of Representatives;
25 and

1 (D) the Select Committee on Intelligence
2 of the Senate.

3 (c) REPORT ON UNITED STATES MILITARY SUP-
4 PORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the
7 Comptroller General of the United States shall sub-
8 mit to the appropriate congressional committees a
9 report on United States military support to coun-
10 tries that are members of the Saudi-led coalition in
11 Yemen since March 2015 that evaluates—

12 (A) the manner and extent to which the
13 United States military has provided and con-
14 tinues to provide support to such countries in
15 Yemen;

16 (B) the extent to which the Department of
17 Defense has determined that its advice or as-
18 sistance has—

19 (i) minimized violations of the laws of
20 armed conflict in Yemen, including any
21 credible allegations of torture, arbitrary de-
22 tention, and other gross violations of inter-
23 nationally recognized human rights by
24 ROYG and countries that are members of
25 the Saudi-led coalition in Yemen; and

1 (ii) reduced civilian casualties and
2 damage to civilian infrastructure;

3 (C) the responsiveness and completeness of
4 any certifications submitted pursuant to section
5 1290 of the John S. McCain National Defense
6 Authorization Act for Fiscal Year 2019 (Public
7 Law 115–232; 132 Stat. 2081); and

8 (D) the responsiveness and completeness of
9 any reports submitted pursuant to section 1274
10 of the John S. McCain National Defense Au-
11 thorization Act for Fiscal Year 2019 (Public
12 Law 115–232; 132 Stat. 2067).

13 (2) FORM.—The report required under para-
14 graph (1) shall be submitted in unclassified form
15 (without the classification “For Official Use Only”),
16 but may contain a classified annex.

17 (3) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES DEFINED.—In this subsection, the term “ap-
19 propriate congressional committees” means—

20 (A) the Committee on Foreign Affairs and
21 the Committee on Armed Services of the House
22 of Representatives; and

23 (B) the Committee on Foreign Relations
24 and the Committee on Armed Services of the
25 Senate.

1 **SEC. 1276. ESTABLISHMENT OF THE OFFICE OF SUB-**
2 **NATIONAL DIPLOMACY.**

3 Section 1 of the State Department Basic Authorities
4 Act of 1956 (22 U.S.C. 2651a) is amended by adding at
5 the end the following new subsection:

6 “(h) OFFICE OF SUBNATIONAL DIPLOMACY.—

7 “(1) IN GENERAL.—There shall be established
8 within the Department of State an Office of Sub-
9 national Diplomacy (in this subsection referred to as
10 the ‘Office’).

11 “(2) HEAD OF OFFICE.—The head of the Office
12 shall be a full-time position filled by a senior De-
13 partment official. The head of the Office shall report
14 directly to the Under Secretary for Political Affairs.

15 “(3) DUTIES.—

16 “(A) PRINCIPAL DUTY.—The principal
17 duty of the head of the Office shall be the over-
18 all supervision (including policy oversight of re-
19 sources) of Federal support for subnational en-
20 gagements by State and municipal governments
21 with foreign governments. The head of the Of-
22 fice shall be the principal adviser to the Sec-
23 retary of State on subnational engagements and
24 the principal official on such matters within the
25 senior management of the Department of State.

1 “(B) ADDITIONAL DUTIES.—The addi-
2 tional duties of the head of the Office shall in-
3 clude the following:

4 “(i) Coordinating overall United
5 States policy and programs in support of
6 subnational engagements by State and mu-
7 nicipal governments with foreign govern-
8 ments, including with respect to the fol-
9 lowing:

10 “(I) Coordinating resources
11 across the Department of State and
12 throughout the Federal Government
13 in support of such engagements.

14 “(II) Identifying policy, program,
15 and funding disputes among relevant
16 Federal agencies regarding such co-
17 ordination.

18 “(III) Identifying gaps in Fed-
19 eral support for such engagements
20 and developing corresponding policy
21 or programmatic changes to address
22 such gaps.

23 “(ii) Promoting United States foreign
24 policy goals through support for sub-
25 national engagements and aligning sub-

1 national priorities with national foreign
2 policy goals, as appropriate.

3 “(iii) Maintaining a public database of
4 subnational engagements.

5 “(iv) Providing advisory support to
6 subnational engagements, including by as-
7 sisting State and municipal governments
8 to—

9 “(I) develop, implement, and, as
10 necessary, adjust global engagement
11 and public diplomacy strategies; and

12 “(II) implement programs to co-
13 operate with foreign governments on
14 policy priorities or managing shared
15 resources.

16 “(v) Facilitating linkages and net-
17 works between State and municipal govern-
18 ments and their foreign counterparts.

19 “(vi) Overseeing the work of Depart-
20 ment of State detailees assigned to State
21 and municipal governments pursuant to
22 this subsection.

23 “(vii) Negotiating agreements and
24 memoranda of understanding with foreign

1 governments to support subnational en-
2 gagements and priorities.

3 “(viii) Promoting United States trade
4 and foreign exports on behalf of United
5 States businesses through exchanges be-
6 tween the United States and foreign state,
7 municipal, and provincial governments, and
8 by establishing a more enduring relation-
9 ship overall between subnational govern-
10 ments.

11 “(ix) Coordinating subnational en-
12 gagements with the associations of sub-
13 national elected leaders, including the U.S.
14 Conference of Mayors, National Governors
15 Association, National League of Cities, Na-
16 tional Association of Counties, Council of
17 State Governments, National Conference of
18 State Legislators, and State International
19 Development Offices.

20 “(4) DETAILEES.—

21 “(A) IN GENERAL.—The Secretary of
22 State, acting through the head of the Office, is
23 authorized to detail a member of the civil serv-
24 ice or Foreign Service to State and municipal
25 governments on a reimbursable or nonreimburs-

1 able basis. Such details shall be for a period not
2 to exceed 2 years, and shall be without inter-
3 ruption or loss of Foreign Service status or
4 privilege.

5 “(B) RESPONSIBILITIES.—Detailees under
6 subparagraph (A) shall carry out the following:

7 “(i) Supporting the mission and objec-
8 tives of the Office.

9 “(ii) Coordinating activities relating to
10 State and municipal government sub-
11 national engagements with the Department
12 of State, including the Office, Department
13 leadership, and regional and functional bu-
14 reaus of the Department, as appropriate.

15 “(iii) Engaging the Department of
16 State and other Federal agencies regarding
17 security, public health, trade promotion,
18 and other programs executed at the State
19 or municipal government level.

20 “(iv) Advising State and municipal
21 government officials regarding questions of
22 global affairs, foreign policy, cooperative
23 agreements, and public diplomacy.

1 “(v) Any other duties requested by
2 State and municipal governments and ap-
3 proved by the Office.

4 “(5) REPORT AND BRIEFING.—

5 “(A) REPORT.—Not later than 1 year
6 after the date of the enactment of this sub-
7 section, the head of the Office shall submit to
8 the Committee on Foreign Affairs of the House
9 of Representatives and the Committee on For-
10 eign Relations of the Senate a report that in-
11 cludes information relating to the following:

12 “(i) The staffing plan (including per-
13 manent and temporary staff) for the Of-
14 fice.

15 “(ii) The funding level provided to the
16 Office for the Office, together with a jus-
17 tification relating to such level.

18 “(iii) The status of filling the position
19 of head of the Office.

20 “(iv) The rank and title granted to
21 the head of the Office, together with a jus-
22 tification relating to such decision and an
23 analysis of whether the rank and title of
24 Ambassador-at-Large is required to fulfill
25 the duties of the Office.

1 “(v) A strategic plan for the Office.

2 “(vi) Any other matters as determined
3 relevant by the head of the Office.

4 “(B) BRIEFINGS.—Not later than 30 days
5 after the submission of the report required
6 under subparagraph (A) and annually there-
7 after, the head of the Office shall brief the
8 Committee on Foreign Affairs of the House of
9 Representatives and the Committee on Foreign
10 Relations of the Senate on the work of the Of-
11 fice and any changes made to the organiza-
12 tional structure or funding of the Office.

13 “(6) RULE OF CONSTRUCTION.—Nothing in
14 this subsection may be construed as precluding—

15 “(A) the Office from being elevated to a
16 bureau within the Department of State; or

17 “(B) the head of the Office from being ele-
18 vated to an Assistant Secretary, if such an As-
19 sistant Secretary position does not increase the
20 number of Assistant Secretary positions at the
21 Department above the number authorized under
22 subsection (c)(1).

23 “(7) DEFINITIONS.—In this subsection:

24 “(A) MUNICIPAL.—The term ‘municipal’
25 means, with respect to the government of a mu-

1 municipality in the United States, a municipality
2 with a population of not fewer than 100,000
3 people.

4 “(B) STATE.—The term ‘State’ means the
5 50 States, the District of Columbia, and any
6 territory or possession of the United States.

7 “(C) SUBNATIONAL ENGAGEMENT.—The
8 term ‘subnational engagement’ means formal
9 meetings or events between elected officials of
10 State or municipal governments and their for-
11 eign counterparts.”.

12 **SEC. 1277. REPORT AND STRATEGY TO ADDRESS GROSS**
13 **VIOLATIONS OF HUMAN RIGHTS AND CIVIL-**
14 **IAN HARM IN BURKINA FASO, MALI, AND**
15 **NIGER.**

16 (a) REPORT REQUIRED.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, and an-
19 nually thereafter for 3 years, the Secretary of De-
20 fense and the Secretary of State shall jointly submit
21 to the appropriate congressional committees a report
22 on gross violations of human rights and civilian
23 harm in Burkina Faso, Mali, and Niger, as well as
24 civilian harm that may occur during United States-

1 supported advise, assist, and accompany operations
2 in the Sahel region.

3 (2) MATTERS TO BE INCLUDED.—The report
4 required by this subsection shall include the fol-
5 lowing:

6 (A) An identification of all state security
7 force units of Burkina Faso, Mali, and Niger
8 that participated in United States security co-
9 operation programs or benefitted from security
10 assistance since fiscal year 2017, whether any
11 of these units were subsequently credibly impli-
12 cated in gross violations of human rights, in-
13 cluding extrajudicial killings and torture, and
14 the approximate locations, to the extent pos-
15 sible, of where such violations have taken place.

16 (B) A description of gross violations of
17 human rights and civilian harm committed by
18 violent extremist organizations and other armed
19 groups operating in Burkina Faso, Mali, and
20 Niger, including deaths of state security forces
21 and destruction of civilian infrastructure, in-
22 cluding schools, medical facilities, and churches.

23 (C) An assessment of the relationship be-
24 tween state security forces and any non-state
25 armed groups active in Burkina Faso, Mali,

1 and Niger, including an analysis of the extent
2 to which any armed group that has been
3 credibly implicated in gross violations of human
4 rights or civilian casualties received material
5 support from the governments or militaries of
6 such countries.

7 (D) An assessment of efforts by the Gov-
8 ernments of Burkina Faso, Mali, and Niger to
9 prevent and decrease instances of gross viola-
10 tions of human rights or civilian casualties by
11 state security forces during counterterrorism
12 operations and ensure accountability for viola-
13 tions that have occurred since fiscal year 2017
14 through appropriate justice systems, including
15 efforts to investigate, prosecute, and sentence
16 such violations.

17 (E) An assessment of the impact that any
18 gross violations of human rights and other civil-
19 ian casualties perpetrated by state security
20 forces and non-state armed groups in Burkina
21 Faso, Mali, and Niger have had on the effec-
22 tiveness of regional and international counter-
23 terrorism operations.

24 (F) An assessment of the effectiveness of
25 any United States human rights training pro-

1 vided to the security forces of Burkina Faso,
2 Mali, and Niger to date.

3 (G) A description of any confirmed inci-
4 dents or reports of civilian harm that may have
5 occurred during United States military advise,
6 assist, or accompany operations.

7 (H) Any other matters that the Secretary
8 of Defense and the Secretary of State consider
9 to be relevant.

10 (b) STRATEGY REQUIRED.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary
13 of Defense and the Secretary of State shall jointly
14 submit to the appropriate congressional committees
15 a United States strategy to prevent civilian harm
16 and address gross violations of human rights by
17 state security forces of Burkina Faso, Mali, and
18 Niger, and ensure accountability for such violations.

19 (2) MATTERS TO BE INCLUDED.—The strategy
20 required by this subsection shall include the fol-
21 lowing:

22 (A) A description of planned public and
23 private diplomatic engagement to support ef-
24 forts by the Governments of Burkina Faso,
25 Mali, and Niger to investigate and prosecute

1 any credible allegations of gross violations of
2 human rights by state security forces and non-
3 state armed groups.

4 (B) An identification of United States for-
5 eign assistance and security cooperation funds
6 and other available United States policy tools to
7 support programs aimed at addressing gross
8 violations of human rights and civilian harm,
9 and an assessment of how they can be strength-
10 ened to greater effect.

11 (C) An identification of United States for-
12 eign assistance and security cooperation funds
13 available to support the state security forces of
14 Burkina Faso, Mali, and Niger to combat vio-
15 lent extremist organizations, improve civil-mili-
16 tary relations, and strengthen accountability
17 through their military justice systems, including
18 support for building the capacity of provost
19 marshals.

20 (D) An identification of state security
21 forces of Burkina Faso, Mali, and Niger that
22 would most benefit from United States foreign
23 assistance and security cooperation funds iden-
24 tified in subparagraph (C) and that are eligible
25 to receive such funds.

1 (E) A description of plans to coordinate
2 United States efforts with France, the Euro-
3 pean Union, the United Nations Stabilization
4 Mission in Mali (MINUSMA), the African
5 Union, and the G5 Sahel Joint Force to de-
6 crease gross violations of human rights and
7 minimize civilian harm during all counterter-
8 rorism operations in the Sahel.

9 (F) Any other matters that the Secretary
10 of Defense and the Secretary of State consider
11 to be relevant.

12 (c) FORM.—The report required by subsection (a)
13 and the strategy required by subsection (b) shall be sub-
14 mitted in unclassified form, but may include a classified
15 annex.

16 (d) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Armed Services and
21 the Committee on Foreign Affairs of the House
22 of Representatives; and

23 (B) the Committee on Armed Services and
24 the Committee on Foreign Relations of the Sen-
25 ate.

1 (2) CIVILIAN HARM.—In this section, the term
2 “civilian harm” means conflict-related death, phys-
3 ical injury, loss of property or livelihood, or interrup-
4 tion of access to essential services.

5 **SEC. 1278. ASSESSMENT OF EFFECTIVENESS OF UNITED**
6 **STATES POLICIES RELATING TO EXPORTS OF**
7 **UNITED STATES-ORIGIN UNMANNED AERIAL**
8 **SYSTEMS THAT ARE ASSESSED TO BE “CAT-**
9 **EGORY I” ITEMS UNDER THE MISSILE TECH-**
10 **NOLOGY CONTROL REGIME.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, and annually thereafter
13 through December 31, 2025, the Secretary of State, in
14 consultation with the Secretary of Defense, shall conduct
15 and submit to the appropriate congressional committees
16 an assessment of the effectiveness of United States poli-
17 cies to—

18 (1) export United States-origin Unmanned Aer-
19 ial Systems (UAS) that are assessed to be “Category
20 I” items under the Missile Technology Control Re-
21 gime (MTCR) (in this section referred to as “cov-
22 ered items”); and

23 (2) support United States allies and partners’
24 security, counter-terrorism capabilities, persistent in-
25 telligence, surveillance, and reconnaissance (ISR) ca-

1 pabilities, and persistent maritime domain awareness
2 and strengthen bilateral relationships through ex-
3 ports of covered items.

4 (b) MATTERS TO BE INCLUDED.—The assessment
5 required by subsection (a) shall include the following:

6 (1) A description of steps taken to enhance
7 United States competitiveness in the global UAS
8 market, including markets in which covered items
9 have been exported to foreign countries that pre-
10 viously received UAS that are assessed to be “Cat-
11 egory I” items under the MTCR from third coun-
12 tries.

13 (2) A description of how the Department of
14 State and other relevant Federal agencies evaluate
15 United States allies and partners’ access to covered
16 items.

17 (3) A description of progress to prevent state
18 and non-state actors from gaining covered items’ ca-
19 pabilities that would undermine the safety and secu-
20 rity of United States allies and partners.

21 (4) An identification of the total number of li-
22 censes requested, approved, returned without action,
23 or denied for the export of covered items and the
24 typical amount of time needed to process such re-

1 quests beginning on the date on which the license
2 was received by the Department of State.

3 (5) A summary of results of end use checks
4 conducted during the assessment period by the De-
5 partment of State and the Department of Defense
6 with respect to covered items transferred under the
7 Arms Export Control Act (22 U.S.C. 2751 et. seq.)
8 and any pending or concluded investigations into
9 end-use violations of covered items pursuant to sec-
10 tion 3 of the Arms Export Control Act (22 U.S.C.
11 2753).

12 (c) PERIODS COVERED BY ASSESSMENTS.—The first
13 assessment required by subsection (a) shall cover the 3-
14 year period ending on the date of the enactment of this
15 Act. Each subsequent assessment required by subsection
16 (a) shall cover the 1-year period beginning on the day after
17 the end of the period covered in the preceding assessment.

18 (d) FORM.—The assessment required by subsection
19 (a) shall be submitted in unclassified form but may include
20 a classified annex.

21 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congres-
23 sional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives; and

4 (2) the Committee on Armed Services and the
5 Committee on Foreign Relations of the Senate.

6 **SEC. 1279. SENSE OF CONGRESS ON THE UNITED STATES**
7 **ISRAEL RELATIONSHIP.**

8 It is the sense of Congress that—

9 (1) since 1948, Israel has been one of the
10 strongest friends and allies of the United States;

11 (2) Israel is a stable, democratic country in a
12 region often marred by turmoil;

13 (3) it is essential to the strategic interest of the
14 United States to continue to offer full security as-
15 sistance and related support to Israel; and

16 (4) such assistance and support is especially
17 vital as Israel confronts a number of potential chal-
18 lenges at the present time, including continuing
19 threats from Iran.

20 **SEC. 1280. FEASIBILITY STUDY ON INCREASED ROTA-**
21 **TIONAL DEPLOYMENTS TO GREECE AND EN-**
22 **HANCEMENT OF UNITED STATES-GREECE**
23 **DIPLOMATIC ENGAGEMENT.**

24 (a) FEASIBILITY STUDY.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall conduct a study on the feasibility of increased
3 rotational deployments of members of the Armed
4 Forces to Greece, including to Souda Bay,
5 Alexandroupoli, Larissa, Volos, and Stefanovikeio.

6 (2) ELEMENT.—The study required by para-
7 graph (1) shall include an evaluation of any infra-
8 structure investment necessary to support such in-
9 creased rotational deployments.

10 (3) REPORT TO CONGRESS.—Not later than
11 180 days after the date of the enactment of this Act,
12 the Secretary of Defense shall submit to the con-
13 gressional defense committees a report on the results
14 of the study required by paragraph (1).

15 (b) DIPLOMATIC ENGAGEMENT.—The Secretary of
16 State is encouraged to pursue persistent United States
17 diplomatic engagement with respect to the Greece-Cyprus-
18 Israel and Greece-Cyprus-Egypt trilateral agreements be-
19 yond the occasional participation of United States dip-
20 lomats in the regular summits of the countries party to
21 such agreements.

1 **SEC. 1281. REPORT ON INTERNALLY DISPLACED PEOPLES**
2 **IN UKRAINE, GEORGIA, MOLDOVA, AND AZER-**
3 **BAIJAN.**

4 (a) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of State, in
6 coordination with the Secretary of Defense, shall submit
7 to the appropriate congressional committees a report on
8 the status of internally displaced persons in Ukraine,
9 Georgia, the Republic of Moldova, and the Republic of
10 Azerbaijan.

11 (b) ELEMENTS.—The report required by subsection
12 (a) shall include an assessment of the following:

13 (1) The number of citizens of Ukraine, Georgia,
14 Moldova, and Azerbaijan who have been forcibly dis-
15 placed in illegally occupied regions in Ukraine, Geor-
16 gia, Moldova, and Azerbaijan by foreign forces since
17 1991.

18 (2) The number of citizens of Ukraine, Georgia,
19 Moldova, and Azerbaijan who have been killed in re-
20 gions illegally occupied by foreign forces since 1991.

21 (c) FORM.—The report required by subsection (a)
22 shall be submitted in unclassified form, but may include
23 a classified annex.

24 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
25 DEFINED.—In this section, the term “appropriate con-
26 gressional committees” means—

- 1 (1) the congressional defense committees;
- 2 (2) the Committee on Appropriations of the
- 3 Senate and the Committee on Appropriations of the
- 4 House of Representatives; and
- 5 (3) the Committee on Foreign Relations of the
- 6 Senate and the Committee on Foreign Affairs of the
- 7 House of Representatives.

8 **SEC. 1282. SENSE OF CONGRESS ON CROSS-BORDER VIO-**
9 **LENCE IN THE GALWAN VALLEY AND THE**
10 **GROWING TERRITORIAL CLAIMS OF THE**
11 **PEOPLE'S REPUBLIC OF CHINA.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) Since a truce in 1962 ended skirmishes be-
15 tween India and the People's Republic of China, the
16 countries have been divided by a 2,100-mile-long
17 Line of Actual Control.

18 (2) In the decades since the truce, military
19 standoffs between India and the People's Republic of
20 China have flared; however, the standoffs have rare-
21 ly claimed the lives of soldiers.

22 (3) In the months leading up to June, 15,
23 2020, along the Line of Actual Control, the People's
24 Republic of China—

25 (A) reportedly amassed 5,000 soldiers; and

1 (B) is believed to have crossed into pre-
2 viously disputed territory considered to be set-
3 tled as part of India under the 1962 truce.

4 (4) On June 6, 2020, the People’s Republic of
5 China and India reached an agreement to deescalate
6 and disengage along the Line of Actual Control.

7 (5) On June 15, 2020, at least 20 Indian sol-
8 diers and an unconfirmed number of Chinese sol-
9 diers were killed in skirmishes following a weeks-
10 long standoff in Eastern Ladakh, which is the de
11 facto border between India and the People’s Repub-
12 lic of China.

13 (6) Following the deadly violence, Prime Min-
14 ister Narendra Modi of India stated, “[w]henever
15 there have been differences of opinion, we have al-
16 ways tried to ensure that those differences never
17 turned into a dispute”.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) India and the People’s Republic of China
21 should work toward deescalating the situation along
22 the Line of Actual Control; and

23 (2) the expansion and aggression of the Peo-
24 ple’s Republic of China in and around disputed terri-
25 tories, such as the Line of Actual Control, the South

1 China Sea, the Senkaku Islands, is of significant
2 concern.

3 **SEC. 1283. ENHANCING ENGAGEMENT WITH THE CARIB-**
4 **BEAN.**

5 It is the sense of Congress that—

6 (1) the prosperity and security of the Caribbean
7 region is a matter of significant importance for the
8 United States, and promotion of such should be a
9 component of United States policy;

10 (2) the United States and the Caribbean region,
11 due to both geographic proximity and close societal
12 ties, are bound together by a variety of shared inter-
13 ests, including with respect to—

14 (A) enhancing mutual resiliency and pre-
15 paredness for natural disasters;

16 (B) coordinating humanitarian responses
17 to such disasters;

18 (C) advancing trade, investment, academic
19 exchange, and other cooperative efforts between
20 the United States and the Caribbean region;

21 (D) enhancing Caribbean states' security
22 and safeguarding territorial sovereignty, includ-
23 ing from risks related to predatory financing;

1 (E) strengthening the rule of law, sup-
2 porting civil society, and upholding human
3 rights;

4 (F) addressing other mutual challenges, in-
5 cluding hemispheric efforts to combat the
6 coronavirus pandemic; and

7 (G) countering drug trafficking;

8 (3) in furtherance of these and other shared in-
9 terests, the United States should strengthen its en-
10 gagement with the Caribbean region; and

11 (4) the Department of State’s and the Depart-
12 ment of Defense’s facilitation of such engagement is
13 essential, given the role of the various agencies of
14 the United States government in coordinating hu-
15 manitarian responses and United States national se-
16 curity.

17 **SEC. 1284. AMENDMENTS TO ANNUAL COUNTRY REPORTS**
18 **ON HUMAN RIGHTS PRACTICES.**

19 The Foreign Assistance Act of 1961 is amended as
20 follows:

21 (1) In section 116 (22 U.S.C. 2151n), by add-
22 ing at the end the following:

23 “(h) STATUS OF EXCESSIVE SURVEILLANCE AND
24 USE OF ADVANCED TECHNOLOGY.—

1 “(1) IN GENERAL.—The report required by
2 subsection (d) shall include, wherever applicable, a
3 description of the status of surveillance and use of
4 advanced technology to impose arbitrary or unlawful
5 interference with privacy, or unlawful or unnecessary
6 restrictions on freedoms of expression, peaceful as-
7 sembly, association, or other internationally recog-
8 nized human rights in each country, including—

9 “(A) whether the government of such
10 country has adopted and is enforcing laws, reg-
11 ulations, policies, or practices relating to—

12 “(i) government surveillance or cen-
13 sorship, including through facial recogni-
14 tion, biometric data collection, internet and
15 social media controls, sensors, spyware
16 data analytics, non-cooperative location
17 tracking, recording devices, or other simi-
18 lar advanced technologies, and any allega-
19 tions or reports that this surveillance or
20 censorship was unreasonable;

21 “(ii) searches or seizures of individual
22 or private institution data without inde-
23 pendent judicial authorization or oversight;
24 and

1 “(iii) surveillance of any group based
2 on political views, religious beliefs, eth-
3 nicity, or other protected category, in viola-
4 tion of equal protection rights;

5 “(B) whether such country has imported
6 or unlawfully obtained biometric or facial rec-
7 ognition data from other countries or entities
8 and, if applicable, from whom; and

9 “(C) whether the government agency end-
10 user has targeted individuals, including through
11 the use of technology, in retaliation for the ex-
12 ercise of their human rights or on discrimina-
13 tory grounds prohibited by international law,
14 including targeting journalists or members of
15 minority groups.

16 “(2) DEFINITION.—In this subsection, the term
17 ‘internet and social media controls’ means the arbi-
18 trary or unlawful imposition of restrictions, by state
19 or service providers, on internet and digital informa-
20 tion and communication, such as through the block-
21 ing or filtering of websites, social media platforms,
22 and communication applications, the deletion of con-
23 tent and social media posts, or the penalization of
24 online speech, in a manner that violates rights to
25 free expression or assembly.”.

1 (2) In section 502B(b) (22 U.S.C. 2304(b))—

2 (A) by redesignating the second subsection

3 (i) (as added by section 1207(b)(2) of Public

4 Law 113–4) as subsection (j); and

5 (B) by adding at the end the following:

6 “(k) STATUS OF EXCESSIVE SURVEILLANCE AND
7 USE OF ADVANCED TECHNOLOGY.—The report required
8 under subsection (b) shall include, wherever applicable, a
9 description of the status of excessive surveillance and use
10 of advanced technology to restrict human rights, including
11 the descriptions of such policies or practices required
12 under section 116(h).”.

13 **SEC. 1285. ESTABLISHMENT OF NATIONAL COMMISSION ON**
14 **U.S. COUNTERTERRORISM POLICY.**

15 (a) ESTABLISHMENT.—There is established an inde-
16 pendent commission within the legislative branch to be
17 known as the “National Commission on U.S. Counterter-
18 rorism Policy” (in this section referred to as the “Commis-
19 sion”).

20 (b) PURPOSE.—The Commission shall assess United
21 States counterterrorism efforts, including the study areas
22 specified in subsection (c), and make recommendations
23 based on its findings.

24 (c) STUDY AREAS.—In carrying out subsection (b),
25 the Commission shall study the following:

1 (1) The evolution of threats to the United
2 States since September 11, 2001, from international
3 and domestic terrorism, including—

4 (A) an assessment of potential connections
5 between such threats, and the risks such
6 threats pose relative to other security threats to
7 the United States and United States national
8 interests; and

9 (B) the effects of United States counter-
10 terrorism objectives, priorities, capabilities, poli-
11 cies, programs, and activities on such threats.

12 (2) The applicability of major lessons learned
13 from United States counterterrorism objectives, pri-
14 orities, policies, programs, and activities since Sep-
15 tember 11, 2001, for ongoing and future counterter-
16 rorism objectives, priorities, policies, programs, and
17 activities.

18 (3) Ongoing United States counterterrorism ob-
19 jectives, priorities, capabilities, policies, programs,
20 and activities, including an assessment of the fol-
21 lowing:

22 (A) Whether such objectives, priorities, ca-
23 pabilities, policies, programs, and activities are
24 appropriately integrated, programmatically and

1 organizationally, into wider United States for-
2 eign and domestic policy.

3 (B) Whether counterterrorism resources
4 are appropriately balanced across the range of
5 counterterrorism programs and activities con-
6 ducted by the United States, and the actions
7 necessary to improve such balance if necessary.

8 (C) The potential constraints on counter-
9 terrorism objectives, priorities, capabilities, poli-
10 cies, programs, and activities resulting from the
11 United States' need to confront a growing num-
12 ber of geopolitical and security challenges, and
13 how to mitigate any terrorism-related risks that
14 might result.

15 (D) The potential new or emerging chal-
16 lenges or opportunities of conducting counter-
17 terrorism operations in contested environments
18 where strategic state competitors such as Rus-
19 sia, China, or Iran operate, and identification of
20 actions the United States Government should
21 take to mitigate potential risks and take advan-
22 tage of possible opportunities.

23 (E) The instruments of national power
24 used to advance counterterrorism objectives and

1 identification of new or modified instruments, if
2 appropriate.

3 (F) Any impacts of such counterterrorism
4 objectives, priorities, capabilities, policies, pro-
5 grams, and activities on civil rights and civil lib-
6 erties in the United States and internationally
7 recognized human rights and humanitarian
8 principles abroad.

9 (4) The legal authorities and policy frameworks
10 for counterterrorism programs and activities in the
11 United States and abroad, and whether such au-
12 thorities or frameworks require updating.

13 (5) The state of United States counterterrorism
14 partnerships, including—

15 (A) the impact of United States counter-
16 terrorism objectives, priorities, capabilities, poli-
17 cies, programs, and activities on the counterter-
18 rorism objectives, priorities, capabilities, poli-
19 cies, programs, and activities of partner coun-
20 tries; and

21 (B) the willingness, capacity, and capa-
22 bility of United States counterterrorism part-
23 ners to combat shared threats, and the impact
24 of security assistance and foreign assistance on
25 such willingness, capacity, and capability.

1 (6) Ongoing efforts by the executive branch to
2 measure the effectiveness of United States counter-
3 terrorism objectives, priorities, capabilities, policies,
4 programs, and activities through net assessments
5 and evaluations of lessons learned, including an as-
6 sessment of efforts to address factors that contribute
7 to terrorist recruitment and radicalization.

8 (7) Recommendations on how best to adapt
9 United States counterterrorism objectives, priorities,
10 capabilities, policies, programs, and activities on the
11 basis of the areas of study specified in this sub-
12 section and any other findings the Commission de-
13 termines relevant.

14 (d) COMPOSITION.—

15 (1) MEMBERS.—The Commission shall be com-
16 posed of 14 commissioners, to be appointed as fol-
17 lows:

18 (A) One commissioner appointed by the
19 Chairman, with the concurrence of the ranking
20 member, of each of the appropriate congres-
21 sional committees.

22 (B) A Chairperson, appointed by the
23 Speaker of the House of Representatives, with
24 the concurrence of the Minority Leader of the
25 House of Representatives.

1 (C) A Vice-Chairperson, appointed by the
2 Majority Leader of the Senate, with the concur-
3 rence of the Minority Leader of the Senate.

4 (2) QUALIFICATIONS.—Individuals appointed to
5 the Commission shall be United States persons with
6 relevant counterterrorism expertise and experience in
7 diplomacy, law enforcement, the Armed Forces, law,
8 public administration, Congress, intelligence, aca-
9 demia, human rights, civil rights, or civil liberties.
10 The leadership of the House of Representatives and
11 the Senate shall coordinate with the appropriate con-
12 gressional committees to ensure that Commission
13 membership represents a variety of expertise in such
14 fields. At least one of the commissioners shall pos-
15 sess a civil rights or civil liberties background in ad-
16 dition to relevant counterterrorism expertise, and
17 one commissioner shall possess an international
18 human rights background in addition to relevant
19 counterterrorism expertise.

20 (3) PROHIBITIONS.—An individual appointed to
21 the Commission may not be—

22 (A) a Member of Congress, including a
23 Delegate or Resident Commissioner;

24 (B) an employee or official of any other
25 branch of the Federal Government;

1 (C) an employee or official of any State,
2 territory, county, or municipality in the United
3 States; or

4 (D) a registered lobbyist.

5 (4) CONFLICTS OF INTEREST.—An individual
6 appointed to the Commission shall disclose any fi-
7 nancial gains from private sector employment con-
8 ducted in support of United States counterterrorism
9 objectives, priorities, capabilities, policies, programs,
10 or activities at any time since the September 11,
11 2001, attacks.

12 (5) DEADLINE FOR APPOINTMENT OF COMMIS-
13 SIONERS.—Individuals appointed to the Commission
14 shall be appointed not later than—

15 (A) 30 days after the date of the enact-
16 ment of this Act; or

17 (B) December 31, 2020,
18 whichever occurs first.

19 (6) PERIOD OF APPOINTMENT.—Each commis-
20 sioner and the Chairperson and Vice-Chairperson
21 shall be appointed for the life of the Commission.

22 (7) VACANCIES.—Any vacancy in the Commis-
23 sion shall not affect its powers and duties and shall
24 be filled in the same manner as the original appoint-
25 ment within 30 days of such vacancy occurring.

1 (8) COMPENSATION.—Commissioners and the
2 Chairperson and Vice-Chairperson shall serve with-
3 out pay.

4 (9) TRAVEL EXPENSES.—Commissioners and
5 the Chairperson and Vice-Chairperson shall receive
6 travel expenses, including per diem in lieu of subsist-
7 ence, in accordance with sections 5702 and 5703 of
8 title 5, United States Code, while away from their
9 homes or regular places of business in performance
10 of services for the Commission.

11 (e) MEETINGS.—

12 (1) INITIAL MEETING.—The initial meeting of
13 the Commission shall be held not later than 30 days
14 after the satisfaction of all of the following:

15 (A) The appointment of two-thirds of the
16 members of the Commission, including at least
17 one of the Chairperson or Vice-Chairperson.

18 (B) The transfer of funding under sub-
19 section (k).

20 (2) RESPONSIBILITY.—The Commission shall,
21 at its initial meeting, develop and implement a
22 schedule for completion of the review and assess-
23 ment under subsection (b) and report under sub-
24 section (m)(2).

1 (3) SUBSEQUENT MEETINGS.—The Commission
2 shall meet at the call the Chairperson or a majority
3 of commissioners.

4 (4) QUORUM.—Eight commissioners shall con-
5 stitute a quorum, and commissioners may vote by
6 proxy.

7 (f) CONSULTATION.—In conducting the review and
8 assessment and study required under this section, the
9 Commission shall consult with relevant experts in the Fed-
10 eral Government (including relevant Members of Congress
11 and congressional staff), academia, law, civil society, and
12 the private sector.

13 (g) POWERS OF THE COMMISSION.—

14 (1) HEARINGS AND EVIDENCE.—For the pur-
15 poses of carrying out this section, the Commission
16 may—

17 (A) hold classified or unclassified hearings,
18 take testimony, receive evidence, and administer
19 oaths; and

20 (B) subject to paragraph (3), require, by
21 subpoena authorized by majority vote of the
22 Commission and issued under the signature of
23 the Chairperson or any member designated by
24 a majority of the Commission, the attendance
25 and testimony of such witnesses and the pro-

1 duction of such books, records, correspondence,
2 memoranda, papers, and documents, as the
3 Commission may determine advisable.

4 (2) NOTIFICATION OF COMMITTEES.—If the
5 Commission is unable to obtain testimony or docu-
6 ments needed to conduct its work, the Commission
7 shall notify the appropriate congressional commit-
8 tees.

9 (3) SUBPOENA ENFORCEMENT.—

10 (A) IN GENERAL.—In the case of contu-
11 macy or failure to obey a subpoena issued
12 under paragraph (1)(B), the United States dis-
13 trict court for the judicial district in which the
14 subpoenaed person resides, is served, or may be
15 found, or where the subpoena is returnable,
16 may issue an order requiring such person to ap-
17 pear at any designated place to testify or to
18 produce documentary or other evidence. Any
19 failure to obey the order of the court may be
20 punished by the court as a contempt of that
21 court.

22 (B) ADDITIONAL ENFORCEMENT.—In the
23 case of any failure of any witness to comply
24 with any subpoena or to testify when sum-
25 moned under authority of this section, the Com-

1 mission may, by majority vote, certify a state-
2 ment of fact constituting such failure to the ap-
3 propriate United States attorney, who may
4 bring the matter before the grand jury for its
5 action, under the same statutory authority and
6 procedures as if the United States attorney had
7 received a certification under sections 102
8 through 104 of the Revised Statutes of the
9 United States (2 U.S.C. 192 through 194).

10 (4) LIMITATIONS ON SUBPOENA AUTHORITY.—

11 With respect to the subpoena authority under para-
12 graph (1)(B), the Commission—

13 (A) may only issue a subpoena to a mem-
14 ber of Federal, State, local, Tribal, or territorial
15 government;

16 (B) may reference unclassified documents
17 and information obtained through a subpoena
18 when conducting interviews to further the Com-
19 mission's objectives, and may include such doc-
20 uments and information in the final report, but
21 may not otherwise share, disclose, publish, or
22 transmit in any way any information obtained
23 through a subpoena to another Federal depart-
24 ment or agency, any agency of a State, local,

1 Tribal, or territorial government, or any inter-
2 national body; and

3 (C) shall comply with requirements for the
4 issuance of a subpoena issued by a United
5 States district court under the Federal Rules of
6 Civil Procedure.

7 (5) MEETINGS.—The Commission shall—

8 (A) hold public hearings and meetings;

9 (B) hold classified hearings or meetings if
10 necessary to discuss classified material or infor-
11 mation; and

12 (C) provide an opportunity for public com-
13 ment, including sharing of research and policy
14 analysis, through publication in the Federal
15 Register of a solicitation for public comments
16 during a period to last not fewer than 45 days.

17 (h) RESOURCES.—

18 (1) AUTHORITY TO USE THE UNITED STATES
19 MAILS.—The Commission may use the United States
20 mails in the same manner and under the same con-
21 ditions as other Federal agencies.

22 (2) DOCUMENTS, STATISTICAL DATA AND
23 OTHER SUCH INFORMATION.—Upon written request
24 by the Chairperson, Vice-Chairperson, or any com-
25 missioner designated by a majority of the Commis-

1 sion, an executive department, bureau, agency,
2 board, commission, office, independent establish-
3 ment, or instrumentality of the Federal Govern-
4 ment—

5 (A) shall provide reasonable access to doc-
6 uments, statistical data, and other such infor-
7 mation the Commission determines necessary to
8 carry out its duties; and

9 (B) shall, to the extent authorized by law,
10 furnish any information, suggestions, estimates,
11 and statistics the Commission determines nec-
12 essary to carry out its duties.

13 (3) GIFTS.—No member or staff of the Com-
14 mission may receive a gift or benefit by reason of
15 the service of such member or staff to the Commis-
16 sion.

17 (4) AUTHORITY TO CONTRACT.—

18 (A) IN GENERAL.—The Commission is au-
19 thorized to enter into contracts, leases, or other
20 legal agreements with Federal and State agen-
21 cies, Indian tribes, Tribal entities, private enti-
22 ties, and individuals for the conduct of activities
23 necessary to the discharge of its duties.

24 (B) TERMINATION.—A contract, lease, or
25 other legal agreement entered into by the Com-

1 mission under this paragraph may not extend
2 beyond the date of termination of the Commis-
3 sion.

4 (5) INAPPLICABILITY OF FACA.—The Federal
5 Advisory Committee Act (5 U.S.C. App.) shall not
6 apply to the activities of the Commission under this
7 section.

8 (6) OFFICE SPACE AND ADMINISTRATIVE SUP-
9 PORT.—The Architect of the Capitol shall make of-
10 fice space available for day-to-day activities of the
11 Commission and for scheduled meetings of the Com-
12 mission. Upon request, the Architect of the Capitol
13 shall provide, on a reimbursable basis, such adminis-
14 trative support as the Commission requests to carry
15 out its duties.

16 (7) ASSISTANCE FROM FEDERAL AGENCIES.—

17 (A) GENERAL SERVICES ADMINISTRA-
18 TION.—The Administrator of General Services
19 shall provide to the Commission on a reimburs-
20 able basis administrative support and other
21 services as the Commission requests to carry
22 out its duties.

23 (B) FEDERAL DEPARTMENTS AND AGEN-
24 CIES.—Federal departments and agencies may
25 provide to the Commission such services, funds,

1 facilities, staff, and other support services as
2 such departments and agencies consider advis-
3 able and as may be authorized by law.

4 (i) STAFF.—

5 (1) DIRECTOR.—The Chairperson, in consulta-
6 tion with the Vice-Chairperson, and in accordance
7 with rules agreed upon by the Commission, may ap-
8 point a staff director.

9 (2) STAFF.—With the approval of the Commis-
10 sion, the staff director may appoint such employees
11 as the staff director determines necessary to enable
12 the Commission to carry out its duties.

13 (3) STAFF QUALIFICATIONS.—The staff direc-
14 tor shall ensure employees of the Commission have
15 relevant counterterrorism expertise and experience,
16 including in areas such as diplomacy, law enforce-
17 ment, the Armed Forces, law, public administration,
18 Congress, intelligence, academia, human rights, civil
19 rights, or civil liberties.

20 (3) APPOINTMENTS AND COMPENSATION.—The
21 Commission may appoint and fix the compensation
22 of the staff director and other employees without re-
23 gard to the provisions of title 5, United States Code,
24 governing appointments in the competitive service,
25 and without regard to the provisions of chapter 51

1 and subchapter III of chapter 53 of such title relat-
2 ing to classification and General Schedule pay rates,
3 except that the rate of pay for the staff director may
4 not may exceed the equivalent of that payable to a
5 person occupying a position at level IV of the Execu-
6 tive Schedule and the rate of pay for any other em-
7 ployee of the Commission may not exceed the equiv-
8 alent of that payable to a person occupying a posi-
9 tion at level V of the Executive Schedule.

10 (4) EXPERTS AND CONSULTANTS.—With the
11 approval of the Chairperson, the staff director may
12 procure temporary and intermittent services under
13 section 3109(b) of title 5, United States Code.

14 (5) DETAIL OF GOVERNMENT EMPLOYEES.—
15 Upon the request of the Commission, the head of
16 any Federal agency may detail, without reimburse-
17 ment, any of the personnel of such agency to the
18 Commission to assist in carrying out its duties. Any
19 such detail shall not interrupt or otherwise affect the
20 civil service status or privileges of such personnel.

21 (6) VOLUNTEER SERVICES.—Notwithstanding
22 section 1342 of title 31, United States Code, the
23 Commission may accept and use voluntary and un-
24 compensated services as the Commission determines
25 necessary.

1 (j) SECURITY CLEARANCES FOR COMMISSION MEM-
2 BERS AND STAFF.—The appropriate Federal agencies or
3 departments shall cooperate with the Commission in expe-
4 ditiously providing to the commissioners, including the
5 Chairperson and Vice-Chairperson, and the staff director
6 and other employees, appropriate security clearances to
7 the extent possible pursuant to existing procedures and
8 requirements.

9 (k) FUNDING.—

10 (1) IN GENERAL.—Of the amounts authorized
11 to be appropriated for fiscal year 2021 by this Act,
12 \$4,000,000 shall be made available for transfer to
13 the Commission for purposes of the activities of the
14 Commission under this section.

15 (2) DURATION OF AVAILABILITY.—Amounts
16 made available to the Commission under paragraph
17 (1) shall remain available until the until the termi-
18 nation of the Commission.

19 (l) TERMINATION.—The Commission shall terminate
20 on the date that is 180 days after the date on which the
21 Commission submits the report under subsection (m)(2).

22 (m) BRIEFINGS AND REPORT.—

23 (1) BRIEFINGS.—The Chairperson, Vice-Chair-
24 person, and staff director of the Commission shall
25 provide quarterly briefings to the appropriate con-

gressional committees, of which not fewer than two briefings shall be for Members of Congress.

(2) REPORT.—

(A) IN GENERAL.—Not later than 540 days after the initial meeting of the Commission under subsection (e), the Commission shall submit to the appropriate congressional committees an unclassified report that includes the following:

(i) The findings, conclusions, and recommendations of the Commission pursuant to the review and assessment under subsection (b).

(ii) Summaries of the input and recommendations of each individual with whom the Commission consulted in accordance with subsection (f), attributed in accordance with the preference expressed by such individual.

(B) CLASSIFIED ANNEX.—The report required under this subsection may include a classified annex.

(C) ADDENDUM.—Pursuant to subsection (h)(3), the Commission shall publish as an addendum to the report under subsection (m)(2)

1 a list of all gifts received and the individual or
2 entity from which such gift was received.

3 (3) PUBLIC RELEASE.—Not later than 7 days
4 after the date on which the Commission submits the
5 report under this subsection, the Commission shall
6 make publicly available such report, with the excep-
7 tion of any classified annex under paragraph (2)(B).

8 (n) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Armed Services, the
13 Committee on Homeland Security, the Com-
14 mittee on Foreign Affairs, the Permanent Se-
15 lect Committee on Intelligence, the Committee
16 on the Judiciary, and the Committee on Finan-
17 cial Services of the House of Representatives;
18 and

19 (B) the Committee on Armed Services, the
20 Committee on Homeland Security and Govern-
21 mental Affairs, the Committee on Foreign Rela-
22 tions, the Select Committee on Intelligence, the
23 Committee on the Judiciary, and the Com-
24 mittee on Finance of the Senate.

1 (2) DOMESTIC TERRORISM.—The term “domes-
2 tic terrorism” has the meaning given such term in
3 section 2331 of title 18, United States Code.

4 (3) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given such term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act of 1975 (25 U.S.C. 5304).

8 (4) INTERNATIONAL TERRORISM.—The term
9 “international terrorism” has the meaning given
10 such term in section 2331 of title 18, United States
11 Code.

12 (5) REGISTERED LOBBYIST.—The term “reg-
13 istered lobbyist” means a lobbyist described in sec-
14 tion 3 of the Lobbying Disclosure Act of 1995 (2
15 U.S.C. 1603).

16 (6) UNITED STATES PERSON.—The term
17 “United States person” has the meaning given that
18 term in section 101 of the Foreign Intelligence Sur-
19 veillance Act of 1978 (50 U.S.C. 1801).

20 **SEC. 1286. PROGRAM TO PREVENT, MITIGATE, AND RE-**
21 **SPOND TO CIVILIAN HARM AS A RESULT OF**
22 **MILITARY OPERATIONS IN SOMALIA.**

23 (a) PROGRAM REQUIRED.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary of Defense, in coordination with the Secretary
2 of State, shall develop and implement a program—

3 (A) to prevent, mitigate, and respond to ci-
4 vilian harm resulting from military operations
5 to counter al-Shabaab or the Islamic State in
6 Somalia (ISIS-Somalia); and

7 (B) to enhance the ability for Somali civil-
8 ians to report instances of civilian harm result-
9 ing from—

10 (i) any operations conducted by
11 United States Armed Forces; and

12 (ii) any operations in which United
13 States Armed Forces provided operational
14 support to the Somali Army or the African
15 Union Mission in Somalia (AMISOM).

16 (2) COORDINATION.—The program required by
17 this subsection shall be carried out in accordance
18 with—

19 (A) section 1213 of the National Defense
20 Authorization Act for Fiscal Year 2020 (Public
21 Law 116–92);

22 (B) section 936 of the John S. McCain
23 National Defense Authorization Act for Fiscal
24 Year 2019 (10 U.S.C. 134 note); and

1 (C) section 1057 of the National Defense
2 Authorization Act for Fiscal Year 2018.

3 (b) SCOPE OF PROGRAM.—The program required by
4 subsection (a) shall include the following:

5 (1) Measures in accordance with section 1057
6 of the National Defense Authorization Act for Fiscal
7 Year 2018 to improve the ability of the Somali Na-
8 tional Army, AMISOM, the United States military,
9 and United States contractors to prevent, mitigate,
10 and respond to instances of civilian harm as a result
11 of military operations to counter al-Shabaab or
12 ISIS-Somalia.

13 (2) Measures in accordance with section 1057
14 of the National Defense Authorization Act for Fiscal
15 Year 2018 and section 936 of the John S. McCain
16 National Defense Authorization Act for Fiscal Year
17 2019 (10 U.S.C. 134 note) to improve coordination
18 among international actors involved in military oper-
19 ations in Somalia, to include AMISOM, with regard
20 to preventing and mitigating civilian casualties, and
21 collecting data and reporting on such incidents when
22 they occur.

23 (3) Specific measures relating to compliance by
24 Somalia with section 936(b)(3) of the John S.
25 McCain National Defense Authorization Act for Fis-

1 cal Year 2019 (10 U.S.C. 134 note), to include
2 measures to ensure that Somali civilians, including
3 those without reliable access to the internet, and
4 credible local or international nongovernmental orga-
5 nizations, can report civilian harm, including death,
6 injury, or damage to civilian infrastructure, resulting
7 from United States operations and partner oper-
8 ations.

9 (4) Measures to ensure that ex gratia payments
10 and other assistance are made available as appro-
11 priate in accordance with section 1213 of the Na-
12 tional Defense Authorization Act for Fiscal Year
13 2020 (Public Law 116–92).

14 (c) REPORT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, the Secretary
17 of Defense, in coordination with the Secretary of
18 State, shall submit to the appropriate congressional
19 committees a report on the measures that have been
20 taken to implement the program required by sub-
21 section (a).

22 (2) FORM.—The report required by this sub-
23 section shall be submitted in unclassified form, but
24 may include a classified annex.

25 (d) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services and
5 the Committee on Foreign Affairs of the House
6 of Representatives; and

7 (B) the Committee on Armed Services and
8 the Committee on Foreign Relations of the Sen-
9 ate.

10 (2) OPERATIONAL SUPPORT.—The term “oper-
11 ational support” means training, advising, com-
12 manding, coordinating, participating in the move-
13 ment of, or accompanying Somali Army or AMISOM
14 forces, providing such forces with medevac or other
15 medical aid, aerial refueling, intelligence, surveil-
16 lance, or reconnaissance, or close air support for op-
17 erations.

18 **SEC. 1287. SENSE OF CONGRESS REGARDING JAPAN AND**
19 **SMA REPORT DRAFT.**

20 (a) SENSE OF CONGRESS.—It is the Sense of Con-
21 gress that—

22 (1) the United States greatly values its alliance
23 with the Government of Japan, based on shared val-
24 ues of democracy, the rule of law, a rules-based
25 international order, and respect for human rights;

1 (2) the United States-Japan alliance has been
2 the cornerstone of peace, stability, and security in
3 the Indo-Pacific for more than seven decades;

4 (3) the United States and Japan are indispen-
5 sable partners in addressing global challenges, in-
6 cluding combating the proliferation of weapons of
7 mass destruction, preventing piracy, assisting the
8 victims of conflict and disaster worldwide, safe-
9 guarding maritime security, and ensuring freedom of
10 navigation, commerce, and overflight in the Indo-Pa-
11 cific region;

12 (4) the Democratic People's Republic of Ko-
13 rea's (DPRK) nuclear, chemical, and biological
14 weapons programs and ballistic missile programs
15 pose a critical threat to the stability of the Indo-Pa-
16 cific region and to the security of Japan;

17 (5) the People's Republic of China's use of mili-
18 tary forces to challenge territory under Japan's ad-
19 ministrative control violate international norms and
20 thereby threaten regional stability.

21 (6) the United States reaffirms its commitment
22 to Article V of the Treaty of Mutual Cooperation
23 and Security between the United States of America
24 and Japan, which applies to the Japanese-adminis-
25 tered Senkaku Islands;

1 (7) United States forces forward-deployed in
2 Japan, consisting of 54,000 United States forces,
3 United States Seventh Fleet, the only forward-de-
4 ployed United States aircraft carrier, and the United
5 States Marine Corps' III Marine Expeditionary
6 Force, are essential to sustaining United States na-
7 tional security and regional peace and stability;

8 (8) the United States and Japan should con-
9 tinue to deepen defense cooperation to enhance col-
10 lective defense and regional security;

11 (9) Japan makes significant contributions to re-
12 gional and global security, including contributions to
13 regional Ballistic Missile Defense, conducting bilat-
14 eral presence operations and mutual asset protection
15 missions with United States forces, serving as a ca-
16 pacity building contributor to United Nations peace-
17 keeping operations, and providing critical support to
18 United Nations Security Council Resolution enforce-
19 ment operations against the DPRK's illicit weapons
20 programs;

21 (10) the United States recognizes the substan-
22 tial financial commitments of Japan to the mainte-
23 nance of United States forces in Japan, including
24 contributions of approximately \$2,000,000,000 an-
25 nually under the Special Measures Agreement,

1 \$187,000,000 annually under the Japan Facilities
2 Improvement Program, \$12,100,000,000 for the
3 Futenma Replacement Facility, and \$4,800,000,000
4 for Marine Corps Air Station Iwakuni, that directly
5 support operational readiness of United States
6 forces in Japan and make Japan among the most
7 significant burden-sharing partners of the United
8 States; and

9 (11) it is in the national security interest of the
10 United States that the United States and Japan
11 conclude a new Special Measures Agreement, nego-
12 tiated based on the principles of mutual respect, eq-
13 uity, and our shared national security interests,
14 prior to the expiration of the current agreement.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than January 1,
17 2021, the Secretary of Defense, in consultation with
18 the Secretary of State, shall provide a report on the
19 costs most directly associated with the stationing of
20 United States forces in Japan to the congressional
21 defense committees, the House Committee on For-
22 eign Affairs, and the Senate Committee on Foreign
23 Relations. At a minimum, the report shall include—

24 (A) a description of each category of costs,
25 including labor, utilities, training relocation,

1 and any other categories the Secretary deter-
2 mines to be appropriate, that are most directly
3 associated with the stationing of United States
4 forces in Japan;

5 (B) a detailed description of which costs
6 most directly associated with the stationing of
7 United States forces in Japan are incurred in
8 Japan and which such costs are incurred out-
9 side of Japan;

10 (C) a detailed summary of contributions
11 made by the Government of Japan that allay
12 the costs to United States of stationing United
13 States forces in Japan;

14 (D) the benefits to United States national
15 security and regional security derived from the
16 forward presence of United States Armed
17 Forces in Japan;

18 (E) the impact to the national security of
19 the United States, the security of Japan, and
20 peace and stability in the Indo-Pacific region if
21 a new Special Measures Agreement is not
22 reached before March 31, 2021; and

23 (F) any other matters the Secretary deems
24 appropriate to include.

1 (2) FORM.—The report shall be unclassified
2 without any designation relating to dissemination
3 control, but may include a classified annex.

4 **SEC. 1288. SENSE OF CONGRESS RELATING TO GRAND**
5 **ETHIOPIAN RENAISSANCE DAM.**

6 It is the sense of Congress that it is in the best inter-
7 ests of the stability of the region for Egypt, Ethiopia, and
8 Sudan to immediately reach a just and equitable agree-
9 ment regarding the filling and operation of the Grand
10 Ethiopian Renaissance Dam.

11 **SEC. 1289. REPORT ON ALL COMPREHENSIVE SANCTIONS**
12 **IMPOSED ON FOREIGN GOVERNMENTS.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, the President, in con-
15 sultation with the Secretary of State, the Secretary of the
16 Treasury, the Secretary of Commerce, the Administrator
17 of the United States Agency for International Develop-
18 ment, the United States Ambassador to the United Na-
19 tions, and relevant nongovernmental organizations, shall
20 submit to the appropriate congressional committees a re-
21 port on all comprehensive sanctions imposed on govern-
22 ments of foreign countries under any provision of law.

23 (b) MATTERS TO BE INCLUDED.—The report re-
24 quired by subsection (a) shall include—

1 (1) an assessment of the effect of sanctions im-
2 posed on the government of each foreign country de-
3 scribed in subsection (a) on—

4 (A) the ability of civilian population of the
5 country to access water, sanitation, and public
6 health services;

7 (B) the changes to the general mortality
8 rate, maternal mortality rate, life expectancy,
9 and literacy;

10 (C) the environmental impacts experienced
11 by the country that may be associated with the
12 sanctions, to include fossil fuel usage;

13 (D) the delivery of economic aid and devel-
14 opment projects in the country;

15 (E) the extent to which there is an in-
16 crease in refugees or migration to or from the
17 country or an increase in internally displaced
18 people in the country;

19 (F) the economic, political, and military
20 impacts on the country;

21 (G) the reactions of the country to the im-
22 posed sanctions, including policy changes and
23 internal sentiment;

24 (H) the degree of international compliance
25 and non-compliance of the country; and

1 (I) the licensing of transactions to allow
2 access to essential goods and services to vulner-
3 able populations, including women, children, el-
4 derly individuals, and individuals with disabil-
5 ities; and

6 (2) a description of the purpose of sanctions
7 imposed on the government of each foreign country
8 described in subsection (a) and the required legal or
9 political authority, including—

10 (A) an assessment of United States na-
11 tional security;

12 (B) an assessment of whether the stated
13 foreign policy goals of the sanctions are being
14 met;

15 (C) the degree of international support or
16 opposition that can be anticipated;

17 (D) an assessment of such sanctions on
18 United States businesses and consumers;

19 (E) criteria for lifting the sanctions; and

20 (F) prospects for commitment to enforcing
21 the sanctions.

22 (c) UPDATES OF REPORT.—The President shall sub-
23 mit to Congress an updated report under subsection (a)—

1 (1) not later than 1 year after the date of the
2 enactment of this Act, and annually thereafter for
3 10 years; and

4 (2) with respect to a new comprehensive sanc-
5 tion imposed on a government of a foreign country
6 under any provision of law, not later than 180 days
7 after the date on which the sanctions are imposed on
8 the government.

9 (d) FORM.—The report required by subsection (a)
10 shall be submitted in unclassified form, but may contain
11 a classified annex. The unclassified portion of the report
12 shall be published on a publicly-available website of the
13 Government of the United States.

14 (e) REVIEW BY CONGRESS.—Upon receipt of the re-
15 port required by subsection (a), Congress shall examine
16 the report with a focus on the humanitarian impacts of
17 comprehensive sanctions described in the report, including
18 with respect to human rights, medical services, food and
19 malnutrition and access to water, sanitation, and hygiene
20 services.

21 (f) DEFINITIONS.—In this section:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Foreign Affairs, the
2 Committee on Financial Services, and the Com-
3 mittee on Ways and Means of the House of
4 Representatives; and

5 (B) the Committee on Foreign Relations,
6 the Committee on Banking, Housing, and
7 Urban Affairs, and the Committee on Finance
8 of the Senate.

9 (2) COMPREHENSIVE SANCTION.—The term
10 “comprehensive sanctions” means any prohibition on
11 significant commercial and financial activity with a
12 foreign government that is imposed by the United
13 States for reasons of foreign policy or national secu-
14 rity.

15 **SEC. 1290. LIMITATION ON ASSISTANCE TO BRAZIL.**

16 No Federal funds may be obligated or expended to
17 provide any United States security assistance or security
18 cooperation to the defense, security, or police forces of the
19 Government of Brazil to involuntarily relocate, including
20 through coercion or the use of force, the indigenous or
21 Quilombola communities in Brazil.

22 **SEC. 1291. UNITED STATES AGENCY FOR GLOBAL MEDIA.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “U.S. Agency for Global Media Reform Act”.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Office of Cuba Broadcasting should—

3 (1) remain an independent entity of the United
4 States Agency for Global Media; and

5 (2) continue taking steps to ensure that the Of-
6 fice is fulfilling its core mission of promoting free-
7 dom and democracy by providing the people of Cuba
8 with objective news and information programming.

9 (c) AUTHORITIES OF THE CHIEF EXECUTIVE OFFI-
10 CER; LIMITATION ON CORPORATE LEADERSHIP OF
11 GRANTEES.—Section 305 of the United States Inter-
12 national Broadcasting Act of 1994 (22 U.S.C. 6204) is
13 amended—

14 (1) in subsection (a)—

15 (A) in paragraph (20), by inserting “in ac-
16 cordance with subsection (c)” before the period
17 at the end;

18 (B) in paragraph (21)—

19 (i) by striking “including with Federal
20 officials,”; and

21 (ii) by inserting “in accordance with
22 subsection (c)” before the period at the
23 end;

24 (C) by adding at the end the following new
25 paragraph:

1 “(23) To—

2 “(A) require semi-annual content reviews
3 of each language service of each surrogate net-
4 work, consisting of a review of at least 10 per-
5 cent of available weekly content, by fluent lan-
6 guage speakers and experts without direct affili-
7 ation to the language service being reviewed,
8 who are seeking any evidence of inappropriate
9 or unprofessional content, which shall be sub-
10 mitted to the Office of Policy Research, the
11 head and Board of the respective surrogate
12 service, and the Chief Executive Officer; and

13 “(B) submit to the appropriate congres-
14 sional committees a list of anomalous reports,
15 including status updates on anomalous services
16 during the 3-year period commencing on the
17 date of receipt of the first report of biased, un-
18 professional, or otherwise problematic content.”;

19 (2) by adding at the end the following new sub-
20 section:

21 “(c) LIMITATION ON CORPORATE LEADERSHIP OF
22 GRANTEES.—

23 “(1) IN GENERAL.—The Chief Executive Offi-
24 cer may not award any grant under subsection (a)
25 to RFE/RL, Inc., Radio Free Asia, the Middle East

1 Broadcasting Networks, the Open Technology Fund,
2 or any other grantee authorized under this title (col-
3 lectively referred to as ‘Agency Grantee Networks’)
4 unless the incorporation documents of any such
5 grantee require that the corporate leadership and
6 Board of Directors of such grantee be selected in ac-
7 cordance with this Act.

8 “(2) CONFLICTS OF INTEREST.—

9 “(A) CHIEF EXECUTIVE OFFICER.—The
10 Chief Executive Officer may not serve on any of
11 the corporate boards of any grantee under sub-
12 section (a).

13 “(B) FEDERAL EMPLOYEES.—A full-time
14 employee of a Federal agency may not serve on
15 a corporate board of any grantee under sub-
16 section (a).

17 “(3) QUALIFICATIONS OF GRANTEE BOARD
18 MEMBERS.—Individuals appointed under subsection
19 (a) to the Board of Directors of any of the Agency
20 Grantee Networks shall have requisite expertise in
21 journalism, technology, broadcasting, or diplomacy,
22 or appropriate language or cultural understanding
23 relevant to the grantee’s mission.”.

1 (d) INTERNATIONAL BROADCASTING ADVISORY
2 BOARD.—Section 306 of the United States International
3 Broadcasting Act of 1994 (22 U.S.C. 6205) is amended—

4 (1) by striking subsections (a) through (c) and
5 inserting the following:

6 “(a) IN GENERAL.—The International Broadcasting
7 Advisory Board (referred to in this section as the ‘Advi-
8 sory Board’) shall advise the Chief Executive Officer of
9 the United States Agency for Global Media, as appro-
10 priate. The Advisory Board as established shall exist with-
11 in the executive branch as an entity described in section
12 104 of title 5, United States Code.

13 “(b) COMPOSITION OF THE ADVISORY BOARD.—

14 “(1) IN GENERAL.—The Advisory Board shall
15 consist of seven members, of whom—

16 “(A) six shall be appointed by the Presi-
17 dent, by and with the advice and consent of the
18 Senate, in accordance with subsection (c); and

19 “(B) one shall be the Secretary of State.

20 “(2) CHAIR.—The President shall designate,
21 with the advice and consent of the Senate, one of the
22 members appointed under paragraph (1)(A) as
23 Chair of the Advisory Board.

24 “(3) PARTY LIMITATION.—Not more than three
25 members of the Advisory Board appointed under

1 paragraph (1)(A) may be affiliated with the same
2 political party.

3 “(4) TERMS OF OFFICE.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), members of the Advisory
6 Board shall serve for a single term of 4 years,
7 except that, of the first group of members ap-
8 pointed under paragraph (1)(A)—

9 “(i) two members who are not affili-
10 ated with the same political party, shall be
11 appointed for terms ending on the date
12 that is 2 years after the date of the enact-
13 ment of the U.S. Agency for Global Media
14 Reform Act;

15 “(ii) two members who are not affili-
16 ated with the same political party, shall be
17 appointed for terms ending on the date
18 that is 4 years after the date of the enact-
19 ment of the U.S. Agency for Global Media
20 Reform Act; and

21 “(iii) two members who are not affili-
22 ated with the same political party, shall be
23 appointed for terms ending on the date
24 that is 6 years after the date of the enact-

1 ment of the U.S. Agency for Global Media
2 Reform Act.

3 “(B) SECRETARY OF STATE.—The Sec-
4 retary of State shall serve as a member of the
5 Advisory Board for the duration of his or her
6 tenure as Secretary of State.

7 “(5) VACANCIES.—

8 “(A) IN GENERAL.—The President shall
9 appoint, with the advice and consent of the
10 Senate, additional members to fill vacancies on
11 the Advisory Board occurring before the expira-
12 tion of a term.

13 “(B) TERM.—Any members appointed pur-
14 suant to subparagraph (A) shall serve for the
15 remainder of such term.

16 “(C) SERVICE BEYOND TERM.—Any mem-
17 ber whose term has expired shall continue to
18 serve as a member of the Advisory Board until
19 a qualified successor has been appointed and
20 confirmed by the Senate.

21 “(D) SECRETARY OF STATE.—When there
22 is a vacancy in the office of Secretary of State,
23 the Acting Secretary of State shall serve as a
24 member of the Advisory Board until a new Sec-
25 retary of State is appointed.”;

1 (2) by redesignating subsection (d) as sub-
2 section (c);

3 (3) by amending subsection (c), as redesign-
4 nated—

5 (A) in the subsection heading, by inserting
6 “ADVISORY” before “BOARD”; and

7 (B) in paragraph (2), by inserting “who
8 are” before “distinguished”; and

9 (4) by striking subsections (e) and (f) and in-
10 serting the following new subsections:

11 “(d) FUNCTIONS OF THE ADVISORY BOARD.—The
12 members of the Advisory Board shall—

13 “(1) provide the Chief Executive Officer of the
14 United States Agency for Global Media with advice
15 and recommendations for improving the effectiveness
16 and efficiency of the Agency and its programming;

17 “(2) meet with the Chief Executive Officer at
18 least four times annually, including twice in person
19 as practicable, and at additional meetings at the re-
20 quest of the Chief Executive Officer or the Chair of
21 the Advisory Board;

22 “(3) report periodically, or upon request, to the
23 congressional committees specified in subsection
24 (c)(2) regarding its advice and recommendations for
25 improving the effectiveness and efficiency of the

1 United States Agency for Global Media and its pro-
2 gramming;

3 “(4) obtain information from the Chief Execu-
4 tive Officer, as needed, for the purposes of fulfilling
5 the functions described in this subsection;

6 “(5) consult with the Chief Executive Officer
7 regarding budget submissions and strategic plans
8 before they are submitted to the Office of Manage-
9 ment and Budget or to Congress;

10 “(6) advise the Chief Executive Officer to en-
11 sure that—

12 “(A) the Chief Executive Officer fully re-
13 spects the professional integrity and editorial
14 independence of United States Agency for Glob-
15 al Media broadcasters, networks, and grantees;
16 and

17 “(B) agency networks, broadcasters, and
18 grantees adhere to the highest professional
19 standards and ethics of journalism, including
20 taking necessary actions to uphold professional
21 standards to produce consistently reliable and
22 authoritative, accurate, objective, and com-
23 prehensive news and information; and

24 “(7) provide other strategic input to the Chief
25 Executive Officer.

1 “(e) APPOINTMENT OF HEADS OF NETWORKS.—

2 “(1) IN GENERAL.—The heads of Voice of
3 America, the Office of Cuba Broadcasting, RFE/RL,
4 Inc., Radio Free Asia, the Middle East Broadcasting
5 Networks, the Open Technology Fund, or of any
6 other grantee authorized under this title may only be
7 appointed or removed if such action has been ap-
8 proved by a majority vote of the Advisory Board.

9 “(2) REMOVAL.—After consulting with the
10 Chief Executive Officer, five or more members of the
11 Advisory Board may unilaterally remove any such
12 head of network or grantee network described in
13 paragraph (1).

14 “(3) QUORUM.—

15 “(A) IN GENERAL.—A quorum shall con-
16 sist of four members of the Advisory Board (ex-
17 cluding the Secretary of State).

18 “(B) DECISIONS.—Except as provided in
19 paragraph (2), decisions of the Advisory Board
20 shall be made by majority vote, a quorum being
21 present.

22 “(C) CLOSED SESSIONS.—The Advisory
23 Board may meet in closed sessions in accord-
24 ance with section 552b of title 5, United States
25 Code.

1 “(f) COMPENSATION.—

2 “(1) IN GENERAL.—Members of the Advisory
3 Board, while attending meetings of the Advisory
4 Board or while engaged in duties relating to such
5 meetings or in other activities of the Advisory Board
6 under this section (including travel time) shall be en-
7 titled to receive compensation equal to the daily
8 equivalent of the compensation prescribed for level
9 IV of the Executive Schedule under section 5315 of
10 title 5, United States Code.

11 “(2) TRAVEL EXPENSES.—While away from
12 their homes or regular places of business, members
13 of the Board may be allowed travel expenses, includ-
14 ing per diem in lieu of subsistence, as authorized
15 under section 5703 of such title for persons in the
16 Government service employed intermittently.

17 “(3) SECRETARY OF STATE.—The Secretary of
18 State is not entitled to any compensation under this
19 title, but may be allowed travel expenses in accord-
20 ance with paragraph (2).

21 “(g) SUPPORT STAFF.—The Chief Executive Officer
22 shall, from within existing United States Agency for Glob-
23 al Media personnel, provide the Advisory Board with an
24 Executive Secretary and such administrative staff and

1 support as may be necessary to enable the Advisory Board
2 to carry out subsections (d) and (e).”.

3 (e) CONFORMING AMENDMENTS.—The United States
4 International Broadcasting Act of 1994 (22 U.S.C. 6201
5 et seq.) is amended—

6 (1) in section 304—

7 (A) in the section heading, by striking
8 “**BROADCASTING BOARD OF GOVERNORS**”
9 and inserting “**UNITED STATES AGENCY FOR**
10 **GLOBAL MEDIA**”;

11 (B) in subsection (a), by striking “Broad-
12 casting Board of Governors” and inserting
13 “United States Agency for Global Media”;

14 (C) in subsection (b)(1), by striking
15 “Broadcasting Board of Governors” and insert-
16 ing “United States Agency for Global Media”;
17 and

18 (D) in subsection (c), by striking “Board”
19 each place such term appears and inserting
20 “Agency”;

21 (2) in section 305—

22 (A) in subsection (a)—

23 (i) in paragraph (6), by striking
24 “Board” and inserting “Agency”;

1 (ii) in paragraph (13), by striking
2 “Board” and inserting “Agency”;

3 (iii) in paragraph (20), by striking
4 “Board” and inserting “Agency”; and

5 (iv) in paragraph (22), by striking
6 “Board” and inserting “Agency”;

7 (B) in subsection (b), by striking “Board”
8 each place such term appears and inserting
9 “Agency”;
10 (3) in section 308—

11 (A) in subsection (a), in the matter pre-
12 ceding paragraph (1), by striking “Board” and
13 inserting “Agency”;

14 (B) in subsection (b), by striking “Board”
15 each place such term appears and inserting
16 “Agency”;

17 (C) in subsection (d), by striking “Board”
18 and inserting “Agency”;

19 (D) in subsection (g), by striking “Board”
20 each place such term appears and inserting
21 “Agency”;

22 (E) in subsection (h)(5), by striking
23 “Board” and inserting “Agency”; and

24 (F) in subsection (i), in the first sentence,
25 by striking “Board” and inserting “Agency”;

1 (4) in section 309—

2 (A) in subsection (c)(1), by striking
3 “Board” each place such term appears and in-
4 serting “Agency”;

5 (B) in subsection (e), in the matter pre-
6 ceding paragraph (1), by striking “Board” and
7 inserting “Agency”;

8 (C) in subsection (f), by striking “Board”
9 each place such term appears and inserting
10 “Agency”; and

11 (D) in subsection (g), by striking “Board”
12 and inserting “Agency”;

13 (5) in section 310(d), by striking “Board” and
14 inserting “Agency”;

15 (6) in section 310A(a), by striking “Broad-
16 casting Board of Governors” and inserting “United
17 States Agency for Global Media”;

18 (7) in section 310B, by striking “Board” and
19 inserting “Agency”;

20 (8) by striking section 312;

21 (9) in section 313(a), in the matter preceding
22 paragraph (1), by striking “Board” and inserting
23 “Agency”;

24 (10) in section 314—

1 (A) by striking “(4) the terms ‘Board and
2 Chief Executive Officer of the Board’ means
3 the Broadcasting Board of Governors” and in-
4 serting the following:

5 “(2) the terms ‘Agency’ and ‘Chief Executive
6 Officer of the Agency’ mean the United States Agen-
7 cy for Global Media and the Chief Executive Officer
8 of the United States Agency for Global Media, re-
9 spectively,”; and

10 (B) in paragraph (3)—

11 (i) by striking “includes—” and in-
12 serting “means the corporation having the
13 corporate title described in section 308”;
14 and

15 (ii) by striking subparagraphs (A) and
16 (B); and

17 (11) in section 316—

18 (A) in subsection (a)(1), by striking
19 “Broadcasting Board of Governors” and insert-
20 ing “United States Agency for Global Media”;
21 and

22 (B) in subsection (c), by striking “Broad-
23 casting Board of Governors” and inserting
24 “United States Agency for Global Media”.

1 (f) RULEMAKING.—Notwithstanding any other provi-
2 sion of law, the United States Agency for Global Media
3 may not revise part 531 of title 22, Code of Federal Regu-
4 lations, which took effect on June 11, 2020, without ex-
5 plicit authorization by an Act of Congress.

6 (g) SAVINGS PROVISIONS.—Section 310 of the
7 United States International Broadcasting Act of 1994 (22
8 U.S.C. 6209) is amended by adding at the end the fol-
9 lowing new subsections:

10 “(f) MAINTENANCE OF PROPRIETARY INFORMA-
11 TION.—No consolidation of grantees authorized under
12 subsection (a) involving any grantee shall result in any
13 legal transfer of ownership of any proprietary information
14 or intellectual property to the United State Agency for
15 Global Media or any other Federal entity.

16 “(g) RULE OF CONSTRUCTION.—No consolidation of
17 grantees authorized under subsection (a) shall result in
18 the consolidation of the Open Technology Fund or any
19 successor entity with any other grantee.”.

20 (h) RULE OF CONSTRUCTION.—Nothing in the
21 United States International Broadcasting Act of 1994 or
22 any other provision of law may be construed to make the
23 Open Technology Fund an entity authorized under such
24 Act until the effective date of legislation authorizing the
25 establishment of the Open Technology Fund.

1 **SEC. 1292. DETERMINATION AND IMPOSITION OF SANC-**
2 **TIONS WITH RESPECT TO TURKEY'S ACQUISI-**
3 **TION OF THE S-400 AIR AND MISSILE DE-**
4 **FENSE SYSTEM.**

5 (a) FINDINGS AND SENSE OF CONGRESS.—

6 (1) FINDINGS.—Congress makes the following
7 findings:

8 (A) The Government of Turkey acquired
9 the S-400 air and missile defense system from
10 the Russian Federation beginning on July 12,
11 2019.

12 (B) Such acquisition was facilitated by
13 Turkey's Presidency of Defense Industries
14 (SSB).

15 (2) SENSE OF CONGRESS.—It is the sense of
16 Congress that it is in the national security interest
17 of the United States—

18 (A) to deter aggression against North At-
19 lantic Treaty Organization (NATO) allies by
20 the Russian Federation or any other adversary;

21 (B) to continue to work with NATO allies
22 to ensure they meet their alliance defense com-
23 mitments, including through adequate and effi-
24 cient investments in national defense;

25 (C) to work to maintain and strengthen
26 the democratic institutions and practices of all

1 NATO allies, in accordance with the goals of
2 Article 2 of the North Atlantic Treaty;

3 (D) to ensure that Turkey remains a crit-
4 ical NATO ally and important military partner
5 for the United States, contributing to key
6 NATO and United States missions and pro-
7 viding support for United States military oper-
8 ations and logistics needs;

9 (E) to assist NATO allies in acquiring and
10 deploying modern, NATO-interoperable military
11 equipment and reducing their dependence on
12 Russian or former Soviet-era defense articles;

13 (F) to promote opportunities to strengthen
14 the capacity of NATO member states to
15 counter Russian malign influence; and

16 (G) to enforce fully the Countering Amer-
17 ica's Adversaries Through Sanctions Act (Pub-
18 lic Law 115–44; 22 U.S.C. 9401 et seq.), in-
19 cluding by imposing sanctions with respect to
20 any person that the President determines know-
21 ingly engaged in a significant transaction with
22 a person that is part of, or operates for or on
23 behalf of, the defense or intelligence sectors of
24 the Government of the Russian Federation, as
25 described in section 231 of that Act.

1 (b) DETERMINATION.—The acquisition by the Gov-
2 ernment of Turkey of the S–400 air and missile defense
3 system from the Russian Federation beginning on July
4 12, 2019, shall constitute a significant transaction as de-
5 scribed in section 231 of the Countering America’s Adver-
6 saries Through Sanctions Act (22 U.S.C. 9525).

7 (c) SANCTIONS.—Not later than 30 days after the
8 date of the enactment of this Act, the President shall im-
9 pose five or more of the sanctions described in section 235
10 of the Countering America’s Adversaries Through Sanc-
11 tions Act (22 U.S.C. 9529) with respect to the Govern-
12 ment of Turkey’s acquisition of the S–400 air and missile
13 defense system from the Russian Federation.

14 (d) EXCEPTION RELATING TO IMPORTATION OF
15 GOODS.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of this section, the authorities and require-
18 ments to impose sanctions under this section shall
19 not include the authority or a requirement to impose
20 sanctions on the importation of goods.

21 (2) GOOD DEFINED.—In this subsection, the
22 term “good” means any article, natural or man-
23 made substance, material, supply or manufactured
24 product, including inspection and test equipment,
25 and excluding technical data.

1 (e) TERMINATION.—The President may terminate
2 the imposition of sanctions required under this section
3 with respect to a person if the President submits to the
4 appropriate congressional committees a certification
5 that—

6 (1) the Government of Turkey and any person
7 acting on its behalf no longer possesses the S–400
8 air and missile defense system and no such system
9 or successor system is operated or maintained by
10 Russian nationals, or persons acting on behalf of the
11 Government of the Russian Federation, in Turkey;
12 and

13 (2) the President has received reliable assur-
14 ances from the Government of Turkey that the Gov-
15 ernment of Turkey will not knowingly engage, or
16 allow any foreign person to engage on its behalf, in
17 any activity subject to sanctions under section 231
18 of the Countering America’s Adversaries Through
19 Sanctions Act in the future.

1 **SEC. 1293. REPORT ON INCIDENTS OF ARBITRARY DETEN-**
2 **TION, VIOLENCE, AND STATE-SANCTIONED**
3 **HARASSMENT BY THE GOVERNMENT OF**
4 **EGYPT AGAINST UNITED STATES CITIZENS**
5 **AND THEIR FAMILY MEMBERS WHO ARE NOT**
6 **UNITED STATES CITIZENS.**

7 (a) IN GENERAL.—Not later than 60 days after the
8 date of the enactment of this Act, the Secretary of State,
9 in consultation with the Secretary of Defense, shall submit
10 to the appropriate congressional committees a report on
11 incidents of arbitrary detention, violence, and state-sanc-
12 tioned harassment by the Government of Egypt against
13 United States citizens and their family members who are
14 not United States citizens, in both Egypt and in the
15 United States.

16 (b) MATTERS TO BE INCLUDED.—The report re-
17 quired by subsection (a) shall include the following:

18 (1) A detailed description of such incidents in
19 the past three years.

20 (2) A certification of whether such incidents
21 constitute a “pattern of acts of intimidation or har-
22 assment” for purposes of a Presidential determina-
23 tion in accordance with section 6 of the Arms Ex-
24 port Control Act (22 U.S.C. 2756).

25 (3) A statement of the Secretary of State’s in-
26 tent with regard to cancelling or suspending any let-

1 ters of offer, credits, guarantees, or export licenses
2 accorded to the Government of Egypt in accordance
3 with the provisions of section 6 of such Act.

4 (4) Any other actions taken to meaningfully
5 deter incidents of intimidation or harassment
6 against Americans and their families by such gov-
7 ernment's security agencies.

8 (c) FORM.—The report required by subsection (a)
9 shall be submitted in unclassified form, but the portions
10 of the report described in paragraphs (2), (3), and (4) of
11 subsection (b) may contain a classified annex, so long as
12 such annex is provided separately from the unclassified re-
13 port.

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

17 (1) the Committee on Foreign Affairs and the
18 Committee on Armed Services of the House of Rep-
19 resentatives; and

20 (2) the Committee on Foreign Relations and
21 the Committee on Armed Services of the Senate.

22 **SEC. 1294. ESTABLISHMENT OF THE OPEN TECHNOLOGY**
23 **FUND.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that it is in the interest of the United States to pro-

1 mote global internet freedom by countering internet cen-
2 sorship and repressive surveillance and protect the inter-
3 net as a platform for the free exchange of ideas, promotion
4 of human rights and democracy, and advancement of a
5 free press and to support efforts that prevent the delib-
6 erate misuse of the internet to repress individuals from
7 exercising their rights to free speech and association, in-
8 cluding countering the use of such technologies by authori-
9 tarian regimes.

10 (b) ESTABLISHMENT.—The United States Inter-
11 national Broadcasting Act of 1994 (22 U.S.C. 6201 et
12 seq.) is amended by inserting after section 309 the fol-
13 lowing new section:

14 **“SEC. 309A. OPEN TECHNOLOGY FUND.**

15 “(a) AUTHORITY.—

16 “(1) IN GENERAL.—Grants authorized under
17 section 305 shall be available to make annual grants
18 for the purpose of promoting, consistent with United
19 States law, unrestricted access to uncensored
20 sources of information via the internet to enable
21 journalists, including journalists employed by or af-
22 filiated with the Voice of America, Radio Free Eu-
23 rope/Radio Liberty, Radio Free Asia, the Middle
24 East Broadcasting Networks, the Office of Cuba
25 Broadcasting, or any entity funded by or partnering

1 with the United States Agency for Global Media, to
2 create and disseminate, and for their audiences to
3 receive, news and information consistent with the
4 purposes, standards, and principles specified in sec-
5 tions 302 and 303.

6 “(2) ESTABLISHMENT.—There is established a
7 grantee entity to be known as the ‘Open Technology
8 Fund’, which shall carry out the provisions of this
9 section.

10 “(b) FUNCTIONS OF THE GRANTEE.—In furtherance
11 of the mission set forth in subsection (a), the Open Tech-
12 nology Fund shall seek to advance freedom of the press
13 and unrestricted access to the internet in repressive envi-
14 ronments overseas, and shall—

15 “(1) research, develop, implement, and main-
16 tain—

17 “(A) technologies that circumvent tech-
18 niques used by authoritarian governments,
19 nonstate actors, and others to block or censor
20 access to the internet, including circumvention
21 tools that bypass internet blocking, filtering,
22 and other censorship techniques used to limit or
23 block legitimate access to content and informa-
24 tion; and

1 “(B) secure communication tools and other
2 forms of privacy and security technology that
3 facilitate the creation and distribution of news
4 and enable audiences to access media content
5 on censored websites;

6 “(2) advance internet freedom by supporting
7 private and public sector research, development, im-
8 plementation, and maintenance of technologies that
9 provide secure and uncensored access to the internet
10 to counter attempts by authoritarian governments,
11 nonstate actors, and others to improperly restrict
12 freedom online;

13 “(3) research and analyze emerging technical
14 threats and develop innovative solutions through col-
15 laboration with the private and public sectors to
16 maintain the technological advantage of the United
17 States Government over authoritarian governments,
18 nonstate actors, and others;

19 “(4) develop, acquire, and distribute requisite
20 internet freedom technologies and techniques for the
21 United States Agency for Global Media, including as
22 set forth in paragraph (1), and digital security inter-
23 ventions, to fully enable the creation and distribution
24 of digital content between and to all users and re-
25 gional audiences;

1 “(5) prioritize programs for countries the gov-
2 ernments of which restrict freedom of expression on
3 the internet, and that are important to the national
4 interest of the United States, and are consistent
5 with section 7050(b)(2)(C) of the Further Consoli-
6 dated Appropriations Act, 2020 (Public Law 116–
7 94); and

8 “(6) carry out any other effort consistent with
9 the purposes of this Act or press freedom overseas
10 if requested or approved by the United States Agen-
11 cy for Global Media.

12 “(c) METHODOLOGY.—In carrying out subsection
13 (b), the Open Technology Fund shall—

14 “(1) support fully open-source tools, code, and
15 components, to the extent practicable, to ensure
16 such supported tools and technologies are as secure,
17 transparent, and accessible as possible, and require
18 that any such tools, components, code, or technology
19 supported by the Open Technology Fund remain
20 fully open-source, to the extent practicable;

21 “(2) support technologies that undergo com-
22 prehensive security audits to ensure that such tech-
23 nologies are secure and have not been compromised
24 in a manner detrimental to the interest of the
25 United States or to individuals and organizations

1 benefitting from programs supported by the Open
2 Technology Fund;

3 “(3) review and update periodically as nec-
4 essary security auditing procedures used by the
5 Open Technology Fund to reflect current industry
6 security standards;

7 “(4) establish safeguards to mitigate the use of
8 such supported technologies for illicit purposes;

9 “(5) solicit project proposals through an open,
10 transparent, and competitive application process to
11 attract innovative applications and reduce barriers to
12 entry;

13 “(6) seek input from technical, regional, and
14 subject matter experts from a wide range of relevant
15 disciplines, to review, provide feedback, and evaluate
16 proposals to ensure the most competitive projects
17 are funded;

18 “(7) implement an independent review process,
19 through which proposals are reviewed by such ex-
20 perts to ensure the highest degree of technical re-
21 view and due diligence;

22 “(8) maximize cooperation with the public and
23 private sectors, as well as foreign allies and partner
24 countries, to maximize efficiencies and eliminate du-
25 plication of efforts; and

1 “(9) utilize any other methodology approved by
2 the United States Agency for Global Media in fur-
3 therance of the mission of the Open Technology
4 Fund.

5 “(d) GRANT AGREEMENT.—Any grant agreement
6 with or grants made to the Open Technology Fund under
7 this section shall be subject to the following limitations
8 and restrictions:

9 “(1) The headquarters of the Open Technology
10 Fund and its senior administrative and managerial
11 staff shall be located in a location which ensures
12 economy, operational effectiveness, and account-
13 ability to the United States Agency for Global
14 Media.

15 “(2) Grants awarded under this section shall be
16 made pursuant to a grant agreement which requires
17 that grant funds be used only for activities con-
18 sistent with this section, and that failure to comply
19 with such requirements shall permit the grant to be
20 terminated without fiscal obligation to the United
21 States.

22 “(3) Any grant agreement under this section
23 shall require that any contract entered into by the
24 Open Technology Fund shall specify that all obliga-

1 tions are assumed by the grantee and not by the
2 United States Government.

3 “(4) Any grant agreement under this section
4 shall require that any lease agreements entered into
5 by the Open Technology Fund shall be, to the max-
6 imum extent possible, assignable to the United
7 States Government.

8 “(5) Administrative and managerial costs for
9 operation of the Open Technology Fund should be
10 kept to a minimum and, to the maximum extent fea-
11 sible, should not exceed the costs that would have
12 been incurred if the Open Technology Fund had
13 been operated as a Federal entity rather than as a
14 grantee.

15 “(6) Grant funds may not be used for any ac-
16 tivity the purpose of which is influencing the passage
17 or defeat of legislation considered by Congress.

18 “(e) RELATIONSHIP TO THE UNITED STATES AGEN-
19 CY FOR GLOBAL MEDIA.—

20 “(1) IN GENERAL.—The Open Technology
21 Fund shall be subject to the same oversight and gov-
22 ernance by the United States Agency for Global
23 Media as other grantees of the Agency as set forth
24 in section 305.

1 “(2) ASSISTANCE.—The United States Agency
2 for Global Media, its broadcast entities, and the
3 Open Technology Fund should render assistance to
4 each other as may be necessary to carry out the pur-
5 poses of this section or any other provision of this
6 Act.

7 “(3) NOT A FEDERAL AGENCY OR INSTRUMEN-
8 TALITY.—Nothing in this section may be construed
9 to make the Open Technology Fund a Federal agen-
10 cy or instrumentality.

11 “(4) DETAILEES.—Under the Intergovern-
12 mental Personnel Act, employees of a grantee of the
13 United States Agency for Global Media may be de-
14 tailed to the Agency, and Federal employees may be
15 detailed to a grantee of the United States Agency
16 for Global Media.

17 “(f) RELATIONSHIP TO OTHER UNITED STATES
18 GOVERNMENT-FUNDED INTERNET FREEDOM PRO-
19 GRAMS.—The United States Agency for Global Media
20 shall ensure that internet freedom research and develop-
21 ment projects of the Open Technology Fund are coordi-
22 nated with internet freedom programs of the Department
23 of State and other relevant United States Government de-
24 partments, in order to share information and best-prac-

1 tices relating to the implementation of subsections (b) and
2 (c).

3 “(g) REPORTING REQUIREMENTS.—

4 “(1) ANNUAL REPORT.—The Open Technology
5 Fund shall highlight, in its annual report, internet
6 freedom activities, including a comprehensive assess-
7 ment of the Open Technology Fund’s activities relat-
8 ing to the implementation of subsections (b) and (c).
9 Each such report shall include the following:

10 “(A) An assessment of the current state of
11 global internet freedom, including trends in cen-
12 sorship and surveillance technologies and inter-
13 net shutdowns, and the threats such pose to
14 journalists, citizens, and human rights and
15 civil-society organizations.

16 “(B) A description of the technology
17 projects supported by the Open Technology
18 Fund and the associated impact of such
19 projects in the prior year, including the coun-
20 tries and regions in which such technologies
21 were deployed, and any associated metrics indi-
22 cating audience usage of such technologies, as
23 well as future-year technology project initia-
24 tives.

1 “(2) ASSESSMENT OF THE EFFECTIVENESS OF
2 THE OPEN TECHNOLOGY FUND.—Not later than 2
3 years after the date of the enactment of this section,
4 the Inspector General of the Department of State
5 and the Foreign Service shall submit to the appro-
6 priate congressional committees a report on the fol-
7 lowing:

8 “(A) Whether the Open Technology Fund
9 is technically sound and cost effective.

10 “(B) Whether the Open Technology Fund
11 is satisfying the requirements of this section.

12 “(C) The extent to which the interests of
13 the United States are being served by maintain-
14 ing the work of the Open Technology Fund.

15 “(h) AUDIT AUTHORITIES.—

16 “(1) IN GENERAL.—Financial transactions of
17 the Open Technology Fund, as such relate to func-
18 tions carried out under this section, may be audited
19 by the Government Accountability Office in accord-
20 ance with such principles and procedures and under
21 such rules and regulations as may be prescribed by
22 the Comptroller General of the United States. Any
23 such audit shall be conducted at the place or places
24 at which accounts of the Open Technology Fund are
25 normally kept.

1 “(2) ACCESS BY GAO.—The Government Ac-
2 countability Office shall have access to all books, ac-
3 counts, records, reports, files, papers, and property
4 belonging to or in use by the Open Technology Fund
5 pertaining to financial transactions as may be nec-
6 essary to facilitate an audit. The Government Ac-
7 countability Office shall be afforded full facilities for
8 verifying transactions with any assets held by de-
9 positories, fiscal agents, and custodians. All such
10 books, accounts, records, reports, files, papers, and
11 property of the Open Technology Fund shall remain
12 in the possession and custody of the Open Tech-
13 nology Fund.

14 “(3) EXERCISE OF AUTHORITIES.—Notwith-
15 standing any other provision of law, the Inspector
16 General of the Department of State and the Foreign
17 Service is authorized to exercise the authorities of
18 the Inspector General Act of 1978 with respect to
19 the Open Technology Fund.”.

20 (c) CONFORMING AMENDMENTS.—The United States
21 International Broadcasting Act of 1994 is amended—

22 (1) in section 304(d) (22 U.S.C. 6203(d)), by
23 inserting “the Open Technology Fund,” before “the
24 Middle East Broadcasting Networks”;

1 (2) in sections 305 and 310 (22 U.S.C. 6204
2 and 6209), by inserting “the Open Technology
3 Fund,” before “or the Middle East Broadcasting
4 Networks” each place such term appears; and

5 (3) in section 310 (22 U.S.C. 6209), by insert-
6 ing “the Open Technology Fund,” before “and the
7 Middle East Broadcasting Networks” each place
8 such term appears.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for the Open Technology
11 Fund \$25,000,000 for fiscal year 2022 to carry out sec-
12 tion 309A of the United States International Broadcasting
13 Act of 1994, as added by subsection (b) of this section.

14 (e) EFFECTIVE DATE.—Section 309A of the United
15 States International Broadcasting Act of 1994 (as added
16 by subsection (b) of this section) and subsections (c) and
17 (d) of this section shall take effect and apply beginning
18 on July 1, 2021.

19 **SEC. 1295. SENSE OF CONGRESS ON PAYMENT OF AMOUNTS**
20 **OWED BY KUWAIT TO UNITED STATES MED-**
21 **ICAL INSTITUTIONS.**

22 (a) FINDINGS.—Congress finds that—

23 (1) at least 45 medical institutions in the
24 United States have provided medical services to citi-
25 zens of Kuwait; and

1 (2) despite providing care for their citizens, Ku-
2 wait has not paid amounts owed to such United
3 States medical institutions for such services in over
4 2 years.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) Kuwait is an important partner of the
8 United States in the Middle East and both countries
9 should find ways to address irritants in the bilateral
10 relationship;

11 (2) the United States should seek a resolution
12 with Kuwait regarding the outstanding amounts Ku-
13 wait owes to United States medical institutions for
14 medical services provided to citizens of Kuwait, espe-
15 cially during the Coronavirus Disease 2019
16 (“COVID–19”) pandemic; and

17 (3) Kuwait should immediately pay such out-
18 standing amounts owed to such United States med-
19 ical institutions.

20 **SEC. 1296. PROTECTION AND PROMOTION OF INTER-**
21 **NATIONALLY RECOGNIZED HUMAN RIGHTS**
22 **DURING THE NOVEL CORONAVIRUS PAN-**
23 **DEMIC.**

24 (a) STATEMENT OF POLICY.—It is the policy of the
25 United States to—

1 (1) encourage the protection and promotion of
2 internationally recognized human rights at home and
3 abroad at all times and especially during the novel
4 coronavirus pandemic;

5 (2) support freedom of expression and freedom
6 of the press in the United States and elsewhere,
7 which are critical to ensuring public dissemination
8 of, and access to, accurate information about the
9 novel coronavirus pandemic, including information
10 authorities need to enact science-based policies that
11 limit the spread and impact of the virus, while pro-
12 tecting human rights;

13 (3) support multilateral efforts to address the
14 novel coronavirus pandemic; and

15 (4) oppose the use of the novel coronavirus pan-
16 demic as a justification for the enactment of laws
17 and policies that use states of emergency to violate
18 or otherwise restrict the human rights of citizens, in-
19 consistent with the principles of limitation and dero-
20 gation, and without clear scientific or public health
21 justifications, including the coercive, arbitrary, dis-
22 proportionate, or unlawful use of surveillance tech-
23 nology.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the United States should lead the inter-
2 national community in its efforts to respond to the
3 novel coronavirus pandemic;

4 (2) the United States, in implementing emer-
5 gency policies at home and through its diplomacy,
6 foreign assistance, and security cooperation, should
7 promote the protection of internationally recognized
8 human rights during and after the novel coronavirus
9 pandemic;

10 (3) foreign assistance and security cooperation
11 provided by the Department of State, the United
12 States Agency for International Development
13 (USAID), and the Department of Defense, whether
14 implemented directly or through nongovernmental
15 organizations or international organizations,
16 should—

17 (A) support democratic institutions, civil
18 society, free media, and other internationally
19 recognized human rights during, and in the
20 aftermath of, the novel coronavirus pandemic;

21 (B) ensure attention to countries in which
22 the government's response to the pandemic vio-
23 lated human rights and democratic norms; and

24 (C) incentivize foreign military and secu-
25 rity force units to abide by their human rights

1 obligations, and in no way contribute to human
2 rights violations; and

3 (4) in implementing emergency policies in re-
4 sponse to the novel coronavirus pandemic—

5 (A) governments should fully respect and
6 comply with internationally recognized human
7 rights, including the rights to life, liberty, and
8 security of the person, the freedoms of move-
9 ment, religion, speech, peaceful assembly, asso-
10 ciation, freedom of expression and of the press,
11 and the freedom from arbitrary detention, dis-
12 crimination, or invasion of privacy;

13 (B) emergency restrictions or powers that
14 impact internationally recognized human rights,
15 including the rights to freedom of assembly, as-
16 sociation, and movement should be—

17 (i) grounded in law, narrowly tailored,
18 proportionate, and necessary to the govern-
19 ment's legitimate goal of ending the pan-
20 demic;

21 (ii) limited in duration;

22 (iii) clearly communicated to the pop-
23 ulation;

24 (iv) subject to independent govern-
25 ment oversight; and

1 (v) implemented in a nondiscriminatory and fully transparent manner;

2 (C) governments—

3 (i) should not place any limits or
4 other restrictions on, or criminalize, the
5 free flow of information; and
6

7 (ii) should make all efforts to provide
8 and maintain open access to the internet
9 and other communications platforms;

10 (D) emergency measures should not discriminate against any segment of the population, including minorities, vulnerable individuals, and marginalized groups;

11 (E) monitoring systems put in place to
12 track and reduce the impact of the novel
13 coronavirus should, at a minimum—

14 (i) abide by privacy best practices involving data anonymization and aggregation;
15
16

17 (ii) be administered in an open and
18 transparent manner;

19 (iii) be scientifically justified and necessary to limit the spread of disease;
20
21
22
23

1 (iv) be employed for a limited dura-
2 tion of time in correspondence with the
3 system's public health objective;

4 (v) be subject to independent over-
5 sight;

6 (vi) incorporate reasonable data secu-
7 rity measures; and

8 (vii) be firewalled from other commer-
9 cial and governmental uses, such as law
10 enforcement and the enforcement of immi-
11 gration policies; and

12 (F) governments should take every feasible
13 measure to protect the administration of free
14 and fair elections.

15 (c) REPORT ON COUNTERING DISINFORMATION.—
16 Not later than 60 days after the date of the enactment
17 of this Act, the Secretary of State, in coordination with
18 the Secretary of Defense and the heads of other relevant
19 Federal departments and agencies, shall submit to the ap-
20 propriate congressional committees a report on all actions
21 taken by the United States Government to counter
22 disinformation and disseminate accurate information
23 abroad related to the novel coronavirus pandemic.

24 (d) REPORT ON HUMAN RIGHTS.—Not later than 90
25 days after the date on which the World Health Organiza-

tion declares that the novel coronavirus pandemic has ended, and having consulted with the appropriate congressional committees, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees a report that—

(1) identifies the countries in which emergency measures or other legal actions taken in response to the novel coronavirus pandemic were inconsistent with the principles described in subsection (b)(4) or otherwise limited internationally recognized human rights in a manner inconsistent with the principles of limitation and derogation extended beyond the end of the novel coronavirus pandemic;

(2) identifies the countries in which such measures or actions continued beyond the end of the novel coronavirus pandemic;

(3) for the countries identified pursuant to paragraph (1), describes such emergency measures, including—

(A) how such measures violated or seriously undermined internationally recognized human rights; and

(B) the impact of such measures on—

1 (i) the government's efforts and abil-
2 ity to control the pandemic within the
3 country;

4 (ii) the population's access to health
5 care services;

6 (iii) the population's access to services
7 for survivors of violence and abuse;

8 (iv) women and ethnic, religious, sex-
9 ual, and other minority, vulnerable, or
10 marginalized populations; and

11 (v) military-to-military activities, exer-
12 cises, or joint operations, including the
13 number and type of bilateral and multilat-
14 eral military events, cancelled or adjusted,
15 the type of joint Special Security Agree-
16 ment or Security Cooperation activity, and
17 the reason for cancellation;

18 (4) describes—

19 (A) any surveillance measures implemented
20 or utilized by the governments of such countries
21 as part of the novel coronavirus pandemic re-
22 sponse;

23 (B) the extent to which such measures
24 have been, or have not been, rolled back; and

1 (C) whether and how such measures im-
2 pact internationally recognized human rights;

3 (5) indicates whether any foreign person or per-
4 sons within a country have been determined to have
5 committed gross violations of internationally recog-
6 nized human rights during the novel coronavirus
7 pandemic response, including a description of any
8 resulting sanctions imposed on such persons under
9 United States law; and

10 (6) provides recommendations relating to the
11 steps the United States Government should take,
12 through diplomacy, foreign assistance, and security
13 cooperation, to address the persistent issues related
14 to internationally recognized human rights in the
15 aftermath of the novel coronavirus pandemic.

16 (e) CONDITIONING OF SECURITY SECTOR ASSIST-
17 ANCE.—Section 502B(a)(4) of the Foreign Assistance Act
18 of 1961 (22 U.S.C. 2304(a)(4)) is amended—

19 (1) in subparagraph (A), by striking “or” at
20 the end;

21 (2) in subparagraph (B), by striking the period
22 at the end and inserting “; or”; and

23 (3) by adding at the end the following:

24 “(C) has engaged in the systematic viola-
25 tion of internationally recognized human rights

1 through the use of emergency laws, policies, or
2 administrative procedures.”.

3 (f) DEPARTMENT OF DEFENSE GUIDANCE.—Not
4 later 90 days after the date of the enactment of this Act,
5 the Secretary of Defense shall issue guidance that the pro-
6 gram of assessment, monitoring, and evaluation in support
7 of the security cooperation programs and activities main-
8 tained by the Department of Defense in accordance with
9 section 383 of title 10, United States Code, and intel-
10 ligence collections requirements of the combatant com-
11 mands shall include, for the next 5 fiscal years, indicators
12 of whether partner security forces have taken advantage
13 of the novel coronavirus pandemic and public health con-
14 trol measures to—

15 (1) control, limit, or profit from the distribution
16 or supply of medical supplies, food, water, and other
17 essential goods;

18 (2) undermine civilian and parliamentary con-
19 trol or oversight of security forces;

20 (3) limit ability of civilian government authori-
21 ties to execute essential functions, including civilian
22 policing, justice delivery, detentions, or other forms
23 of essential community-level government service de-
24 livery;

1 (4) expand solicitation of bribes or compensa-
2 tion for use of or access to key transportation nodes
3 or networks, including roadways and ports;

4 (5) take control of media distribution or other-
5 wise limit the exercise of freedom of the press or dis-
6 tribution of radio, internet, or other broadcast
7 media;

8 (6) deepen religious or ethnic favoritism in de-
9 livery of security, justice, or other essential govern-
10 ment services; or

11 (7) otherwise undermine or violate internation-
12 ally recognized human rights in any way determined
13 of concern by the Secretary.

14 (g) COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
15 TICES.—The Foreign Assistance Act of 1961 is amended
16 as follows:

17 (1) In section 116 (22 U.S.C. 2151n), by add-
18 ing at the end the following new subsection:

19 “(h) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE
20 OF EMERGENCY POWERS AND SURVEILLANCE TECH-
21 NOLOGY.—The report required by subsection (d) shall in-
22 clude, wherever applicable, a description of any misuse by
23 the government of any country of any emergency powers
24 or measures, or any development or proliferation of any
25 surveillance technologies, that violated or seriously under-

1 mined internationally recognized human rights in a man-
2 ner inconsistent with the principles of limitation and dero-
3 gation, including the following information:

4 “(1) Any failure by the government of any
5 country to clearly articulate the purpose of emer-
6 gency powers or measures, or to specify the duration
7 of such powers or measures, or to notify the United
8 Nations regarding the use of such powers, as re-
9 quired by applicable treaty.

10 “(2) Any failure by the government of any
11 country to abide by the stated purposes of emer-
12 gency powers or measures, or to cease the use of
13 such powers after any specified term expires.

14 “(3) Any violations by the government of any
15 country of non-derogable rights due to the imple-
16 mentation of emergency powers or measures.

17 “(4) Any discriminatory implementation by the
18 government of any country of emergency powers or
19 measures, the populations affected, and the impact
20 on such populations.

21 “(5) Any development or proliferation of sur-
22 veillance technologies, including new or emerging
23 technologies used by the government of a country in
24 the surveillance of civilian populations, that—

1 “(A) fail to abide by privacy best practices
2 involving data anonymization and aggregation;

3 “(B) are not administered in an open and
4 transparent manner;

5 “(C) are not subject to independent over-
6 sight; and

7 “(D) fail to incorporate reasonable data se-
8 curity measures.”.

9 (2) In section 502B(b) (22 U.S.C. 2304(b)),
10 by—

11 (A) redesignating the second subsection (i)
12 (relating to child marriage) as subsection (j);
13 and

14 (B) adding at the end the following new
15 subsection:

16 “(k) HUMAN RIGHTS VIOLATIONS DUE TO MISUSE
17 OF EMERGENCY POWERS AND SURVEILLANCE TECH-
18 NOLOGY.—The report required by subsection (b) shall in-
19 clude, wherever applicable, a description of any misuse by
20 the government of any country of any emergency powers
21 or measures, or any development or proliferation of any
22 surveillance technologies, that violated or seriously under-
23 mined internationally recognized human rights in a man-
24 ner inconsistent with the principles of limitation and dero-
25 gation, including the following information:

1 “(1) Any failure by the government of any
2 country to clearly articulate the purpose of emer-
3 gency powers or measures, or to specify the duration
4 of such powers or measures, or to notify the United
5 Nations regarding the use of such powers, as re-
6 quired by applicable treaty.

7 “(2) Any failure by the government of any
8 country to abide by the stated purposes of emer-
9 gency powers or measures, or to cease the use of
10 such powers after any specified term expires.

11 “(3) Any violations by the government of any
12 country of non-derogable rights due to the imple-
13 mentation of emergency powers or measures.

14 “(4) Any discriminatory implementation by the
15 government of any country of emergency powers or
16 measures, the populations affected, and the impact
17 on such populations.

18 “(5) Any development or proliferation of sur-
19 veillance technologies, including new or emerging
20 technologies used by the government of a country in
21 the surveillance of civilian populations, that—

22 “(A) fail to abide by privacy best practices
23 involving data anonymization and aggregation;

24 “(B) are not administered in an open and
25 transparent manner;

1 “(C) are not subject to independent over-
2 sight; and

3 “(D) fail to incorporate reasonable data se-
4 curity measures.”.

5 (h) DEFINITION.—In this section, the term “appro-
6 priate congressional committees” means—

7 (1) the Committee on Foreign Affairs, the
8 Committee on Armed Services, and the Committee
9 on Appropriations of the House of Representatives;
10 and

11 (2) the Committee on Foreign Relations, the
12 Committee on Armed Services, and the Committee
13 on Appropriations of the Senate.

14 **SEC. 1297. REVIEW OF DEPARTMENT OF DEFENSE COMPLI-**
15 **ANCE WITH “PRINCIPLES RELATED TO THE**
16 **PROTECTION OF MEDICAL CARE PROVIDED**
17 **BY IMPARTIAL HUMANITARIAN ORGANIZA-**
18 **TIONS DURING ARMED CONFLICTS”.**

19 (a) STATEMENT OF CONGRESS.—Congress—

20 (1) affirms the importance of United States
21 leadership in ensuring global respect and protection
22 for all health care workers, vehicles and equipment,
23 and health care facilities, during times of armed con-
24 flict or other situations of violence;

1 (2) deeply regrets that health care workers, ve-
2 hicles and equipment, health care facilities, and the
3 sick and wounded are too often attacked, assaulted
4 or subjected to violence in and outside of situations
5 of armed conflict, and expresses support for health
6 care workers around the world providing impartial
7 care in and outside of armed conflict;

8 (3) affirms support for the right to freedom of
9 assembly and rejects the targeting, harming, or en-
10 dangering of health care workers, vehicles or equip-
11 ment, health care facilities, or the sick and wounded
12 during times of civil protest or unrest; and

13 (4) urges the United States Government to
14 strengthen its global leadership role to protect health
15 care in armed conflict and other situations of vio-
16 lence, in accordance with the Geneva Conventions of
17 1949 and United Nations Security Council Resolu-
18 tion 2286 of May 3, 2016, through—

19 (A) United States diplomatic channels;

20 (B) appropriately leveraging United States
21 security cooperation to ensure that United
22 States military partners protect health care;
23 and

24 (C) the development of practical guidance
25 for the United State Armed Forces on pro-

1 tecting health care in armed conflict and other
2 situations of violence.

3 (b) STATEMENT OF POLICY.—It is the policy of the
4 United States—

5 (1) to ensure that Department of Defense or-
6 ders and military guidance are consistent with inter-
7 national humanitarian law recognized by the United
8 States as binding by treaty or custom; and

9 (2) to encourage United States military part-
10 ners to integrate similar measures to protect health
11 care into the planning and conduct of operations.

12 (c) REVIEW.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the date of the enactment of this Act, the Secretary
15 of Defense shall submit to the appropriate congres-
16 sional committees the results of the review requested
17 on October 3, 2016, by then Secretary of Defense
18 Ashton Carter, of compliance of all relevant Depart-
19 ment of Defense orders, rules of engagement, direc-
20 tives, regulations, policies, practices, and procedures,
21 with the “Principles Related to the Protection of
22 Medical Care Provided by Impartial Humanitarian
23 Organizations During Armed Conflicts”.

1 (2) IF REVIEW NOT COMPLETED.—If such re-
2 view has not been completed, the Secretary of De-
3 fense—

4 (A) shall complete the review in accordance
5 with the original request; and

6 (B) shall, not later than 120 days after the
7 date of the enactment of this Act, provide the
8 results of the review to the appropriate congres-
9 sional committees.

10 (3) MATTERS TO BE INCLUDED.—Such review
11 shall include the following:

12 (A) A description of the Department of
13 Defense orders, rules of engagement, directives,
14 regulations, policies, practices, and procedures
15 that were reviewed, including checkpoint prac-
16 tices, hospital searches, precautions concerning
17 attacks on health care facilities that have lost
18 legal protection, treatment of the wounded and
19 sick, or any other guidance, and training or
20 standard operating procedures relating to the
21 protection of health care during armed conflict.

22 (B) An identification of any changes or ad-
23 justments to orders, guidance, policies, or pro-
24 cedures that were made as a result of such re-

1 view and a description of such changes or ad-
2 justments.

3 (4) DEFINITION.—In this subsection, the term
4 “appropriate congressional committees” means—

5 (A) the Committee on Foreign Affairs and
6 the Committee on Armed Services of the House
7 of Representatives; and

8 (B) the Committee on Foreign Relations
9 and the Committee on Armed Services of the
10 Senate.

11 **SEC. 1298. PROMOTING HUMAN RIGHTS IN COLOMBIA.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) the United States recognizes Colombia as a
15 key regional partner committed to promoting democ-
16 racy, human rights, and security and remains com-
17 mitted to supporting areas of mutual interest out-
18 lined under Plan Colombia;

19 (2) no military or intelligence equipment or
20 supplies transferred or sold to the Government of
21 Colombia under United States security sector assist-
22 ance programs should be used for purposes of un-
23 lawful surveillance or intelligence gathering directed
24 at the civilian population, including human rights

1 defenders, judicial personnel, journalists or the polit-
2 ical opposition;

3 (3) the United States should encourage ac-
4 countability through full and transparent investiga-
5 tion, as appropriate, and prosecution under applica-
6 ble law of individuals in Colombia responsible for
7 conducting unlawful surveillance or intelligence gath-
8 ering; and

9 (4) the United States, through its diplomacy,
10 foreign assistance, and United States security sector
11 assistance programs, should consistently and at all
12 times promote the protection of internationally-rec-
13 ognized human rights in Colombia, including by
14 incentivizing the Colombian Government, its mili-
15 tary, police, security, and intelligence units, to abide
16 by their human rights obligations.

17 (b) REPORT.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, the Sec-
20 retary of State, in coordination with the Secretary of
21 Defense and the Director of National Intelligence,
22 shall submit to the appropriate congressional com-
23 mittees a report that assesses allegations that
24 United States security sector assistance provided to
25 the Government of Colombia was used by or on be-

1 half of the Government of Colombia for purposes of
2 unlawful surveillance or intelligence gathering di-
3 rected at the civilian population, including human
4 rights defenders, judicial personnel, journalists, and
5 the political opposition.

6 (2) MATTERS TO BE INCLUDED.—The report
7 required by this subsection shall include the fol-
8 lowing:

9 (A) A detailed summary of findings in re-
10 gard to any involvement by Colombian military,
11 police, security, or intelligence units in unlawful
12 surveillance or intelligence gathering directed at
13 sectors of the civilian population and non-com-
14 batants from 2002 through 2018.

15 (B) Any findings in regard to any unlawful
16 surveillance or intelligence gathering alleged or
17 reported to have been carried out by Colombian
18 military, police, security, or intelligence units in
19 2019 and 2020 and an assessment of the full
20 extent of such activities, including identification
21 of units involved, relevant chains of command,
22 and the nature and objectives of such surveil-
23 lance or intelligence gathering.

24 (C) A detailed description of any use of
25 United States security sector assistance for

1 such unlawful surveillance or intelligence gath-
2 ering.

3 (D) Full information on the steps taken by
4 the Department of State, the Department of
5 Defense, or the Office of the Director of Na-
6 tional Intelligence in response to any misuse or
7 credible allegations of misuse of United States
8 security sector assistance, including—

9 (i) any application of section 620M of
10 the Foreign Assistance Act of 1961 (22
11 U.S.C. 2378d) or section 362 of title 10,
12 United States Code (commonly referred to
13 as the “Leahy Laws”);

14 (ii) any consideration of the imple-
15 mentation of mandatory “snap-back” of
16 United States security assistance found to
17 have been employed by the Colombian Gov-
18 ernment or any dependency thereof for
19 such unlawful surveillance or intelligence
20 gathering; and

21 (iii) a description of measures taken
22 to ensure that such misuse does not recur
23 in the future.

24 (E) Full information on the steps taken by
25 the Colombian Government and all relevant Co-

1 Colombian authorities in response to any misuse
2 or credible allegations of misuse of United
3 States security sector assistance, including a
4 description of measures taken to ensure that
5 such misuse of military or intelligence equip-
6 ment or supplies does not recur in the future.

7 (F) An analysis of the adequacy of Colom-
8 bian military and security doctrine and training
9 for ensuring that surveillance and intelligence
10 gathering operations are conducted in accord-
11 ance with the Government of Colombia's inter-
12 national human rights obligations and any addi-
13 tional assistance and training that the United
14 States can provide to strengthen adherence by
15 Colombian military and security forces to inter-
16 national human rights obligations.

17 (3) FORM.—The report required by this sub-
18 section shall be submitted in unclassified form, but
19 may include a classified annex.

20 (c) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Foreign Affairs, the
25 Committee on Armed Services, and the Perma-

1 nent Select Committee on Intelligence of the
2 House of Representatives; and

3 (B) the Committee on Foreign Relations,
4 the Committee on Armed Services, and the Se-
5 lect Committee on Intelligence of the Senate.

6 (2) INTELLIGENCE COMMUNITY.—The term
7 “intelligence community” has the meaning given
8 that term in section 3(4) of the National Security
9 Act of 1947 (50 U.S.C. 3003(4)).

10 (3) UNITED STATES SECURITY SECTOR ASSIST-
11 ANCE.—The term “United States security sector as-
12 sistance” means a program authorized under—

13 (A) section 502B of the Foreign Assistance
14 Act of 1961 (22 U.S.C. 2304) and administered
15 by the Department of State;

16 (B) section 301 of title 10, United States
17 Code, or any national defense authorization Act
18 and administered by the Department of De-
19 fense; or

20 (C) any law administered by the intel-
21 ligence community.

22 (4) UNLAWFUL SURVEILLANCE OR INTEL-
23 LIGENCE GATHERING.—The term “unlawful surveil-
24 lance or intelligence gathering” means surveillance
25 or intelligence gathering—

1 (A) prohibited under applicable Colombian
2 law or international law recognized by Colom-
3 bia;

4 (B) undertaken without legally required ju-
5 dicial oversight, warrant or order; or

6 (C) undertaken in violation of internation-
7 ally recognized human rights.

8 **SEC. 1299. WAIVER OF PASSPORT FEES FOR CERTAIN INDIVIDUALS.**
9

10 Section 1 of the Passport Act of June 4, 1920 (22
11 U.S.C. 214) is amended, in the third sentence, by insert-
12 ing “from a family member of a member of the uniformed
13 services proceeding abroad whose travel and transpor-
14 tation is provided under section 481h of title 37, United
15 States Code;” after “funeral or memorial service for such
16 member;”.

17 **SEC. 1299A. REPORT ON VENEZUELA.**

18 (a) REPORT REQUIRED.—Not later than 120 days
19 after the date of the enactment of this Act, the Secretary
20 of State and the Secretary of Defense shall submit to the
21 appropriate congressional committees a report regarding
22 the political, economic, health, and humanitarian crisis in
23 Venezuela, and its implications for United States national
24 security and regional security and stability.

1 (b) ELEMENTS OF REPORT.—The report required by
2 subsection (a) shall include, at a minimum, the following:

3 (1) An assessment of how the multifaceted cri-
4 sis in Venezuela and the resulting migration of mil-
5 lions of citizens from Venezuela to neighboring coun-
6 tries, including Brazil, Colombia, Ecuador, and
7 Peru, affects regional security and stability.

8 (2) An assessment of whether, and to what de-
9 gree, the situation in Venezuela has affected drug
10 trafficking trends in the region, including by cre-
11 ating a more permissive environment in Venezuela
12 for drug trafficking organizations and other criminal
13 actors to operate.

14 (3) An assessment of the influence of external
15 actors in Venezuela, including the Government of
16 the People’s Republic of China, the Government of
17 Cuba, the Government of Iran, and the Government
18 of the Russian Federation.

19 (4) An assessment of how, and to what degree,
20 the COVID–19 pandemic in Venezuela has affected,
21 or is likely to affect, the health and humanitarian
22 situation in Venezuela and regional security and sta-
23 bility.

24 (5) Any other matters the Secretary of State or
25 Secretary of Defense determines should be included.

1 (c) FORM.—The report required by subsection (a)
2 shall be submitted in both classified and unclassified form.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
4 In this section, the term “appropriate congressional com-
5 mittees” means—

6 (1) the Committee on Foreign Relations of the
7 Senate and the Committee on Foreign Affairs of the
8 House of Representatives;

9 (2) the Committee on Armed Services of the
10 Senate and the Committee on Armed Services of the
11 House of Representatives;

12 (3) the Subcommittee on State, Foreign Oper-
13 ations, and Related Programs of the Committee on
14 Appropriations of the Senate and the Subcommittee
15 on State, Foreign Operations, and Related Programs
16 of the Committee on Appropriations of the House of
17 Representatives; and

18 (4) the Subcommittee on Defense of the Com-
19 mittee on Appropriations of the Senate and the Sub-
20 committee on Defense of the Committee on Appro-
21 priations of the House of Representatives.

22 **SEC. 1299B. PROHIBITION ON USE OF FUNDS FOR AERIAL**
23 **FUMIGATION.**

24 None of the amounts authorized to be appropriated
25 or otherwise made available by this Act may be made

1 available to directly conduct aerial fumigation in Colombia
2 unless there are demonstrated actions by the Government
3 of Colombia to adhere to national and local laws and regu-
4 lations.

5 **SEC. 1299C. REPORT ON SUPPORT FOR DEMOCRATIC RE-**
6 **FORMS BY THE GOVERNMENT OF THE RE-**
7 **PUBLIC OF GEORGIA.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the United States should—

10 (1) support the Government of the Republic of
11 Georgia’s continued development of democratic val-
12 ues, path to electoral reform, commitment to com-
13 bating corruption, and efforts to ensure the Geor-
14 gian private sector upholds internationally recog-
15 nized standards, including welcoming and protecting
16 foreign direct investment; and

17 (2) continue to work closely with the Govern-
18 ment of Georgia on defense and security cooperation
19 to include increasing Georgia’s defense capabilities,
20 interoperability with partner nations, adherence to
21 the rules of war, and strengthening of defense insti-
22 tutions.

23 (b) REPORT REQUIRED.—Not later than 180 days
24 after the date of the enactment of this Act, the Secretary

1 of State shall submit to the appropriate congressional
2 committees a report that contains—

3 (1) an analysis of whether or not the Govern-
4 ment of Georgia is taking effective steps to strength-
5 en democratic institutions in Georgia; and

6 (2) an analysis of whether or not the Govern-
7 ment of Georgia is—

8 (A) effectively implementing electoral re-
9 form;

10 (B) respecting the independence of the ju-
11 diciary, including independence from legislative
12 or executive interference;

13 (C) effectively implementing the necessary
14 policies to ensure accountability and trans-
15 parency, including unfettered access to public
16 information;

17 (D) protecting the rights of civil society,
18 opposition political parties, and the independ-
19 ence of the media; and

20 (E) any other matters the Secretary deter-
21 mines to be appropriate.

22 **SEC. 1299D. ASSESSMENT ON MODERNIZATION TARGETS OF**
23 **THE PEOPLE’S LIBERATION ARMY.**

24 (a) **ASSESSMENT.**—The Secretary of Defense, in con-
25 sultation with relevant Federal departments and agencies,

1 shall prepare an assessment on the People's Liberation
2 Army of the People's Republic of China 2035 moderniza-
3 tion targets that includes—

4 (1) how such modernization could impact the
5 effectiveness of Taiwan's self-defense capabilities;

6 (2) how such modernization could impact
7 United States interests, including those articulated
8 in the Taiwan Relations Act (22 U.S.C 3301 et.
9 seq.) to maintain the capacity of the United States
10 to resist any resort to force or other forms of coer-
11 cion that would jeopardize the security, or the social
12 or economic system, of the people on Taiwan; and

13 (3) any other matters the Secretary determines
14 appropriate.

15 (b) BRIEFING.—Not later than 180 days after the en-
16 actment of this Act, the Secretary of Defense shall provide
17 the assessment in a classified, written report to—

18 (1) the Committee on Armed Services, the Per-
19 manent Select Committee on Intelligence, the Com-
20 mittee on Foreign Affairs, and the Committee on
21 Appropriations of the House of Representatives; and

22 (2) the Committee on Armed Services, the Se-
23 lect Committee on Intelligence, the Committee on
24 Foreign Relations, and the Committee on Appropria-
25 tions of the Senate.

1 **SEC. 1299E. MITIGATION AND PREVENTION OF ATROCITIES**
2 **IN HIGH-RISK COUNTRIES.**

3 (a) STATEMENT OF POLICY.—It is the policy of the
4 United States that the Department of State, in coordina-
5 tion with the Department of Defense and the United
6 States Agency for International Development, should ad-
7 dress global fragility, as required by the Global Fragility
8 Act of 2019 and, to the extent practicable, incorporate the
9 prevention of atrocities and mitigation of fragility into se-
10 curity assistance and cooperation planning and implemen-
11 tation for covered foreign countries.

12 (b) IN GENERAL.—The Secretary of State, in con-
13 sultation with chiefs of mission and the Administrator of
14 the United States Agency for International Development,
15 shall ensure that the Department of State’s Atrocity As-
16 sessment Framework is factored into the Integrated Coun-
17 try Strategy and the Country Development Cooperation
18 Strategy where appropriate for covered foreign countries.

19 (c) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, and annually thereafter for
21 5 years, the Secretary of State shall submit to the appro-
22 priate congressional committees a report on its efforts to
23 prevent atrocities in covered foreign countries.

24 (d) STAKEHOLDER CONSULTATION.—Consistent
25 with section 504(b) of the Global Fragility Act of 2019
26 (22 U.S.C. 9803(b)), the Secretary of State and other rel-

1 evant agencies may consult with credible representatives
2 of civil society with experience in atrocities prevention and
3 national and local governance entities, as well as relevant
4 international development organizations with experience
5 implementing programs in fragile and violence-affected
6 communities, multilateral organizations and donors, and
7 relevant private, academic, and philanthropic entities, as
8 appropriate, in identifying covered foreign countries as de-
9 fined in this section.

10 (e) DEFINITIONS.—In this section:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs and
15 the Committee on Armed Services of the House
16 of Representatives; and

17 (B) the Committee on Foreign Relations
18 and the Committee on Armed Services of the
19 Senate.

20 (2) COVERED FOREIGN COUNTRY.—The term
21 “covered foreign country” means a foreign country
22 that is not listed as a priority country under the
23 Global Fragility Initiative but remains among the
24 top 30 most at risk countries for new onset of mass
25 killing, according to the Department of State’s inter-

1 nal assessments, and in consultation with the appro-
2 priate congressional committees.

3 **SEC. 1299F. RESUMPTION OF PEACE CORPS OPERATIONS.**

4 Not later than 90 days after the date of enactment
5 of this Act, the Director of the Peace Corps shall submit
6 to the Committee on Foreign Relations of the Senate and
7 the Committee on Foreign Affairs of the House of Rep-
8 resentatives a report that describes the efforts of the
9 Peace Corps to—

10 (1) offer a return to service to each Peace
11 Corps volunteer and trainee whose service ended on
12 March 15, 2020 (or earlier, in the case of volunteers
13 who were serving China and Mongolia), due to the
14 COVID–19 public health emergency;

15 (2) obtain approval from countries, as is safe
16 and appropriate, to return volunteers and trainees to
17 countries of service, predicated on the ability for vol-
18 unteers and trainees to return safely and legally;

19 (3) provide adequate measures necessary for
20 the safety and health of volunteers and trainees and
21 develop contingency plans in the event overseas oper-
22 ations are disrupted by future COVID–19 outbreaks;

23 (4) develop and maintain a robust volunteer co-
24 hort; and

1 (5) identify the need for anticipated additional
2 appropriations or new statutory authorities and
3 changes in global conditions that would be necessary
4 to achieve the goal of safely enrolling 7,300 Peace
5 Corps volunteers during the 1-year period beginning
6 on the date on which Peace Corps operations re-
7 sume.

8 **SEC. 1299G. TRANSFER OF EXCESS NAVAL VESSELS TO THE**
9 **GOVERNMENT OF EGYPT.**

10 (a) TRANSFERS BY GRANT.—The President is au-
11 thorized to transfer to the Government of Egypt the OLI-
12 VER HAZARD PERRY class guided missile frigates ex-
13 USS CARR (FFG–52) and ex-USS ELROD (FFG–55)
14 on a grant basis under section 516 of the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2321j) upon submitting to
16 the appropriate congressional committees a certification
17 described in subsection (b).

18 (b) CERTIFICATION.—A certification described in this
19 subsection is a certification of the following:

20 (1) The President has received reliable assur-
21 ances that the Government of Egypt and any Egyp-
22 tian state-owned enterprise—

23 (A) are not engaged in activity subject to
24 sanctions under the Countering America’s Ad-
25 versaries Through Sanctions Act (Public Law

1 115–44; 22 U.S.C. 9401 et seq.), including ac-
2 tivity related to Russian Su–35 warplanes; and

3 (B) will not knowingly engage in activity
4 subject to sanctions under such Act in the fu-
5 ture.

6 (2) The Egyptian forces that will man the ves-
7 sels described in subsection (a) will be subject to the
8 requirements of section 620M of the Foreign Assist-
9 ance Act of 1961 (22 U.S.C. 2378d) and section
10 362 of title 10, United States Code (commonly re-
11 ferred to as the “Leahy laws”), and to other human
12 rights vetting requirements to ensure that United
13 States-funded assistance is not provided to Egyptian
14 security forces that have committed gross violations
15 of internationally recognized human rights.

16 (3) The President has received reliable assur-
17 ances that the vessels described in subsection (a) will
18 not be used in any military operation in Libya or
19 Libyan territorial waters, except for those operations
20 conducted in coordination with the United States.

21 (c) VIOLATIONS.—If the President determines after
22 the transfer of a vessel described in subsection (a) that
23 the conditions described in subsection (b) are no longer
24 being met, the President shall apply the provisions of sec-
25 tion 3(c) of the Arms Export Control Act (22 U.S.C.

1 2753(c)) with respect to Egypt to the same extent and
2 in the same manner as if Egypt had committed a violation
3 described in paragraph (1) of such section.

4 (d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
5 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
6 of a vessel transferred to the Government of Egypt on a
7 grant basis pursuant to authority provided under sub-
8 section (a) shall not be counted against the aggregate
9 value of excess defense articles transferred in any fiscal
10 year under section 516(g) of such Act (22 U.S.C.
11 2321j(g)).

12 (e) COSTS OF TRANSFERS.—Notwithstanding section
13 516(e) of such Act (22 U.S.C. 2321j(e)), any expense in-
14 curred by the United States in connection with a transfer
15 authorized under subsection (a) shall be charged to the
16 Government of Egypt.

17 (f) REPAIR AND REFURBISHMENT IN UNITED
18 STATES SHIPYARDS.—To the maximum extent prac-
19 ticable, the President shall require, as a condition of the
20 transfer of a vessel under subsection (a), that the Govern-
21 ment of Egypt have such repair or refurbishment of the
22 vessel as is needed, before the vessel joins the naval forces
23 of Egypt, performed at a shipyard located in the United
24 States, including a United States Navy shipyard.

1 (g) EXPIRATION OF AUTHORITY.—The authority to
2 transfer a vessel under subsection (a) shall expire at the
3 end of the 3-year period beginning on the date of the en-
4 actment of this Act.

5 (h) REPORT.—Not later than 30 days before the
6 transfer of a vessel described in subsection (a), the Presi-
7 dent shall submit to the appropriate congressional com-
8 mittees a report on how the transfer of the vessel will help
9 to alleviate United States mission requirements in the
10 Mediterranean Sea, the Bab el Mandeb Strait, and the
11 Red Sea.

12 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
13 FINED.—In this section, the term “appropriate congres-
14 sional committees” means—

15 (1) the Committee on Foreign Affairs and the
16 Committee on Armed Services of the House of Rep-
17 resentatives; and

18 (2) the Committee on Foreign Relations and
19 the Committee on Armed Services of the Senate.

20 **SEC. 1299H. LIMITATION ON PRODUCTION OF NUCLEAR**
21 **PROLIFERATION ASSESSMENT STATEMENTS.**

22 (a) LIMITATION.—The Secretary of State may not
23 provide to the President, and the President may not sub-
24 mit to Congress, a Nuclear Proliferation Assessment
25 Statement described in subsection (a) of section 123 of

1 the Atomic Energy Act of 1954 (42 U.S.C. 2153) with
2 respect to a proposed cooperation agreement with any
3 country that has not signed and implemented an Addi-
4 tional Protocol with the International Atomic Energy
5 Agency, other than a country with which, as of July 1,
6 2020, there is in effect a civilian nuclear cooperation
7 agreement pursuant to such section 123.

8 (b) WAIVER.—The limitation under subsection (a)
9 shall be waived with respect to a particular country if—

10 (1) the President submits to the appropriate
11 congressional committees a request to enter into a
12 proposed cooperation agreement with such country
13 that includes a report describing the manner in
14 which such agreement would advance the national
15 security and defense interests of the United States
16 and not contribute to the proliferation of nuclear
17 weapons; and

18 (2) there is enacted a joint resolution approving
19 the waiver of such limitation with respect to such
20 agreement.

21 (c) FORM.—The report described in subsection (b)
22 shall be submitted in unclassified form but may include
23 a classified annex.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

- 4 (1) the congressional defense committees;
5 (2) the Committee on Energy and Commerce,
6 the Committee on Foreign Affairs, and the Perma-
7 nent Select Committee on Intelligence of the House
8 of Representatives; and
9 (3) the Committee on Energy and Natural Re-
10 sources, the Committee on Foreign Relations, and
11 the Select Committee on Intelligence of the Senate.

12 **SEC. 1299I. REPORT ON MEXICAN SECURITY FORCES.**

13 (a) REPORT.—Not later than 90 days after enact-
14 ment of this act, the Secretary of Defense and the Sec-
15 retary of State, in coordination with other appropriate of-
16 ficials, shall jointly submit to the appropriate congres-
17 sional committees a report containing a comprehensive as-
18 sessment of ongoing support and a strategy for future co-
19 operation between the United States government and the
20 Mexican security forces including the Mexican National
21 Guard, federal, state, and municipal law enforcement.

22 (b) MATTERS TO BE INCLUDED.—The report under
23 subsection (a) shall include, at minimum, the following:

- 24 (1) Department of Defense and Department of
25 State strategy and timeline for assistance to Mexi-

1 can security forces, including detailed areas of as-
2 sistance and a plan to align the strategy with Mexi-
3 can government priorities.

4 (2) Description of the transfer of U.S.-sup-
5 ported equipment from the Federal Police and
6 armed forces to the National Guard, if any, and any
7 resources originally provided for the Federal Police
8 and armed forces that are now in use by the Na-
9 tional Guard.

10 (3) Dollar amounts of any assistance provided
11 or to be provided to each of the Mexican security
12 forces, and any defense articles, training, and other
13 services provided or to be provided to each of the
14 Mexican security forces.

15 (4) Department of Defense and Department of
16 State plans for all U.S. training for Mexican secu-
17 rity forces, including training in human rights, prop-
18 er use of force, de-escalation, investigation and evi-
19 dence-gathering, community relations, and anti-cor-
20 ruption.

21 (5) An assessment of the National Guard's ad-
22 herence to human rights standards, including the
23 adoption of measures to ensure accountability for
24 human rights violations and the development of a
25 human rights training curriculum.

1 (6) Department of Defense and Department of
2 State plans to support external monitoring and
3 strengthen internal control mechanisms within each
4 of the Mexican security forces including the Mexican
5 National Guard, federal, state, and municipal law
6 enforcement, including the internal affairs unit.

7 (7) Information on Mexico's security budget
8 and contributions to strengthening security coopera-
9 tion with the United States; and (8) Information on
10 security assistance Mexico may be receiving from
11 other countries.

12 (c) FORM.—The report required under subsection (a)
13 may be submitted in classified form with an unclassified
14 summary.

15 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
16 The term “appropriate congressional committees” means
17 the Committee on Foreign Affairs and the Armed Services
18 Committee of the House of Representatives and the Com-
19 mittee on Foreign Relations and the Armed Services Com-
20 mittee of the Senate.

21 **SEC. 1299J. MATTERS RELATING TO COOPERATIVE THREAT**
22 **REDUCTION PROGRAMS AND WEAPONS OF**
23 **MASS DESTRUCTION TERRORISM.**

24 (a) STATEMENT OF POLICY.—It is the policy of the
25 United States to ensure—

1 (1) to the extent practicable, the agents, precur-
2 sors, and materials needed to produce weapons of
3 mass destruction are placed beyond the reach of ter-
4 rorist organizations and other malicious non-state
5 actors;

6 (2) the number of foreign states that possess
7 weapons of mass destruction is declining; and

8 (3) the global quantity of weapons of mass de-
9 struction and related materials is reduced.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) diplomatic outreach, threat reduction and
13 foreign capacity-building programs, export controls,
14 and the promotion of international treaties and
15 norms are all essential elements of accomplishing the
16 core national security mission of preventing, detect-
17 ing, countering, and responding to threats of weap-
18 ons of mass destruction terrorism; and

19 (2) the potentially devastating consequences of
20 weapons of mass destruction terrorism pose a sig-
21 nificant risk to United States national security.

22 (c) REPORT ON LINES OF EFFORT TO IMPLEMENT
23 POLICIES.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, and an-

1 nually thereafter, the President, acting through the
2 Secretary of Defense, the Secretary of State, the
3 Secretary of Energy, and the Director of National
4 Intelligence, shall submit to the appropriate congressional
5 committees a report on each line of effort to
6 implement the policies described in subsection (a)
7 and the budgets required to implement each such
8 line of effort effectively.

9 (2) MATTERS TO BE INCLUDED.—The report
10 required by this subsection should include the following:
11

12 (A) An assessment of nuclear, radiological,
13 biological, and chemical terrorism and foreign
14 state risks and other emerging risks facing the
15 United States and its allies, including—

16 (i) the status of foreign state, state-
17 affiliated, and non-state actors efforts to
18 acquire nuclear, radiological, biological,
19 and chemical weapons and their intent to
20 misuse weapons-related materials;

21 (ii) any actions by foreign state, state-
22 affiliated, and non-state actors employing
23 weapons of mass destruction;

24 (iii) an update on—

1 (I) the risk of biological threats,
2 including the proliferation of biologi-
3 cal weapons, weapons components,
4 and weapons-related materials, tech-
5 nology, and expertise to non-state ac-
6 tors;

7 (II) the risk of accidental release
8 of dangerous pathogens due to unsafe
9 practices and facilities; and

10 (III) the risk of uncontrolled nat-
11 urally occurring disease outbreaks
12 that may pose a threat to the United
13 States or its Armed Forces or allies;
14 and

15 (iv) the status of national efforts to
16 meet obligations to provide effective secu-
17 rity and accounting for nuclear weapons
18 and for all weapons-useable nuclear mate-
19 rials in foreign states that possess such
20 weapons and materials.

21 (B) A strategy to reduce the risk of nu-
22 clear, radiological, biological, and chemical ter-
23 rorism over the next five years, including—

24 (i) ensuring, to the extent prac-
25 ticable—

1 (I) the agents, precursors, and
2 materials needed to develop or acquire
3 weapons of mass destruction are
4 placed beyond the reach of terrorist
5 organizations and other malicious
6 non-state actors;

7 (II) the number of foreign states
8 that possess weapons of mass destruc-
9 tion is declining; and

10 (III) the global quantity of weap-
11 ons of mass destruction and related
12 materials is reduced;

13 (ii) identifying and responding to
14 technological trends that may enable ter-
15 rorist or state development, acquisition, or
16 use of weapons of mass destruction;

17 (iii) a plan to prevent the proliferation
18 of biological weapons, weapons compo-
19 nents, and weapons-related materials, tech-
20 nology, and expertise, which shall include
21 activities that facilitate detection and re-
22 porting of highly pathogenic diseases or
23 other diseases that are associated with or
24 that could be used as an early warning
25 mechanism for disease outbreaks that

1 could affect the United States or its
2 Armed Forces or allies, regardless of
3 whether such diseases are caused by bio-
4 logical weapons;

5 (iv) regional engagement to reduce
6 nuclear, biological, and chemical risks;

7 (v) engagement with foreign states,
8 where possible, on security for nuclear
9 weapons and weapons-useable nuclear and
10 radioactive material, including protection
11 against insider threats, strengthening of
12 security culture, and support for security
13 performance testing; and

14 (vi) a recommendation to establish a
15 joint Department of Defense and Depart-
16 ment of Energy program—

17 (I) to assess the verification, se-
18 curity, and implementation require-
19 ments associated with potential future
20 arms reduction or denuclearization ac-
21 cords,

22 (II) identify gaps in existing and
23 planned capabilities; and

1 (III) provide recommendations
2 for developing needed capabilities to
3 fill those gaps.

4 (3) FORM.—The report required by this sub-
5 section shall be submitted in unclassified form, but
6 may contain a classified annex.

7 (d) SENSE OF CONGRESS ON REVITALIZING INTER-
8 NATIONAL NUCLEAR SECURITY PROGRAMS.—It is the
9 sense of Congress that—

10 (1) the United States Government should ex-
11 pand and revitalize its international nuclear security
12 programs, as necessary;

13 (2) such an expanded nuclear security effort
14 should seek to be comprehensive and close, to the ex-
15 tent possible, any gaps that exist in United States
16 nuclear security programs; and

17 (3) the Secretary of State should seek to co-
18 operate with as many foreign states with nuclear
19 weapons, weapons-usable nuclear materials, or sig-
20 nificant nuclear facilities as possible to—

21 (A) ensure protection against the full spec-
22 trum of plausible threats, including support for
23 evaluating nuclear security threats and meas-
24 ures to protect against such threats, exchanging
25 unclassified threat information, holding work-

1 shops with experts from each country, and hav-
2 ing teams review the adequacy of security
3 against a range of threats;

4 (B) establish comprehensive, multilayered
5 protections against insider threats, including in-
6 depth exchanges on good practices in insider
7 threat protection, workshops, help with appro-
8 priate vulnerability assessments, and peer re-
9 view by expert teams;

10 (C) establish targeted programs to
11 strengthen nuclear security culture;

12 (D) institute effective, regular vulnerability
13 assessments and performance testing through
14 workshops, peer observation of such activities in
15 the United States, training, and description of
16 approaches that have been effective; and

17 (E) consolidate nuclear weapons and weap-
18 ons-usable nuclear materials to the minimum
19 practical number of locations.

20 (e) ASSESSMENT OF WEAPONS OF MASS DESTRUC-
21 TION TERRORISM.—

22 (1) IN GENERAL.—The Secretary of Defense, in
23 coordination with the Secretary of State and the
24 Secretary of Energy, shall seek to enter into an ar-
25 rangement with the National Academy of Sciences—

1 (A) to conduct an assessment of strategies
2 of the United States for preventing, countering,
3 and responding to nuclear, biological, and
4 chemical terrorism assess and make rec-
5 ommendations to improve such strategies; and

6 (B) submit to the Secretary of Defense a
7 report that contains such assessment and rec-
8 ommendations.

9 (2) MATTERS TO BE INCLUDED.—The assess-
10 ment and recommendations required by paragraph
11 (1) shall address the adequacy of strategies de-
12 scribed in such paragraph and identify technical,
13 policy, and resource gaps with respect to—

14 (A) identifying national and international
15 nuclear, biological, and chemical risks and crit-
16 ical emerging threats;

17 (B) preventing state-sponsored and non-
18 state actors from acquiring or misusing the
19 technologies, materials, and critical expertise
20 needed to carry out nuclear, biological, and
21 chemical attacks, including dual-use tech-
22 nologies, materials, and expertise;

23 (C) countering efforts by state-sponsored
24 and non-state actors to carry out such attacks;

1 (D) responding to nuclear, biological, and
2 chemical terrorism incidents to attribute their
3 origin and help manage their consequences;

4 (E) budgets likely to be required to imple-
5 ment effectively such strategies; and

6 (F) other important matters that are di-
7 rectly relevant to such strategies.

8 (3) REPORT.—

9 (A) IN GENERAL.—The Secretary of De-
10 fense shall submit to the appropriate congres-
11 sional committees a copy of the report received
12 by the Secretary under paragraph (1)(B).

13 (B) FORM.—The report required by this
14 paragraph shall be submitted in unclassified
15 form, but may contain a classified annex.

16 (4) FUNDING.—

17 (A) INCREASE.—Notwithstanding the
18 amounts set forth in the funding tables in divi-
19 sion D, the amount authorized to be appro-
20 priated in section 301 for research, develop-
21 ment, test, and evaluation, as specified in the
22 corresponding funding table in section 4301, for
23 Operations and Maintenance, Defense-wide, Co-
24 operative Threat Reduction, Line 10, is hereby

1 increased by \$1,000,000 to carry out this sub-
2 section.

3 (B) OFFSET.—Notwithstanding the
4 amounts set forth in the funding tables in divi-
5 sion D, the amount authorized to be appro-
6 priated in section 301 for operation and main-
7 tenance as specified in the corresponding fund-
8 ing table in section 4301, for operation and
9 maintenance, Air Force, admin & servicewide
10 activities, servicewide communications, line 440,
11 is hereby reduced by \$1,000,000.

12 (f) REPORT ON COOPERATIVE THREAT REDUCTION
13 PROGRAMS.—

14 (1) IN GENERAL.—Not later than 270 days
15 after the date of the enactment of this Act, and an-
16 nually thereafter at the same time that the Presi-
17 dent submits the budget to Congress under section
18 1105 of title 31, United States Code, the President
19 shall submit to the appropriate congressional com-
20 mittees a report on—

21 (A) the programs of each Federal agency
22 that are intended to reduce threat of nuclear,
23 radiological, biological, and chemical weapons to
24 the United States or its Armed Forces or allies;

1 (B) a description of the operations of such
2 programs and how such programs advance the
3 mission of reducing the threat of nuclear, radio-
4 logical, biological, and chemical weapons to the
5 United States or its Armed Forces or allies;
6 and

7 (C) recommendations on how to evaluate
8 the success of such programs, how to identify
9 opportunities for collaboration between such
10 programs, how to eliminate crucial gaps not
11 filled by such programs, and how to ensure that
12 such programs are complementary to other pro-
13 grams across the United States Government.

14 (2) FORM.—The report required by this para-
15 graph shall be submitted in unclassified form, but
16 may contain a classified annex.

17 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—In this section, the term “appropriate con-
19 gressional committees” means—

20 (1) the Committee on Foreign Affairs, Com-
21 mittee on Armed Services, and Permanent Select
22 Committee on Intelligence of the House of Rep-
23 resentatives; and

1 (2) the Committee on Foreign Relations, Com-
2 mittee on Armed Services, and Select Committee on
3 Intelligence of the Senate.

4 **SEC. 1299K. CERTIFICATION RELATING TO ASSISTANCE**
5 **FOR GUATEMALA.**

6 (a) IN GENERAL.—Prior to the transfer of any equip-
7 ment by the Department of Defense to a joint task force
8 of the Guatemalan military or national civilian police dur-
9 ing fiscal year 2021, the Secretary of Defense shall certify
10 to the appropriate congressional committees that such
11 ministries have made a credible commitment to use such
12 equipment only for the uses for which they were intended.

13 (b) ISSUING REGULATIONS.—Not later than 60 days
14 after the date of the enactment of this Act, the Secretary
15 of State, in coordination with the Administrator of the
16 United States Agency for International Development and
17 the Secretary of Defense, as appropriate, shall issue regu-
18 lations requiring the inclusion of appropriate clauses for
19 any new foreign assistance contracts, grants, and coopera-
20 tive agreements covering the transfer of equipment to the
21 Guatemalan military or national civilian police, to ensure
22 that any equipment provided by the Department of De-
23 fense to the Guatemalan military or national civilian police
24 may be recovered if such equipment is used for purposes
25 other than those purposes for which it was provided.

1 (c) EXCEPTIONS AND WAIVER.—

2 (1) EXCEPTIONS.—Subsection (b) shall not
3 apply to humanitarian assistance, disaster assist-
4 ance, or assistance to combat corruption.

5 (2) WAIVER.—The Secretary of State or the
6 Secretary of Defense, on a case by case basis, may
7 waive the requirement under subsection (b) if the
8 Secretary of State or the Secretary of Defense cer-
9 tifies to the appropriate congressional committees
10 that such waiver is important to the national secu-
11 rity interests of the United States.

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

15 (1) the Committee on Armed Services, the
16 Committee on Appropriations, and the Committee on
17 Foreign Affairs of the House of Representatives;
18 and

19 (2) the Committee on Armed Services, the
20 Committee on Appropriations, and the Committee on
21 Foreign Relations of the Senate.

1 **SEC. 1299L. REPORT ON FOREIGN INFLUENCE CAMPAIGNS**
2 **TARGETING UNITED STATES FEDERAL ELEC-**
3 **TIONS.**

4 (a) IN GENERAL.—Not later than September 1,
5 2021, and biennially thereafter, the Director of National
6 Intelligence, in consultation with the Secretary of Defense,
7 the Secretary of State, and any other relevant Federal
8 agency, shall submit to the appropriate congressional com-
9 mittees a report on foreign influence campaigns targeting
10 United States Federal elections.

11 (b) MATTERS TO BE INCLUDED.—The report re-
12 quired by subsection (a) shall include an analysis of the
13 following:

14 (1) The patterns, tools, and techniques of for-
15 eign influence campaigns across all platforms and
16 the country of origin of such campaigns.

17 (2) The extent of inauthentic accounts and
18 “bot” networks across platforms, including the scale
19 to which they exist, how platforms currently act to
20 remove them, and what percentage have been re-
21 moved over the last year.

22 (3) The reach of intentional or weaponized
23 disinformation by inauthentic accounts and “bot”
24 networks, including analysis of amplification by
25 users and algorithmic distribution.

1 (4) The type of media that is being dissemi-
2 nated by the foreign influence campaign, including
3 fabricated or falsified content and manipulated vid-
4 eos and photos, and the intended targeted groups.

5 (5) The methods that have been used to miti-
6 gate engagement and remove content.

7 (c) BRIEFING.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of Defense
9 should provide a briefing to congressional committees on
10 the report required by subsection (a).

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means—

14 (1) the congressional defense committees; and

15 (2) the Committee on Foreign Affairs and the
16 Permanent Select Committee on Intelligence of the
17 House of Representatives and the Committee on
18 Foreign Relations and the Select Committee on In-
19 telligence of the Senate.

20 **Subtitle H—Global Child Thrive**
21 **Act of 2020**

22 **SEC. 1299M-1. SHORT TITLE.**

23 This subtitle may be cited as the “Global Child
24 Thrive Act of 2020”.

1 **SEC. 1299M-2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States Government should con-
4 tinue efforts to reduce child mortality rates and in-
5 crease attention on prevention efforts and early
6 childhood development programs;

7 (2) investments in early childhood development
8 ensure healthy and well-developed future generations
9 that contribute to a country's stability, security and
10 economic prosperity;

11 (3) efforts to provide training and education on
12 nurturing care could result in improved early child-
13 hood development outcomes and support healthy
14 brain development; and

15 (4) integration and cross-sector coordination of
16 early childhood development programs is critical to
17 ensure the efficiency, effectiveness, and continued
18 implementation of such programs.

19 **SEC. 1299M-3. ASSISTANCE TO IMPROVE EARLY CHILD-**
20 **HOOD OUTCOMES GLOBALLY.**

21 (a) **AUTHORIZATION OF ASSISTANCE.**—Amounts au-
22 thorized to be appropriated to carry out section 135 in
23 chapter 1 of part 1 of the Foreign Assistance Act of 1961
24 (22 U.S.C. 2151 et seq.) for each of the fiscal years 2021
25 through 2025 are authorized to be made available to sup-
26 port early childhood development activities in conjunction

1 with relevant, existing programming, such as water, sani-
2 tation and hygiene, maternal and child health, basic edu-
3 cation, nutrition and child protection.

4 (b) ASSISTANCE TO IMPROVE EARLY CHILDHOOD
5 INCOMES GLOBALLY.—Chapter 1 of part I of the Foreign
6 Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amend-
7 ed by adding at the end the following:

8 **“SEC. 137. ASSISTANCE TO IMPROVE EARLY CHILDHOOD**
9 **OUTCOMES GLOBALLY.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term ‘appropriate congressional com-
13 mittees’ means—

14 “(A) the Committee on Appropriations of
15 the Senate;

16 “(B) the Committee on Foreign Relations
17 of the Senate;

18 “(C) the Committee on Appropriations of
19 the House of Representatives; and

20 “(D) the Committee on Foreign Affairs of
21 the House of Representatives.

22 “(2) EARLY CHILDHOOD DEVELOPMENT.—The
23 term ‘early childhood development’ means the devel-
24 opment and learning of a child younger than 8 years
25 of age, including physical, cognitive, social, and emo-

1 tional development and approaches to learning that
2 allow a child to reach his or her full developmental
3 potential.

4 “(3) EARLY CHILDHOOD DEVELOPMENT PRO-
5 GRAM.—The term ‘early childhood development pro-
6 gram’ means a program that ensures that every
7 child has the conditions for healthy growth, nur-
8 turing family-based care, development and learning,
9 and protection from violence, exploitation, abuse,
10 and neglect, which may include—

11 “(A) a health, clean water, sanitation, and
12 hygiene program that serves pregnant women,
13 children younger than 5 years of age, and the
14 parents of such children;

15 “(B) a nutrition program, combined with
16 stimulating child development activity;

17 “(C) age appropriate cognitive stimulation,
18 especially for newborns, infants, and toddlers,
19 including an early childhood intervention pro-
20 gram for children experiencing at-risk situa-
21 tions, developmental delays, disabilities, and be-
22 havioral and mental health conditions;

23 “(D) an early learning (36 months and
24 younger), preschool, and basic education pro-

1 gram for children until they reach 8 years of
2 age or complete primary school; or

3 “(E) a child protection program, with an
4 emphasis on the promotion of permanent, safe,
5 and nurturing families, rather than placement
6 in residential care or institutions, including for
7 children with disabilities.

8 “(4) FEDERAL DEPARTMENTS AND AGEN-
9 CIES.—The term ‘Federal departments and agencies’
10 means—

11 “(A) the Department of State;

12 “(B) the United States Agency for Inter-
13 national Development;

14 “(C) the Department of the Treasury;

15 “(D) the Department of Labor;

16 “(E) the Department of Education;

17 “(F) the Department of Agriculture;

18 “(G) the Department of Defense;

19 “(H) the Department of Health and
20 Human Services, including—

21 “(i) the Centers for Disease Control
22 and Prevention; and

23 “(ii) the National Institutes of
24 Health;

1 “(I) the Millennium Challenge Corpora-
2 tion;

3 “(J) the Peace Corps; and

4 “(K) any other department or agency spec-
5 ified by the President for the purposes of this
6 section.

7 “(5) RESIDENTIAL CARE.—The term ‘residen-
8 tial care’ means care provided in any non-family-
9 based group setting, including orphanages, transit or
10 interim care centers, children’s homes, children’s vil-
11 lages or cottage complexes, group homes, and board-
12 ing schools used primarily for care purposes as an
13 alternative to a children’s home.

14 “(b) STATEMENT OF POLICY.—It is the policy of the
15 United States—

16 “(1) to support early childhood development in
17 relevant foreign assistance programs, including by
18 integrating evidence-based, efficient, and effective
19 interventions into relevant strategies and programs,
20 in coordination with partner countries, other donors,
21 international organizations, international financial
22 institutions, local and international nongovernmental
23 organizations, private sector partners, civil society,
24 and faith-based and community-based organizations;
25 and

1 “(2) to encourage partner countries to lead
2 early childhood development initiatives that include
3 incentives for building local capacity for continued
4 implementation and measurable results, by—

5 “(A) scaling up the most effective, evi-
6 dence-based, national interventions, including
7 for the most vulnerable populations and chil-
8 dren with disabilities and developmental delays,
9 with a focus on adaptation to country re-
10 sources, cultures, and languages;

11 “(B) designing, implementing, monitoring,
12 and evaluating programs in a manner that en-
13 hances their quality, transparency, equity, ac-
14 countability, efficiency and effectiveness in im-
15 proving child and family outcomes in partner
16 countries; and

17 “(C) utilizing and expanding innovative
18 public-private financing mechanisms.

19 “(c) IMPLEMENTATION.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of the enactment of this section, the Admin-
22 istrator of the United States Agency for Inter-
23 national Development, in coordination with the Sec-
24 retary of State, shall direct relevant Federal depart-
25 ments and agencies—

1 “(A) to incorporate, to the extent practical
2 and relevant, early childhood development into
3 foreign assistance programs to be carried out
4 during the following 5 fiscal years; and

5 “(B) to promote inclusive early childhood
6 development in partner countries.

7 “(2) ELEMENTS.—In carrying out paragraph
8 (1), the Administrator, the Secretary, and the heads
9 of other relevant Federal departments and agencies
10 as appropriate shall—

11 “(A) build on the evidence and priorities
12 outlined in ‘Advancing Protection and Care for
13 Children in Adversity: A U.S. Government
14 Strategy for International Assistance 2019–
15 2023’, published in June 2019 (referred to in
16 this section as ‘APCCA’);

17 “(B) to the extent practicable, identify evi-
18 dence-based strategic priorities, indicators, out-
19 comes, and targets, particularly emphasizing
20 the most vulnerable populations and children
21 with disabilities and developmental delays, to
22 support inclusive early childhood development;

23 “(C) support the design, implementation,
24 and evaluation of pilot projects in partner coun-

1 tries, with the goal of taking such projects to
2 scale;

3 “(D) support inclusive early childhood de-
4 velopment within all relevant sector strategies
5 and public laws, including—

6 “(i) the Global Water Strategy re-
7 quired under section 136(j);

8 “(ii) the whole-of-government strategy
9 required under section 5 of the Global
10 Food Security Act of 2016 (22 U.S.C.
11 9304 note);

12 “(iii) the Basic Education Strategy
13 set forth in section 105(c);

14 “(iv) the U.S. Government Global Nu-
15 trition Coordination Plan, 2016–2021; and

16 “(v) APCCA; and others as appro-
17 priate;

18 “(E) improve coordination with foreign
19 governments and international and regional or-
20 ganizations with respect to official country poli-
21 cies and plans to improve early childhood devel-
22 opment, maternal, newborn, and child health
23 and nutrition care, basic education, water, sani-
24 tation and hygiene, and child protection plans
25 which promote nurturing, appropriate, protec-

1 tive, and permanent family care, while reducing
2 the percentage of children living in residential
3 care or on the street; and

4 “(F) consult with partner countries, other
5 donors, international organizations, inter-
6 national financial institutions, local and inter-
7 national nongovernmental organizations, private
8 sector partners and faith-based and community-
9 based organizations, as appropriate.

10 “(d) ANNUAL REPORT ON THE IMPLEMENTATION OF
11 THE STRATEGY.—The Special Advisor for Children in Ad-
12 versity shall include, in the annual report required under
13 section 5 of the Assistance for Orphans and Other Vulner-
14 able Children in Developing Countries Act of 2005 (22
15 U.S.C. 2152g), which shall be submitted to the appro-
16 priate congressional committees and made publicly avail-
17 able, a description of—

18 “(1) the progress made toward integrating early
19 childhood development interventions into relevant
20 strategies and programs;

21 “(2) the efforts made by relevant Federal de-
22 partments and agencies to implement subsection (c),
23 with a particular focus on the activities described in
24 such subsection;

1 “(3) the progress achieved during the reporting
2 period toward meeting the goals, objectives, bench-
3 marks, described in subsection (c); and

4 “(4) the progress achieved during the reporting
5 period toward meeting the goals, objectives, bench-
6 marks, and timeframes described in subsection (c) at
7 the program level, along with specific challenges or
8 gaps that may require shifts in targeting or financ-
9 ing in the following fiscal year.

10 “(e) INTERAGENCY TASK FORCE.—The Special Advi-
11 sor for Assistance to Orphans and Vulnerable Children
12 should regularly convene an interagency task force, to co-
13 ordinate—

14 “(1) intergovernmental and interagency moni-
15 toring, evaluation, and reporting of the activities
16 carried out pursuant to this section;

17 “(2) early childhood development initiatives
18 that include children with a variety of needs and cir-
19 cumstances; and

20 “(3) United States Government early childhood
21 development programs, strategies, and partnerships
22 across relevant Federal departments and agencies.”.

1 **SEC. 1299M-4. SPECIAL ADVISOR FOR ASSISTANCE TO OR-**
2 **PHANS AND VULNERABLE CHILDREN.**

3 Section 135(e)(2) of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2152f(e)(2)) is amended—

5 (1) by amending subparagraph (A) to read as
6 follows:

7 “(A) Coordinate assistance to orphans and
8 other vulnerable children among the relevant
9 Executive branch agencies and officials.”; and

10 (2) in subparagraph (B), by striking “the var-
11 ious offices, bureaus, and field missions within the
12 United States Agency for International Develop-
13 ment” and inserting “the relevant Executive branch
14 agencies and officials”.

15 **SEC. 1299M-5. RULE OF CONSTRUCTION.**

16 Nothing in the amendments made by this subtitle
17 may be construed to restrict or abrogate any other author-
18 ization for United States Agency for International Devel-
19 opment activities or programs.

20 **Subtitle I—Global Health Security**
21 **Act of 2020**

22 **SEC. 1299N-1. SHORT TITLE.**

23 This subtitle may be cited as the “Global Health Se-
24 curity Act of 2020”.

1 **SEC. 1299N-2. GLOBAL HEALTH SECURITY AGENDA INTER-**
2 **AGENCY REVIEW COUNCIL.**

3 (a) ESTABLISHMENT.—The President shall establish
4 a Global Health Security Agenda Interagency Review
5 Council (in this section referred to as the “Council”) to
6 perform the general responsibilities described in sub-
7 section (c) and the specific roles and responsibilities de-
8 scribed in subsection (e).

9 (b) MEETINGS.—The Council shall meet not less than
10 four times per year to advance its mission and fulfill its
11 responsibilities.

12 (c) GENERAL RESPONSIBILITIES.—The Council shall
13 be responsible for the following activities:

14 (1) Provide policy-level recommendations to
15 participating agencies on Global Health Security
16 Agenda (GHSA) goals, objectives, and implementa-
17 tion.

18 (2) Facilitate interagency, multi-sectoral en-
19 gagement to carry out GHSA implementation.

20 (3) Provide a forum for raising and working to
21 resolve interagency disagreements concerning the
22 GHSA.

23 (4)(A) Review the progress toward and work to
24 resolve challenges in achieving United States com-
25 mitments under the GHSA, including commitments

1 to assist other countries in achieving the GHSA tar-
2 gets.

3 (B) The Council shall consider, among other
4 issues, the following:

5 (i) The status of United States financial
6 commitments to the GHSA in the context of
7 commitments by other donors, and the con-
8 tributions of partner countries to achieve the
9 GHSA targets.

10 (ii) The progress toward the milestones
11 outlined in GHSA national plans for those
12 countries where the United States Government
13 has committed to assist in implementing the
14 GHSA and in annual work-plans outlining
15 agency priorities for implementing the GHSA.

16 (iii) The external evaluations of United
17 States and partner country capabilities to ad-
18 dress infectious disease threats, including the
19 ability to achieve the targets outlined within the
20 WHO Joint External Evaluation (JEE) tool, as
21 well as gaps identified by such external evalua-
22 tions.

23 (d) PARTICIPATION.—The Council shall consist of
24 representatives, serving at the Assistant Secretary level or
25 higher, from the following agencies:

- 1 (1) The Department of State.
- 2 (2) The Department of Defense.
- 3 (3) The Department of Justice.
- 4 (4) The Department of Agriculture.
- 5 (5) The Department of Health and Human
- 6 Services.
- 7 (6) The Department of Labor.
- 8 (7) The Department of Homeland Security.
- 9 (8) The Office of Management and Budget.
- 10 (9) The United States Agency for International
- 11 Development.
- 12 (10) The Environmental Protection Agency.
- 13 (11) The Centers for Disease Control and Pre-
- 14 vention.
- 15 (12) The Office of Science and Technology Pol-
- 16 icy.
- 17 (13) The National Institutes of Health.
- 18 (14) The National Institute of Allergy and In-
- 19 fectionous Diseases.
- 20 (15) Such other agencies as the Council deter-
- 21 mines to be appropriate.
- 22 (e) SPECIFIC ROLES AND RESPONSIBILITIES.—
- 23 (1) IN GENERAL.—The heads of agencies de-
- 24 scribed in subsection (d) shall—

1 (A) make the GHSA and its implementa-
2 tion a high priority within their respective agen-
3 cies, and include GHSA-related activities within
4 their respective agencies' strategic planning and
5 budget processes;

6 (B) designate a senior-level official to be
7 responsible for the implementation of this sub-
8 title;

9 (C) designate, in accordance with sub-
10 section (d), an appropriate representative at the
11 Assistant Secretary level or higher to partici-
12 pate on the Council;

13 (D) keep the Council apprised of GHSA-
14 related activities undertaken within their re-
15 spective agencies;

16 (E) maintain responsibility for agency-re-
17 lated programmatic functions in coordination
18 with host governments, country teams, and
19 GHSA in-country teams, and in conjunction
20 with other relevant agencies;

21 (F) coordinate with other agencies that are
22 identified in this section to satisfy pro-
23 grammatic goals, and further facilitate coordi-
24 nation of country teams, implementers, and do-
25 nors in host countries; and

1 (G) coordinate across GHSA national
2 plans and with GHSA partners to which the
3 United States is providing assistance.

4 (2) ADDITIONAL ROLES AND RESPONSIBIL-
5 ITIES.—In addition to the roles and responsibilities
6 described in paragraph (1), the heads of agencies de-
7 scribed in subsection (d) shall carry out their respec-
8 tive roles and responsibilities described in sub-
9 sections (b) through (i) of section 3 of Executive
10 Order No. 13747 (81 Fed. Reg. 78701; relating to
11 Advancing the Global Health Security Agenda to
12 Achieve a World Safe and Secure from Infectious
13 Disease Threats), as in effect on the day before the
14 date of the enactment of this Act.

15 **SEC. 1299N-3. UNITED STATES COORDINATOR FOR GLOBAL**
16 **HEALTH SECURITY.**

17 (a) SENSE OF CONGRESS.—It is the sense of the Con-
18 gress that, given the complex and multisectoral nature of
19 global health threats to the United States, the President
20 should consider appointing an individual with significant
21 background and expertise in public health or emergency
22 response management to the position of United States Co-
23 ordinator for Global Health Security, as required by sub-
24 section (b), who is an employee of the National Security

1 Council at the level of Deputy Assistant to the President
2 or higher.

3 (b) IN GENERAL.—The President shall appoint an in-
4 dividual to the position of United States Coordinator for
5 Global Health Security, who shall be responsible for the
6 coordination of the interagency process for responding to
7 global health security emergencies. As appropriate, the
8 designee shall coordinate with the President’s Special Co-
9 ordinator for International Disaster Assistance.

10 (c) CONGRESSIONAL BRIEFING.—Not less frequently
11 than twice each year, the employee designated under this
12 section shall provide to the appropriate congressional com-
13 mittees a briefing on the responsibilities and activities of
14 the individual under this section.

15 **SEC. 1299N-4. STRATEGY AND REPORTS.**

16 (a) SENSE OF CONGRESS.—It is the sense of the Con-
17 gress that, given the complex and multisectoral nature of
18 global health threats to the United States, the President,
19 in providing assistance to implement the strategy required
20 under subsection (c), should—

21 (1) coordinate, through a whole-of-government
22 approach, the efforts of relevant Federal depart-
23 ments and agencies to implement the strategy;

24 (2) seek to fully utilize the unique capabilities
25 of each relevant Federal department and agency

1 while collaborating with and leveraging the contribu-
2 tions of other key stakeholders; and

3 (3) utilize open and streamlined solicitations to
4 allow for the participation of a wide range of imple-
5 menting partners through the most appropriate pro-
6 curement mechanisms, which may include grants,
7 contracts, cooperative agreements, and other instru-
8 ments as necessary and appropriate.

9 (b) STATEMENT OF POLICY.—It is the policy of the
10 United States to—

11 (1) promote global health security as a core na-
12 tional security interest;

13 (2) advance the aims of the Global Health Se-
14 curity Agenda;

15 (3) collaborate with other countries to detect
16 and mitigate outbreaks early to prevent the spread
17 of disease;

18 (4) encourage other countries to invest in basic
19 resilient and sustainable health care systems; and

20 (5) strengthen global health security across the
21 intersection of human and animal health to prevent
22 infectious disease outbreaks and combat the growing
23 threat of antimicrobial resistance.

24 (c) STRATEGY.—The United States Coordinator for
25 Global Health Security (appointed under section 1299N—

1 3(b)) shall coordinate the development and implementa-
2 tion of a strategy to implement the policy aims described
3 in subsection (b), which shall—

4 (1) set specific and measurable goals, bench-
5 marks, timetables, performance metrics, and moni-
6 toring and evaluation plans that reflect international
7 best practices relating to transparency, account-
8 ability, and global health security;

9 (2) support and be aligned with country-owned
10 global health security policy and investment plans
11 developed with input from key stakeholders, as ap-
12 propriate;

13 (3) facilitate communication and collaboration,
14 as appropriate, among local stakeholders in support
15 of a multi-sectoral approach to global health secu-
16 rity;

17 (4) support the long-term success of programs
18 by building the capacity of local organizations and
19 institutions in target countries and communities;

20 (5) develop community resilience to infectious
21 disease threats and emergencies;

22 (6) leverage resources and expertise through
23 partnerships with the private sector, health organi-
24 zations, civil society, nongovernmental organizations,
25 and health research and academic institutions; and

1 (7) support collaboration, as appropriate, be-
2 tween United States universities, and public and pri-
3 vate institutions in target countries and communities
4 to promote health security and innovation.

5 (d) COORDINATION.—The President, acting through
6 the United States Coordinator for Global Health Security,
7 shall coordinate, through a whole-of-government approach,
8 the efforts of relevant Federal departments and agencies
9 in the implementation of the strategy required under sub-
10 section (c) by—

11 (1) establishing monitoring and evaluation sys-
12 tems, coherence, and coordination across relevant
13 Federal departments and agencies; and

14 (2) establishing platforms for regular consulta-
15 tion and collaboration with key stakeholders and the
16 appropriate congressional committees.

17 (e) STRATEGY SUBMISSION.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the
20 President, in consultation with the head of each rel-
21 evant Federal department and agency, shall submit
22 to the appropriate congressional committees the
23 strategy required under subsection (c) that provides
24 a detailed description of how the United States in-
25 tends to advance the policy set forth in subsection

1 (b) and the agency-specific plans described in para-
2 graph (2).

3 (2) AGENCY-SPECIFIC PLANS.—The strategy re-
4 quired under subsection (c) shall include specific im-
5 plementation plans from each relevant Federal de-
6 partment and agency that describes—

7 (A) the anticipated contributions of the de-
8 partment or agency, including technical, finan-
9 cial, and in-kind contributions, to implement
10 the strategy; and

11 (B) the efforts of the department or agen-
12 cy to ensure that the activities and programs
13 carried out pursuant to the strategy are de-
14 signed to achieve maximum impact and long-
15 term sustainability.

16 (f) REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date on which the strategy required under sub-
19 section (c) is submitted to the appropriate congres-
20 sional committees under subsection (e), and not later
21 than October 1 of each year thereafter, the Presi-
22 dent shall submit to the appropriate congressional
23 committees a report that describes the status of the
24 implementation of the strategy.

1 (2) CONTENTS.—The report required under
2 paragraph (1) shall—

3 (A) identify any substantial changes made
4 in the strategy during the preceding calendar
5 year;

6 (B) describe the progress made in imple-
7 menting the strategy;

8 (C) identify the indicators used to establish
9 benchmarks and measure results over time, as
10 well as the mechanisms for reporting such re-
11 sults in an open and transparent manner;

12 (D) contain a transparent, open, and de-
13 tailed accounting of expenditures by relevant
14 Federal departments and agencies to implement
15 the strategy, including, to the extent prac-
16 ticable, for each Federal department and agen-
17 cy, the statutory source of expenditures,
18 amounts expended, partners, targeted popu-
19 lations, and types of activities supported;

20 (E) describe how the strategy leverages
21 other United States global health and develop-
22 ment assistance programs;

23 (F) assess efforts to coordinate United
24 States global health security programs, activi-
25 ties, and initiatives with key stakeholders;

1 (G) incorporate a plan for regularly review-
2 ing and updating strategies, partnerships, and
3 programs and sharing lessons learned with a
4 wide range of stakeholders, including key stake-
5 holders, in an open, transparent manner; and

6 (H) describe the progress achieved and
7 challenges concerning the United States Gov-
8 ernment's ability to advance the Global Health
9 Security Agenda across priority countries, in-
10 cluding data disaggregated by priority country
11 using indicators that are consistent on a year-
12 to-year basis and recommendations to resolve,
13 mitigate, or otherwise address the challenges
14 identified therein.

15 (g) FORM.—The strategy required under subsection
16 (c) and the report required under subsection (f) shall be
17 submitted in unclassified form but may contain a classi-
18 fied annex.

19 **SEC. 1299N-5. COMPLIANCE WITH THE FOREIGN AID**
20 **TRANSPARENCY AND ACCOUNTABILITY ACT**
21 **OF 2016.**

22 Section 2(3) of the Foreign Aid Transparency and
23 Accountability Act of 2016 (Public Law 114–191; 22
24 U.S.C. 2394c note) is amended—

1 (1) in subparagraph (C), by striking “and” at
2 the end;

3 (2) in subparagraph (D), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(E) the Global Health Security Act of
7 2020.”.

8 **SEC. 1299N-6. DEFINITIONS.**

9 In this subtitle:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Affairs and
14 the Committee on Appropriations of the House
15 of Representatives; and

16 (B) the Committee on Foreign Relations
17 and the Committee on Appropriations of the
18 Senate.

19 (2) GLOBAL HEALTH SECURITY.—The term
20 “global health security” means activities supporting
21 epidemic and pandemic preparedness and capabili-
22 ties at the country and global levels in order to mini-
23 mize vulnerability to acute public health events that
24 can endanger the health of populations across geo-
25 graphical regions and international boundaries.

1 **SEC. 1299N-7. SUNSET.**

2 This subtitle, and the amendments made by this sub-
3 title, (other than section 1299N-3) shall cease to be effec-
4 tive on December 31, 2024.

5 **Subtitle J—United States Nationals**
6 **Unlawfully or Wrongfully De-**
7 **tained Abroad**

8 **SEC. 1299O-1. SHORT TITLE.**

9 This subtitle may be cited as the “Robert Levinson
10 Hostage Recovery and Hostage-Taking Accountability
11 Act”.

12 **SEC. 1299O-2. ASSISTANCE FOR UNITED STATES NATION-**
13 **ALS UNLAWFULLY OR WRONGFULLY DE-**
14 **TAINED ABROAD.**

15 (a) REVIEW.—The Secretary of State shall review the
16 cases of United States nationals detained abroad to deter-
17 mine if there is credible information that they are being
18 detained unlawfully or wrongfully, based on criteria which
19 may include whether—

20 (1) United States officials receive or possess
21 credible information indicating innocence of the de-
22 tained individual;

23 (2) the individual is being detained solely or
24 substantially because he or she is a United States
25 national;

1 (3) the individual is being detained solely or
2 substantially to influence United States Government
3 policy or to secure economic or political concessions
4 from the United States Government;

5 (4) the detention appears to be because the in-
6 dividual sought to obtain, exercise, defend, or pro-
7 mote freedom of the press, freedom of religion, or
8 the right to peacefully assemble;

9 (5) the individual is being detained in violation
10 of the laws of the detaining country;

11 (6) independent nongovernmental organizations
12 or journalists have raised legitimate questions about
13 the innocence of the detained individual;

14 (7) the United States mission in the country
15 where the individual is being detained has received
16 credible reports that the detention is a pretext for an
17 illegitimate purpose;

18 (8) the individual is detained in a country
19 where the Department of State has determined in its
20 annual human rights reports that the judicial system
21 is not independent or impartial, is susceptible to cor-
22 ruption, or is incapable of rendering just verdicts;

23 (9) the individual is being detained in inhumane
24 conditions;

1 (10) due process of law has been sufficiently
2 impaired so as to render the detention arbitrary; and

3 (11) United States diplomatic engagement is
4 likely necessary to secure the release of the detained
5 individual.

6 (b) REFERRALS TO THE SPECIAL ENVOY.—Upon a
7 determination by the Secretary of State, based on the to-
8 tality of the circumstances, that there is credible informa-
9 tion that the detention of a United States national abroad
10 is unlawful or wrongful, and regardless of whether the de-
11 tention is by a foreign government or a nongovernmental
12 actor, the Secretary shall transfer responsibility for such
13 case from the Bureau of Consular Affairs of the Depart-
14 ment of State to the Special Envoy for Hostage Affairs
15 created pursuant to section 1299O–3.

16 (c) REPORT.—

17 (1) ANNUAL REPORT.—

18 (A) IN GENERAL.—The Secretary of State
19 shall submit to the appropriate congressional
20 committees an annual report with respect to
21 United States nationals for whom the Secretary
22 determines there is credible information of un-
23 lawful or wrongful detention abroad.

24 (B) FORM.—The report required under
25 this paragraph shall be submitted in unclassi-

1 fied form, but may include a classified annex if
2 necessary.

3 (2) COMPOSITION.—The report required under
4 paragraph (1) shall include current estimates of the
5 number of individuals so detained, as well as rel-
6 evant information about particular cases, such as—

7 (A) the name of the individual, unless the
8 provision of such information is inconsistent
9 with section 552a of title 5, United States Code
10 (commonly known as the “Privacy Act of
11 1974”);

12 (B) basic facts about the case;

13 (C) a summary of the information that
14 such individual may be detained unlawfully or
15 wrongfully;

16 (D) a description of specific efforts, legal
17 and diplomatic, taken on behalf of the indi-
18 vidual since the last reporting period, including
19 a description of accomplishments and setbacks;
20 and

21 (E) a description of intended next steps.

22 (d) RESOURCE GUIDANCE.—

23 (1) ESTABLISHMENT.—Not later than 180 days
24 after the date of the enactment of this Act and after
25 consulting with relevant organizations that advocate

1 on behalf of United States nationals detained abroad
2 and the Family Engagement Coordinator established
3 pursuant to section 12990–4(c)(2), the Secretary of
4 State shall provide resource guidance in writing for
5 government officials and families of unjustly or
6 wrongfully detained individuals.

7 (2) CONTENT.—The resource guidance required
8 under paragraph (1) should include—

9 (A) information to help families under-
10 stand United States policy concerning the re-
11 lease of United States nationals unlawfully or
12 wrongfully held abroad;

13 (B) contact information for officials in the
14 Department of State or other government agen-
15 cies suited to answer family questions;

16 (C) relevant information about options
17 available to help families obtain the release of
18 unjustly or wrongfully detained individuals,
19 such as guidance on how families may engage
20 with United States diplomatic and consular
21 channels to ensure prompt and regular access
22 for the detained individual to legal counsel,
23 family members, humane treatment, and other
24 services;

1 (D) guidance on submitting public or pri-
2 vate letters from members of Congress or other
3 individuals who may be influential in securing
4 the release of an individual; and

5 (E) appropriate points of contacts, such as
6 legal resources and counseling services, who
7 have a record of assisting victims' families.

8 **SEC. 12990-3. SPECIAL ENVOY FOR HOSTAGE AFFAIRS.**

9 (a) ESTABLISHMENT.—There is within the office of
10 the Secretary of State a Special Presidential Envoy for
11 Hostage Affairs.

12 (b) RESPONSIBILITIES.—The Special Presidential
13 Envoy for Hostage Affairs, under the supervision of the
14 Secretary of State, shall—

15 (1) lead diplomatic engagement on United
16 States hostage policy;

17 (2) coordinate all diplomatic engagements in
18 support of hostage recovery efforts, in coordination
19 with the Hostage Recovery Fusion Cell and con-
20 sistent with policy guidance communicated through
21 the Hostage Response Group;

22 (3) coordinate with the Hostage Recovery Fu-
23 sion Cell proposals for diplomatic engagements and
24 strategy in support of hostage recovery efforts;

1 (4) provide senior representation from the Spe-
2 cial Envoy's office to the Hostage Recovery Fusion
3 Cell established under section 12990-4 and the
4 Hostage Response Group established under section
5 12990-5; and

6 (5) in coordination with the Hostage Recovery
7 Fusion Cell as appropriate, coordinate diplomatic
8 engagements regarding cases in which a foreign gov-
9 ernment confirms that it has detained a United
10 States national but the United States Government
11 regards such detention as unlawful or wrongful.

12 **SEC. 12990-4. HOSTAGE RECOVERY FUSION CELL.**

13 (a) ESTABLISHMENT.—The President shall establish
14 an interagency Hostage Recovery Fusion Cell.

15 (b) PARTICIPATION.—The President shall direct the
16 heads of each of the following executive departments,
17 agencies, and offices to make available personnel to par-
18 ticipate in the Hostage Recovery Fusion Cell:

19 (1) The Department of State.

20 (2) The Department of the Treasury.

21 (3) The Department of Defense.

22 (4) The Department of Justice.

23 (5) The Office of the Director of National Intel-
24 ligence.

25 (6) The Federal Bureau of Investigation.

1 (7) The Central Intelligence Agency.

2 (8) Other agencies as the President, from time
3 to time, may designate.

4 (c) PERSONNEL.—The Hostage Recovery Fusion Cell
5 shall include—

6 (1) a Director, who shall be a full-time senior
7 officer or employee of the United States Govern-
8 ment;

9 (2) a Family Engagement Coordinator who
10 shall—

11 (A) work to ensure that all interactions by
12 executive branch officials with a hostage's fam-
13 ily occur in a coordinated fashion and that the
14 family receives consistent and accurate informa-
15 tion from the United States Government; and

16 (B) if directed, perform the same function
17 as set out in subparagraph (A) with regard to
18 the family of a United States national who is
19 unlawfully or wrongfully detained abroad; and

20 (3) other officers and employees as deemed ap-
21 propriate by the President.

22 (d) DUTIES.—The Hostage Recovery Fusion Cell
23 shall—

24 (1) coordinate efforts by participating agencies
25 to ensure that all relevant information, expertise,

1 and resources are brought to bear to secure the safe
2 recovery of United States nationals held hostage
3 abroad;

4 (2) if directed, coordinate the United States
5 Government's response to other hostage-takings oc-
6 ccurring abroad in which the United States has a na-
7 tional interest;

8 (3) if directed, coordinate or assist the United
9 States Government's response to help secure the re-
10 lease of United States nationals unlawfully or
11 wrongfully detained abroad; and

12 (4) pursuant to policy guidance coordinated
13 through the National Security Council—

14 (A) identify and recommend hostage recov-
15 ery options and strategies to the President
16 through the National Security Council or the
17 Deputies Committee of the National Security
18 Council;

19 (B) coordinate efforts by participating
20 agencies to ensure that information regarding
21 hostage events, including potential recovery op-
22 tions and engagements with families and exter-
23 nal actors (including foreign governments), is
24 appropriately shared within the United States

1 Government to facilitate a coordinated response
2 to a hostage-taking;

3 (C) assess and track all hostage-takings of
4 United States nationals abroad and provide reg-
5 ular reports to the President and Congress on
6 the status of such cases and any measures
7 being taken toward the hostages' safe recovery;

8 (D) provide a forum for intelligence shar-
9 ing and, with the support of the Director of Na-
10 tional Intelligence, coordinate the declassifica-
11 tion of relevant information;

12 (E) coordinate efforts by participating
13 agencies to provide appropriate support and as-
14 sistance to hostages and their families in a co-
15 ordinated and consistent manner and to provide
16 families with timely information regarding sig-
17 nificant events in their cases;

18 (F) make recommendations to agencies in
19 order to reduce the likelihood of United States
20 nationals' being taken hostage abroad and en-
21 hance United States Government preparation to
22 maximize the probability of a favorable outcome
23 following a hostage-taking; and

1 (G) coordinate with agencies regarding
2 congressional, media, and other public inquiries
3 pertaining to hostage events.

4 (e) ADMINISTRATION.—The Hostage Recovery Fu-
5 sion Cell shall be located within the Federal Bureau of
6 Investigation for administrative purposes.

7 **SEC. 12990-5. HOSTAGE RESPONSE GROUP.**

8 (a) ESTABLISHMENT.—The President shall establish
9 a Hostage Response Group, chaired by a designated mem-
10 ber of the National Security Council or the Deputies Com-
11 mittee of the National Security Council, to be convened
12 on a regular basis, to further the safe recovery of United
13 States nationals held hostage abroad or unlawfully or
14 wrongfully detained abroad, and to be tasked with coordi-
15 nating the United States Government response to other
16 hostage-takings occurring abroad in which the United
17 States has a national interest.

18 (b) MEMBERSHIP.—The regular members of the Hos-
19 tage Response Group shall include the Director of the
20 Hostage Recovery Fusion Cell, the Hostage Recovery Fu-
21 sion Cell's Family Engagement Coordinator, the Special
22 Envoy appointed pursuant to section 12990-3, and rep-
23 resentatives from the Department of the Treasury, the
24 Department of Defense, the Department of Justice, the
25 Federal Bureau of Investigation, the Office of the Director

1 of National Intelligence, the Central Intelligence Agency,
2 and other agencies as the President, from time to time,
3 may designate.

4 (c) DUTIES.—The Hostage Recovery Group shall—

5 (1) identify and recommend hostage recovery
6 options and strategies to the President through the
7 National Security Council;

8 (2) coordinate the development and implemen-
9 tation of United States hostage recovery policies,
10 strategies, and procedures;

11 (3) receive regular updates from the Hostage
12 Recovery Fusion Cell and the Special Envoy for
13 Hostage Affairs on the status of United States na-
14 tionals being held hostage or unlawfully or wrong-
15 fully detained abroad and measures being taken to
16 effect safe recoveries;

17 (4) coordinate the provision of policy guidance
18 to the Hostage Recovery Fusion Cell, including re-
19 viewing recovery options proposed by the Hostage
20 Recovery Fusion Cell and working to resolve dis-
21 putes within the Hostage Recovery Fusion Cell;

22 (5) as appropriate, direct the use of resources
23 at the Hostage Recovery Fusion Cell to coordinate
24 or assist in the safe recovery of United States na-

1 tionals unlawfully or wrongfully detained abroad;
2 and

3 (6) as appropriate, direct the use of resources
4 at the Hostage Recovery Fusion Cell to coordinate
5 the United States Government response to other
6 hostage-takings occurring abroad in which the
7 United States has a national interest.

8 (d) MEETINGS.—The Hostage Response Group shall
9 meet regularly.

10 (e) REPORTING.—The Hostage Response Group shall
11 regularly provide recommendations on hostage recovery
12 options and strategies to the National Security Council.

13 **SEC. 12990-6. AUTHORIZATION OF IMPOSITION OF SANC-**
14 **TIONS.**

15 (a) IN GENERAL.—The President may impose the
16 sanctions described in subsection (b) with respect to any
17 foreign person the President determines, based on credible
18 evidence—

19 (1) is responsible for or is complicit in, or re-
20 sponsible for ordering, controlling, or otherwise di-
21 recting, the hostage-taking of a United States na-
22 tional abroad or the unlawful or wrongful detention
23 of a United States national abroad; or

1 (2) knowingly provides financial, material, or
2 technological support for, or goods or services in
3 support of, an activity described in paragraph (1).

4 (b) SANCTIONS DESCRIBED.—The sanctions de-
5 scribed in this subsection are the following:

6 (1) INELIGIBILITY FOR VISAS, ADMISSION, OR
7 PAROLE.—

8 (A) VISAS, ADMISSION, OR PAROLE.—An
9 alien described in subsection (a) may be—

10 (i) inadmissible to the United States;

11 (ii) ineligible to receive a visa or other
12 documentation to enter the United States;

13 and

14 (iii) otherwise ineligible to be admitted
15 or paroled into the United States or to re-
16 ceive any other benefit under the Immigra-
17 tion and Nationality Act (8 U.S.C. 1101 et
18 seq.).

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—An alien described
21 in subsection (a) may be subject to revoca-
22 tion of any visa or other entry documenta-
23 tion regardless of when the visa or other
24 entry documentation is or was issued.

1 (ii) IMMEDIATE EFFECT.—A revoca-
2 tion under clause (i) may—

3 (I) take effect immediately; and

4 (II) cancel any other valid visa or
5 entry documentation that is in the
6 alien's possession.

7 (2) BLOCKING OF PROPERTY.—

8 (A) IN GENERAL.—The President may ex-
9 ercise all of the powers granted to the President
10 under the International Emergency Economic
11 Powers Act (50 U.S.C. 1701 et seq.), to the ex-
12 tent necessary to block and prohibit all trans-
13 actions in property and interests in property of
14 a foreign person described in subsection (a) if
15 such property and interests in property are in
16 the United States, come within the United
17 States, or are or come within the possession or
18 control of a United States person.

19 (B) INAPPLICABILITY OF NATIONAL EMER-
20 GENCY REQUIREMENT.—The requirements of
21 section 202 of the International Emergency
22 Economic Powers Act (50 U.S.C. 1701) shall
23 not apply for purposes of this section.

24 (c) EXCEPTIONS.—

1 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
2 TIES.—Sanctions under this section shall not apply
3 to any activity subject to the reporting requirements
4 under title V of the National Security Act of 1947
5 (50 U.S.C. 3091 et seq.) or any authorized intel-
6 ligence activities of the United States.

7 (2) EXCEPTION TO COMPLY WITH INTER-
8 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
9 MENT ACTIVITIES.—Sanctions under subsection
10 (b)(1) shall not apply with respect to an alien if ad-
11 mitting or paroling the alien into the United States
12 is necessary—

13 (A) to permit the United States to comply
14 with the Agreement regarding the Head-
15 quarters of the United Nations, signed at Lake
16 Success June 26, 1947, and entered into force
17 November 21, 1947, between the United Na-
18 tions and the United States, or other applicable
19 international obligations; or

20 (B) to carry out or assist law enforcement
21 activity in the United States.

22 (d) PENALTIES.—A person that violates, attempts to
23 violate, conspires to violate, or causes a violation of sub-
24 section (b)(2) or any regulation, license, or order issued
25 to carry out that subsection shall be subject to the pen-

alties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines that—

(1) information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the national security interests of the United States.

(f) REPORTING REQUIREMENT.—If the President terminates sanctions pursuant to subsection (d), the President shall report to the appropriate congressional commit-

tees a written justification for such termination within 15 days.

(g) IMPLEMENTATION OF REGULATORY AUTHORITY.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(h) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(i) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term “foreign person” means—

(A) any citizen or national of a foreign country (including any such individual who is also a citizen or national of the United States); or

1 (B) any entity not organized solely under
2 the laws of the United States or existing solely
3 in the United States.

4 (2) UNITED STATES PERSON.—The term
5 “United States person” means—

6 (A) an individual who is a United States
7 citizen or an alien lawfully admitted for perma-
8 nent residence to the United States;

9 (B) an entity organized under the laws of
10 the United States or any jurisdiction within the
11 United States, including a foreign branch of
12 such an entity; or

13 (C) any person in the United States.

14 **SEC. 1299O–7. DEFINITIONS.**

15 In this subtitle:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Relations,
20 the Committee on Appropriations, the Com-
21 mittee on Banking, Housing, and Urban Af-
22 fairs, the Committee on the Judiciary, the Com-
23 mittee on Armed Services, and the Select Com-
24 mittee on Intelligence of the United States Sen-
25 ate; and

1 (B) the Committee on Foreign Affairs, the
2 Committee on Appropriations, the Committee
3 on Financial Services, the Committee on the
4 Judiciary, the Committee on Armed Services,
5 and the Permanent Select Committee on Intel-
6 ligence of the House of Representatives.

7 (2) UNITED STATES NATIONAL.—The term
8 “United States national” means—

9 (A) a United States national as defined in
10 section 101(a)(22) or section 308 of the Immi-
11 gration and Nationality Act (8 U.S.C.
12 1101(a)(22), 8 U.S.C. 1408); and

13 (B) a lawful permanent resident alien with
14 significant ties to the United States.

15 **SEC. 1299O-8. RULE OF CONSTRUCTION.**

16 Nothing in this subtitle may be construed to author-
17 ize a private right of action.

18 **Subtitle K—Matters Relating to the**
19 **Northern Triangle**

20 **SEC. 1299P-1. ACTIONS TO ADVANCE PROSPERITY IN THE**
21 **NORTHERN TRIANGLE.**

22 (a) SECRETARY OF STATE PRIORITIZATION.—The
23 Secretary of State shall prioritize prosperity in the North-
24 ern Triangle countries by carrying out the following initia-
25 tives:

1 (1) Supporting market-based solutions to elimi-
2 nate constraints to inclusive economic growth, in-
3 cluding through support for increased digital
4 connectivity and the use of financial technology, and
5 private sector and civil society-led efforts to create
6 jobs and foster economic prosperity.

7 (2) Addressing underlying causes of poverty
8 and inequality, including by improving nutrition and
9 food security, providing health resources and access
10 to clean water, sanitation, hygiene, and shelter, and
11 improving livelihoods.

12 (3) Responding to immediate humanitarian
13 needs by increasing humanitarian assistance, includ-
14 ing through access to clean water, sanitation, hy-
15 giene, and shelter, improving livelihoods, and by pro-
16 viding health resources and improving nutrition and
17 food security.

18 (4) Supporting conservation and community re-
19 silience and strengthening community preparedness
20 for natural disasters and other external shocks.

21 (5) Identifying, as appropriate, a role for the
22 United States International Development Finance
23 Corporation, the Millennium Challenge Corporation
24 (MCC), the United States Agency for International
25 Development, and the United States private sector

1 in supporting efforts to increase private sector in-
2 vestment and strengthen economic prosperity.

3 (6) Expanding comprehensive reintegration
4 mechanisms for repatriated individuals once re-
5 turned to their countries of origin and supporting ef-
6 forts by the private sector to hire and train eligible
7 returnees.

8 (7) Establishing monitoring and verification
9 services to determine the well-being of repatriated
10 children in order to determine if United States pro-
11 tection and screening functioned effectively in identi-
12 fying persecuted and trafficked children.

13 (8) Supporting efforts to increase domestic re-
14 source mobilization, including through strengthening
15 of tax collection and enforcement and legal arbitra-
16 tion mechanisms.

17 (b) STRATEGY.—

18 (1) ELEMENTS.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary
20 of State, in coordination with the Administrator of
21 the United States Agency for International Develop-
22 ment, the President and Chief Executive Officer of
23 the Inter-American Foundation, the Director of the
24 United States Trade and Development Agency, the
25 Chief Executive Officer of the United States Inter-

1 national Development Finance Corporation, and the
2 heads of other relevant Federal agencies, shall sub-
3 mit to the appropriate congressional committees a 5-
4 year strategy to prioritize prosperity in the Northern
5 Triangle countries by carrying out the initiatives de-
6 scribed in subsection (a).

7 (2) CONSULTATION.—In developing the strat-
8 egy required under paragraph (1), the Secretary of
9 State shall consult with nongovernmental organiza-
10 tions in the Northern Triangle countries and the
11 United States.

12 (3) BENCHMARKS.—The strategy required
13 under paragraph (1) shall include annual bench-
14 marks to track the strategy's progress in curbing ir-
15 regular migration from the Northern Triangle to the
16 United States.

17 (4) PUBLIC DIPLOMACY.—The strategy re-
18 quired under paragraph (1) shall include a public di-
19 plomacy strategy for educating citizens of the North-
20 ern Triangle countries about United States assist-
21 ance and its benefits to them, and informing such
22 citizens of the dangers of illegal migration to the
23 United States.

24 (5) ANNUAL PROGRESS UPDATES.—Not later
25 than 1 year after the submission of the strategy re-

1 quired under paragraph (1) and annually thereafter
2 for 4 years, the Secretary of State shall provide the
3 appropriate congressional committees with a written
4 description of progress made in meeting the bench-
5 marks established in the strategy.

6 (6) PUBLIC AVAILABILITY.—The strategy re-
7 quired under paragraph (1) shall be made publicly
8 available on the website of the Department of State.

9 (c) REPORT ON ESTABLISHING AN INVESTMENT
10 FUND FOR THE NORTHERN TRIANGLE COUNTRIES AND
11 SOUTHERN MEXICO.—Not later than 180 days after the
12 date of the enactment of this Act, the Chief Executive Of-
13 ficer of the United States International Development Fi-
14 nance Corporation shall submit to the appropriate con-
15 gressional committees a detailed report assessing the fea-
16 sibility, costs, and benefits of the Corporation establishing
17 an investment fund to promote economic and social devel-
18 opment in the Northern Triangle countries and southern
19 Mexico.

20 **SEC. 1299P-2. ACTIONS TO COMBAT CORRUPTION IN THE**
21 **NORTHERN TRIANGLE.**

22 (a) SECRETARY OF STATE PRIORITIZATION.—The
23 Secretary of State shall prioritize efforts to combat cor-
24 ruption in the Northern Triangle countries by carrying out
25 the following initiatives:

1 (1) Supporting anticorruption efforts, including
2 by strengthening national justice systems and attor-
3 neys general, providing technical assistance to iden-
4 tify and prosecute money laundering and other fi-
5 nancial crimes, breaking up financial holdings of or-
6 ganized criminal syndicates, including illegally ac-
7 quired lands and proceeds from illegal activities, and
8 supporting independent media and investigative re-
9 porting.

10 (2) Supporting anticorruption efforts through
11 bilateral assistance and complementary support
12 through multilateral anticorruption mechanisms
13 when necessary.

14 (3) Encouraging cooperation agreements be-
15 tween the Department of State and relevant United
16 States Government agencies and attorneys general
17 to fight corruption.

18 (4) Supporting efforts to strengthen special
19 prosecutorial offices and financial institutions to
20 combat corruption, money laundering, financial
21 crimes, extortion, human rights crimes, asset for-
22 feiture, and criminal analysis.

23 (5) Supporting initiatives to advance judicial in-
24 tegrity and improve security for members of the ju-
25 dicial sector.

1 (6) Supporting transparent, merit-based selec-
2 tion processes for prosecutors and judges and the
3 development of professional and merit-based civil
4 services.

5 (7) Supporting the establishment or strength-
6 ening of methods, procedures, and expectations for
7 internal and external control mechanisms for the se-
8 curity and police services and judiciary.

9 (8) Supporting the adoption of appropriate
10 technologies to combat corruption in public finance.

11 (b) STRATEGY.—

12 (1) ELEMENTS.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary
14 of State, in coordination with the Administrator of
15 the United States Agency for International Develop-
16 ment and the heads of other relevant Federal agen-
17 cies, shall submit to the appropriate congressional
18 committees a 5-year strategy to combat corruption
19 in the Northern Triangle countries by carrying out
20 the initiatives described in subsection (a).

21 (2) CONSULTATION.—In developing the strat-
22 egy required under paragraph (1), the Secretary of
23 State shall consult with nongovernmental organiza-
24 tions in the Northern Triangle countries and the
25 United States.

1 (3) BENCHMARKS.—The strategy required
2 under paragraph (1) shall include annual bench-
3 marks to track the strategy’s progress in curbing ir-
4 regular migration from the Northern Triangle to the
5 United States.

6 (4) PUBLIC DIPLOMACY.—The strategy re-
7 quired under paragraph (1) shall include a public di-
8 plomacy strategy for educating citizens of the North-
9 ern Triangle countries about United States assist-
10 ance and its benefits to them, and informing such
11 citizens of the dangers of illegal migration to the
12 United States.

13 (5) ANNUAL PROGRESS UPDATES.—Not later
14 than 1 year after the submission of the strategy re-
15 quired under paragraph (1) and annually thereafter
16 for 4 years, the Secretary of State shall provide the
17 appropriate congressional committees with a written
18 description of progress made in meeting the bench-
19 marks established in the strategy.

20 (6) PUBLIC AVAILABILITY.—The strategy re-
21 quired under paragraph (1) shall be made publicly
22 available on the website of the Department of State.

23 (c) DESIGNATION OF A SENIOR RULE OF LAW ADVI-
24 SOR FOR THE NORTHERN TRIANGLE IN THE BUREAU OF
25 WESTERN HEMISPHERE AFFAIRS.—The Secretary of

1 State shall designate in the Bureau of Western Hemi-
2 sphere Affairs of the Department of State a Senior Rule
3 of Law Advisor for the Northern Triangle who shall lead
4 diplomatic engagement with the Northern Triangle coun-
5 tries in support of democratic governance, anticorruption
6 efforts, and the rule of law in all aspects of United States
7 policy towards the countries of the Northern Triangle, in-
8 cluding carrying out the initiatives described in subsection
9 (a) and developing the strategy required under subsection
10 (b). The individual designated in accordance with this sub-
11 section shall be a Department of State employee in the
12 Bureau of Western Hemisphere Affairs.

13 **SEC. 1299P-3. ACTIONS TO STRENGTHEN DEMOCRATIC IN-**
14 **STITUTIONS IN THE NORTHERN TRIANGLE.**

15 (a) SECRETARY OF STATE PRIORITIZATION.—The
16 Secretary of State shall prioritize strengthening demo-
17 cratic institutions, good governance, human rights, and
18 the rule of law in the Northern Triangle countries by car-
19 rying out the following initiatives:

20 (1) Providing support to strengthen government
21 institutions and actors at the local and national lev-
22 els to provide services and respond to citizen needs
23 through transparent, inclusive, and democratic proc-
24 esses.

1 (2) Supporting efforts to strengthen access to
2 information laws and reform laws that currently
3 limit access to information.

4 (3) Financing efforts to build the capacity of
5 independent media with a specific focus on profes-
6 sional investigative journalism.

7 (4) Ensuring that threats and attacks on jour-
8 nalists and human rights defenders are fully inves-
9 tigated and perpetrators are held accountable.

10 (5) Developing the capacity of civil society to
11 conduct oversight and accountability mechanisms at
12 the national and local levels.

13 (6) Training political actors committed to
14 democratic principles.

15 (7) Strengthening electoral institutions and
16 processes to ensure free, fair, and transparent elec-
17 tions.

18 (8) Advancing conservation principles and the
19 rule of law to address multiple factors, including the
20 impacts of illegal cattle ranching and smuggling as
21 drivers of deforestation.

22 (b) STRATEGY.—

23 (1) ELEMENTS.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary
25 of State, in coordination with the Administrator of

1 the United States Agency for International Develop-
2 ment and the heads of other relevant Federal agen-
3 cies, shall submit to the appropriate congressional
4 committees a strategy to support democratic govern-
5 ance in the Northern Triangle countries by carrying
6 out the initiatives described in subsection (a).

7 (2) CONSULTATION.—In developing the strat-
8 egy required under paragraph (1), the Secretary of
9 State shall consult with nongovernmental organiza-
10 tions in the Northern Triangle countries and the
11 United States.

12 (3) BENCHMARKS.—The strategy required
13 under paragraph (1) shall include annual bench-
14 marks to track the strategy's progress in curbing ir-
15 regular migration from the Northern Triangle to the
16 United States.

17 (4) PUBLIC DIPLOMACY.—The strategy re-
18 quired under paragraph (1) shall include a public di-
19 plomacy strategy for educating citizens of the North-
20 ern Triangle countries about United States assist-
21 ance and its benefits to them, and informing such
22 citizens of the dangers of illegal migration to the
23 United States.

24 (5) ANNUAL PROGRESS UPDATES.—Not later
25 than 1 year after the submission of the strategy re-

1 quired under paragraph (1) and annually thereafter
2 for 4 years, the Secretary of State shall provide the
3 appropriate congressional committees with a written
4 description of progress made in meeting the bench-
5 marks established in the strategy.

6 (6) PUBLIC AVAILABILITY.—The strategy re-
7 quired under paragraph (1) shall be made publicly
8 available on the website of the Department of State.

9 **SEC. 1299P-4. ACTIONS TO IMPROVE SECURITY CONDI-**
10 **TIONS IN THE NORTHERN TRIANGLE.**

11 (a) SECRETARY OF STATE PRIORITIZATION.—The
12 Secretary of State shall prioritize security in the Northern
13 Triangle countries by carrying out the following initiatives:

14 (1) Implementing the Central America Regional
15 Security Initiative of the Department of State.

16 (2) Continuing the vetting and
17 professionalization of security services, including the
18 civilian police and military units.

19 (3) Supporting efforts to combat the illicit ac-
20 tivities of criminal gangs and transnational criminal
21 organizations, including MS-13 and the 18th Street
22 Gang, through support to fully vetted elements of at-
23 torneys general offices, appropriate government in-
24 stitutions, and security services.

1 (4) Supporting training for fully vetted civilian
2 police and appropriate security services in criminal
3 investigations, best practices for citizen security, and
4 human rights.

5 (5) Providing capacity-building to relevant secu-
6 rity services and attorneys general to support coun-
7 ternarcotics efforts and combat human trafficking,
8 forcible recruitment of children and youth by gangs,
9 gender-based violence, and other illicit activities, in-
10 cluding trafficking of wildlife, and natural resources.

11 (6) Encouraging collaboration with regional and
12 international partners in implementing security as-
13 sistance, including by supporting cross-border infor-
14 mation sharing on gangs and transnational criminal
15 organizations.

16 (7) Providing equipment, technology, tools, and
17 training to security services to assist in border and
18 port inspections.

19 (8) Providing equipment, technology, tools, and
20 training to assist security services in counter-
21 narcotics and other efforts to combat illicit activities.

22 (9) Continuing information sharing regarding
23 known or suspected terrorists and other individuals
24 and entities that pose a potential threat to United

1 States national security that are crossing through or
2 residing in the Northern Triangle.

3 (10) Supporting information sharing on gangs
4 and transnational criminal organizations between
5 relevant Federal, State, and local law enforcement
6 and the governments of the Northern Triangle coun-
7 tries.

8 (11) Considering the use of assets and re-
9 sources of United States State and local government
10 entities, as appropriate, to support the activities de-
11 scribed in this subsection.

12 (12) Providing thorough end-use monitoring of
13 equipment, technology, tools, and training provided
14 pursuant to this subsection.

15 (b) STRATEGY.—

16 (1) ELEMENTS.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary
18 of State, in coordination with the Administrator of
19 the United States Agency for International Develop-
20 ment and the heads of other relevant Federal agen-
21 cies, shall submit to the appropriate congressional
22 committees a 5-year strategy to prioritize the im-
23 provement of security in the Northern Triangle
24 countries by carrying out the initiatives described in
25 subsection (a).

1 (2) CONSULTATION.—In developing the strat-
2 egy required under paragraph (1), the Secretary of
3 State shall consult with nongovernmental organiza-
4 tions in the Northern Triangle countries and the
5 United States.

6 (3) BENCHMARKS.—The strategy required
7 under paragraph (1) shall include annual bench-
8 marks to track the strategy's progress in curbing ir-
9 regular migration from the Northern Triangle to the
10 United States.

11 (4) PUBLIC DIPLOMACY.—The strategy re-
12 quired under paragraph (1) shall include a public di-
13 plomacy strategy for educating citizens of the North-
14 ern Triangle countries about United States assist-
15 ance and its benefits to them, and informing such
16 citizens of the dangers of illegal migration to the
17 United States.

18 (5) ANNUAL PROGRESS UPDATES.—Not later
19 than 1 year after the submission of the strategy re-
20 quired under paragraph (1) and annually thereafter
21 for 4 years, the Secretary of State shall provide the
22 appropriate congressional committees with a written
23 description of progress made in meeting the bench-
24 marks established in the strategy.

1 (6) PUBLIC AVAILABILITY.—The strategy re-
2 quired under paragraph (1) shall be made publicly
3 available on the website of the Department of State.

4 (c) WOMEN AND CHILDREN PROTECTION COM-
5 PACTS.—

6 (1) IN GENERAL.—The President, in consulta-
7 tion with the Secretary of State, the Administrator
8 of the United States Agency for International Devel-
9 opment, and the heads of other relevant Federal de-
10 partments or agencies, is authorized to enter into bi-
11 lateral agreements with one or more of the Govern-
12 ments of El Salvador, Guatemala, or Honduras to
13 provide United States assistance for the purposes
14 of—

15 (A) strengthening the capacity of the jus-
16 tice systems in such countries to protect women
17 and children fleeing domestic, gang, or drug vi-
18 olence and to serve victims of domestic violence,
19 sexual assault, trafficking, or child abuse or ne-
20 glect, including by strengthening the capacity of
21 such systems to hold perpetrators accountable;
22 and

23 (B) creating, securing, and sustaining safe
24 communities and schools in such countries, by
25 building on current approaches to prevent and

1 deter violence against women and children in
2 such communities or schools.

3 (2) REQUIREMENTS.—An agreement under the
4 authority provided by paragraph (1)—

5 (A) shall establish a 3- to 6-year plan to
6 achieve the objectives described in subpara-
7 graphs (A) and (B) of such paragraph;

8 (B) shall include measurable goals and in-
9 dicators with respect to such objectives;

10 (C) may not provide for any United States
11 assistance to be made available directly to any
12 of the governments of El Salvador, Guatemala,
13 or Honduras; and

14 (D) may be suspended or terminated with
15 respect to a country or an entity receiving as-
16 sistance pursuant to the agreement, if the Sec-
17 retary of State determines that such country or
18 entity has failed to make sufficient progress to-
19 wards the goals of the Compact.

20 **SEC. 1299P-5. TARGETED SANCTIONS TO FIGHT CORRUP-**
21 **TION IN THE NORTHERN TRIANGLE.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) corruption in the Northern Triangle coun-
25 tries by private citizens and select officials in local,

1 regional, and Federal governments significantly
2 damages the economies of such countries and de-
3 prives citizens of opportunities;

4 (2) corruption in the Northern Triangle is fa-
5 cilitated and carried out not only by private citizens
6 and select officials from those countries but also in
7 many instances by individuals from third countries;
8 and

9 (3) imposing targeted sanctions on individuals
10 from throughout the world and particularly in the
11 Western Hemisphere who are engaged in acts of sig-
12 nificant corruption that impact the Northern Tri-
13 angle countries or obstruction of investigations into
14 such acts of corruption will benefit the citizens and
15 governments of such countries.

16 (b) IMPOSITION OF SANCTIONS.—The President shall
17 impose the sanctions described in subsection (c) with re-
18 spect to a foreign person who the President determines
19 on or after the date of the enactment of this Act to have
20 knowingly engaged in significant corruption or obstruction
21 of investigations into such acts of corruption in a North-
22 ern Triangle country, including the following:

23 (1) Corruption related to government contracts.

24 (2) Bribery and extortion.

1 (3) The facilitation or transfer of the proceeds
2 of corruption, including through money laundering.

3 (4) Acts of violence, harassment, or intimidat-
4 tion directed at governmental and non-governmental
5 corruption investigators.

6 (c) SANCTIONS DESCRIBED.—

7 (1) IN GENERAL.—The sanctions described in
8 this subsection are the following:

9 (A) ASSET BLOCKING.—The blocking, in
10 accordance with the International Emergency
11 Economic Powers Act (50 U.S.C. 1701 et seq.),
12 of all transactions in all property and interests
13 in property of a foreign person if such property
14 and interests in property are in the United
15 States, come within the United States, or are or
16 come within the possession or control of a
17 United States person.

18 (B) INELIGIBILITY FOR VISAS AND ADMIS-
19 SION TO THE UNITED STATES.—In the case of
20 a foreign person who is an individual, such for-
21 eign person is—

22 (i) inadmissible to the United States;
23 (ii) ineligible to receive a visa or other
24 documentation to enter the United States;
25 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (C) CURRENT VISAS REVOKED.—

7 (i) IN GENERAL.—The issuing con-
8 sular officer or the Secretary of State, (or
9 a designee of the Secretary of State) shall,
10 in accordance with section 221(i) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1201(i)), revoke any visa or other entry
13 documentation issued to a foreign person
14 regardless of when the visa or other entry
15 documentation is issued.

16 (ii) EFFECT OF REVOCATION.—A rev-
17 ocation under clause (i) shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any
20 other valid visa or entry documenta-
21 tion that is in the foreign person's
22 possession.

23 (2) PENALTIES.—A person that violates, at-
24 tempts to violate, conspires to violate, or causes a
25 violation of a measure imposed pursuant to para-

1 graph (1)(A) or any regulation, license, or order
2 issued to carry out such paragraph shall be subject
3 to the penalties specified in subsections (b) and (c)
4 of section 206 of the International Emergency Eco-
5 nomic Powers Act (50 U.S.C. 1705) to the same ex-
6 tent as a person that commits an unlawful act de-
7 scribed in subsection (a) of such section.

8 (3) EXCEPTION TO COMPLY WITH INTER-
9 NATIONAL OBLIGATIONS.—Sanctions under subpara-
10 graph (B) and (C) of paragraph (1) shall not apply
11 with respect to a foreign person if admitting or pa-
12 roling such person into the United States is nec-
13 essary to permit the United States to comply with
14 the Agreement regarding the Headquarters of the
15 United Nations, signed at Lake Success June 26,
16 1947, and entered into force November 21, 1947,
17 between the United Nations and the United States,
18 or other applicable international obligations.

19 (d) IMPLEMENTATION; REGULATORY AUTHORITY.—

20 (1) IMPLEMENTATION.—The President may ex-
21 ercise all authorities provided under sections 203
22 and 205 of the International Emergency Economic
23 Powers Act (50 U.S.C. 1702 and 1704) to carry out
24 this section.

1 (2) REGULATORY AUTHORITY.—The President
2 shall issue such regulations, licenses, and orders as
3 are necessary to carry out this section.

4 (e) NATIONAL INTEREST WAIVER.—The President
5 may waive the application of the sanctions under sub-
6 section (c) if the President—

7 (1) determines that such a waiver is in the na-
8 tional interest of the United States; and

9 (2) submits to the appropriate congressional
10 committees a notice of and justification for the waiv-
11 er.

12 (f) TERMINATION.—The authority to impose sanc-
13 tions under subsection (b), and any sanctions imposed
14 pursuant to such authority, shall expire on the date that
15 is 3 years after the date of the enactment of this Act.

16 (g) EXCEPTION RELATING TO IMPORTATION OF
17 GOODS.—The authorities and requirements to impose
18 sanctions authorized under this Act shall not include the
19 authority or requirement to impose sanctions on the im-
20 portation of goods.

21 (h) DEFINITIONS.—In this section:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Foreign Affairs, the
2 Committee on the Judiciary, and the Com-
3 mittee on Financial Services of the House of
4 Representatives; and

5 (B) the Committee on Foreign Relations,
6 the Committee on the Judiciary, and the Com-
7 mittee on Banking, Housing, and Urban Affairs
8 of the Senate.

9 (2) GOOD.—The term “good” means any arti-
10 cle, natural or man-made substance, material, supply
11 or manufactured product, including inspection and
12 test equipment, and excluding technical data.

13 (3) PERSON FROM A NORTHERN TRIANGLE
14 COUNTRY.—The term “person from a Northern Tri-
15 angle country” means—

16 (A) a citizen of a Northern Triangle coun-
17 try; or

18 (B) an entity organized under the laws of
19 a Northern Triangle country or any jurisdiction
20 within a Northern Triangle country.

21 **SEC. 1299P-6. DEFINITIONS.**

22 In this subtitle:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—Except as otherwise provided, the term “ap-
25 propriate congressional committees” means—

1 (A) the Committee on Foreign Affairs and
 2 the Committee on Appropriations of the House
 3 of Representatives; and

4 (B) the Committee on Foreign Relations
 5 and the Committee on Appropriations of the
 6 Senate.

7 (2) NORTHERN TRIANGLE.—The term “North-
 8 ern Triangle” means the region of Central America
 9 that encompasses the countries of El Salvador, Gua-
 10 temala, and Honduras.

11 (3) NORTHERN TRIANGLE COUNTRIES.—The
 12 term “Northern Triangle countries” means the
 13 countries of El Salvador, Guatemala, and Honduras.

14 (4) TRANSNATIONAL CRIMINAL ORGANIZA-
 15 TION.—The term “transnational criminal organiza-
 16 tion” has the meaning given the term “significant
 17 transnational criminal organization” in Executive
 18 Order No. 13581 (July 24, 2011).

19 **Subtitle L—Additional Matters Re-**
 20 **lating to NATO Allies and Part-**
 21 **ners**

22 **SEC. 1299Q-1. FOREIGN MILITARY LOAN AUTHORITY.**

23 (a) IN GENERAL.—Beginning in fiscal year 2021,
 24 subject to the notification requirements under subsection

1 (b) and to the availability of appropriations, the President,
2 acting through the Secretary of State, is authorized—

3 (1) to make direct loans under section 23 of the
4 Arms Export Control Act (22 U.S.C. 2763) to
5 NATO member countries that joined the alliance
6 after March 1, 1999, notwithstanding the minimum
7 interest rate required by subsection (c)(1) of such
8 section; and

9 (2) to charge fees for such loans under para-
10 graph (1), which shall be collected from borrowers in
11 accordance with section 502(7) of the Congressional
12 Budget Act of 1974 and which may be used to cover
13 the costs of such loans as defined in section 502 of
14 the Congressional Budget Act of 1974.

15 (b) NOTIFICATION.—A loan may not be made under
16 the authority provided by subsection (a) unless the Sec-
17 retary of State submits to the appropriate congressional
18 committees a certification, not fewer than 15 days before
19 entering into an agreement to make such loan, that—

20 (1) the recipient country is making demon-
21 strable progress toward meeting its defense spending
22 commitments in accordance with the 2014 NATO
23 Wales Summit Declaration; and

24 (2) the government of such recipient country is
25 respecting that country's constitution and upholds

1 democratic values such as freedom of religion, free-
 2 dom of speech, freedom of the press, the rule of law,
 3 and the rights of religious minorities.

4 (c) REPAYMENT.—A loan made under the authority
 5 provided by subsection (a) shall be repaid in not more than
 6 12 years, but may include a grace period of up to 1 year
 7 on the repayment of the principal.

8 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
 9 DEFINED.—In this section, the term “appropriate con-
 10 gressional committees” means—

11 (1) the Committee on Foreign Affairs and the
 12 Committee on Appropriations of the House of Rep-
 13 resentatives; and

14 (2) the Committee on Foreign Relations and
 15 the Committee on Appropriations of the Senate.

16 **SEC. 1299Q-2. AUTHORIZATION OF REWARDS FOR PRO-**
 17 **VIDING INFORMATION ON FOREIGN ELEC-**
 18 **TION INTERFERENCE.**

19 Section 36 of the State Department Basic Authorities
 20 Act of 1956 (22 U.S.C. 2708) is amended—

21 (1) in subsection (a)(2), by inserting “foreign
 22 election interference,” before “transnational orga-
 23 nized crime”;

24 (2) in subsection (b)—

1 (A) in paragraph (5), by striking “or (10)”
2 and inserting “(10), or (13)”;

3 (B) in paragraph (11), by striking “or”
4 after the semicolon at the end;

5 (C) in paragraph (12)—

6 (i) by striking “sections” and insert-
7 ing “section”;

8 (ii) by striking “or (b)(1)” and insert-
9 ing “or 2914(b)(1)”;

10 (iii) by striking the period at the end
11 and inserting “; or”; and

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

14 “(13) the identification or location of a foreign
15 person that knowingly engaged or is engaging in for-
16 eign election interference.”; and

17 (3) in subsection (k)—

18 (A) by redesignating paragraphs (3)
19 through (8) as paragraphs (5) through (10), re-
20 spectively;

21 (B) by inserting after paragraph (2) the
22 following new paragraphs:

23 “(3) FOREIGN PERSON.—The term ‘foreign per-
24 son’ means—

1 “(A) an individual who is not a United
2 States person; or

3 “(B) a foreign entity.

4 “(4) FOREIGN ELECTION INTERFERENCE.—The
5 term ‘foreign election interference’ means conduct by
6 a foreign person that—

7 “(A)(i) violates Federal criminal, voting
8 rights, or campaign finance law; or

9 “(ii) is performed by any person acting as
10 an agent of or on behalf of a foreign govern-
11 ment or criminal enterprise; and

12 “(B) includes any covert, fraudulent, de-
13 ceptive, or unlawful act or attempted act, or
14 knowing use of information acquired by theft,
15 undertaken with the purpose or effect of under-
16 mining public confidence in election processes
17 or institutions, or influencing, undermining con-
18 fidence in, or altering the result or reported re-
19 sult of, a general or primary Federal, State, or
20 local election or caucus, including—

21 “(i) the campaign of a candidate; or

22 “(ii) a ballot measure, including an
23 amendment, a bond issue, an initiative, a
24 recall, a referral, or a referendum.”; and

1 (C) in paragraph (10), as so redesignated,
2 in subparagraph (A), by striking “and” after
3 the semicolon and inserting “or”.

4 **SEC. 1299Q-3. REPORT ON NATO MEMBER CONTRIBUTIONS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of State,
7 in coordination with the Administrator of the United
8 States Agency for International Development, the Sec-
9 retary of Defense, and the Director of National Intel-
10 ligence, shall submit to the appropriate congressional com-
11 mittees a report, in classified form but with an unclassi-
12 fied annex, that provides an accounting in United States
13 dollars and assesses the contributions of NATO member
14 countries to the security of the alliance.

15 (b) MATTERS TO BE INCLUDED.— The report re-
16 quired by subsection (a) shall also include the following
17 with respect to each member country:

18 (1) Data for the following categories from 2014
19 through 2019:

20 (A) Defense spending as a percentage of
21 gross domestic product (GDP).

22 (B) Year-to-year percent change in defense
23 spending as a percentage of GDP.

24 (C) Percentage of defense spending spent
25 on major equipment.

1 (D) Year-to-year percent change in equip-
2 ment spending as a percentage of defense
3 spending.

4 (E) Total security assistance or equivalent
5 assistance to other NATO member countries or
6 members of the NATO Partnership for Peace
7 program.

8 (F) Total economic and development as-
9 sistance or equivalent assistance to critical
10 NATO partners, such as Ukraine, Georgia,
11 Bosnia and Herzegovina, Kosovo, Moldova, and
12 others.

13 (2) Participation in or contributions to United
14 States or NATO-led missions, exercises, and combat
15 and non-combat operations since March 24, 1999,
16 such as the following:

17 (A) NATO's Enhanced Forward Presence.

18 (B) Global Coalition Against ISIS.

19 (C) NATO's Very High Readiness Joint
20 Task Force.

21 (D) Operations in Afghanistan.

22 (3) Efforts to improve domestic conditions to
23 facilitate military mobility in Europe, including rel-
24 evant infrastructure and legal and regulatory condi-
25 tions.

1 (4) Financial costs and benefits of the host
2 countries of United States forces in Europe, includ-
3 ing permanent basing.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the Committee on Foreign Affairs and the
8 Committee on Armed Services of the House of Rep-
9 resentatives; and

10 (2) the Committee on Foreign Relations and
11 the Committee on Armed Services of the Senate.

12 **SEC. 1299Q–4. REPORT ON CAPABILITY AND CAPACITY RE-**
13 **QUIREMENTS OF MILITARY FORCES OF**
14 **UKRAINE AND RESOURCE PLAN FOR SECU-**
15 **RITY ASSISTANCE.**

16 (a) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Defense and
18 the Secretary of State shall jointly submit a report to the
19 appropriate committees of Congress on the capability and
20 capacity requirements of the military forces of the Govern-
21 ment of Ukraine, which shall include the following:

22 (1) An identification of the capability gaps and
23 capacity shortfalls of the military of Ukraine, includ-
24 ing—

1 (A) an assessment of the requirements of
2 the Ukrainian navy to accomplish its assigned
3 missions; and

4 (B) an assessment of the requirements of
5 the Ukrainian air force to accomplish its as-
6 signed missions.

7 (2) An assessment of the relative priority as-
8 signed by the Government of Ukraine to addressing
9 such capability gaps and capacity shortfalls.

10 (3) An assessment of the capability gaps and
11 capacity shortfalls that—

12 (A) could be addressed in a sufficient and
13 timely manner by unilateral efforts of the Gov-
14 ernment of Ukraine; or

15 (B) are unlikely to be addressed in a suffi-
16 cient and timely manner solely through unilat-
17 eral efforts.

18 (4) An assessment of the capability gaps and
19 capacity shortfalls described in paragraph (3)(B)
20 that could be addressed in a sufficient and timely
21 manner by—

22 (A) the Ukraine Security Assistance Initia-
23 tive of the Department of Defense;

1 (B) Department of Defense security assist-
2 ance authorized by section 333 of title 10,
3 United States Code;

4 (C) the Foreign Military Financing and
5 Foreign Military Sales programs of the Depart-
6 ment of State; or

7 (D) the provision of excess defense articles
8 pursuant to the requirements of the Arms Ex-
9 port Control Act (22 U.S.C. 2751 et seq.).

10 (5) An assessment of the human resource re-
11 quirements of the Office of Defense Cooperation at
12 the United States Embassy in Kyiv and any gaps in
13 its capacity to transmit and facilitate security assist-
14 ance to Ukraine.

15 (6) Any recommendations the Secretaries deem
16 appropriate concerning coordination of security as-
17 sistance efforts of the Department of Defense and
18 Department of State with respect to Ukraine.

19 (b) RESOURCE PLAN.—Not later than February 15,
20 2022, the Secretary of State and Secretary of Defense
21 shall jointly submit a report on resourcing United States
22 security assistance with respect to Ukraine, which shall
23 include the following:

24 (1) A plan to resource the following initiatives
25 and programs with respect to Ukraine in fiscal year

1 2023 and the four succeeding fiscal years to meet
2 the most critical capability gaps and capacity short-
3 falls of the military forces of Ukraine:

4 (A) The Ukraine Security Assistance Ini-
5 tiative of the Department of Defense.

6 (B) Department of Defense security assist-
7 ance authorized by section 333 of title 10,
8 United States Code.

9 (C) The Foreign Military Financing and
10 Foreign Military Sales programs of the Depart-
11 ment of State.

12 (D) The provision of excess defense articles
13 pursuant to the requirements of the Arms Ex-
14 port Control Act (22 U.S.C. 2751 et seq.).

15 (2) With respect to the Ukrainian navy:

16 (A) A capability development plan, with
17 milestones, describing the manner in which the
18 United States will assist the Government of
19 Ukraine in meeting the requirements described
20 in subsection (a)(1)(A).

21 (B) A plan for United States cooperation
22 with third countries and international organiza-
23 tions that have the resources and ability to pro-
24 vide immediate assistance to the Ukrainian
25 navy, while maintaining interoperability with

1 United States platforms to the greatest extent
2 feasible.

3 (C) A plan to prioritize Excess Defense Ar-
4 ticles for the Ukrainian navy to the maximum
5 extent practicable during the time period de-
6 scribed in paragraph (1).

7 (D) An assessment of how United States
8 security assistance to the Ukrainian navy is in
9 the national security interests of the United
10 States.

11 (3) With respect to the Ukrainian air force—

12 (A) a capability development plan, with
13 milestones, detailing how the United States will
14 assist the Government of Ukraine in meeting
15 the requirements described in subsection
16 (a)(1)(B);

17 (B) a plan for United States cooperation
18 with third countries and international organiza-
19 tions that have the resources and ability to pro-
20 vide immediate assistance to the Ukrainian air
21 force, while maintaining interoperability with
22 United States platforms to the greatest extent
23 feasible;

24 (C) a plan to prioritize excess defense arti-
25 cles for the Ukraine air force to the maximum

1 extent practicable during the time period de-
2 scribed in paragraph (1);

3 (D) an assessment of how United States
4 security assistance to the Ukrainian air force is
5 in the national security interests of the United
6 States.

7 (4) An assessment of progress on defense insti-
8 tutional reforms in Ukraine, including in the
9 Ukrainian navy and air force, in the time period de-
10 scribed in paragraph (1) that will be essential for—

11 (A) enabling effective use and sustainment
12 of capabilities developed under security assist-
13 ance authorities described in this section;

14 (B) enhancing the defense of Ukraine's
15 sovereignty and territorial integrity;

16 (C) achieving the Government of Ukraine's
17 stated goal of meeting NATO standards; and

18 (D) allowing Ukraine to achieve its full po-
19 tential as a strategic partner of the United
20 States.

21 (c) FORM.—The report required under subsection (a)
22 and the resource plan required under subsection (b) shall
23 each be submitted in a classified form with an unclassified
24 summary.

1 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Armed Services Committees of the Sen-
5 ate and House of Representatives;

6 (2) the Foreign Relations Committee of the
7 Senate and the Foreign Affairs Committee of the
8 House of Representatives; and

9 (3) the Appropriations Committees of the Sen-
10 ate and House of Representatives.

11 **SEC. 1299Q-5. EFFORTS TO COUNTER MALIGN AUTHORI-**
12 **TARIAN INFLUENCE.**

13 (a) SENSE OF CONGRESS ON THE RELATIONSHIP
14 BETWEEN RUSSIA AND SERBIA.—It is the sense of Con-
15 gress that—

16 (1) the Government of Russia seeks to under-
17 mine the security of the United States, its NATO al-
18 lies, and other close partners in Europe;

19 (2) the Government of Russia seeks to under-
20 mine the legitimate interests of the United States,
21 NATO, the European Union, and other allied and
22 partner governments in strategically significant re-
23 gions;

24 (3) the values of the Government of Russia are
25 inconsistent with the values of freedom, democracy,

1 free speech, free press, the respect for the rule of
2 law, and other ideals that underpin the international
3 rules-based order formed on the basis of Western in-
4 stitutions including NATO and the European Union;

5 (4) the Government of Russia continues its
6 campaign to undermine and erode the values of
7 NATO and the European Union, institutions that
8 Serbia claims to strive to join;

9 (5) the Government of Serbia, particularly
10 under the leadership of President Alexander Vucic,
11 has acted in ways that do not comport with the val-
12 ues of the United States, NATO, the European
13 Union, and member countries of each such organiza-
14 tion;

15 (6) the Government of Serbia, particularly
16 under the leadership of President Alexander Vucic,
17 has continued to deepen its military ties and co-
18 operation with the Government of Russia;

19 (7) the United States Government should, in its
20 bilateral engagements with the Government of Ser-
21 bia, stress the importance of Serbia reducing its
22 military ties with Russia; and

23 (8) the Government of Serbia should be sanc-
24 tioned under appropriate authorities of the Coun-
25 tering America's Adversaries Through Sanctions Act

1 of 2017 if its deepened military ties have facilitated
2 transactions between the Government of Serbia and
3 the Government of Russia that are deemed “signifi-
4 cant” for purposes of such Act.

5 (b) REPORT ON MALIGN RUSSIAN AND CHINESE IN-
6 FLUENCE IN SERBIA.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of State,
8 in consultation with the Secretary of Defense and the Ad-
9 ministrator of the United States Agency for International
10 Development, shall submit to the appropriate congres-
11 sional committees an unclassified report, which may con-
12 tain a classified annex, assessing trends of malign influ-
13 ence from the governments of Russia and China in Serbia
14 including with respect to the following:

15 (1) Corruption of political institutions and po-
16 litical leaders in Serbia by Russia or China.

17 (2) The use of propaganda, disinformation, and
18 other information tools to promote stronger ties be-
19 tween Serbia and Russia or China or to discourage
20 Serbia from advancing toward greater integration
21 with Western institutions like the European Union.

22 (3) The use of foreign assistance and associated
23 media messaging to influence public opinion in Ser-
24 bia with respect to Russia or China.

1 (4) The deepening of military-to-military co-
2 operation or cooperation in other national security
3 and law enforcement sectors between Serbia and
4 Russia or China.

5 (5) The expansion of economic ties between
6 Serbia and Russia or China, especially in the energy,
7 mining, and industrial sectors.

8 (6) The use of religious or ethnic ties to deepen
9 relations between Serbia and Russia.

10 (c) REPORT ON POTENTIAL CAATSA VIOLATIONS.—

11 Not later than 60 days after the date of the enactment
12 of this Act, the Secretary of State shall submit to the ap-
13 propriate congressional committees an unclassified report,
14 which may contain a classified annex, that lists each coun-
15 try that has taken delivery of military equipment manufac-
16 tured in Russia since the enactment of the Countering
17 America's Adversaries Through Sanctions Act of 2017,
18 and determines whether any transactions described in the
19 report constitute a significant transaction as described in
20 such Act, including countries that have—

21 (1) purchased of Russian equipment from the
22 Government of Russia;

23 (2) obtained Russian equipment provided by the
24 Government of Russia as aid, assistance, or for re-
25 lated purposes; or

1 (3) obtained Russian equipment provided by the
2 Government of Russia as a gift.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on Foreign Affairs and the
7 Committee on Armed Services of the House of Rep-
8 resentatives; and

9 (2) the Committee on Foreign Relations and
10 the Committee on Armed Services of the Senate.

11 **Subtitle M—Sudan Democratic**
12 **Transition, Accountability, and**
13 **Fiscal Transparency Act of 2020**

14 **SEC. 1299R-1. SHORT TITLE.**

15 This subtitle may be cited as the “Sudan Democratic
16 Transition, Accountability, and Fiscal Transparency Act
17 of 2020”.

18 **SEC. 1299R-2. DEFINITIONS.**

19 Except as otherwise provided, in this subtitle:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Affairs and
24 the Committee on Appropriations of the House
25 of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee on Appropriations of the
3 Senate.

4 (2) INTERNATIONAL FINANCIAL INSTITU-
5 TIONS.—The term “international financial institu-
6 tions” means—

7 (A) the International Monetary Fund;

8 (B) the International Bank for Recon-
9 struction and Development;

10 (C) the International Development Asso-
11 ciation;

12 (D) the International Finance Corporation;

13 (E) the Inter-American Development
14 Bank;

15 (F) the Asian Development Bank;

16 (G) the Inter-American Investment Cor-
17 poration;

18 (H) the African Development Bank;

19 (I) the European Bank for Reconstruction
20 and Development;

21 (J) the Multilateral Investment Guaranty
22 Agency; and

23 (K) any multilateral financial institution,
24 established after the date of enactment of this

1 Act, that could provide financial assistance to
2 the Government of Sudan.

3 (3) SOVEREIGNTY COUNCIL.—The term “Sov-
4 ereignty Council” means the governing body of
5 Sudan during the transitional period that consists
6 of—

7 (A) five civilians selected by the Forces of
8 Freedom and Change;

9 (B) five members selected by the Transi-
10 tional Military Council; and

11 (C) one member selected by agreement be-
12 tween the Forces of Freedom and Change and
13 the Transitional Military Council.

14 (4) SUDANESE SECURITY AND INTELLIGENCE
15 SERVICES.—The term “Sudanese security and intel-
16 ligence services” means—

17 (A) the Sudan Armed Forces;

18 (B) the Rapid Support Forces,

19 (C) Sudan’s Popular Defense Forces and
20 other paramilitary units;

21 (D) Sudan’s police forces;

22 (E) the General Intelligence Service, pre-
23 viously known as the National Intelligence and
24 Security Services; and

1 (F) related entities, such as Sudan’s Mili-
2 tary Industry Corporation.

3 (5) TRANSITIONAL PERIOD.—The term “transi-
4 tional period” means the 39-month period beginning
5 on August 17, 2019, the date of the signing of Su-
6 dan’s constitutional charter, during which—

7 (A) the members of the Sovereignty Coun-
8 cil described in paragraph (3)(B) select a chair
9 of the Council for the first 21 months of the pe-
10 riod; and

11 (B) the members of the Sovereignty Coun-
12 cil described in paragraph (3)(A) select a chair
13 of the Council for the remaining 18 months of
14 the period.

15 **SEC. 1299R-3. STATEMENT OF POLICY.**

16 It is the policy of the United States to—

17 (1) support a civilian-led political transition in
18 Sudan that results in a democratic government, that
19 is accountable to its people, respects and promotes
20 human rights, is at peace internally and with its
21 neighbors, and can be a partner for regional sta-
22 bility;

23 (2) support the implementation of Sudan’s con-
24 stitutional charter for the transitional period; and

1 (3) pursue a strategy of calibrated engagement
2 with Sudan that includes—

3 (A) facilitating an environment for free,
4 fair, and credible democratic elections and a
5 pluralistic and representative political system;

6 (B) supporting reforms that improve trans-
7 parency and accountability, remove restrictions
8 on civil and political liberties, and strengthen
9 the protection of human rights, including reli-
10 gious freedom;

11 (C) strengthening civilian institutions, ju-
12 dicial independence, and the rule of law;

13 (D) empowering civil society and inde-
14 pendent media;

15 (E) promoting national reconciliation and
16 enabling a just, comprehensive, and sustainable
17 peace;

18 (F) promoting the role of women in gov-
19 ernment, the economy, and society, in recogni-
20 tion of the seminal role that women played in
21 the social movement that ousted former presi-
22 dent Omar al-Bashir;

23 (G) promoting accountability for genocide,
24 war crimes, crimes against humanity, and sex-
25 ual and gender-based violence;

1 (H) encouraging the development of civil-
2 ian oversight over and professionalization of the
3 Sudanese security and intelligence services and
4 strengthening accountability for human rights
5 violations and abuses, corruption, or other
6 abuses of power;

7 (I) promoting economic reform, private
8 sector engagement, and inclusive economic de-
9 velopment while combating corruption and illicit
10 economic activity, including that which involves
11 the Sudanese security and intelligence services;

12 (J) securing unfettered humanitarian ac-
13 cess across all regions of Sudan;

14 (K) supporting improved development out-
15 comes, domestic resource mobilization, and
16 catalyzing market-based solutions to improve
17 access to health, education, water and sanita-
18 tion, and livelihoods; and

19 (L) promoting responsible international
20 and regional engagement.

21 **SEC. 1299R-4. SUPPORT FOR DEMOCRATIC GOVERNANCE,**
22 **RULE OF LAW, HUMAN RIGHTS, AND FUNDA-**
23 **MENTAL FREEDOMS.**

24 (a) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the political transition in Sudan, following sev-

1 eral months of popular protests against the regime of
2 Omar al-Bashir, represents an opportunity for the United
3 States to support democracy, good governance, rule of law,
4 human rights, and fundamental freedoms in Sudan.

5 (b) IN GENERAL.—Notwithstanding any other provi-
6 sion of law (other than the Trafficking Victims Protection
7 Act of 2000 or the Child Soldiers Prevention Act of 2008),
8 the President is authorized to provide assistance under
9 part I and chapter 4 of part II of the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
11 to—

12 (1) provide for democracy and governance pro-
13 grams that strengthen and build the capacity of rep-
14 resentative civilian government institutions, political
15 parties, and civil society in Sudan;

16 (2) support the organization of free, fair, and
17 credible elections in Sudan;

18 (3) provide technical support for legal and pol-
19 icy reforms that improve transparency and account-
20 ability and protect human rights, including religious
21 freedom, and civil liberties in Sudan;

22 (4) support for human rights and fundamental
23 freedoms, including the freedoms of religion or be-
24 lief; expression, including for members of the press,
25 assembly; and association in Sudan;

1 (5) support measures to improve and increase
2 women’s participation in the political, economic, and
3 social sectors of Sudan; and

4 (6) support other related democracy, good gov-
5 ernance, rule of law, and fundamental freedom pro-
6 grams and activities.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
8 funds authorized to be appropriated to carry out part I
9 and chapter 4 of part II of the Foreign Assistance Act
10 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
11 fiscal years 2021 and 2022, \$20,000,000 is authorized to
12 be appropriated for each such fiscal year to carry out this
13 section.

14 **SEC. 1299R-5. SUPPORT FOR DEVELOPMENT PROGRAMS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law (other than the Trafficking Victims Protection
17 Act of 2000 or the Child Soldiers Prevention Act of 2008),
18 the President is authorized to provide assistance under
19 part I and chapter 4 of part II of the Foreign Assistance
20 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
21 for programs in Sudan to—

22 (1) increase agricultural and livestock produc-
23 tivity;

1 (2) promote economic growth, increase private
2 sector productivity and advance market-based solu-
3 tions to address development challenges;

4 (3) support women's economic empowerment
5 and economic opportunities for youth and previously
6 marginalized populations;

7 (4) improve equal access to quality basic edu-
8 cation;

9 (5) support the capacity of universities to equip
10 students to participate in a pluralistic and global so-
11 ciety through virtual exchange and other programs;

12 (6) improve access to water, sanitation, and hy-
13 giene projects;

14 (7) build the capacity of national and sub-
15 national government officials to support the trans-
16 parent management of public resources, promote
17 good governance through combating corruption and
18 improving accountability, increase economic produc-
19 tivity, and increase domestic resource mobilization;
20 and

21 (8) support other related economic assistance
22 programs and activities.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
24 funds authorized to be appropriated to carry out part I
25 and chapter 4 of part II of the Foreign Assistance Act

1 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
2 fiscal years 2021 and 2022, \$80,000,000 is authorized to
3 be appropriated, for each such fiscal year to carry out this
4 section.

5 **SEC. 1299R-6. SUPPORT FOR CONFLICT MITIGATION.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law (other than the Trafficking Victims Protection
8 Act of 2000 or the Child Soldiers Prevention Act of 2008),
9 the President is authorized to provide assistance under
10 part I and chapters 4, 5, and 6 of part II of the Foreign
11 Assistance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et
12 seq., and 2348 et seq.) to—

13 (1) support long-term peace and stability in
14 Sudan by promoting national reconciliation and ena-
15 bling a just, comprehensive, and sustainable peace,
16 especially in regions that have been underdeveloped
17 or affected by war, such as the states of Darfur,
18 South Kordofan, Blue Nile, Red Sea, and Kassala;

19 (2) support civil society and other organizations
20 working to address conflict prevention, mitigation,
21 and resolution mechanisms and people-to-people rec-
22 onciliation in Sudan, especially those addressing
23 issues of marginalization and vulnerable groups,
24 equal protection under the law, natural resource
25 management, compensation and restoration of prop-

erty, voluntary return, and sustainable solutions for displaced persons and refugees;

(3) strengthen civilian oversight of the Sudanese security and intelligence services and ensure that such services are not contributing to the perpetuation of conflict in Sudan and to the limitation of the civil liberties of all people in Sudan;

(4) assist in the human rights vetting and professional training of security force personnel due to be employed or deployed by the Sudanese security and intelligence services in regions that have been underdeveloped or affected by war, such as the states of Darfur, South Kordofan, Blue Nile, Red Sea, and Kassala, including members of any security forces being established pursuant to a peace agreement relating to such regions;

(5) support provisions of the Comprehensive Peace Agreement of 2005 and Abyei protocol, as appropriate, unless otherwise superseded by a new agreement signed in good faith—

(A) between stakeholders in this region and the Governments of Sudan and South Sudan to hold a free, fair, and credible referendum on the status of Abyei; and

1 (B) between stakeholders in this region
2 and the Government of Sudan to support pop-
3 ular consultations on the status of the states of
4 South Kordofan and Blue Nile; and
5 (6) support other related conflict mitigation
6 programs and activities.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
8 funds authorized to be appropriated to carry out part I
9 and chapters 4 and 6 of part II of the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq., and
11 2348 et seq.) for fiscal years 2021 and 2022, \$20,000,000
12 is authorized to be appropriated for each such fiscal year
13 to carry out this section.

14 **SEC. 1299R-7. SUPPORT FOR ACCOUNTABILITY FOR WAR**
15 **CRIMES, CRIMES AGAINST HUMANITY, AND**
16 **GENOCIDE IN SUDAN.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Secretary of State should conduct robust
19 diplomatic engagement to promote accountability and pro-
20 vide technical support to ensure that credible, transparent,
21 and independent investigations of gross violations of
22 human rights perpetrated by the Government of Sudan
23 under former President Omar al-Bashir and the Transi-
24 tional Military Council since June 30, 1989.

1 (b) IN GENERAL.—Notwithstanding any other provi-
2 sion of law (other than the Trafficking Victims Protection
3 Act of 2000 or the Child Soldiers Prevention Act of 2008),
4 the President is authorized to provide assistance under
5 part I and chapter 4 of part II of the Foreign Assistance
6 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
7 to—

8 (1) build the capacity of civilian investigators
9 within and outside of Sudan on how to document,
10 investigate, develop findings of, identify, and locate
11 those responsible for war crimes, crimes against hu-
12 manity, or genocide in Sudan;

13 (2) collect, document, and protect evidence of
14 war crimes, crimes against humanity, and genocide
15 in Sudan and preserve the chain of custody for such
16 evidence, including by providing support for Suda-
17 nese, foreign, and international nongovernmental or-
18 ganizations, and other entities engaged in such in-
19 vestigative activities;

20 (3) build Sudan’s judicial capacity to support
21 prosecutions in domestic courts and support inves-
22 tigations by hybrid or international courts as appro-
23 priate;

1 (4) protect witnesses who participate in court
2 proceedings or other transitional justice mechanisms;
3 and

4 (5) support other related conflict mitigation
5 programs and activities.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
7 funds authorized to be appropriated to carry out part I
8 and chapter 4 of part II of the Foreign Assistance Act
9 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.), for
10 fiscal years 2021 and 2022, \$10,000,000 is authorized to
11 be appropriated for each such fiscal year to carry out this
12 section.

13 **SEC. 1299R-8. SUSPENSION OF ASSISTANCE.**

14 (a) IN GENERAL.—The President is authorized to
15 suspend the provision of assistance authorized under sec-
16 tion 1299R-4, 1299R-5, 1299R-6, or 1299R-7 to the
17 Government of Sudan if the President determines that
18 conditions in Sudan or the composition of the Government
19 of Sudan changes such that it is no longer in the United
20 States national interest to continue to provide such assist-
21 ance.

22 (b) REPORT.—Not later than 30 days after making
23 a determination under subsection (a), the President shall
24 submit to the appropriate congressional committees a re-
25 port that describes—

1 (1) the political and security conditions in
2 Sudan that led to such determination; and

3 (2) any planned diplomatic engagement to re-
4 start the provision of such assistance.

5 **SEC. 1299R-9. MULTILATERAL ASSISTANCE.**

6 (a) SENSE OF THE CONGRESS.—It is the sense of the
7 Congress that—

8 (1) Sudan’s economic challenges are a legacy of
9 decades of kleptocracy, economic mismanagement,
10 and war;

11 (2) Sudan’s economic recovery will depend on—

12 (A) combating corruption and illicit eco-
13 nomic activity;

14 (B) ending internal conflicts in the states
15 of Darfur, South Kordofan, and Blue Nile; and

16 (C) promoting inclusive economic growth
17 and development; and

18 (3) the COVID–19 outbreak constitutes a grave
19 danger to Sudan’s economic stability, public health,
20 and food security and jeopardizes the transition to
21 a civilian-led government that promotes the demo-
22 cratic aspirations of the Sudanese people.

23 (b) RESPONDING TO THE COVID–19 OUTBREAK.—

24 During the transitional period in Sudan, and notwith-
25 standing any other provision of law, the Secretary of the

1 Treasury may instruct the United States Executive Direc-
2 tor at each international financial institution to use the
3 voice and vote of the United States to support loans or
4 other utilization of the funds of the respective institution
5 for Sudan for the purpose of addressing basic human
6 needs, responding to the COVID–19 outbreak and its im-
7 pact on the country’s economic stability, or promoting de-
8 mocracy, governance, or public financial management in
9 Sudan.

10 (c) DEBT RELIEF.—Upon the removal of Sudan from
11 the State Sponsors of Terrorism List, and once the Sov-
12 ereignty Council is chaired by a civilian leader, the Sec-
13 retary of the Treasury and the Secretary of State should
14 engage with international financial institutions and other
15 bilateral official creditors to advance agreement through
16 the Heavily Indebted Poor Countries (HIPC) Initiative to
17 restructure, reschedule, or cancel the sovereign debt of
18 Sudan.

19 (d) REPORTING REQUIREMENT.—Not later than 3
20 months after the date of the enactment of this Act, and
21 not less than every 6 months thereafter during the transi-
22 tional period, the Secretary of the Treasury, in consulta-
23 tion with the Secretary of State, shall report to the appro-
24 priate congressional committees on the extent to which the
25 transitional government of Sudan has taken demonstrable

1 steps to strengthen governance and improve fiscal trans-
2 parency, including—

3 (1) establishing civilian control over the fi-
4 nances and assets of the Sudanese security and in-
5 telligence services;

6 (2) developing a transparent budget that ac-
7 counts for all expenditures related to the security
8 and intelligence services;

9 (3) identifying the shareholdings in all public
10 and private companies not exclusively dedicated to
11 the national defense held or managed by the security
12 and intelligence services, and publicly disclosing,
13 evaluating, and transferring all such shareholdings
14 to the Ministry of Finance of the Government of
15 Sudan or to any specialized entity of the Govern-
16 ment of Sudan established under law for this pur-
17 pose, which is ultimately accountable to a civilian
18 authority;

19 (4) ceasing the involvement of the security and
20 intelligence services officials, and their immediate
21 family members, in the illicit trade in mineral re-
22 sources, including petroleum and gold;

23 (5) implementing a publicly transparent meth-
24 odology for the Government of Sudan to recover,
25 evaluate, hold, manage, or divest any state assets

1 and the profits derived from the assets that may
2 have been transferred to the National Congress
3 Party, an affiliate of the National Congress Party,
4 or an official of the National Congress Party in the
5 individual capacity of such an official;

6 (6) identifying and monitoring the nature and
7 purpose of offshore financial resources controlled by
8 the security and intelligence services; and

9 (7) strengthening banking regulation and su-
10 pervision and addressing anti-money laundering and
11 counter-terrorism financing deficiencies.

12 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—
13 In this section, the term “appropriate congressional com-
14 mittees” means—

15 (1) the Committee on Financial Services, the
16 Committee on Foreign Affairs, and the Committee
17 on Appropriations of the House of Representatives;
18 and

19 (2) the Committee on Foreign Relations and
20 the Committee on Appropriations of the United
21 States Senate.

22 **SEC. 1299R-10. COORDINATED SUPPORT TO RECOVER AS-**
23 **SETS STOLEN FROM THE SUDANESE PEOPLE.**

24 The Secretary of State, in coordination with the Sec-
25 retary of the Treasury and the Attorney General, shall

1 seek to advance the efforts of the Government of Sudan
2 to recover assets stolen from the Sudanese people, includ-
3 ing with regard to international efforts to—

4 (1) identify and track assets taken from the
5 people and institutions of Sudan through theft, cor-
6 ruption, money laundering, or other illicit means;
7 and

8 (2) with respect to assets identified pursuant to
9 paragraph (1), work with foreign governments and
10 international organizations to—

11 (A) share financial investigations intel-
12 ligence, as appropriate;

13 (B) oversee and manage the assets identi-
14 fied pursuant to paragraph (1);

15 (C) as appropriate, advance, advance civil
16 forfeiture litigation, including providing tech-
17 nical assistance to help governments establish
18 the necessary legal framework to carry out
19 asset forfeitures; and

20 (D) work with the Government of Sudan to
21 ensure that a credible mechanism is established
22 to ensure that any recovered assets are man-
23 aged in a transparent and accountable fashion
24 and ultimately used for the benefit of the Suda-
25 nese people, provided that—

- 1 (i) returned assets are not used for
2 partisan political purposes; and
3 (ii) there are robust financial manage-
4 ment and oversight measures to safeguard
5 repatriated assets.

6 **SEC. 1299R-11. LIMITATION ON ASSISTANCE TO THE SUDA-**
7 **NESE SECURITY AND INTELLIGENCE SERV-**
8 **ICES.**

9 (a) IN GENERAL.—The President may not provide
10 assistance (other than assistance authorized under section
11 1299R-6) to the Sudanese security and intelligence serv-
12 ices until the President submits to Congress a certification
13 that the Government of Sudan has met the conditions de-
14 scribed in subsection (c).

15 (b) EXCEPTION; WAIVER.—

16 (1) EXCEPTION.—The Secretary of State may,
17 as appropriate and notwithstanding any other provi-
18 sion of law, provide assistance for the purpose of
19 professionalizing the Sudanese security and intel-
20 ligence services, through institutions such as the Af-
21 rica Center for Strategic Studies and the United
22 States Institute of Peace.

23 (2) WAIVER.—The President may waive the
24 limitation on the provision of assistance under sub-
25 section (a) if, not later than 30 days before the as-

1 sistance is to be provided, the President submits to
2 the appropriate congressional committees—

3 (A) a list of the activities and participants
4 to which such waiver would apply;

5 (B) a justification that the waiver is in the
6 national security interest of the United States;
7 and

8 (C) a certification that the participants
9 have met the requirements of either section
10 620M of the Foreign Assistance Act of 1961
11 (22 U.S.C. 2378d) for programs funded
12 through Department of State appropriations or
13 section 362 of title 10, United States Code, for
14 programs funded through Department of De-
15 fense appropriations.

16 (c) CONDITIONS.—

17 (1) IN GENERAL.—The conditions described in
18 this subsection are that the Sudanese security and
19 intelligence services—

20 (A) have demonstrated progress in under-
21 taking security sector reform, including reforms
22 that professionalize such security and intel-
23 ligence services, improve transparency, and re-
24 forms to the laws governing the security forces,

1 such as of the National Security Act of 2010
2 and the Sudan Armed Forces Act of 2007;

3 (B) support efforts to respect human
4 rights, including religious freedom, and hold ac-
5 countable any members of such security and in-
6 telligence services responsible for human rights
7 violations and abuses, including by taking de-
8 monstrable steps to cooperate with local or
9 international mechanisms of accountability, to
10 ensure that those responsible for war crimes,
11 crimes against humanity, and genocide com-
12 mitted in Sudan are brought to justice;

13 (C) are under civilian oversight, subject to
14 the rule of law, and are not undertaking actions
15 to undermine a civilian-led transitional govern-
16 ment or an elected civilian government;

17 (D) have refrained from targeted attacks
18 against religious or ethnic minority groups,
19 have negotiated in good faith during the peace
20 process and constructively participated in the
21 implementation of any resulting peace agree-
22 ments, and do not impede inclusive political
23 participation;

24 (E) allow unfettered humanitarian access
25 by United Nations organizations and specialized

1 agencies and domestic and international hu-
2 manitarian organizations to civilian populations
3 in conflict-affected areas;

4 (F) cooperate with the United Nations
5 High Commissioner for Refugees and organiza-
6 tions affiliated with the United Nations to allow
7 for the protection of displaced persons and the
8 safe, voluntary, sustainable, and dignified re-
9 turn of refugees and internally displaced per-
10 sons; and

11 (G) take constructive steps to investigate
12 all reports of unlawful recruitment of children
13 by Sudanese security forces and prosecute those
14 found to be responsible.

15 (2) FORM.—The certification described in sub-
16 section (a) containing the conditions described in
17 paragraph (1) shall be submitted in unclassified
18 form but may include a classified annex.

19 (d) SUNSET.—This section shall terminate on the
20 date that is the earlier of—

21 (1) the date that is 2 years after the date of the
22 enactment of this Act; or

23 (2) the date on which the President determines
24 that a successful rotation of military to civilian lead-
25 ership in the Sovereignty Council has occurred.

1 **SEC. 1299R-12. AUTHORIZATION OF IMPOSITION OF SANC-**
2 **TIONS WITH RESPECT TO CERTAIN GOVERN-**
3 **MENT OF SUDAN OFFICIALS AND OTHER IN-**
4 **DIVIDUALS.**

5 (a) IN GENERAL.—The President shall impose the
6 sanctions described in subsection (b) with respect to any
7 senior official of the Government of Sudan and any other
8 foreign person that the President determines, on or after
9 the date of enactment of this Act—

10 (1) is knowingly responsible for, complicit in, or
11 has directly or indirectly engaged in—

12 (A) significant actions or policies that
13 threaten the peace, security, or stability of
14 Sudan, including through the use of armed
15 groups;

16 (B) significant actions or policies that ob-
17 struct, undermine, delay, or impede, or pose a
18 significant risk of obstructing, undermining, de-
19 laying, or impeding, the civil and political rights
20 of the Sudanese people and the political transi-
21 tion in Sudan;

22 (C) corruption, including the misappropria-
23 tion of state assets, the expropriation of private
24 assets for personal gain, corruption related to
25 government contracts or the extraction of nat-
26 ural resources, or bribery;

1 (D) serious human rights abuses that may
2 include the targeting of civilians through the
3 commission of acts of violence, abduction,
4 forced displacement, or attacks on schools, hos-
5 pitals, religious sites, or locations where civil-
6 ians are seeking refuge, or a violation of inter-
7 national humanitarian law; or

8 (E) illicit exploitation of natural resources
9 in Sudan;

10 (2) is a leader of an entity that has, or whose
11 members have, engaged in any activity described in
12 subparagraphs (A) through (E) of paragraph (1);

13 (3) has materially assisted, sponsored, or pro-
14 vided financial, material, logistical, or technological
15 support for, or goods or services to or in support
16 of—

17 (A) any activity described in paragraph
18 (1); or

19 (B) any person whose property and inter-
20 ests in property are blocked pursuant to Execu-
21 tive Order No. 13400 (2006); or

22 (4) is owned or controlled by, or has acted or
23 purported to act for or on behalf of, any other per-
24 son whose property and interests in property are
25 blocked pursuant to—

1 (A) subsection (b)(1); or

2 (B) Executive Order No. 13400 (2006).

3 (b) SANCTIONS DESCRIBED.—The sanctions to be
4 imposed with respect to any foreign person described in
5 subsection (a) are the following:

6 (1) BLOCKING OF PROPERTY.—The President
7 shall exercise all of the powers granted to the Presi-
8 dent under the International Emergency Economic
9 Powers Act (50 U.S.C. 1701 et seq.) to the extent
10 necessary to block and prohibit all transactions in
11 property and interests in property of the foreign per-
12 son if such property and interests in property—

13 (A) are in the United States;

14 (B) come within the United States; or

15 (C) come within the possession or control
16 of a United States person.

17 (2) INADMISSIBILITY FOR VISAS, ADMISSION, OR
18 PAROLE.—

19 (A) VISAS, ADMISSION, OR PAROLE.—The
20 foreign person is—

21 (i) inadmissible to the United States;

22 (ii) ineligible to receive a visa or other
23 documentation to enter the United States;

24 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—The visa
7 or other entry documentation of the foreign
8 person shall be revoked, regardless of when
9 such visa or other entry documentation is or
10 was issued. A revocation under this subpara-
11 graph shall take effect immediately and auto-
12 matically cancel any other valid visa or entry
13 documentation that is in the foreign person's
14 possession.

15 (c) EXCEPTIONS TO COMPLY WITH UNITED NA-
16 TIONS HEADQUARTERS AGREEMENT.—Sanctions under
17 subsection (b)(2) shall not apply with respect to a foreign
18 person described in subsection (a) if admitting or paroling
19 the foreign person into the United States is necessary to
20 permit the United States to comply with the Agreement
21 regarding the Headquarters of the United Nations, signed
22 at Lake Success June 26, 1947, and entered into force
23 November 21, 1947, between the United Nations and the
24 United States, or other applicable international obliga-
25 tions.

1 (d) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President may ex-
3 ercise all authorities provided under sections 203
4 and 205 of the International Emergency Economic
5 Powers Act (50 U.S.C. 1702 and 1704) to carry out
6 this section and shall issue such regulations, li-
7 censes, and orders as are necessary to carry out this
8 section.

9 (2) PENALTIES.—Any person that violates, at-
10 tempts to violate, conspires to violate, or causes a
11 violation of this section or any regulation, license, or
12 order issued to carry out paragraph (1) shall be sub-
13 ject to the penalties set forth in subsections (b) and
14 (c) of section 206 of the International Emergency
15 Economic Powers Act (50 U.S.C. 1705) to the same
16 extent as a person that commits an unlawful act de-
17 scribed in subsection (a) of that section.

18 (e) WAIVER.—The President may waive the applica-
19 tion of sanctions imposed with respect to a foreign person
20 pursuant to subsection (a) if the President—

21 (1) determines that a waiver is in the national
22 interest of the United States; and

23 (2) not later than the date on which such waiv-
24 er will take effect, submits a notice of and justifica-

1 tion for such waiver to the appropriate congressional
2 committees.

3 (f) TERMINATION OF AUTHORITY TO IMPOSE SANC-
4 TIONS.—The authority to impose sanctions under this sec-
5 tion shall terminate on the date that is the earlier of 3
6 years after the date of the enactment of this Act or the
7 date on which the President determines and certifies to
8 the appropriate congressional committees that the Govern-
9 ment of Sudan—

10 (1) has held free, fair, and credible general elec-
11 tions in accordance with the 2019 constitutional
12 charter for the transitional period and a democrat-
13 ically elected head of state has been sworn in and
14 taken office;

15 (2) is making significant progress towards re-
16 specting the freedoms of religion, speech, press, as-
17 sembly, and association as described in the 2019
18 constitutional charter for the transitional period and
19 toward holding free, fair, and credible elections by
20 the end of the transitional period;

21 (3) is compliant with international norms and
22 standards concerning the transparent allocation and
23 disbursement of government directed funds;

1 (4) respects the right to freedom of religion,
2 speech, press, assembly, and association for all Su-
3 danese citizens;

4 (5) has ceased attacks on civilians, including
5 through the use of militias;

6 (6) has negotiated in good faith to reach formal
7 peace agreements with armed movements that had
8 been in conflict with the Government of Sudan; and

9 (7) has ceased any material support or assist-
10 ance to groups associated or linked to international
11 terrorism.

12 (g) EXCEPTION RELATING TO IMPORTATION OF
13 GOODS.—

14 (1) IN GENERAL.—The authorities and require-
15 ments to impose sanctions authorized under this sec-
16 tion shall not include the authority or requirement
17 to impose sanctions on the importation of goods.

18 (2) GOOD DEFINED.—In this subsection, the
19 term “good” means any article, natural or man-
20 made substance, material, supply or manufactured
21 product, including inspection and test equipment,
22 and excluding technical data.

23 (h) EXCEPTIONS TO COMPLY WITH NATIONAL SECU-
24 RITY.—The following activities shall be exempt from sanc-
25 tions under this section:

1 (1) Activities subject to the reporting require-
2 ments under title V of the National Security Act of
3 1947 (50 U.S.C. 3091 et seq.).

4 (2) Any authorized intelligence or law enforce-
5 ment activities of the United States.

6 (i) DEFINITIONS.—In this section:

7 (1) ADMITTED; ALIEN.—The terms “admitted”
8 and “alien” have the meanings given those terms in
9 section 101 of the Immigration and Nationality Act
10 (8 U.S.C. 1001).

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Affairs, the
15 Committee on Appropriations, and the Com-
16 mittee on Financial Services of the House of
17 Representatives; and

18 (B) the Committee on Foreign Relations,
19 the Committee on Appropriations, and the
20 Committee on Banking, Housing, and Urban
21 Affairs of the Senate.

22 (3) FOREIGN PERSON.—The term “foreign per-
23 son” means a person that is not a United States
24 person.

1 (4) KNOWINGLY.—The term “knowingly”
2 means, with respect to conduct, a circumstance, or
3 a result, that a person has actual knowledge, or
4 should have known, of the conduct, the cir-
5 cumstance, or the result.

6 (5) UNITED STATES PERSON.—The term
7 “United States person” means—

8 (A) a United States citizen, an alien law-
9 fully admitted for permanent residence to the
10 United States, or any other individual subject
11 to the jurisdiction of the United States;

12 (B) an entity organized under the laws of
13 the United States or of any jurisdiction within
14 the United States, including a foreign branch of
15 such entity; or

16 (C) any person in the United States.

17 **SEC. 1299R-13. REPORTS.**

18 (a) REPORT ON ACCOUNTABILITY FOR HUMAN
19 RIGHTS ABUSES.—Not later than 180 days after the date
20 of the enactment of this Act, and annually thereafter for
21 2 years, the President shall submit to the appropriate con-
22 gressional committees a report that—

23 (1) summarizes reports of gross violations of
24 human rights, including sexual and gender-based vi-
25 olence, committed against civilians in Sudan, includ-

1 ing members of the Sudanese security and intel-
2 ligence services or any associated militias, between
3 December 2018 and the date of the submission of
4 the report;

5 (2) provides an update on any potential transi-
6 tional justice mechanisms in Sudan to investigate,
7 charge, and prosecute alleged perpetrators of gross
8 violations of human rights in Sudan since June 30,
9 1989, including with respect to the June 3, 2019
10 massacre in Khartoum;

11 (3) provides an analysis of whether the gross
12 violations of human rights summarized pursuant to
13 paragraph (1) amount to war crimes, crimes against
14 humanity, or genocide; and

15 (4) identifies specific cases since the beginning
16 of the transitional period in which members of the
17 Sudanese security and intelligence services have been
18 charged and prosecuted for actions that constitute
19 gross violations of human rights perpetrated since
20 June 30, 1989.

21 (b) REPORT ON CERTAIN ACTIVITIES AND FINANCES
22 OF SENIOR OFFICIALS OF THE GOVERNMENT OF
23 SUDAN.—Not later than 180 days after the date of the
24 enactment of this Act, and annually thereafter for 1 year,

1 the President shall submit to the appropriate congres-
2 sional committees a report that—

3 (1) describes the actions and involvement of any
4 previous or current senior officials of the Govern-
5 ment of Sudan since the establishment of the transi-
6 tional government in August 2019 in—

7 (A) directing, carrying out, or overseeing
8 gross violations of human rights;

9 (B) directing, carrying out, or overseeing
10 the unlawful use or recruitment of children by
11 armed groups or armed forces in the context of
12 conflicts in Sudan, Libya, Yemen, or other
13 countries;

14 (C) directing, carrying out, or colluding in
15 significant acts of corruption;

16 (D) directing, carrying out, or overseeing
17 any efforts to circumvent the establishment of
18 civilian control over the finances and assets of
19 the Sudanese security and intelligence services;
20 or

21 (E) facilitating, supporting, or financing
22 terrorist activity in Sudan or other countries;

23 (2) identifies Sudanese and foreign financial in-
24 stitutions, including offshore financial institutions,
25 in which senior officials of the Government of Sudan

1 whose actions are described in paragraph (1) hold
2 significant assets, and provides an estimate of the
3 value of such assets;

4 (3) identifies any information United States
5 Government agencies have obtained since August
6 2019 regarding persons, foreign governments, and
7 Sudanese or foreign financial institutions that know-
8 ingly facilitate, finance, or otherwise benefit from
9 corruption or illicit economic activity in Sudan, in-
10 cluding the export of mineral resources, and, in par-
11 ticular, if that trade is violating any United States
12 restrictions that remain in place by legislation or
13 Executive order;

14 (4) identifies any information United States
15 Government agencies have obtained since August
16 2019 regarding senior officials of the Government of
17 Sudan who are personally involved in the illicit trade
18 in mineral resources, including petroleum and gold;
19 and

20 (5) identifies any information United States
21 Government agencies have obtained since August
22 2019 regarding individuals or foreign governments
23 that have provided funds to individual members of
24 the Sovereignty Council or the Cabinet outside of

1 the Central Bank of Sudan or the Ministry of Fi-
2 nance.

3 (c) REPORT ON SANCTIONS PURSUANT TO EXECU-
4 TIVE ORDER NO. 13400.—Not later than 180 days after
5 the date of the enactment of this Act, the President shall
6 submit to the appropriate congressional committees a re-
7 port containing the names of senior Sudanese government
8 officials that President determines meet the criteria to be
9 sanctionable pursuant to Executive Order No. 13400 (71
10 Fed. Reg. 25483; relating to blocking property of persons
11 in connection with the conflict in Sudan’s Darfur region).

12 (d) FORM.—The reports required under subsections
13 (b) and (c) shall be submitted in unclassified form but
14 may include a classified annex.

15 **SEC. 1299R-14. UNITED STATES STRATEGY FOR SUPPORT**
16 **TO A CIVILIAN-LED GOVERNMENT IN SUDAN.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of State,
19 in coordination with the Administrator of the United
20 States Agency for International Development and the Sec-
21 retary of the Treasury, shall submit to the appropriate
22 congressional committees a strategy that includes—

23 (1) a clear articulation of specific United States
24 goals and objectives with respect to a successful

1 completion of the transitional period and a plan to
2 achieve such goals and objectives;

3 (2) a description of assistance and diplomatic
4 engagement to support a civilian-led government in
5 Sudan for the remainder of the transitional period,
6 including any possible support for the organization
7 of free, fair, and credible elections;

8 (3) an assessment of the legal and policy re-
9 forms that have been and need to be taken by the
10 government in Sudan during the transitional period
11 in order to promote—

12 (A) human rights;

13 (B) freedom of religion, speech, press, as-
14 sembly, and association; and

15 (C) accountability for human rights
16 abuses, including for sexual and gender-based
17 violence perpetrated by members of the Suda-
18 nese security and intelligence services;

19 (4) a description of efforts to address the legal
20 and policy reforms mentioned in paragraph (3);

21 (5) a description of humanitarian and develop-
22 ment assistance to Sudan and a plan for coordi-
23 nating such assistance with international donors, re-
24 gional partners, and local partners;

1 (6) a description of monitoring and evaluation
2 plans for all forms of assistance to be provided
3 under the strategy in accordance with the moni-
4 toring and evaluation requirements of section 4 of
5 the Foreign Aid Transparency and Accountability
6 Act of 2016 (Public Law 114–191), to include a de-
7 tailed description of all associated goals and bench-
8 marks for measuring impact; and

9 (7) an assessment of security sector reforms
10 undertaken by the Government of Sudan, including
11 efforts to demobilize or integrate militias and to fos-
12 ter civilian control of the armed services.

13 (b) REPORT.—Not later than 1 year after the date
14 of the enactment of this Act, the Secretary of State, in
15 coordination with the Administrator of the United States
16 Agency for International Development and the Secretary
17 of the Treasury, shall submit to the appropriate congres-
18 sional committees a report that includes—

19 (1) a detailed description of the efforts taken to
20 implement this subtitle; and

21 (2) recommendations for legislative or adminis-
22 trative measures to facilitate the implementation of
23 this subtitle.

1 **SEC. 1299R-15. AMENDMENTS TO THE DARFUR PEACE AND**
2 **ACCOUNTABILITY ACT OF 2006.**

3 Section 8(c)(1) of the Darfur Peace and Account-
4 ability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701
5 note) is amended by striking “Southern Sudan,” and all
6 that following through “Khartoum,” and inserting
7 “Sudan”.

8 **SEC. 1299R-16. REPEAL OF SUDAN PEACE ACT AND THE**
9 **COMPREHENSIVE PEACE IN SUDAN ACT.**

10 (a) SUDAN PEACE ACT.—Effective January 1, 2020,
11 the Sudan Peace Act (Public Law 107–245; 50 U.S.C.
12 1701 note) is repealed.

13 (b) COMPREHENSIVE PEACE IN SUDAN ACT.—Effec-
14 tive January 1, 2020, the Comprehensive Peace in Sudan
15 Act of 2004 (Public Law 108–497; 50 U.S.C. note) is re-
16 pealed.

17 **Subtitle N—Afghanistan Security**
18 **and Reconstruction Trans-**
19 **parency Act**

20 **SEC. 1299S-1. SHORT TITLE.**

21 This subtitle may be cited as the “Afghanistan Secu-
22 rity and Reconstruction Transparency Act”.

1 **SEC. 1299S-2. PUBLIC AVAILABILITY OF DATA PERTAINING**
2 **TO MEASURES OF PERFORMANCE OF THE AF-**
3 **GHAN NATIONAL DEFENSE AND SECURITY**
4 **FORCES.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act, the Secretary of Defense
7 shall make publicly available all data pertaining to meas-
8 ures of performance of the Afghan National Defense and
9 Security Forces (hereafter in this section referred to as
10 “ANDSF”).

11 (b) DATA TO BE INCLUDED.—The data required to
12 be made publicly available by subsection (a) shall include
13 the following:

14 (1) The total quarterly ANDSF attrition rate
15 and quarterly attrition rates for ANDSF compo-
16 nents, including the Afghan National Army, the Af-
17 ghan National Police, the Afghan Air Force, and the
18 Afghan Local Police.

19 (2) The total number of ANDSF personnel
20 dropped from the rolls for the quarter and the num-
21 ber of personnel dropped from the rolls by ANDSF
22 component for the quarter.

23 (3) The total number of ANDSF personnel
24 trained to date, the number of new ANDSF per-
25 sonnel that entered training for the quarter, the
26 number of new ANDSF personnel that completed

1 training for the quarter, the total number of per-
2 sonnel trained by ANDSF component to date, the
3 number of new personnel by ANDSF component
4 that entered training for the quarter, and the num-
5 ber of new personnel by ANDSF component that
6 completed training for the quarter.

7 (4) The total number and percentage of unfilled
8 ANDSF positions and the number and percentage of
9 unfilled positions by ANDSF component.

10 (5) The percentage of ANDSF components as-
11 sessed at full authorized and assigned strength.

12 (6) Detailed Afghan Ministry of Defense, Min-
13 istry of Interior, and ANDSF performance assess-
14 ments.

15 (7) Information about the operational readiness
16 of Afghan National Army and Afghan National Po-
17 lice equipment.

18 (8) Afghanistan Special Mission Wing informa-
19 tion, including the number and type of airframes,
20 the number of pilots and aircrew, and the oper-
21 ational readiness (and associated benchmarks) of
22 airframes.

23 (9) Enemy-initiated attacks and effective
24 enemy-initiated attacks on the ANDSF.

1 **SEC. 1299S-3. DISTRICT-LEVEL STABILITY ASSESSMENTS**
2 **OF AFGHAN GOVERNMENT AND INSURGENT**
3 **CONTROL AND INFLUENCE.**

4 (a) IN GENERAL.—The Secretary of Defense shall re-
5 sume the production of district-level stability assessments
6 of Afghan government and insurgent control and influence
7 that were discontinued in 2018, to include district, popu-
8 lation, and territorial control data.

9 (b) PUBLIC AVAILABILITY.—The Secretary of De-
10 fense shall make publicly available the assessments and
11 all data pertaining to the assessments produced under
12 subsection (a).

13 **Subtitle O—LIFT Act**

14 **SEC. 1299T-1. SHORT TITLE.**

15 This subtitle may be cited as the “Leveraging Infor-
16 mation on Foreign Traffickers Act” or the “LIFT Act”.

17 **SEC. 1299T-2. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the annual Trafficking In Persons Report
20 prepared by the Department of State pursuant to
21 the Trafficking Victims Protection Act of 2000 (the
22 “TIP Report”) remains one of the most comprehen-
23 sive, timely, and important sources of information on
24 human trafficking in the world, and currently in-
25 cludes 187 individual country narratives;

1 (2) in January 2019, the statute mandating the
2 TIP Report was amended to require that each report
3 must cover efforts and activities occurring within the
4 period from April 1 of the prior year through March
5 31 of the current year, which necessarily requires
6 the collection and transmission of information after
7 March 31;

8 (3) ensuring that the Department of State has
9 adequate time to receive, analyze, and incorporate
10 trafficking-related information into its annual Traf-
11 ficking In Persons Report is important to the quality
12 and comprehensiveness of that report;

13 (4) information regarding prevalence and pat-
14 terns of human trafficking is important for under-
15 standing the scourge of modern slavery and making
16 effective decisions about where and how to combat
17 it; and

18 (5) United States officials responsible for moni-
19 toring and combating trafficking in persons around
20 the world should receive available information re-
21 garding where and how often United States diplo-
22 matic and consular officials encounter persons who
23 are responsible for, or who knowingly benefit from,
24 severe forms of trafficking in persons.

1 **SEC. 1299T-3. ANNUAL DEADLINE FOR TRAFFICKING IN**
2 **PERSONS REPORT.**

3 Section 110(b)(1) of the Trafficking Victims Protec-
4 tion Act of 2000 (22 U.S.C. 7107(b)(1)) is amended by
5 striking “June 1” and inserting “June 30”.

6 **SEC. 1299T-4. UNITED STATES ADVISORY COUNCIL ON**
7 **HUMAN TRAFFICKING.**

8 (a) EXTENSION.—Section 115(h) of the Justice for
9 Victims of Trafficking Act of 2015 (Public Law 114–22;
10 129 Stat. 243) is amended by striking “September 30,
11 2021” and inserting “September 30, 2025”.

12 (b) COMPENSATION.—Section 115(f) of the Justice
13 for Victims of Trafficking Act of 2015 (Public Law 114–
14 22; 129 Stat. 243) is amended—

15 (1) in paragraph (1), by striking “and” after
16 the semicolon at the end;

17 (2) in paragraph (2), by striking the period at
18 end and inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(3) may each receive compensation for each
22 day such member is engaged in the actual perform-
23 ance of the duties of the Council.”.

24 (c) COMPENSATION REPORT.—Not later than 120
25 days after the date of the enactment of this Act, the Sec-
26 retary of State shall provide to the relevant congressional

1 committees a plan to implement compensation for mem-
2 bers of the United States Advisory Council on Human
3 Trafficking pursuant to paragraph (3) of section 115(f)
4 of the Justice for Victims of Trafficking Act of 2015 (Pub-
5 lic Law 114–22; 129 Stat. 243), as added by subsection
6 (b).

7 **SEC. 1299T–5. TIMELY PROVISION OF INFORMATION TO THE**
8 **OFFICE TO MONITOR AND COMBAT TRAF-**
9 **FICKING IN PERSONS OF THE DEPARTMENT**
10 **OF STATE.**

11 (a) IN GENERAL.—Section 106 of the Trafficking
12 Victims Protection Act of 2000 (22 U.S.C. 7104) is
13 amended by adding at the end the following new sub-
14 section:

15 “(1) INFORMATION REGARDING HUMAN TRAF-
16 FICKING-RELATED VISA DENIALS.—

17 “(1) IN GENERAL.—The Secretary of State
18 shall ensure that the Office to Monitor and Combat
19 Trafficking in Persons and the Bureau of Diplo-
20 matic Security of the Department of State receive
21 timely and regular information regarding United
22 States visa denials based, in whole or in part, on
23 grounds related to human trafficking.

24 “(2) DECISIONS REGARDING ALLOCATION.—
25 The Secretary of State shall ensure that decisions

1 regarding the allocation of resources of the Depart-
2 ment of State related to combating human traf-
3 ficking and to law enforcement presence at United
4 States diplomatic and consular posts appropriately
5 take into account—

6 “(A) the information described in para-
7 graph (1); and

8 “(B) the information included in the most
9 recent report submitted in accordance with sec-
10 tion 110(b).”.

11 (b) CONFORMING AMENDMENT.—Section 103 of the
12 Trafficking Victims Protection Act of 2000 (22 U.S.C.
13 7102) is amended by adding at the end the following new
14 paragraph:

15 “(18) GROUNDS RELATED TO HUMAN TRAF-
16 FICKING.—The term ‘grounds related to human traf-
17 ficking’ means grounds related to the criteria for in-
18 admissibility to the United States described in sub-
19 section (a)(2)(H) of section 212 of the Immigration
20 and Nationality Act (8 U.S.C. 1182).”.

21 **SEC. 1299T–6. REPORTS TO CONGRESS.**

22 (a) INITIAL REPORT.—Not later than 90 days after
23 the date of the enactment of this Act, the Secretary of
24 State shall provide to the relevant congressional commit-
25 tees a report that—

1 (1) describes the actions that have been taken
2 and that are planned to implement subsection (l) of
3 section 106 of the Trafficking Victims Protection
4 Act of 2000 (22 U.S.C. 7104), as added by section
5 1299T–5; and

6 (2) identifies by country and by United States
7 diplomatic and consular post the number of visa ap-
8 plications denied during the previous calendar year
9 with respect to which the basis for such denial, in-
10 cluded grounds related to human trafficking (as
11 such term is defined in section 103 of the Traf-
12 ficking Victims Protection Act of 2000 (22 U.S.C.
13 7102), as amended by section 1299T–5(b)).

14 (b) ANNUAL REPORT.—Beginning with the first an-
15 nual anti-trafficking report required under subsection
16 (b)(1) of section 110 of the Trafficking Victims Protection
17 Act of 2000 (22 U.S.C. 7107; enacted as division A of
18 the Victims of Trafficking and Violence Protection Act of
19 2000) that is submitted after the date of the enactment
20 of this Act and concurrent with each such subsequent sub-
21 mission for the following 7 years, the Secretary of State
22 shall submit to the relevant congressional committees a
23 report that contains information relating to the number
24 and the locations of United States visa denials based, in
25 whole or in part, on grounds related to human trafficking

1 (as such term is defined in section 103 of the Trafficking
2 Victims Protection Act of 2000 (22 U.S.C. 7102), as
3 amended by section 1299T–5(b)) during the period cov-
4 ered by each such annual anti-trafficking report.

5 **SEC. 1299T–7. DEFINITIONS.**

6 In this subtitle:

7 (1) LOCATIONS OF UNITED STATES VISA DENI-
8 ALS.—The term “location of United States visa de-
9 nials” means—

10 (A) the United States diplomatic or con-
11 sular post at which a denied United States visa
12 application was adjudicated; and

13 (B) the city or locality of residence of the
14 applicant whose visa application was so denied.

15 (2) RELEVANT CONGRESSIONAL COMMIT-
16 TEES.—The term “relevant congressional commit-
17 tees” means—

18 (A) the Committee on Foreign Affairs and
19 the Committee on the Judiciary of the House of
20 Representatives; and

21 (B) the Committee on Foreign Relations
22 and the Committee on the Judiciary of the Sen-
23 ate.

**TITLE XIII—COOPERATIVE
THREAT REDUCTION**

**SEC. 1301. FUNDING ALLOCATIONS; SPECIFICATION OF CO-
OPERATIVE THREAT REDUCTION FUNDS.**

(a) FUNDING ALLOCATION.—Of the \$373,690,000 authorized to be appropriated to the Department of Defense for fiscal year 2021 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$2,924,000.

(2) For chemical weapons destruction, \$12,856,000.

(3) For global nuclear security, \$33,919,000.

(4) For cooperative biological engagement, \$216,200,000.

(5) For proliferation prevention, \$79,869,000.

(6) For activities designated as Other Assessments/Administrative Costs, \$27,922,000.

(b) SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the

1 authorization of appropriations in section 301 and made
2 available by the funding table in division D for the Depart-
3 ment of Defense Cooperative Threat Reduction Program
4 shall be available for obligation for fiscal years 2021,
5 2022, and 2023.

6 **SEC. 1302. SENSE OF CONGRESS REGARDING BIOLOGICAL**
7 **THREAT REDUCTION AND COOPERATIVE BIO-**
8 **LOGICAL ENGAGEMENT OF THE COOPERA-**
9 **TIVE THREAT REDUCTION PROGRAM.**

10 It is the sense of Congress that—

11 (1) keeping Americans safe means ensuring
12 that global health security is prioritized as a na-
13 tional security issue;

14 (2) as highlighted by the 2017 National Secu-
15 rity Strategy of the United States, biological threats,
16 whether “deliberate attack, accident, or a natural
17 outbreak”, are growing threats and “require actions
18 to address them at their source” through programs
19 carried out by cooperative engagement, such as
20 working “with partners to ensure that laboratories
21 that handle dangerous pathogens have in place safe-
22 ty and security measures”;

23 (3) the 2017 National Security Strategy of the
24 United States appropriately affirms the importance
25 of supporting advancements in biomedical innovation

1 while mitigating harm caused by advanced bio-
2 weapons and capabilities;

3 (4) the intrinsically linked nature of biological
4 threats, whether naturally occurring, accidental, or
5 deliberate, underscores the relationship between the
6 Global Health Security Strategy of the United
7 States and the National Biodefense Strategy, and
8 the national security tools used to prevent and miti-
9 gate these threats must be similarly connected;

10 (5) biological threats are a critical emerging
11 threat against the United States and addressing
12 these threats through cooperative programs is an op-
13 portunity to achieve long-standing nonproliferation
14 goals;

15 (6) cooperative programs to address biological
16 threats through improved global capacity in the
17 areas of biosafety, biosecurity, bio-surveillance, re-
18 search oversight, and related legislative and regu-
19 latory frameworks have become even more important
20 as the world faces increasing availability of and ad-
21 vancements in biotechnology, which has broad dual-
22 use and proliferation implications;

23 (7) under the Cooperative Threat Reduction
24 Program of the Department of Defense established
25 under the Department of Defense Cooperative

1 Threat Reduction Act (50 U.S.C. 3701 et seq.),
2 Congress authorized the Secretary of Defense to ad-
3 dress such threats through activities to prevent, de-
4 tect, and report on highly pathogenic diseases or
5 other diseases, “regardless of whether such diseases
6 are caused by biological weapons”;

7 (8) in 2014, President Obama declared the
8 Ebola virus disease epidemic a national security pri-
9 ority and exercised the authority under such Pro-
10 gram to build capacity that mitigated the imminent
11 threat posed by the Ebola virus disease and estab-
12 lished capabilities required to prevent future out-
13 breaks;

14 (9) many of the prevention, detection, and re-
15 sponse capacities built in response to the Ebola virus
16 disease epidemic are also those used to prevent, de-
17 tect, and respond to the use of biological weapons
18 abroad;

19 (10) continuing to use cooperative engagement
20 programs is in the national security interests of the
21 United States because of the important relationships
22 established between the United States and partner
23 countries, which are based on ideals such as trans-
24 parency, information sharing, and a shared responsi-
25 bility in advancing global security;

1 (11) the recent coronavirus disease 2019
2 (COVID–19) global pandemic has illustrated the
3 dire consequences resulting from a single disease
4 that knows no boundaries, impacting the United
5 States economy and the health of United States citi-
6 zens and members of the Armed Forces, both do-
7 mestically and abroad;

8 (12) in light of the impacts caused by COVID–
9 19, and following two congressionally mandated re-
10 ports that call for better implementation of the bio-
11 logical cooperative engagement programs of the
12 United States and the National Biodefense Strategy
13 (the report published by the Government Account-
14 ability Office on March 11, 2020, titled “National
15 Biodefense Strategy: Opportunities and Challenges
16 with Early Implementation” and the report pub-
17 lished by the National Academies of Sciences, Engi-
18 neering, and Medicine on April 14, 2020, titled “A
19 Strategic Vision for Biological Threat Reduction:
20 The U.S. Department of Defense and Beyond”), it
21 is of utmost importance that such programs are
22 given due and increased prioritization for national
23 security purposes; and

24 (13) the Secretary of Defense and the Secretary
25 of State should make every effort to prioritize and

1 advance the determination, concurrence, and notifi-
 2 cation processes under the Department of Defense
 3 Cooperative Threat Reduction Act (50 U.S.C. 3701
 4 et seq.) to provide for necessary new country deter-
 5 minations in a timely manner and be responsive to
 6 emerging biological threats.

7 **TITLE XIV—OTHER** 8 **AUTHORIZATIONS**

9 **Subtitle A—Military Programs**

10 **SEC. 1401. WORKING CAPITAL FUNDS.**

11 Funds are hereby authorized to be appropriated for
 12 fiscal year 2021 for the use of the Armed Forces and other
 13 activities and agencies of the Department of Defense for
 14 providing capital for working capital and revolving funds,
 15 as specified in the funding table in section 4501.

16 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-** 17 **TION, DEFENSE.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 19 are hereby authorized to be appropriated for the Depart-
 20 ment of Defense for fiscal year 2021 for expenses, not oth-
 21 erwise provided for, for Chemical Agents and Munitions
 22 Destruction, Defense, as specified in the funding table in
 23 section 4501.

24 (b) USE.—Amounts authorized to be appropriated
 25 under subsection (a) are authorized for—

1 (1) the destruction of lethal chemical agents
2 and munitions in accordance with section 1412 of
3 the Department of Defense Authorization Act, 1986
4 (50 U.S.C. 1521); and

5 (2) the destruction of chemical warfare materiel
6 of the United States that is not covered by section
7 1412 of such Act.

8 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
9 **TIVITIES, DEFENSE-WIDE.**

10 Funds are hereby authorized to be appropriated for
11 the Department of Defense for fiscal year 2021 for ex-
12 penses, not otherwise provided for, for Drug Interdiction
13 and Counter-Drug Activities, Defense-wide, as specified in
14 the funding table in section 4501.

15 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

16 Funds are hereby authorized to be appropriated for
17 the Department of Defense for fiscal year 2021 for ex-
18 penses, not otherwise provided for, for the Office of the
19 Inspector General of the Department of Defense, as speci-
20 fied in the funding table in section 4501.

21 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2021 for the Defense Health Program for use
24 of the Armed Forces and other activities and agencies of
25 the Department of Defense for providing for the health

1 of eligible beneficiaries, as specified in the funding table
2 in section 4501.

3 **SEC. 1406. NATIONAL DEFENSE SEALIFT FUND.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2021 for the National Defense Sealift Fund,
6 as specified in the funding tables in section 4501.

7 **Subtitle B—Other Matters**

8 **SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
9 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
10 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
11 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
12 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

13 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
14 funds authorized to be appropriated by section 1405 and
15 available for the Defense Health Program for operation
16 and maintenance, \$137,000,000 may be transferred by the
17 Secretary of Defense to the Joint Department of Defense—
18 Department of Veterans Affairs Medical Facility Dem-
19 onstration Fund established by subsection (a)(1) of sec-
20 tion 1704 of the National Defense Authorization Act for
21 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
22 For purposes of subsection (a)(2) of such section 1704,
23 any funds so transferred shall be treated as amounts au-
24 thorized and appropriated specifically for the purpose of
25 such a transfer.

1 (b) USE OF TRANSFERRED FUNDS.—For the pur-
2 poses of subsection (b) of such section 1704, facility oper-
3 ations for which funds transferred under subsection (a)
4 may be used are operations of the Captain James A.
5 Lovell Federal Health Care Center, consisting of the
6 North Chicago Veterans Affairs Medical Center, the Navy
7 Ambulatory Care Center, and supporting facilities des-
8 ignated as a combined Federal medical facility under an
9 operational agreement covered by section 706 of the Dun-
10 can Hunter National Defense Authorization Act for Fiscal
11 Year 2009 (Public Law 110–417; 122 Stat. 4500).

12 **SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR**
13 **ARMED FORCES RETIREMENT HOME.**

14 There is hereby authorized to be appropriated for fis-
15 cal year 2021 from the Armed Forces Retirement Home
16 Trust Fund the sum of \$70,300,000 for the operation of
17 the Armed Forces Retirement Home.

1 **TITLE XV—AUTHORIZATION OF**
2 **ADDITIONAL APPROPRIA-**
3 **TIONS FOR OVERSEAS CON-**
4 **TINGENCY OPERATIONS**
5 **Subtitle A—Authorization of**
6 **Appropriations**

7 **SEC. 1501. PURPOSE.**

8 The purpose of this title is to authorize appropria-
9 tions for the Department of Defense for fiscal year 2021
10 to provide additional funds for overseas contingency oper-
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. PROCUREMENT.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2021 for procurement accounts for the Army,
15 the Navy and the Marine Corps, the Air Force, and De-
16 fense-wide activities, as specified in the funding table in
17 section 4102.

18 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
19 **TION.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2021 for the use of the Department of Defense
22 for research, development, test, and evaluation, as speci-
23 fied in the funding table in section 4202.

1 **SEC. 1504. OPERATION AND MAINTENANCE.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2021 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 expenses, not otherwise provided for, for operation and
6 maintenance, as specified in the funding table in section
7 4302.

8 **SEC. 1505. MILITARY PERSONNEL.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 2021 for the use of the Armed Forces and other
11 activities and agencies of the Department of Defense for
12 expenses, not otherwise provided for, military personnel
13 accounts, as specified in the funding table in section 4402.

14 **SEC. 1506. WORKING CAPITAL FUNDS.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2021 for the use of the Armed Forces and other
17 activities and agencies of the Department of Defense for
18 providing capital for working capital and revolving funds,
19 as specified in the funding table in section 4502.

20 **SEC. 1507. DRUG INTERDICTION AND COUNTER-DRUG AC-**
21 **TIVITIES, DEFENSE-WIDE.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2021 for ex-
24 penses, not otherwise provided for, for Drug Interdiction
25 and Counter-Drug Activities, Defense-wide, as specified in
26 the funding table in section 4502.

1 **SEC. 1508. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2021 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense, as speci-
6 fied in the funding table in section 4502.

7 **SEC. 1509. DEFENSE HEALTH PROGRAM.**

8 Funds are hereby authorized to be appropriated for
9 the Department of Defense for fiscal year 2021 for ex-
10 penses, not otherwise provided for, for the Defense Health
11 Program, as specified in the funding table in section 4502.

12 **Subtitle B—Financial Matters**

13 **SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

14 The amounts authorized to be appropriated by this
15 title are in addition to amounts otherwise authorized to
16 be appropriated by this Act.

17 **SEC. 1512. SPECIAL TRANSFER AUTHORITY.**

18 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

19 (1) **AUTHORITY.**—Upon determination by the
20 Secretary of Defense that such action is necessary in
21 the national interest, the Secretary may transfer
22 amounts of authorizations made available to the De-
23 partment of Defense in this title for fiscal year 2021
24 between any such authorizations for that fiscal year
25 (or any subdivisions thereof). Amounts of authoriza-
26 tions so transferred shall be merged with and be

1 available for the same purposes as the authorization
2 to which transferred.

3 (2) LIMITATION.—The total amount of author-
4 izations that the Secretary may transfer under the
5 authority of this subsection may not exceed
6 \$2,500,000,000.

7 (b) TERMS AND CONDITIONS.—

8 (1) IN GENERAL.—Transfers under this section
9 shall be subject to the same terms and conditions as
10 transfers under section 1001.

11 (2) ADDITIONAL LIMITATION ON TRANSFERS
12 FROM THE NATIONAL GUARD AND RESERVE EQUIP-
13 MENT.—The authority provided by subsection (a)
14 may not be used to transfer any amount from Na-
15 tional Guard and Reserve Equipment.

16 (c) ADDITIONAL AUTHORITY.—The transfer author-
17 ity provided by this section is in addition to the transfer
18 authority provided under section 1001.

19 **Subtitle C—Other Matters**

20 **SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.**

21 (a) CONTINUATION OF PRIOR AUTHORITIES AND NO-
22 TICE AND REPORTING REQUIREMENTS.—Funds available
23 to the Department of Defense for the Afghanistan Secu-
24 rity Forces Fund for fiscal year 2021 shall be subject to
25 the conditions contained in—

1 (1) subsections (b) through (f) of section 1513
2 of the National Defense Authorization Act for Fiscal
3 Year 2008 (Public Law 110–181; 122 Stat. 428);
4 and

5 (2) section 1521(d)(1) of the National Defense
6 Authorization Act for Fiscal Year 2017 (Public Law
7 114–328; 130 Stat. 2577) (as amended by sub-
8 section (b)).

9 (b) EXTENSION OF PRIOR NOTICE AND REPORTING
10 REQUIREMENTS.—Section 1521(d)(1) of the National De-
11 fense Authorization Act for Fiscal Year 2017 (Public Law
12 114–328; 130 Stat. 2577) is amended by striking
13 “through January 31, 2021” and inserting “through Jan-
14 uary 31, 2023”.

15 (c) EQUIPMENT DISPOSITION.—

16 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—
17 Subject to paragraph (2), the Secretary of Defense
18 may accept equipment that is procured using
19 amounts authorized to be appropriated for the Af-
20 ghanistan Security Forces Fund by this Act and is
21 intended for transfer to the security forces of the
22 Ministry of Defense and the Ministry of the Interior
23 of the Government of Afghanistan, but is not accept-
24 ed by such security forces.

1 (2) CONDITIONS ON ACCEPTANCE OF EQUIP-
2 MENT.—Before accepting any equipment under the
3 authority provided by paragraph (1), the Com-
4 mander of United States forces in Afghanistan shall
5 make a determination that such equipment was pro-
6 cured for the purpose of meeting requirements of the
7 security forces of the Ministry of Defense and the
8 Ministry of the Interior of the Government of Af-
9 ghanistan, as agreed to by both the Government of
10 Afghanistan and the Government of the United
11 States, but is no longer required by such security
12 forces or was damaged before transfer to such secu-
13 rity forces.

14 (3) ELEMENTS OF DETERMINATION.—In mak-
15 ing a determination under paragraph (2) regarding
16 equipment, the Commander of United States forces
17 in Afghanistan shall consider alternatives to the ac-
18 ceptance of such equipment by the Secretary. An ex-
19 planation of each determination, including the basis
20 for the determination and the alternatives consid-
21 ered, shall be included in the relevant quarterly re-
22 port required under paragraph (5).

23 (4) TREATMENT AS DEPARTMENT OF DEFENSE
24 STOCKS.—Equipment accepted under the authority
25 provided by paragraph (1) may be treated as stocks

1 of the Department of Defense upon notification to
2 the congressional defense committees of such treat-
3 ment.

4 (5) QUARTERLY REPORTS ON EQUIPMENT DIS-
5 POSITION.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date of the enactment of this Act and
8 every 90-day period thereafter during which the
9 authority provided by paragraph (1) is exer-
10 cised, the Secretary shall submit to the congres-
11 sional defense committees a report describing
12 the equipment accepted during the period cov-
13 ered by such report under the following:

14 (i) This subsection.

15 (ii) Section 1521(b) of the National
16 Defense Authorization Act for Fiscal Year
17 2017 (Public Law 114–328; 130 Stat.
18 2575).

19 (iii) Section 1531(b) of the National
20 Defense Authorization Act for Fiscal Year
21 2016 (Public Law 114–92; 129 Stat.
22 1088).

23 (iv) Section 1532(b) of the Carl Levin
24 and Howard P. “Buck” McKeon National
25 Defense Authorization Act for Fiscal Year

1 2015 (Public Law 113–291; 128 Stat.
2 3613).

3 (v) Section 1531(d) of the National
4 Defense Authorization Act for Fiscal Year
5 2014 (Public Law 113–66; 127 Stat. 938;
6 10 U.S.C. 2302 note).

7 (B) ELEMENTS.—Each report under sub-
8 paragraph (A) shall include a list of all equip-
9 ment that was accepted during the period cov-
10 ered by such report and treated as stocks of the
11 Department of Defense and copies of the deter-
12 minations made under paragraph (2), as re-
13 quired by paragraph (3).

14 (d) SECURITY OF AFGHAN WOMEN.—

15 (1) IN GENERAL.—Of the funds available to the
16 Department of Defense for the Afghan Security
17 Forces Fund for fiscal year 2021, it is the goal that
18 \$29,100,000, but in no event less than \$10,000,000,
19 shall be used for the recruitment, integration, reten-
20 tion, training, and treatment of women in the Af-
21 ghan National Defense and Security Forces.

22 (2) TYPES OF PROGRAMS AND ACTIVITIES.—
23 Such programs and activities may include—

1 (A) efforts to recruit and retain women
2 into the Afghan National Defense and Security
3 Forces, including the special operations forces;

4 (B) programs and activities of the Direc-
5 torate of Human Rights and Gender Integra-
6 tion of the Ministry of Defense of Afghanistan
7 and the Office of Human Rights, Gender and
8 Child Rights of the Ministry of Interior of Af-
9 ghanistan;

10 (C) development and dissemination of gen-
11 der and human rights educational and training
12 materials and programs within the Ministry of
13 Defense and the Ministry of Interior of Afghan-
14 istan;

15 (D) efforts to address harassment and vio-
16 lence against women within the Afghan Na-
17 tional Defense and Security Forces;

18 (E) improvements to infrastructure that
19 address the requirements of women serving in
20 the Afghan National Defense and Security
21 Forces, including appropriate equipment for fe-
22 male security and police forces, and transpor-
23 tation for policewomen to their station;

24 (F) support for Afghanistan National Po-
25 lice Family Response Units;

1 (G) security provisions for high-profile fe-
2 male police and military officers;

3 (H) programs to promote conflict preven-
4 tion, management, and resolution through the
5 meaningful participation of Afghan women in
6 the Afghan National Defense and Security
7 Forces, by exposing Afghan women and girls to
8 the activities of and careers available with such
9 forces, encouraging their interest in such ca-
10 reers, or developing their interest and skills nec-
11 essary for service in such forces; and

12 (I) enhancements to Afghan National De-
13 fense and Security Forces recruitment pro-
14 grams for targeted advertising with the goal of
15 increasing the number of female recruits.

16 (e) ASSESSMENT OF AFGHANISTAN PROGRESS ON
17 OBJECTIVES.—

18 (1) ASSESSMENT REQUIRED.—Not later than
19 180 days after the date of the enactment of this Act,
20 the Secretary of Defense shall, in consultation with
21 the Secretary of State, submit to the Committee on
22 Armed Services and the Committee on Foreign Af-
23 fairs of the House of Representatives and the Com-
24 mittee on Armed Services and the Committee on

1 Foreign Relations of the Senate an assessment de-
2 scribing—

3 (A) the progress of the Government of the
4 Islamic Republic of Afghanistan toward meeting
5 shared security objectives; and

6 (B) the efforts of the Government of the
7 Islamic Republic of Afghanistan to manage, em-
8 ploy, and sustain the equipment and inventory
9 provided under subsection (a).

10 (2) MATTERS TO BE INCLUDED.—In conducting
11 the assessment required by paragraph (1), the Sec-
12 retary of Defense shall include each of the following:

13 (A) The extent to which the Government of
14 Afghanistan has a strategy for, and has taken
15 steps toward, increased accountability and the
16 reduction of corruption within the Ministry of
17 Defense and the Ministry of Interior of Afghan-
18 istan.

19 (B) The extent to which the capability and
20 capacity of the Afghan National Defense and
21 Security Forces have improved as a result of
22 Afghanistan Security Forces Fund investment,
23 including through training, and an articulation
24 of the metrics used to assess such improve-
25 ments.

1 (C) The extent to which the Afghan Na-
2 tional Defense and Security Forces have been
3 able to increase pressure on the Taliban, al-
4 Qaeda, the Haqqani network, the Islamic State
5 of Iraq and Syria-Khorasan, and other terrorist
6 organizations, including by re-taking territory,
7 defending territory, and disrupting attacks.

8 (D) The distribution practices of the Af-
9 ghan National Defense and Security Forces and
10 whether the Government of Afghanistan is en-
11 suring that supplies, equipment, and weaponry
12 supplied by the United States are appropriately
13 distributed to, and employed by, security forces
14 charged with fighting the Taliban and other
15 terrorist organizations.

16 (E) A description of—

17 (i) the policy governing the use of Ac-
18 quisition and Cross Servicing Agreements
19 (ACSA) in Afghanistan;

20 (ii) each ACSA transaction by type,
21 amount, and recipient for calendar year
22 2020; and

23 (iii) for any transactions from the
24 United States to Afghan military forces,
25 an explanation for why such transaction

1 was not carried out under the authorities
2 of the Afghanistan Security Forces Fund.

3 (F) The extent to which the Government
4 of Afghanistan has designated the appropriate
5 staff, prioritized the development of relevant
6 processes, and provided or requested the alloca-
7 tion of resources necessary to support a peace
8 and reconciliation process in Afghanistan.

9 (G) A description of the ability of the Min-
10 istry of Defense and the Ministry of Interior of
11 Afghanistan to manage and account for pre-
12 viously divested equipment, including a descrip-
13 tion of any vulnerabilities or weaknesses of the
14 internal controls of such Ministry of Defense
15 and Ministry of Interior and any plan in place
16 to address shortfalls.

17 (H) A description of any significant irreg-
18 ularities in the divestment of equipment to the
19 Afghan National Defense and Security Forces
20 during the period beginning on May 1, 2020,
21 and ending on May 1, 2021, including any
22 major losses of such equipment or any inability
23 on the part of the Afghan National Defense and
24 Security Forces to account for equipment so
25 procured.

1 (I) A description of the sustainment and
2 maintenance costs required during the 5-year
3 period beginning on the date of the enactment
4 of this Act, for major weapons platforms pre-
5 viously divested, and a description of the plan
6 for the Afghan National Defense and Security
7 Forces to maintain such platforms in the fu-
8 ture.

9 (J) The extent to which the Government of
10 Afghanistan is adhering to conditions for receiv-
11 ing assistance established in annual financial
12 commitment letters or any other bilateral agree-
13 ments with the United States.

14 (K) The extent to which the Government
15 of Afghanistan has made progress in achieving
16 security sector benchmarks as outlined by the
17 United States-Afghan Compact (commonly
18 known as the “Kabul Compact”) and a descrip-
19 tion of any other documents, plans, or agree-
20 ments used by the United States to measure se-
21 curity sector progress.

22 (L) The extent to which the Government of
23 Afghanistan or the Secretary has developed a
24 plan to integrate former Taliban fighters into
25 the Ministries of Defense or Interior.

1 (M) Such other factors as the Secretaries
2 consider appropriate.

3 (N) The extent to which the Government
4 of Afghanistan has prioritized the development
5 of relevant processes to combat gross human
6 rights violation and to promote religious free-
7 dom and peace in Afghanistan.

8 (O) The extent to which the Afghan Na-
9 tional Defense and Security Forces have been
10 able to promote religious freedom by increasing
11 pressure on the Taliban, al-Qaeda, the Haqqani
12 network, the Islamic State of Iraq and Syria-
13 Khorasan, and other terrorist organizations by
14 connecting regional peace with the practice of
15 freedom of religion or belief.

16 (3) FORM.—The assessment required by para-
17 graph (1) shall be submitted in unclassified form,
18 but may include a classified annex.

19 (4) WITHHOLDING OF ASSISTANCE FOR INSUF-
20 FICIENT PROGRESS.—

21 (A) IN GENERAL.—If the Secretary of De-
22 fense determines, in coordination with the Sec-
23 retary of State and pursuant to the assessment
24 under paragraph (1), that the Government of
25 Afghanistan has made insufficient progress in

1 the areas described in paragraph (2), the Sec-
2 retary of Defense shall—

3 (i) withhold \$401,500,000, to be de-
4 rived from amounts made available for as-
5 sistance for the Afghan National Defense
6 and Security Forces, from expenditure or
7 obligation until the date on which the Sec-
8 retary certifies to the congressional defense
9 committees that the Government of Af-
10 ghanistan has made sufficient progress;
11 and

12 (ii) notify the congressional defense
13 committees not later than 30 days before
14 withholding such funds.

15 (B) WAIVER.—If the Secretary of Defense
16 determines that withholding such assistance
17 would impede the national security objectives of
18 the United States by prohibiting, restricting,
19 delaying, or otherwise limiting the provision of
20 assistance, the Secretary may waive the with-
21 holding requirement under subparagraph (A) if
22 the Secretary, in coordination with the Sec-
23 retary of State, certifies such determination to
24 the congressional defense committees not later

1 than 30 days before the effective date of the
2 waiver.

3 (f) ADDITIONAL REPORTING REQUIREMENTS.—The
4 Secretary of Defense shall include in the materials sub-
5 mitted in support of the budget for fiscal year 2022 that
6 is submitted by the President under section 1105(a) of
7 title 31, United States Code, each of the following:

8 (1) The amount of funding provided in fiscal
9 year 2020 through the Afghanistan Security Forces
10 Fund to the Government of Afghanistan in the form
11 of direct government-to-government assistance or on-
12 budget assistance for the purposes of supporting any
13 entity of such government, including the Afghan Na-
14 tional Defense and Security Forces, the Afghan Min-
15 istry of Interior, or the Afghan Ministry of Defense.

16 (2) The amount of funding provided and antici-
17 pated to be provided, as of the date of the submis-
18 sion of the materials, in fiscal year 2021 through
19 such Fund in such form.

20 (3) To the extent the amount described in para-
21 graph (2) exceeds the amount described in para-
22 graph (1), an explanation as to the reason why the
23 such amount is greater and the specific entities and
24 purposes that were supported by such increase.

1 **SEC. 1522. REPORT ON TRANSITIONING FUNDING.**

2 The Secretary of Defense shall include, in the mate-
3 rials submitted in support of the budget of the President
4 (submitted to Congress pursuant to section 1105 of title
5 31, United States Code) for fiscal year 2022—

6 (1) a description of each program funded in fis-
7 cal year 2021 using amounts authorized to be appro-
8 priated for overseas contingency operations under
9 this title;

10 (2) the manner and extent to which the Sec-
11 retary plans to shift the funding of each such pro-
12 gram in the ensuing fiscal years to use amounts au-
13 thorized to be appropriated other than for overseas
14 contingency operations being carried out by the
15 Armed Forces, disaggregated by fiscal year; and

16 (3) a plan to return all overseas contingency op-
17 erations funding to the base budget, as appropriate,
18 in accordance with the future-years defense plan set
19 forth in the budget of the President for fiscal year
20 2021.

1 **TITLE XVI—STRATEGIC PRO-**
2 **GRAMS, CYBER, AND INTEL-**
3 **LIGENCE MATTERS**

4 **Subtitle A—Space Activities**

5 **SEC. 1601. NATIONAL SECURITY SPACE LAUNCH PROGRAM.**

6 (a) PHASE TWO ACQUISITION STRATEGY.—In car-
7 rying out the phase two acquisition strategy, the Secretary
8 of the Air Force—

9 (1) may not change the mission performance re-
10 quirements;

11 (2) may not change the acquisition schedule;

12 (3) may not award phase two contracts after
13 September 30, 2024;

14 (4) shall award phase two contracts to not more
15 than two National Security Space Launch providers;

16 (5) shall ensure that launch services are pro-
17 cured only from National Security Space Launch
18 providers that meet the requirements for the phase
19 two contracts;

20 (6) not later than 180 days after the date on
21 which phase two contracts are awarded, shall termi-
22 nate launch service agreement contracts awarded
23 under such phase two acquisition strategy to each
24 National Security Space Launch provider that is not

1 a down-selected National Security Launch provider;
2 and

3 (7) may not increase the total amount of fund-
4 ing included in the initial launch service agreements
5 with down-selected National Security Launch pro-
6 viders.

7 (b) REUSABILITY.—

8 (1) CERTIFICATION.—Not later than 18 months
9 after the date on which the Secretary determines the
10 down-selected National Security Space Launch pro-
11 viders, the Secretary shall certify to the appropriate
12 congressional committees that the Secretary has
13 completed all non-recurring design validation of pre-
14 viously flown launch hardware for National Security
15 Space Launch providers offering such hardware for
16 use in phase two contracts or in future national se-
17 curity space missions.

18 (2) REPORT.—Not later than 180 days after
19 the date on which the Secretary determines the
20 down-selected National Security Space Launch pro-
21 viders, the Secretary shall submit to the appropriate
22 congressional committees a report on the progress of
23 the Secretary with respect to completing all non-re-
24 curring design validation of previously flown launch
25 hardware described in paragraph (1), including—

1 (A) a justification for any deviation from
2 the new entrant certification guide; and

3 (B) a description of such progress with re-
4 spect to National Security Space Launch pro-
5 viders that are not down-selected National Se-
6 curity Space Launch providers, if applicable.

7 (c) FUNDING FOR CERTIFICATION, INFRASTRUC-
8 TURE, AND TECHNOLOGY DEVELOPMENT.—

9 (1) AUTHORITY.—Pursuant to section 2371b of
10 title 10, United States Code, not later than Sep-
11 tember 30, 2021, the Secretary of the Air Force
12 shall enter into three agreements described in para-
13 graph (3) with National Security Space Launch pro-
14 viders—

15 (A) to maintain competition in order to
16 maximize the likelihood of at least three Na-
17 tional Security Space Launch providers com-
18 peting for phase three contracts; and

19 (B) to support innovation for national se-
20 curity launches under phase three contracts.

21 (2) COMPETITIVE PROCEDURES.—The Sec-
22 retary shall carry out paragraph (1) by conducting
23 a full and open competition among all National Se-
24 curity Space Launch providers that may submit bids
25 for a phase three contract.

1 (3) AGREEMENTS.—An agreement described in
2 this paragraph is an agreement that provides a Na-
3 tional Security Space Launch provider with not
4 more than \$150,000,000 for the provider to conduct
5 either or both of the following activities:

6 (A) Meet the certification and infrastruc-
7 ture requirements that are—

8 (i) unique to national security space
9 missions; and

10 (ii) necessary for a phase three con-
11 tract.

12 (B) Develop transformational technologies
13 in support of the national security space launch
14 capability for phase three contracts (such as
15 technologies regarding launch, maneuver, and
16 transport capabilities for enhanced resiliency
17 and security technologies, as identified in the
18 National Security Launch Architecture study of
19 the Space and Missile Systems Center of the
20 Space Force).

21 (4) REPORT.—Not later than 30 days after the
22 date on which the Secretary enters into an agree-
23 ment under paragraph (1), the Secretary shall sub-
24 mit to the appropriate congressional committees a
25 report explaining how the Secretary determined the

1 certification and infrastructure requirements and the
2 transformational technologies covered under para-
3 graph (3).

4 (d) BRIEFING.—Not later than December 31, 2020,
5 the Secretary shall provide to the congressional defense
6 committees a briefing on the progress made by the Sec-
7 retary in ensuring that full and open competition exists
8 for phase three contracts, including—

9 (1) a description of progress made to establish
10 the requirements for phase three contracts, including
11 such requirements that the Secretary determines
12 cannot be met by the commercial market;

13 (2) whether the Secretary determines that addi-
14 tional development funding will be necessary for
15 such phase;

16 (3) a description of the estimated costs for the
17 development described in subparagraphs (A) and (B)
18 of subsection (c)(3); and

19 (4) how the Secretary will—

20 (A) ensure full and open competition for
21 technology development for phase three con-
22 tracts; and

23 (B) maintain competition.

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to delay the award of phase two
3 contracts.

4 (f) DEFINITIONS.—In this section:

5 (1) The term “appropriate congressional com-
6 mittees” means—

7 (A) the congressional defense committees;
8 and

9 (B) the Permanent Select Committee on
10 Intelligence of the House of Representatives
11 and the Select Committee on Intelligence of the
12 Senate.

13 (2) The term “down-selected National Security
14 Launch provider” means a National Security Space
15 Launch provider that the Secretary of the Air Force
16 selected to be awarded phase two contracts.

17 (3) The term “phase three contract” means a
18 contract awarded using competitive procedures for
19 launch services under the National Security Space
20 Launch program after fiscal year 2024.

21 (4) The term “phase two acquisition strategy”
22 means the process by which the Secretary of the Air
23 Force enters into phase two contracts during fiscal
24 year 2020, orders launch missions during fiscal
25 years 2020 through 2024, and carries out such

1 launches under the National Security Space Launch
2 program.

3 (5) The term “phase two contract” means a
4 contract awarded during fiscal year 2020 using com-
5 petitive procedures for launch missions ordered
6 under the National Security Space Launch program
7 during fiscal years 2020 through 2024.

8 **SEC. 1602. REQUIREMENT TO BUY CERTAIN SATELLITE**
9 **COMPONENT FROM NATIONAL TECHNOLOGY**
10 **AND INDUSTRIAL BASE.**

11 Section 2534(a) of title 10, United States Code, is
12 amended by adding at the end the following new para-
13 graph:

14 “(7) STAR TRACKER.—A star tracker used in a
15 satellite weighing more than 400 pounds whose prin-
16 ciple purpose is to support the national security, de-
17 fense, or intelligence needs of the United States
18 Government.”.

19 **SEC. 1603. COMMERCIAL SPACE DOMAIN AWARENESS CA-**
20 **PABILITIES.**

21 (a) PROCUREMENT.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary of
23 the Air Force shall procure commercial space domain
24 awareness services by awarding at least two contracts for
25 such services.

1 (b) LIMITATION.—Of the funds authorized to be ap-
2 propriated by this Act or otherwise made available for fis-
3 cal year 2021 for the enterprise space battle management
4 command and control, not more than 75 percent may be
5 obligated or expended until the date on which the Sec-
6 retary of Defense, without delegation, certifies to the con-
7 gressional committees that the Secretary of the Air Force
8 has awarded the contracts under subsection (a).

9 (c) REPORT.—Not later than January 31, 2021, the
10 Chief of Space Operations, in coordination with the Sec-
11 retary of the Air Force, shall submit to the congressional
12 defense committees a report detailing the commercial
13 space domain awareness services, data, and analytics of
14 objects in low-earth orbit that have been purchased during
15 the two-year period preceding the date of the report. The
16 report shall be submitted in unclassified form.

17 (d) COMMERCIAL SPACE DOMAIN AWARENESS SERV-
18 ICES DEFINED.—In this section, the term “commercial
19 space domain awareness services” means space domain
20 awareness data, processing software, and analytics derived
21 from best-in-breed commercial capabilities to address
22 warfighter requirements in low-earth orbit and fill gaps
23 in current space domain capabilities of the Space Force,
24 including commercial capabilities to—

25 (1) provide conjunction and maneuver alerts;

- 1 (2) monitor breakup and launch events; and
- 2 (3) detect and track objects smaller than 10
- 3 centimeters in size.

4 **SEC. 1604. RESPONSIVE SATELLITE INFRASTRUCTURE.**

5 (a) IN GENERAL.—The Secretary of Defense shall es-
6 tablish a domestic responsive satellite manufacturing ca-
7 pability for Department of Defense space operations to be
8 used—

- 9 (1) for the development of components, sys-
10 tems, structures, and payloads necessary to reconsti-
11 tute a national security space asset that has been
12 destroyed, failed, or otherwise determined to be in-
13 capable of performing mission requirements; and
- 14 (2) to rapidly acquire and field necessary space-
15 based capabilities needed to maintain continuity of
16 national security space missions and limit capability
17 disruption to the warfighter.

18 (b) PLAN FOR RESPONSIVE SATELLITE INFRASTRUC-
19 TURE.—The Secretary of Defense, in consultation with
20 the Secretary of the Air Force, the Chief of Space Oper-
21 ations, and the Commander of United States Space Com-
22 mand, shall develop an operational plan and acquisition
23 strategy for responsive satellite infrastructure to swiftly
24 identify need, develop capability, and launch a responsive
25 satellite to fill a critical capability gap in the event of de-

1 struction or failure of a space asset or otherwise deter-
2 mined need.

3 (c) MATTERS INCLUDED.—The plan outlined under
4 subsection (b) shall include the following:

5 (1) A process for determining whether the re-
6 constitution of a space asset is necessary.

7 (2) The timeframe in which a developed sat-
8 ellite is determined to be “responsive”.

9 (3) A plan to leverage domestic commercial en-
10 tities in the “new space” supply chain that have al-
11 ready demonstrated rapid satellite product develop-
12 ment and delivery capability to meet new “mission
13 responsiveness” requirements being passed down by
14 Department of Defense prime satellite contractors
15 in—

16 (A) power systems and solar arrays;

17 (B) payloads and integration features; and

18 (C) buses and structures.

19 (4) An assessment of acquisition requirements
20 and standards necessary for commercial entities to
21 meet Department of Defense validation of supply
22 chains, processes, and technologies while operating
23 under rapid development cycles needed to maintain
24 a responsive timeframe as determined by paragraph
25 (2).

1 (5) Such other matters as the Secretary con-
2 siders appropriate.

3 (d) REPORT REQUIRED.—Not later than 180 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to Congress a report detailing the
6 plan under subsection (b).

7 **SEC. 1605. POLICY TO ENSURE LAUNCH OF SMALL-CLASS**
8 **PAYLOADS.**

9 (a) IN GENERAL.—The Secretary of Defense shall es-
10 tablish a small launch and satellite policy to ensure re-
11 sponsive and reliable access to space through the proc-
12 essing and launch of Department of Defense small-class
13 payloads.

14 (b) POLICY.—The policy under subsection (a) shall
15 include, at a minimum, providing resources and policy
16 guidance to sustain—

17 (1) the availability of small-class payload launch
18 service providers using launch vehicles capable of de-
19 livering into space small payloads designated by the
20 Secretary of Defense as a national security payload;

21 (2) a robust small-class payload space launch
22 infrastructure and industrial base;

23 (3) the availability of rapid, responsive, and re-
24 liable space launches for national security space pro-
25 grams to—

1 (A) improve the responsiveness and flexi-
2 bility of a national security space system;

3 (B) lower the costs of launching a national
4 security space system; and

5 (C) maintain risks of mission success at
6 acceptable levels;

7 (4) a minimum number of dedicated launches
8 each year; and

9 (5) full and open competition including small
10 launch providers and rideshare opportunities.

11 (c) ACQUISITION STRATEGY.—The Secretary shall
12 develop and carry out a 5-year phased acquisition strat-
13 egy, including near and long term, for the small launch
14 and satellite policy under subsection (a).

15 (d) ELEMENTS.—The acquisition strategy under sub-
16 section (c) shall—

17 (1) provide the necessary—

18 (A) stability in budgeting and acquisition
19 of capabilities;

20 (B) flexibility to the Federal Government;
21 and

22 (C) procedures for fair competition; and

23 (2) specifically take into account, as appro-
24 priate per competition, the effect of—

1 (A) contracts or agreements for launch
2 services or launch capability entered into by the
3 Department of Defense with small-class payload
4 space launch providers;

5 (B) the requirements of the Department of
6 Defense, including with respect to launch capa-
7 bilities and pricing data, that are met by such
8 providers;

9 (C) the cost of integrating a satellite onto
10 a launch vehicle;

11 (D) launch performance history (at least
12 three successful launches of the same launch ve-
13 hicle design) and maturity;

14 (E) ability of a launch provider to provide
15 the option of dedicated and rideshare launch ca-
16 pabilities; and

17 (F) any other matters the Secretary con-
18 siders appropriate.

19 (e) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, the Secretary shall submit
21 to the congressional defense committees a report describ-
22 ing a plan for the policy under subsection (a), including
23 with respect to the cost of launches and an assessment
24 of mission risk.

1 **SEC. 1606. TACTICALLY RESPONSIVE SPACE LAUNCH OPER-**
2 **ATIONS.**

3 The Secretary of the Air Force shall implement a
4 tactically responsive space launch program—

5 (1) to provide long-term continuity for tactically
6 responsive space launch operations across the fu-
7 ture-years defense program submitted to Congress
8 under section 221 of title 10, United States Code;

9 (2) to accelerate the development of—

10 (A) responsive launch concepts of oper-
11 ations;

12 (B) tactics;

13 (C) training; and

14 (D) procedures;

15 (3) to develop appropriate processes for
16 tactically responsive space launch, including—

17 (A) mission assurance processes; and

18 (B) command and control, tracking, telem-
19 etry, and communications; and

20 (4) to identify basing capabilities necessary to
21 enable tactically responsive space launch, including
22 mobile launch range infrastructure.

1 **SEC. 1607. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **PROTOTYPE PROGRAM FOR MULTI-GLOBAL**
3 **NAVIGATION SATELLITE SYSTEM RECEIVER**
4 **DEVELOPMENT.**

5 Of the funds authorized to be appropriated by this
6 Act or otherwise made available for fiscal year 2021 for
7 increment 2 of the acquisition of military Global Posi-
8 tioning System user equipment terminals, not more than
9 80 percent may be obligated or expended until the date
10 on which the Secretary of Defense—

11 (1) certifies to the congressional defense com-
12 mittees that the Secretary of the Air Force is car-
13 rying out the program required under section 1607
14 of the National Defense Authorization Act for Fiscal
15 Year 2020 (Public Law 116–92; 133 Stat. 1724);
16 and

17 (2) provides to the Committees on Armed Serv-
18 ices of the House of Representatives and the Senate
19 a briefing on how the Secretary is implementing
20 such program, including with respect to addressing
21 each element specified in subsection (b) of such sec-
22 tion.

1 **SEC. 1608. LIMITATION ON AWARDING CONTRACTS TO EN-**
2 **TITIES OPERATING COMMERCIAL TERRES-**
3 **TRIAL COMMUNICATION NETWORKS THAT**
4 **CAUSE INTERFERENCE WITH THE GLOBAL**
5 **POSITIONING SYSTEM.**

6 The Secretary of Defense may not enter into a con-
7 tract, or extend or renew a contract, with an entity that
8 engages in commercial terrestrial operations using the
9 1525–1559 megahertz band or the 1626.5–1660.5 mega-
10 hertz band unless the Secretary has certified to the con-
11 gressional defense committees that such operations do not
12 cause harmful interference to a Global Positioning System
13 device of the Department of Defense.

14 **SEC. 1609. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
15 **CERTAIN PURPOSES RELATING TO THE**
16 **GLOBAL POSITIONING SYSTEM.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) On April 19, 2020, the Federal Commu-
19 nications Commission issued an order and authoriza-
20 tion granting Ligado Networks LLC the authority to
21 operate a nationwide terrestrial communications net-
22 work using the 1526–1536 megahertz band, the
23 1627.5–1637.5 megahertz band, or the 1646.5–
24 1656.5 megahertz band.

25 (2) In an attempt to address interference to the
26 Global Positioning System operating near those

1 bands, Ligado Networks LLC has committed to as-
2 suming the costs mitigating any interference caused
3 by their network.

4 (3) In the approval order, the Federal Commu-
5 nications Commission directed that “Ligado takes
6 all necessary mitigation measures to prevent or re-
7 mediate any potential harmful interference to U.S.
8 Government devices, including devices used by the
9 military, that are identified both pre- and post-de-
10 ployment of Ligado’s network.”.

11 (4) In a letter to the Committee on Armed
12 Services of the House of Representatives dated May
13 21, 2020, Ligado Networks LLC reaffirmed the
14 commitment to bear the costs to the Department of
15 Defense, stating that the “FCC directed Ligado to
16 provide protections to GPS devices using its spec-
17 trum by imposing stringent coordination, coopera-
18 tion, and replacement obligations on Ligado, so that
19 Ligado bears the burden” and “Make no mistake:
20 the obligation is ours, and the burden falls solely on
21 our company.”.

22 (b) PROHIBITION.—Except as provided by subsection
23 (c), none of the funds authorized to be appropriated by
24 this Act or otherwise made available for fiscal year 2021
25 or any subsequent fiscal year for the Department of De-

1 fense may be obligated or expended to retrofit any Global
2 Positioning System device or system, or network that uses
3 the Global Positioning System, in order to mitigate inter-
4 ference from commercial terrestrial operations using the
5 1526–1536 megahertz band, the 1627.5–1637.5 mega-
6 hertz band, or the 1646.5–1656.5 megahertz band.

7 (c) ACTIONS NOT PROHIBITED.—The prohibition in
8 subsection (a) shall not apply to any action taken by the
9 Secretary of Defense relating to—

10 (1) conducting technical or information ex-
11 changes with the entity that operates the commercial
12 terrestrial operations in the megahertz bands speci-
13 fied in such subsection;

14 (2) seeking compensation for interference from
15 such entity; or

16 (3) Global Positioning System receiver upgrades
17 needed to address other resiliency requirements.

18 **SEC. 1610. REPORT ON RESILIENT PROTECTED COMMU-**
19 **NICATIONS SATELLITES.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) The national command, control, and com-
22 munications system of the Department of Defense is
23 essential to the national security of the United
24 States.

1 (2) The Department of Defense requires the
2 space segments of such system to be resilient and
3 survivable to address advanced threats from Russia
4 and China.

5 (3) The next-generation overhead persistent in-
6 frared missile warning satellites are being upgraded
7 with enhanced resiliency features to make them
8 much less vulnerable to attack and will begin launch
9 in 2025.

10 (4) Because missile warning satellites rely on
11 protected communications satellites to relay warn-
12 ings and response orders, the next-generation over-
13 head persistent infrared missile warning satellites
14 will require protected communications satellites with
15 enhanced resiliency features, however, the current
16 plan of the Space Force is to provide those capabili-
17 ties with the evolved strategic satellite communica-
18 tions program that will not be available until 2032
19 or later.

20 (5) As a result, the Chief of Space Operations
21 should implement an accelerated plan to achieve
22 more resilient protected communications satellites
23 without delay.

24 (b) REPORT.—Not later than 60 days after the date
25 of the enactment of this Act, the Chief of Space Oper-

1 ations shall submit to the congressional defense commit-
2 tees a report on how the Space Force will address the need
3 for resilient protected communications satellites during
4 the years 2025 through 2032.

5 **SEC. 1610A. PERMANENT PERSONNEL MANAGEMENT AU-**
6 **THORITY FOR SPACE DEVELOPMENT AGENCY**
7 **FOR EXPERTS IN SCIENCE AND ENGINEER-**
8 **ING.**

9 (a) PROGRAM AUTHORIZED FOR SPACE DEVELOP-
10 MENT AGENCY.—Section 1599h(a) of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new paragraph:

13 “(7) SDA.—The Director of the Space Devel-
14 opment Agency may carry out a program of per-
15 sonnel management authority provided in subsection
16 (b) in order to facilitate recruitment of eminent ex-
17 perts in science or engineering for research and de-
18 velopment projects and to enhance the administra-
19 tion and management of the Agency.”.

20 (b) PERSONNEL MANAGEMENT AUTHORITY.—Sec-
21 tion 1599h(b)(1) of such title is amended—

22 (1) by striking “and” at the end of subpara-
23 graph (E);

24 (2) by inserting “and” after the semicolon at
25 the end of subparagraph (F); and

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

3 “(G) in the case of the Space Development
4 Agency, appoint individuals to a total of not
5 more than 10 positions in the Agency, of which
6 not more than 5 such positions may be posi-
7 tions of administration or management of the
8 Agency;”.

9 **SEC. 1610B. REPORT ON EFFECT OF COVID-19 ON SPACE IN-**
10 **DUSTRIAL BASE AND SPACE PROGRAMS OF**
11 **DEPARTMENT OF DEFENSE.**

12 Not later than 120 days after the date of the enact-
13 ment of this Act, the Secretary of Defense shall submit
14 to the congressional defense committees a report on the
15 current and projected effects of COVID-19 on the space
16 industrial base and the space programs of Department of
17 Defense. The report shall include an assessment of each
18 of the following:

19 (1) COVID-19 related and associated impacts
20 to cost, timeline, and performance to the space in-
21 dustrial base and the space programs of Depart-
22 ment, including with respect to—

23 (A) procurement and acquisition;

24 (B) research, development, test, and eval-
25 uation;

1 (C) partnerships with non-Federal govern-
2 mental entities, such as universities and not-
3 for-profit organizations; and

4 (D) labor force disruptions;

5 (2) Regional and sector-specific disruptions and
6 concerns.

7 (3) Current mitigation strategies by both the
8 Federal Government and industry.

9 (4) Any supplemental disaster appropriations
10 requirements to mitigate impacts to such programs.

11 (5) Recommendations to address risks and
12 threats to the Federal Government and industry re-
13 lating to such impacts.

14 **SEC. 1610C. SATELLITE GROUND NETWORK FREQUENCY LI-**
15 **CENSING.**

16 (a) REPORT ON DEPARTMENT OF DEFENSE SAT-
17 ELLITE ANTENNA FREQUENCY LICENSING PROCESSES.—

18 (1) REPORTING REQUIREMENT.—Not later than
19 180 days after the date of the enactment of this Act,
20 the Secretary of Defense, in consultation with the
21 Secretary of the Air Force and the Chief of Space
22 Operations, shall submit to the Committees on
23 Armed Services of the House of Representatives and
24 the Senate, and to any other appropriate congres-
25 sional committee upon request, a report on the De-

1 partment's processes and procedures for identifying
2 and securing frequency licenses for national security
3 space ground assets.

4 (2) MATTERS INCLUDED.—The report provided
5 under paragraph (1) shall address the following:

6 (A) An assessment of current processes,
7 procedures, requirements, timelines, and enti-
8 ties necessary to coordinate and secure fre-
9 quency licensing for Department of Defense
10 space ground antenna and assets.

11 (B) A plan to address and streamline pro-
12 cedures regarding the ingestion and licensing of
13 commercial industry antenna in support of the
14 augmentation of existing network capacity.

15 (C) A review of FOUO classification re-
16 quirements for information and specifications
17 related to the items addressed within this re-
18 port.

19 (D) Such other matters as the Secretary
20 considers appropriate.

21 (b) DESIGNATION OF ANTENNA SPECIFICATIONS.—

22 Not later than 1 year after the date of enactment of this
23 Act, the Secretary of the Air Force, in coordination with
24 the Chief of Space Operations (CSO), shall identify and
25 re-designate controlled unclassified information regarding

1 details and technical antenna specifications, necessary to
 2 complete National Telecommunications and Information
 3 Administration (NTIA), Federal Communication Commis-
 4 sion (FCC), and Friendly Nation frequency licensing proc-
 5 esses, so that such information may be shared in regards
 6 to the guidelines of “Distribution Statement A” as defined
 7 by DoDI 5230.24.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
 9 FINED.—In this section, the term “appropriate congres-
 10 sional committees” means the following:

- 11 (1) The congressional defense committees.
- 12 (2) The Permanent Select Committee on Intel-
 13 ligence of the House of Representatives and the Se-
 14 lect Committee on Intelligence of the Senate.

15 **Subtitle B—Defense Intelligence** 16 **and Intelligence-Related Activities**

17 **SEC. 1611. VALIDATION OF CAPABILITY REQUIREMENTS OF**

18 **NATIONAL GEOSPATIAL-INTELLIGENCE**

19 **AGENCY.**

20 Section 442 of title 10, United States Code, is
 21 amended by adding at the end the following new sub-
 22 section:

23 “(f) VALIDATION.—The National Geospatial-Intel-
 24 ligence Agency shall assist the Joint Chiefs of Staff, com-
 25 batant commands, and the military departments in estab-

1 lishing, coordinating, consolidating, and validating map-
 2 ping, charting, geodetic data, and safety of navigation ca-
 3 pability requirements through a formal process governed
 4 by the Joint Staff. Consistent with validated requirements,
 5 the National Geospatial-Intelligence Agency shall provide
 6 aeronautical and nautical charts that are safe for naviga-
 7 tion, maps, books, datasets, models, and geodetic prod-
 8 ucts.”.

9 **SEC. 1612. SAFETY OF NAVIGATION MISSION OF THE NA-**
 10 **TIONAL GEOSPATIAL-INTELLIGENCE AGEN-**
 11 **CY.**

12 (a) MISSION OF NATIONAL GEOSPATIAL-INTEL-
 13 LIGENCE AGENCY.—Section 442 of title 10, United States
 14 Code, as amended by section 1611, is further amended—

15 (1) in subsection (b)—

16 (A) by striking “means of navigating ves-
 17 sels of the Navy and the merchant marine” and
 18 inserting “the means for safe navigation”; and

19 (B) by striking “and inexpensive nautical
 20 charts” and all that follows and inserting
 21 “geospatial information for use by the depart-
 22 ments and agencies of the United States, the
 23 merchant marine, and navigators generally.”;
 24 and

25 (2) in subsection (c)—

1 (A) by striking “shall prepare and” and in-
2 serting “shall acquire, prepare, and”;

3 (B) by striking “charts” and inserting
4 “safe-for-navigation charts and datasets”; and

5 (C) by striking “geodetic” and inserting
6 “geomatics”.

7 (b) MAPS, CHARTS, AND BOOKS.—

8 (1) IN GENERAL.—Section 451 of title 10,
9 United States Code, is amended—

10 (A) in the heading, by striking “**and**
11 **books**” and inserting “**books, and**
12 **datasets**”;

13 (B) in paragraph (1), by striking “maps,
14 charts, and nautical books” and inserting “nau-
15 tical and aeronautical charts, topographic and
16 geomatics maps, books, models, and datasets”;
17 and

18 (C) by amending paragraph (2) to read as
19 follows:

20 “(2) acquire (by purchase, lease, license, or bar-
21 ter) all necessary rights, including copyrights and
22 other intellectual property rights, required to pre-
23 pare, publish, and furnish to navigators the products
24 described in paragraph (1).”.

1 (2) TABLE OF SECTIONS AMENDMENT.—The
2 table of sections at the beginning of subchapter II
3 of chapter 22 of title 10, United States Code, is
4 amended by striking the item relating to section 451
5 and inserting the following new item:

“451. Maps, charts, books, and datasets.”.

6 (c) CIVIL ACTIONS BARRED.—Section 456 of title 10,
7 United States Code, is amended by striking subsections
8 (a) and (b) and inserting the following:

9 “No civil action may be brought against the United
10 States on the basis of the content of geospatial informa-
11 tion prepared or disseminated by the National Geospatial-
12 Intelligence Agency.”.

13 (d) DEFINITIONS.—Section 467 of title 10, United
14 States Code, is amended—

15 (1) in paragraph (4)—

16 (A) in the matter preceding subparagraph
17 (A), by inserting “or about” after “boundaries
18 on”;

19 (B) in subparagraph (A), by striking “sta-
20 tistical”; and

21 (C) in subparagraph (B)—

22 (i) by striking “geodetic” and insert-
23 ing “geomatics”; and

24 (ii) by inserting “and services” after
25 “products”; and

1 (2) in paragraph (5), by inserting “or about”
2 after “activities on”.

3 **SEC. 1613. NATIONAL ACADEMIES CLIMATE SECURITY**
4 **ROUNDTABLE.**

5 (a) IN GENERAL.—The Under Secretary of Defense
6 for Intelligence and Security, in coordination with the Di-
7 rector of National Intelligence, shall enter into a joint
8 agreement with the Academies to create a new “National
9 Academies Climate Security Roundtable” (in this section
10 referred to as the “roundtable”).

11 (b) PARTICIPANTS.—The roundtable shall include—

12 (1) the members of the Climate Security Advi-
13 sory Council established under section 120 of the
14 National Security Act of 1947 (50 U.S.C. 3060);

15 (2) senior representatives and practitioners
16 from Federal science agencies, elements of the intel-
17 ligence community, and the Department of Defense,
18 who are not members of the Council; and

19 (3) key stakeholders in the United States sci-
20 entific enterprise, including institutions of higher
21 education, Federal research laboratories (including
22 the national security laboratories), industry, and
23 nonprofit research organizations.

24 (c) PURPOSE.—The purpose of the roundtable is—

1 (1) to support the duties and responsibilities of
2 the Climate Security Advisory Council under section
3 120(c) of the National Security Act of 1947 (50
4 U.S.C. 3060(c));

5 (2) to develop best practices for the exchange of
6 data, knowledge, and expertise among elements of
7 the intelligence community, elements of the Federal
8 Government that are not elements of the intelligence
9 community, and non-Federal researchers;

10 (3) to facilitate dialogue and collaboration
11 about relevant collection and analytic priorities
12 among participants of the roundtable with respect to
13 climate security;

14 (4) to identify relevant gaps in the exchange of
15 data, knowledge, or expertise among participants of
16 the roundtable with respect to climate security, and
17 consider viable solutions to address such gaps; and

18 (5) to provide any other assistance, resources,
19 or capabilities that the Director of National Intel-
20 ligence or the Under Secretary determines necessary
21 with respect to the Council carrying out the duties
22 and responsibilities of the Council under such sec-
23 tion 120(c).

24 (d) MEETINGS.—The roundtable shall meet at least
25 quarterly, in coordination with the meetings of the Climate

1 Security Advisory Council under section 120(c)(1) of the
2 National Security Act of 1947 (50 U.S.C. 3060(c)(1)).

3 (e) REPORTS AND BRIEFINGS.—The joint agreement
4 under subsection (a) shall specify that—

5 (1) the roundtable shall organize workshops, on
6 at least a biannual basis, that include both partici-
7 pants of the roundtable and persons who are not
8 participants, and may be conducted in classified or
9 unclassified form in accordance with subsection (f);

10 (2) on a regular basis, the roundtable shall
11 produce classified and unclassified reports on the
12 topics described in subsection (c) and the activities
13 of the roundtable, and other documents in support
14 of the duties and responsibilities of the Climate Se-
15 curity Advisory Council under section 120(c) of the
16 National Security Act of 1947 (50 U.S.C. 3060(c));

17 (3) the Academies shall provide recommenda-
18 tions by consensus to the Council on both the topics
19 described in subsection (c) and specific topics as
20 identified by participants of the roundtable;

21 (4) not later than March 1, 2021, and annually
22 thereafter during the life of the roundtable, the
23 Academies shall provide a briefing to the appropriate
24 congressional committees on the progress and activi-
25 ties of the roundtable; and

1 (5) not later than September 30, 2025, the
2 Academies shall submit a final report to the appro-
3 priate congressional committees on the activities of
4 the roundtable.

5 (f) SECURITY CLEARANCES.—Each participant of the
6 roundtable shall have a security clearance at the appro-
7 priate level to carry out the duties of the participant under
8 this section. A person who is not a participant who attends
9 a workshop under subsection (e)(1) is not required to have
10 a security clearance, and the roundtable shall ensure that
11 any such workshop is held at the appropriate classified
12 or unclassified level.

13 (g) TERMINATION.—The roundtable shall terminate
14 on September 30, 2025.

15 (h) DEFINITIONS.—In this section:

16 (1) The term “Academies” means the National
17 Academies of Sciences, Engineering, and Medicine.

18 (2) The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Science, Space, and
21 Technology, the Committee on Armed Services,
22 the Committee on Foreign Affairs, and the Per-
23 manent Select Committee on Intelligence of the
24 House of Representatives; and

1 (B) the Committee on Commerce, Science,
2 and Transportation, the Committee on Armed
3 Services, the Committee on Foreign Relations,
4 and the Select Committee on Intelligence of the
5 Senate.

6 (3) The term “Federal science agency” means
7 any agency or department of the Federal Govern-
8 ment with at least \$100,000,000 in basic and ap-
9 plied research obligations in fiscal year 2019.

10 (4) The term “intelligence community” has the
11 meaning given that term in section 3 of the National
12 Security Act of 1947 (50 U.S.C. 3003).

13 (5) The term “national security laboratory” has
14 the meaning given the term in section 4002 of the
15 Atomic Energy Defense Act (50 U.S.C. 2501).

16 **SEC. 1614. REPORT ON RISK TO NATIONAL SECURITY**
17 **POSED BY QUANTUM COMPUTING TECH-**
18 **NOLOGIES.**

19 (a) REPORT.—

20 (1) REQUIREMENT.—Not later than December
21 31, 2021, the Secretary of Defense shall submit to
22 the congressional defense committees a report con-
23 taining an assessment of the current and potential
24 threats and risks posed by quantum computing tech-
25 nologies. The Secretary shall conduct the assessment

1 in a manner that allows the Secretary to better un-
2 derstand and prepare to counter the risks of quan-
3 tum computing to national security.

4 (2) MATTERS INCLUDED.—The report under
5 paragraph (1) shall include the following:

6 (A) An identification of national security
7 systems that are vulnerable to current and po-
8 tential threats and risks posed by quantum
9 computing technologies.

10 (B) An assessment of quantum-resistant
11 cryptographic standards, including a timeline
12 for the development of such standards.

13 (C) An assessment of the feasibility of al-
14 ternate quantum-resistant models.

15 (D) A description of any funding shortfalls
16 in public and private efforts to develop such
17 standards and models.

18 (E) Recommendations to counter the
19 threats and risks posed by quantum computing
20 technologies that prioritize, secure, and re-
21 source the defense of national security systems
22 identified under subparagraph (A).

23 (b) BRIEFINGS.—During the period preceding the
24 date on which the Secretary submits the report under sub-
25 section (a), the Secretary shall include in the quarterly

1 briefings under section 484 of title 10, United States
2 Code, an update on the assessment conducted under such
3 subsection.

4 (c) FORM.—The report under subsection (a) may be
5 submitted in classified form.

6 **Subtitle C—Cyberspace-Related**
7 **Matters**

8 **SEC. 1621. CYBER MISSION FORCES AND CYBERSPACE OP-**
9 **ERATIONS FORCES.**

10 Subsection (a) of section 238, title 10, United States
11 Code, is amended—

12 (1) in the matter preceding paragraph (1)—

13 (A) by striking “The Secretary” and in-
14 serting “Not later than five days after the sub-
15 mission by the President under section 1105(a)
16 of title 31 of the budget, the Secretary”;

17 (B) by inserting “in both electronic and
18 print formats” after “submit”; and

19 (C) by striking “2017” and inserting
20 “2021”;

21 (2) in paragraph (1), by inserting “and the
22 cyberspace operations forces” before the semicolon;
23 and

24 (3) in paragraph (2), by inserting “and the
25 cyberspace operations forces” before the period.

1 **SEC. 1622. CYBERSPACE SOLARIUM COMMISSION.**

2 Section 1652 of the John S. McCain National De-
3 fense Authorization Act for Fiscal Year 2019 (Public Law
4 115–232), is amended—

5 (1) in subsection (b)(1)—

6 (A) in subparagraph (A), by—

7 (i) striking clauses (i) through (iv);

8 and

9 (ii) redesignating clauses (v) through
10 (viii) as clauses (i) through (iv), respec-
11 tively; and

12 (B) in subparagraph (B)(i), by striking
13 “and who are appointed under clauses (iv)
14 through (vii) of subparagraph (A)”;

15 (2) in subsection (d)(2), by striking “Seven”
16 and inserting “Six”;

17 (3) in subsection (h), by—

18 (A) striking “(1) IN GENERAL.—(A)”;

19 (B) striking paragraph (2);

20 (4) in subsection (i)(1)(B), by striking “officers
21 or employees of the United States or”; and

22 (5) in subsection (k)(2)—

23 (A) in subparagraph (A), by striking “at
24 the end of the 120-day period beginning on”
25 and inserting “2 years after”;

26 (B) in subparagraph (B), by—

1 (i) striking “may use the 120-day”
2 and inserting “shall use the 2-year”;

3 (ii) striking “for the purposes of con-
4 cluding its activities, including providing
5 testimony to Congress concerning the final
6 report referred to in that paragraph and
7 disseminating the report” and inserting
8 the following: “for the purposes of—”:

9 “(i) collecting and assessing com-
10 ments and feedback from the Executive
11 Branch, academia, and the public on the
12 analysis and recommendations contained in
13 the Commission’s report;

14 “(ii) collecting and assessing any de-
15 velopments in cybersecurity that may af-
16 fect the analysis and recommendations
17 contained in the Commission’s report;

18 “(iii) reviewing the implementation of
19 the recommendations contained in the
20 Commission’s report;

21 “(iv) revising, amending, or making
22 new recommendations based on the assess-
23 ments and reviews required under clauses
24 (i)–(iii);

1 “(v) providing an annual update to
2 the congressional defense committees, the
3 congressional intelligence committees, the
4 Committee on Homeland Security of the
5 House of Representatives, the Committee
6 on Homeland Security and Governmental
7 Affairs of the Senate, the Director of Na-
8 tional Intelligence, the Secretary of De-
9 fense, and the Secretary of Homeland Se-
10 curity in a manner and format determined
11 by the Commission regarding any such re-
12 visions, amendments, or new recommenda-
13 tions; and

14 “(vi) concluding its activities, includ-
15 ing providing testimony to Congress con-
16 cerning the final report referred to in that
17 paragraph and disseminating the report.”;
18 and

19 (C) by adding at the end the following new
20 subparagraph:

21 “(C) If the Commission is extended, and the ef-
22 fective date of such extension is after the date on
23 which the Commission terminated, the Commission
24 shall be deemed reconstituted with the same mem-

1 bers and powers that existed on the day before such
2 termination date, except that—

3 “(i) a member of the Commission may
4 serve only if the member’s position continues to
5 be authorized under subsection (b);

6 “(ii) no compensation or entitlements re-
7 lating to a person’s status with the Commission
8 shall be due for the period between the termi-
9 nation and reconstitution of the Commission;

10 “(iii) nothing in this subparagraph may be
11 construed as requiring the extension or reem-
12 ployment of any staff member or contractor
13 working for the Commission;

14 “(iv) the staff of the Commission shall
15 be—

16 “(I) selected by the co-chairs of the
17 Commission in accordance with subsection
18 (h)(1);

19 “(II) comprised of not more than four
20 individuals, including a staff director; and

21 “(III) resourced in accordance with
22 subsection (g)(4)(A);

23 “(v) with the approval of the co-chairs,
24 may be provided by contract with a nongovern-
25 mental organization;

1 “(vi) any unexpended funds made available
2 for the use of the Commission shall continue to
3 be available for use for the life of the Commis-
4 sion, as well as any additional funds appro-
5 priated to the Department of Defense that are
6 made available to the Commission, provided
7 that the total such funds does not exceed
8 \$1,000,000 from the reconstitution of the Com-
9 mission to the completion of the Commission;
10 and

11 “(vii) the requirement for an assessment of
12 the final report in subsection (l) shall be up-
13 dated to require annually for a period of 2
14 years further assessments of the Federal Gov-
15 ernment’s responses to the Commission’s rec-
16 ommendations contained in such final report.”.

17 **SEC. 1623. TAILORED CYBERSPACE OPERATIONS ORGANI-**
18 **ZATIONS.**

19 (a) IN GENERAL.—Not later than 120 days after the
20 date of the enactment of this Act, the Secretary of the
21 Navy, in conjunction with the Chief of Naval Operations,
22 shall submit to the congressional defense committees a
23 study of the Navy Cyber Warfare Development Group
24 (NCWDG).

1 (b) ELEMENTS.—The study required under sub-
2 section (a) shall include the following:

3 (1) An examination of NCWDG's structure,
4 manning, authorities, funding, and operations.

5 (2) A review of organizational relationships
6 both within the Navy and to other Department of
7 Defense organizations, as well as non-Department of
8 Defense organizations.

9 (3) Recommendations for how the NCWDG can
10 be strengthened and improved, without growth in
11 size.

12 (c) DESIGNATION.—Notwithstanding any other pro-
13 vision of law, the Secretary of the Navy shall designate
14 the NCWDG as a screened command.

15 (d) RELEASE.—The Secretary of the Navy shall
16 transmit the study required under subsection (a) to the
17 secretaries of the military services and the Commander of
18 United States Special Operations Command.

19 (e) EXEMPLAR.—The service secretaries and the
20 Commander of United States Special Operations Com-
21 mand are authorized to establish counterpart tailored
22 cyberspace operations organizations of comparable size to
23 the NCWDG within the military service or command, re-
24 spectively, of each such secretary and Commander. Such
25 counterpart organizations shall have the same authorities

1 as the NCWDG. Not later than 30 days after receipt by
2 each of the service secretaries and the Commander under
3 subsection (d) of the study required under subsection (a),
4 each such service secretary and Commander, as the case
5 may be, shall brief the congressional defense committees
6 regarding whether or not each such service secretary or
7 Commander intends to utilize the authority under this
8 subsection.

9 **SEC. 1624. RESPONSIBILITY FOR THE SECTOR RISK MAN-**
10 **AGEMENT AGENCY FUNCTION OF THE DE-**
11 **PARTMENT OF DEFENSE.**

12 (a) DEFINITIONS.—

13 (1) IN GENERAL.—In this section:

14 (A) CRITICAL INFRASTRUCTURE.—The
15 term “critical infrastructure” has the meaning
16 given such term in section 1016(e) of the Unit-
17 ing and Strengthening America by Providing
18 Appropriate Tools Required to Intercept and
19 Obstruct Terrorism (USA PATRIOT ACT) Act
20 of 2001 (42 U.S.C. 5195c(e)).

21 (B) SECTOR RISK MANAGEMENT AGEN-
22 CY.—The term “Sector Risk Management
23 Agency” means a Federal department or agen-
24 cy designated as a Sector Specific Agency under
25 Presidential Policy Directive–21 to be respon-

1 sible for providing institutional knowledge and
2 specialized expertise to, as well as leading, fa-
3 cilitating, or supporting, the security and resil-
4 ience programs and associated activities of its
5 designated critical infrastructure sector in the
6 all-hazards environment.

7 (2) REFERENCE.—Any reference to a Sector-
8 Specific Agency in any law, regulation, map, docu-
9 ment, record, or other paper of the United States
10 shall be deemed to be a reference to the Sector Risk
11 Management Agency of the Federal Government for
12 the relevant critical infrastructure sector.

13 (b) DESIGNATION.—The Secretary of Defense shall
14 designate the Principal Cyber Advisor of the Department
15 of Defense as the lead official, and the Office of the Prin-
16 cipal Cyber Advisor as the lead component, for the De-
17 partment's role and functions as the Sector Risk Manage-
18 ment Agency for the Defense Industrial Base.

19 (c) RESPONSIBILITIES.—As the lead official for the
20 Department of Defense's Sector Risk Management Agency
21 functions, the Principal Cyber Advisor of the Department
22 shall be responsible for all activities performed by the De-
23 partment in its support of the Defense Industrial Base,
24 as one of the critical infrastructure sectors of the United
25 States. Such activities shall include the following:

1 (1) Synchronization, harmonization, de-conflic-
2 tion, and management for the execution of all De-
3 partment programs, initiatives, efforts, and commu-
4 nication related to the Department's Sector Risk
5 Management Agency function, including any Depart-
6 ment program, initiative, or effort that addresses the
7 cybersecurity of the Defense Industrial Base.

8 (2) Leadership and management of the Defense
9 Industrial Base Government Coordinating Council.

10 (3) Direct interface and sponsorship of the De-
11 fense Industrial Base Sector Coordinating Council.

12 (4) Organization of quarterly in-person meet-
13 ings of both the Defense Industrial Base Govern-
14 ment Coordinating Council and the Defense Indus-
15 trial Base Sector Coordinating Council.

16 (d) ADDITIONAL FUNCTIONS.—In carrying out this
17 section, the Principal Cyber Advisor of the Department
18 of Defense shall—

19 (1) coordinate with relevant Federal depart-
20 ments and agencies, and collaborate with critical in-
21 frastructure owners and operators, where appro-
22 priate with independent regulatory agencies, and
23 with State, local, territorial, and Tribal entities, as
24 appropriate;

1 (2) serve as a day-to-day Federal interface for
2 the dynamic prioritization and coordination of sec-
3 tor-specific activities;

4 (3) carry out incident management responsibil-
5 ities;

6 (4) provide, support, or facilitate technical as-
7 sistance and consultations for the Defense Industrial
8 Base to identify cyber or physical vulnerabilities and
9 help mitigate incidents, as appropriate; and

10 (5) support the statutorily required reporting
11 requirements of such relevant Federal departments
12 and agencies by providing to such departments and
13 agencies on an annual basis sector-specific critical
14 infrastructure information.

15 **SEC. 1625. DEPARTMENT OF DEFENSE CYBER WORKFORCE**
16 **EFFORTS.**

17 (a) RESOURCES FOR CYBER EDUCATION.—

18 (1) IN GENERAL.—The Chief Information Offi-
19 cer of the Department of Defense, in consultation
20 with the Director of the National Security Agency
21 (NSA), shall examine the current policies permitting
22 National Security Agency employees to use up to
23 140 hours of paid time toward NSA’s cyber edu-
24 cation programs.

25 (2) REPORT.—

1 (A) IN GENERAL.—Not later than 90 days
2 after the date of the enactment of this Act, the
3 Chief Information Officer shall submit to the
4 congressional defense committees and the con-
5 gressional intelligence committees a strategy for
6 expanding the policies described in paragraph
7 (1) to—

8 (i) individuals who occupy positions
9 described in section 1599f of title 10,
10 United States Code; and

11 (ii) any other individuals who the
12 Chief Information Officer determines ap-
13 propriate.

14 (B) IMPLEMENTATION PLAN.—The report
15 required under subparagraph (A) shall detail
16 the utilization of the policies in place at the Na-
17 tional Security Agency, as well as an implemen-
18 tation plan that describes the mechanisms need-
19 ed to expand the use of such policies to accom-
20 modate wider participation by individuals de-
21 scribed in such subparagraph. Such implemen-
22 tation plan shall detail how such individuals
23 would be able to connect to the instructional
24 and participatory opportunities available
25 through the efforts, programs, initiatives, and

1 investments accounted for in the report re-
2 quired under section 1649 of the National De-
3 fense Authorization Act for Fiscal Year 2020
4 (Public Law 116–92), including the following
5 programs:

6 (i) GenCyber.

7 (ii) Centers for Academic Excellence –
8 Cyber Defense.

9 (iii) Centers for Academic Excellence
10 – Cyber Operations.

11 (C) DEADLINE.—Not later than 120 days
12 after the submission of the report required
13 under subparagraph (A), the Chief Information
14 Officer of the Department of Defense shall
15 carry out the implementation plan contained in
16 such report.

17 (b) IMPROVING THE TRAINING WITH INDUSTRY PRO-
18 GRAM.—

19 (1) IN GENERAL.—Not later than 120 days
20 after the date of the enactment of this Act, the Prin-
21 cipal Cyber Advisor of the Department of Defense,
22 in consultation with the Principal Cyber Advisors of
23 the military services and the Under Secretary of De-
24 fense for Personnel and Readiness, shall submit to
25 the congressional defense committees a review of the

1 current utilization and utility of the Training With
2 Industry (TWI) programs, including relating to the
3 following:

4 (A) Recommendations regarding how to
5 improve and better utilize such programs, in-
6 cluding regarding individuals who have com-
7 pleted such programs.

8 (B) An implementation plan to carry out
9 such recommendations.

10 (2) ADDITIONAL.—Not later than 90 days after
11 the submission of the report required under para-
12 graph (1), the Principal Cyber Advisor of the De-
13 partment of Defense shall carry out the implementa-
14 tion plan required under paragraph (1).

15 (c) ALIGNMENT OF CYBERSECURITY TRAINING PRO-
16 GRAMS.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the congressional
20 defense committees a report containing recommenda-
21 tions on how cybersecurity training programs de-
22 scribed in section 1649 of the National Defense Au-
23 thorization Act for Fiscal Year 2020 can be better
24 aligned and harmonized.

1 (2) REPORT.—The report required under para-
2 graph (1) shall provide recommendations concerning
3 the following topics and information:

4 (A) Developing a comprehensive mecha-
5 nism for utilizing and leveraging the Cyber Ex-
6 cepted Service workforce of the Department of
7 Defense referred to in subsection (a), as well as
8 mechanisms for military participation.

9 (B) Unnecessary redundancies in such pro-
10 grams, or in any related efforts, initiatives, or
11 investments.

12 (C) Mechanisms for tracking participation
13 and transition of participation from one such
14 program to another.

15 (D) Department level oversight and man-
16 agement of such programs.

17 (3) CYBER WORKFORCE PIPELINE AND EARLY
18 CHILDHOOD EDUCATION.—

19 (A) ELEMENTS.—The Secretary of De-
20 fense shall, when completing the report required
21 under paragraph (1), take into consideration
22 existing Federal childhood cyber education pro-
23 grams, including the programs identified in the
24 report required under section 1649 of the Na-
25 tional Defense Authorization Act for Fiscal

1 Year 2020 (Public Law 116–92) and the De-
2 partment of Homeland Security’s Cybersecurity
3 Education and Training Assistance Program
4 (CETAP), that can provide opportunities to
5 military-connected students and members of the
6 Armed Forces to pursue cyber careers.

7 (B) DEFINITION.—In this paragraph, the
8 term “military-connected student” means an in-
9 dividual who—

10 (i) is a dependent a member of the
11 Armed Forces serving on active duty; and

12 (ii) is enrolled in a preschool, an ele-
13 mentary or secondary school, or an institu-
14 tion of higher education.

15 **SEC. 1626. REPORTING REQUIREMENTS FOR CROSS DO-**
16 **MAIN COMPROMISES AND EXEMPTIONS TO**
17 **POLICIES FOR INFORMATION TECHNOLOGY.**

18 (a) COMPROMISE REPORTING.—

19 (1) IN GENERAL.—Effective beginning in Octo-
20 ber 2020, the Secretary of Defense and the secre-
21 taries of the military services shall submit to the
22 congressional defense committees a monthly report
23 in writing that documents each instance or indica-
24 tion of a cross-domain compromise within the De-
25 partment of Defense.

1 (2) PROCEDURES.—The Secretary of Defense
2 shall submit to the congressional defense committees
3 procedures for complying with the requirements of
4 subsection (a) consistent with the national security
5 of the United States and the protection of oper-
6 ational integrity. The Secretary shall promptly notify
7 such committees in writing of any changes to such
8 procedures at least 14 days prior to the adoption of
9 any such changes.

10 (3) DEFINITION.—In this subsection, the term
11 “cross domain compromise” means any unauthorized
12 connection between software, hardware, or both de-
13 signed for use on a network or system built for clas-
14 sified data and the public internet.

15 (b) EXEMPTIONS TO POLICY FOR INFORMATION
16 TECHNOLOGY.—Not later than 6 months after the date
17 of the enactment of this Act and biannually thereafter,
18 the Secretary of Defense and the secretaries of the mili-
19 tary services shall submit to the congressional defense
20 committees a report in writing that enumerates and de-
21 tails each current exemption to information technology
22 policy, interim Authority To Operate (ATO) order, or
23 both. Each such report shall include other relevant infor-
24 mation pertaining to each such exemption, including relat-
25 ing to the following:

- 1 (1) Risk categorization.
- 2 (2) Duration.
- 3 (3) Estimated time remaining.

4 **SEC. 1627. ASSESSING PRIVATE-PUBLIC COLLABORATION**
5 **IN CYBERSECURITY.**

6 (a) REQUIREMENT.—Not later than 120 days after
7 the date of the enactment of this Act, the Secretary of
8 Defense shall—

9 (1) conduct a review and assessment of any on-
10 going public-private collaborative initiatives involving
11 the Department of Defense and the private sector
12 related to cybersecurity and defense of critical infra-
13 structure, including—

14 (A) the United States Cyber Command's
15 Pathfinder initiative and any derivative initia-
16 tive;

17 (B) the Department's support to and inte-
18 gration with existing Federal cybersecurity cen-
19 ters and organizations; and

20 (C) comparable initiatives led by other
21 Federal departments or agencies that support
22 long-term public-private cybersecurity collabora-
23 tion; and

24 (2) make recommendations for improvements
25 and the requirements and resources necessary to in-

1 stitutionalize and strengthen the initiatives described
2 in subparagraphs (A) through (C) of paragraph (1).

3 (b) REPORT.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall submit to the congressional defense committees
6 a report on the review, assessment, and rec-
7 ommendations under subsection (a).

8 (2) FORM.—The report required under para-
9 graph (1) may be submitted in unclassified or classi-
10 fied form, as necessary.

11 (c) DEFINITION.—In this section, the term “critical
12 infrastructure” has the meaning given such term in sec-
13 tion 1016(e) of the Uniting and Strengthening America
14 by Providing Appropriate Tools Required to Intercept and
15 Obstruct Terrorism (USA PATRIOT ACT) Act of 2001
16 (42 U.S.C. 5195c(e)).

17 **SEC. 1628. CYBER CAPABILITIES AND INTEROPERABILITY**
18 **OF THE NATIONAL GUARD.**

19 (a) EVALUATION.—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of De-
21 fense, in conjunction with the Chief of the National Guard
22 Bureau, shall submit to the congressional defense commit-
23 tees, the Committee on Appropriations of the House of
24 Representatives, and the Committee on Appropriations of
25 the Senate a review of the statutes, rules, regulations, and

1 standards that pertain to the use of the National Guard
2 for the response to and recovery from significant cyber
3 incidents.

4 (b) RECOMMENDATIONS.—The review required under
5 subsection (a) shall address the following:

6 (1) Regulations promulgated under section 903
7 of title 32, United States Code, to allow the Na-
8 tional Guard to conduct homeland defense activities
9 that the Secretary of Defense determines to be nec-
10 essary and appropriate in accordance with section
11 902 of such title in response to a cyber attack.

12 (2) Compulsory guidance from the Chief of the
13 National Guard Bureau regarding how the National
14 Guard shall collaborate with the Cybersecurity and
15 Infrastructure Security Agency of the Department of
16 Homeland Security and the Federal Bureau of In-
17 vestigation of the Department of Justice through
18 multi-agency task forces, information-sharing
19 groups, incident response planning and exercises,
20 and other relevant forums and activities.

21 (3) A plan for how the Chief of the National
22 Guard Bureau will collaborate with the Secretary of
23 Homeland Security to develop an annex to the Na-
24 tional Cyber Incident Response Plan that details the

1 regulations and guidance described in paragraphs
2 (1) and (2).

3 (c) DEFINITION.—The term “significant cyber inci-
4 dent” means a cyber incident that results, or several re-
5 lated cyber incidents that result, in demonstrable harm
6 to—

7 (1) the national security interests, foreign rela-
8 tions, or economy of the United States; or

9 (2) the public confidence, civil liberties, or pub-
10 lic health and safety of the American people.

11 **SEC. 1629. EVALUATION OF NON-TRADITIONAL CYBER SUP-**
12 **PORT TO THE DEPARTMENT OF DEFENSE.**

13 (a) REQUIREMENT.—Not later than 270 days after
14 the date of the enactment of this Act, the Principal Cyber
15 Advisor to the Secretary of Defense, in conjunction with
16 the Under Secretary for Personnel and Readiness of the
17 Department of Defense and the Principal Cyber Advisors
18 of the military services, shall complete an assessment and
19 evaluation of reserve models tailored to the support of
20 cyberspace operations for the Department.

21 (b) EVALUATION COMPONENTS.—The assessment
22 and evaluation required under subsection (a) shall include
23 the following components:

24 (1) A current assessment of reserve and Na-
25 tional Guard support to Cyber Operations Forces.

1 (2) An enumeration and evaluation of various
2 reserve, National Guard, auxiliary, and non-tradi-
3 tional support models which are applicable to cyber-
4 space operations, including a consideration of models
5 utilized domestically and internationally.

6 (3) A utility assessment of a dedicated reserve
7 cadre specific to United States Cyber Command and
8 Cyber Operations Forces.

9 (4) An analysis of the costs associated with the
10 models evaluated pursuant to paragraph (2).

11 (5) An assessment of the recruitment programs
12 necessary for implementation of the models evalu-
13 ated pursuant to paragraph (2).

14 (b) REPORT.—

15 (1) IN GENERAL.—The Secretary of Defense,
16 acting through the Principal Cyber Advisor of the
17 Department of Defense, shall submit to the congres-
18 sional defense committees a report on the assess-
19 ment and evaluation required under subsection (a).

20 (2) FORM.—The report required under para-
21 graph (1) may be submitted in classified or unclassi-
22 fied form, as necessary.

1 **SEC. 1630. ESTABLISHMENT OF INTEGRATED CYBER CEN-**
2 **TER.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of Home-
5 land Security, in coordination with the Secretary of De-
6 fense, the Attorney General, the Director of the Federal
7 Bureau of Investigation, and the Director of National In-
8 telligence, shall submit to the relevant congressional com-
9 mittees a report on Federal cybersecurity centers and the
10 potential for better coordination of Federal cyber efforts
11 at an integrated cyber center within the national cyberse-
12 curity and communications integration center of the De-
13 partment of Homeland Security established pursuant to
14 section 2209 of the Homeland Security Act of 2002 (6
15 U.S.C. 659).

16 (b) CONTENTS.—To prepare the report required by
17 subsection (a), the Secretary of Homeland Security shall
18 aggregate information from components of the Depart-
19 ment of Homeland Security with information provided to
20 the Secretary of Homeland Security by the Secretary of
21 Defense, the Attorney General, the Director of the Federal
22 Bureau of Investigation, and the Director of National In-
23 telligence. Such aggregated information shall relate to the
24 following topics:

25 (1) Any challenges regarding capacity and
26 funding identified by the Secretary of Homeland Se-

1 security, the Director of the Federal Bureau of Inves-
2 tigation, the Attorney General, the Secretary of De-
3 fense, or the Director of National Intelligence that
4 negatively impact coordination with the national cy-
5 bersecurity and communications integration center
6 of the Department of Homeland Security in further-
7 ance of the security and resilience of critical infra-
8 structure.

9 (2) Distinct statutory authorities identified by
10 the Secretary of Homeland Security, the Attorney
11 General, the Director of the Federal Bureau of In-
12 vestigation, the Secretary of Defense, or the Direc-
13 tor of National Intelligence that should not be lever-
14 aged by an integrated cyber center within the na-
15 tional cybersecurity and communications integration
16 center.

17 (3) Any challenges associated with effective
18 mission coordination and deconfliction between the
19 Cybersecurity and Infrastructure Security Agency of
20 the Department of Homeland Security and other
21 Federal agencies that could be addressed with the
22 creation of an integrated cyber center within the na-
23 tional cybersecurity and communications integration
24 center.

1 (4) How capabilities or missions of existing
2 Federal cyber centers could benefit from greater in-
3 tegration or collocation to support cybersecurity col-
4 laboration with critical infrastructure at an inte-
5 grated cyber center within the national cybersecurity
6 and communications integration center, including
7 the following Federal cyber centers:

8 (A) The National Security Agency's Cyber
9 Threat Operations Center.

10 (B) United States Cyber Command's Joint
11 Operations Center.

12 (C) The Office of the Director of National
13 Intelligence's Cyber Threat Intelligence Integra-
14 tion Center.

15 (D) The Federal Bureau of Investigation's
16 National Cyber Investigative Joint Task Force.

17 (E) The Department of Defense's Defense
18 Cyber Crime Center.

19 (F) The Office of the Director of National
20 Intelligence's Intelligence Community Security
21 Coordination Center.

22 (c) ELEMENTS.—The report required under sub-
23 section (a) shall—

24 (1) identify any challenges regarding the Cyber-
25 security and Infrastructure Security Agency's cur-

1 rent authorities, structure, resources, funding, abil-
2 ity to recruit and retain its workforce, or inter-
3 agency coordination that negatively impact the abil-
4 ity of the Agency to fulfill its role as the central co-
5 ordinator for critical infrastructure cybersecurity
6 and resilience pursuant to its authorities under the
7 Homeland Security Act of 2002, and information on
8 how establishing an integrated cyber center within
9 the national cybersecurity and communications inte-
10 gration center would address such challenges;

11 (2) identify any facility needs for the Cyberse-
12 curity and Infrastructure Security Agency to ade-
13 quately host personnel, maintain sensitive compart-
14 mented information facilities, and other resources to
15 serve as the primary coordinating body charged with
16 forging whole-of-government, public-private collabo-
17 ration in cybersecurity, pursuant to such authorities;

18 (3) identify any lessons from the United King-
19 dom's National Cybersecurity Center model to deter-
20 mine whether an integrated cyber center within the
21 Cybersecurity and Infrastructure Security Agency
22 should be similarly organized into an unclassified en-
23 vironment and a classified environment;

24 (4) recommend any changes to procedures and
25 criteria for increasing and expanding the participa-

1 tion and integration of public- and private-sector
2 personnel into Federal cyber defense and security ef-
3 forts, including continuing limitations or hurdles in
4 the security clearance program for private sector
5 partners and integrating private sector partners into
6 a Cybersecurity and Infrastructure Security Agency
7 integrated cyber center; and

8 (5) propose policies, programs, or practices that
9 could overcome challenges identified in the aggre-
10 gated information under subsection (b), including
11 the creation of an integrated cyber center within the
12 national cybersecurity and communications integra-
13 tion center, accompanied by legislative proposals, as
14 appropriate.

15 (d) PLAN.—Upon submitting the report pursuant to
16 subsection (a), the Secretary of Homeland Security, in co-
17 ordination with the Secretary of Defense, the Attorney
18 General, the Director of the Federal Bureau of Investiga-
19 tion, and the Director of National Intelligence, shall de-
20 velop a plan to establish an integrated cyber center within
21 the national cybersecurity and communications integration
22 center.

23 (e) ESTABLISHMENT.—Not later than 1 year after
24 the submission of the report required under subsection (a),
25 the Secretary of Homeland Security, in coordination with

1 the Secretary of Defense, the Attorney General, the Direc-
2 tor of the Federal Bureau of Investigation, and the Direc-
3 tor of National Intelligence, shall begin establishing an in-
4 tegrated cyber center in the national cybersecurity and
5 communications integration center.

6 (f) ANNUAL UPDATES.—Beginning 1 year after the
7 submission of the report required under subsection (a) and
8 annually thereafter, the Secretary of Homeland Security,
9 in coordination with the Secretary of Defense, the Attor-
10 ney General, the Director of the Federal Bureau of Inves-
11 tigation, and the Director of National Intelligence, shall
12 submit to the relevant congressional committees updates
13 regarding efforts to establish and operate an integrated
14 cyber center in the national cybersecurity and communica-
15 tions integration center pursuant to subsection (e), includ-
16 ing information on progress made toward overcoming any
17 challenges identified in the report required by subsection
18 (a).

19 (g) PRIVACY REVIEW.—The Privacy Officers of the
20 Department of Homeland Security, the Department of
21 Defense, the Department of Justice, and the Federal Bu-
22 reau of Investigation, and the Director of National Intel-
23 ligence shall review and provide to the relevant congres-
24 sional committees comment, as appropriate, on each re-
25 port and legislative proposal submitted under this section.

1 (h) DEFINITION.—In this section, the term “relevant
2 congressional committees” means—

3 (1) in the House of Representatives—

4 (A) the Committee on Armed Services;

5 (B) the Committee on the Judiciary;

6 (C) the Permanent Select Committee on
7 Intelligence; and

8 (D) the Committee on Homeland Security;

9 and

10 (2) in the Senate—

11 (A) the Committee on Armed Services;

12 (B) the Committee on the Judiciary;

13 (C) the Select Committee on Intelligence;

14 and

15 (D) the Committee on Homeland Security

16 and Governmental Affairs.

17 **SEC. 1631. CYBER THREAT INFORMATION COLLABORATION**
18 **ENVIRONMENT.**

19 (a) IN GENERAL.—In consultation with the Cyber
20 Threat Data Standards and Interoperability Council es-
21 tablished pursuant to subsection (d), the Secretary of
22 Homeland Security, in coordination with the Secretary of
23 Defense and the Director of National Intelligence (acting
24 through the Director of the National Security Agency),
25 shall develop an information collaboration environment

1 and associated analytic tools that enable entities to iden-
2 tify, mitigate, and prevent malicious cyber activity to—

3 (1) provide limited access to appropriate oper-
4 ationally relevant data about cybersecurity risks and
5 cybersecurity threats, including malware forensics
6 and data from network sensor programs, on a plat-
7 form that enables query and analysis;

8 (2) allow such tools to be used in classified and
9 unclassified environments drawing on classified and
10 unclassified data sets;

11 (3) enable cross-correlation of data on cyberse-
12 curity risks and cybersecurity threats at the speed
13 and scale necessary for rapid detection and identi-
14 fication;

15 (4) facilitate a comprehensive understanding of
16 cybersecurity risks and cybersecurity threats; and

17 (5) facilitate collaborative analysis between the
18 Federal Government and private sector critical infra-
19 structure entities and information and analysis orga-
20 nizations.

21 (b) IMPLEMENTATION OF INFORMATION COLLABO-
22 RATION ENVIRONMENT.—

23 (1) EVALUATION.—Not later than 180 days
24 after the date of the enactment of this Act, the Sec-
25 retary of Homeland Security, acting through the Di-

1 rector of the Cybersecurity and Infrastructure Secu-
2 rity Agency of the Department of Homeland Secu-
3 rity, in coordination with the Secretary of Defense
4 and the Director of National Intelligence (acting
5 through the Director of the National Security Agen-
6 cy), shall—

7 (A) identify, inventory, and evaluate exist-
8 ing Federal sources of classified and unclassi-
9 fied information on cybersecurity threats;

10 (B) evaluate current programs, applica-
11 tions, or platforms intended to detect, identify,
12 analyze, and monitor cybersecurity risks and
13 cybersecurity threats; and

14 (C) coordinate with private sector critical
15 infrastructure entities and, as determined ap-
16 propriate by the Secretary of Homeland Secu-
17 rity, in consultation with the Secretary of De-
18 fense, other private sector entities, to identify
19 private sector cyber threat capabilities, needs,
20 and gaps.

21 (2) IMPLEMENTATION.—Not later than 1 year
22 after the evaluation required under paragraph (1),
23 the Secretary of Homeland Security, acting through
24 the Director of the Cybersecurity and Infrastructure
25 Security Agency, in coordination with the Secretary

1 of Defense and the Director of National Intelligence
2 (acting through the Director of the National Security Agency), shall begin implementation of the information collaboration environment developed pursuant to subsection (a) to enable participants in
3 such environment to develop and run analytic tools
4 referred to in such subsection on specified data sets
5 for the purpose of identifying, mitigating, and preventing malicious cyber activity that is a threat to
6 government and critical infrastructure. Such environment and use of such tools shall—

12 (A) operate in a manner consistent with
13 relevant privacy, civil rights, and civil liberties
14 policies and protections, including such policies
15 and protections established pursuant to section
16 1016 of the Intelligence Reform and Terrorism
17 Prevention Act of 2004 (6 U.S.C. 485);

18 (B) account for appropriate data standards
19 and interoperability requirements, consistent
20 with the standards set forth in subsection (d);

21 (C) enable integration of current applications, platforms, data, and information, including classified information, in a manner that
22 supports integration of unclassified and classifi-

1 fied information on cybersecurity risks and cy-
2 bersecurity threats;

3 (D) incorporate tools to manage access to
4 classified and unclassified data, as appropriate;

5 (E) ensure accessibility by entities the Sec-
6 retary of Homeland Security, in consultation
7 with the Secretary of Defense and the Director
8 of National Intelligence (acting through the Di-
9 rector of the National Security Agency), deter-
10 mines appropriate;

11 (F) allow for access by critical infrastruc-
12 ture stakeholders and other private sector part-
13 ners, at the discretion of the Secretary of
14 Homeland Security, in consultation with the
15 Secretary of Defense;

16 (G) deploy analytic tools across classifica-
17 tion levels to leverage all relevant data sets, as
18 appropriate;

19 (H) identify tools and analytical software
20 that can be applied and shared to manipulate,
21 transform, and display data and other identified
22 needs; and

23 (I) anticipate the integration of new tech-
24 nologies and data streams, including data from
25 government-sponsored network sensors or net-

1 work-monitoring programs deployed in support
2 of State, local, Tribal, and territorial govern-
3 ments or private sector entities.

4 (c) ANNUAL REVIEW OF IMPACTS ON PRIVACY, CIVIL
5 RIGHTS, AND CIVIL LIBERTIES.—The Secretary of Home-
6 land Security and the Director of National Intelligence
7 (acting through the Director of the Cybersecurity and In-
8 frastructure Security Agency and the Director of the Na-
9 tional Security Agency, respectively) shall direct the Pri-
10 vacy, Civil Rights, and Civil Liberties Officers of their re-
11 spective agencies, in consultation with Privacy, Civil
12 Rights, and Civil Liberties Officers of other Federal agen-
13 cies participating in the information collaboration environ-
14 ment, to conduct an annual review of the information col-
15 laboration environment for compliance with fair informa-
16 tion practices and civil rights and civil liberties policies.
17 Each such report shall be—

18 (1) unclassified, to the maximum extent pos-
19 sible, but may contain a non-public or classified
20 annex to protect sources or methods and any other
21 sensitive information restricted by Federal law;

22 (2) with respect to the unclassified portions of
23 each such report, made available on the public inter-
24 net websites of the Department of Homeland Secu-

1 rity and the Office of the Director of National Intel-
2 ligence—

3 (A) not later than 30 days after submis-
4 sion to the appropriate congressional commit-
5 tees; and

6 (B) in an electronic format that is fully in-
7 dexed and searchable; and

8 (3) with respect to a classified annex, submitted
9 to the appropriate congressional committees in an
10 electronic format that is fully indexed and search-
11 able.

12 (d) POST-DEPLOYMENT ASSESSMENT.—Not later
13 than 2 years after the implementation of the information
14 collaboration environment under subsection (b), the Sec-
15 retary of Homeland Security, the Secretary of Defense,
16 and the Director of National Intelligence (acting through
17 the Director of the National Security Agency) shall jointly
18 submit to the appropriate congressional committees an as-
19 sessment of whether to include additional entities, includ-
20 ing critical infrastructure information sharing and anal-
21 ysis organizations, in such environment.

22 (e) CYBER THREAT DATA STANDARDS AND INTER-
23 OPERABILITY COUNCIL.—

24 (1) ESTABLISHMENT.—There is established an
25 interagency council, to be known as the “Cyber

1 Threat Data Standards and Interoperability Coun-
2 cil” (in this subsection referred to as the “council”),
3 chaired by the Secretary of Homeland Security, to
4 establish data standards and requirements for public
5 and private sector entities to participate in the infor-
6 mation collaboration environment developed pursu-
7 ant to subsection (a).

8 (2) OTHER MEMBERSHIP.—

9 (A) PRINCIPAL MEMBERS.—In addition to
10 the Secretary of Homeland Security, the council
11 shall be composed of the Director of the Cyber-
12 security and Infrastructure Security Agency of
13 the Department of Homeland Security, the Sec-
14 retary of Defense, and the Director of National
15 Intelligence (acting through the Director of the
16 National Security Agency).

17 (B) ADDITIONAL MEMBERS.—The Presi-
18 dent shall identify and appoint council members
19 from public and private sector entities who
20 oversee programs that generate, collect, or dis-
21 seminate data or information related to the de-
22 tection, identification, analysis, and monitoring
23 of cybersecurity risks and cybersecurity threats,
24 based on recommendations submitted by the
25 Secretary of Homeland Security, the Secretary

1 of Defense, and the Director of National Intel-
2 ligence (acting through the Director of the Na-
3 tional Security Agency).

4 (3) DATA STREAMS.—The council shall identify,
5 designate, and periodically update programs that
6 shall participate in or be interoperable with the in-
7 formation collaboration environment developed pur-
8 suant to subsection (a), which may include the fol-
9 lowing:

10 (A) Network-monitoring and intrusion de-
11 tection programs.

12 (B) Cyber threat indicator sharing pro-
13 grams.

14 (C) Certain government-sponsored network
15 sensors or network-monitoring programs.

16 (D) Incident response and cybersecurity
17 technical assistance programs.

18 (E) Malware forensics and reverse-engi-
19 neering programs.

20 (F) The defense industrial base threat in-
21 telligence program of the Department of De-
22 fense.

23 (4) DATA GOVERNANCE.—The council shall es-
24 tablish a committee comprised of the privacy officers
25 of the Department of Homeland Security, the De-

1 partment of Defense, and the National Security
2 Agency. Such committee shall establish procedures
3 and data governance structures, as necessary, to
4 protect sensitive data, comply with Federal regula-
5 tions and statutes, and respect existing consent
6 agreements with private sector critical infrastructure
7 entities that apply to critical infrastructure informa-
8 tion.

9 (5) RECOMMENDATIONS.—The council shall, as
10 appropriate, submit recommendations to the Presi-
11 dent to support the operation, adaptation, and secu-
12 rity of the information collaboration environment de-
13 veloped pursuant to subsection (a).

14 (f) NO ADDITIONAL ACTIVITIES AUTHORIZED.—

15 Nothing in section may be construed to—

16 (1) alter the responsibility of entities to follow
17 guidelines issued pursuant to section 105(b) of the
18 Cybersecurity Act of 2015 (6 U.S.C. 1504(b); en-
19 acted as division N of the Consolidated Appropria-
20 tions Act, 2016 (Public Law 114–113)) with respect
21 to data obtained by an entity in connection with ac-
22 tivities authorized under the Cybersecurity Act of
23 2015 and shared through the information collabora-
24 tion environment developed pursuant to subsection
25 (a); or

1 (2) authorize Federal or private entities to
2 share information in a manner not already permitted
3 by law.

4 (g) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) in the House of Representatives—

9 (i) the Permanent Select Committee
10 on Intelligence;

11 (ii) the Committee on Homeland Se-
12 curity;

13 (iii) the Committee on the Judiciary;
14 and

15 (iv) the Committee on Armed Serv-
16 ices; and

17 (B) in the Senate—

18 (i) the Select Committee on Intel-
19 ligence;

20 (ii) the Committee on Homeland Se-
21 curity and Governmental Affairs;

22 (iii) the Committee on the Judiciary;
23 and

24 (iv) the Committee on Armed Serv-
25 ices.

1 (2) CRITICAL INFRASTRUCTURE.—The term
2 “critical infrastructure” has the meaning given such
3 term in section 1016(e) of Public Law 107–56 (42
4 U.S.C. 5195c(e)).

5 (3) CRITICAL INFRASTRUCTURE INFORMA-
6 TION.—The term “critical infrastructure informa-
7 tion” has the meaning given such term in section
8 2222 of the Homeland Security Act of 2002 (6
9 U.S.C. 671).

10 (4) CYBER THREAT INDICATOR.—The term
11 “cyber threat indicator” has the meaning given such
12 term in section 102(6) of the Cybersecurity Act of
13 2015 (enacted as division N of the Consolidated Ap-
14 propriations Act, 2016 (Public Law 114–113; 6
15 U.S.C. 1501(6))).

16 (5) CYBERSECURITY RISK.—The term “cyberse-
17 curity risk” has the meaning given such term in sec-
18 tion 2209 of the Homeland Security Act of 2002 (6
19 U.S.C. 659).

20 (6) CYBERSECURITY THREAT.—The term “cy-
21 bersecurity threat” has the meaning given such term
22 in section 102(5) of the Cybersecurity Act of 2015
23 (enacted as division N of the Consolidated Appro-
24 priations Act, 2016 (Public Law 114–113; 6 U.S.C.
25 1501(5))).

1 (7) INFORMATION SHARING AND ANALYSIS OR-
2 GANIZATION.—The term “information sharing and
3 analysis organization” has the meaning given such
4 term in section 2222 of the Homeland Security Act
5 of 2002 (6 U.S.C. 671).

6 **SEC. 1632. DEFENSE INDUSTRIAL BASE PARTICIPATION IN**
7 **A THREAT INTELLIGENCE SHARING PRO-**
8 **GRAM.**

9 (a) DEFINITION.—In this section, the term “defense
10 industrial base” means the worldwide industrial complex
11 with capabilities to perform research and development, de-
12 sign, produce, deliver, and maintain military weapon sys-
13 tems, subsystems, components, or parts to meet military
14 requirements.

15 (b) DEFENSE INDUSTRIAL BASE THREAT INTEL-
16 LIGENCE PROGRAM.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall establish a threat intelligence program to share
19 with and obtain from the defense industrial base in-
20 formation and intelligence on threats to national se-
21 curity.

22 (2) PROGRAM REQUIREMENTS.—At a minimum,
23 the Secretary of Defense shall ensure the threat in-
24 telligence sharing program established pursuant to
25 paragraph (1) includes the following:

1 (A) Cybersecurity incident reporting re-
2 quirements that—

3 (i) extend beyond current mandatory
4 incident reporting requirements;

5 (ii) set specific timeframes for all cat-
6 egories of such mandatory incident report-
7 ing; and

8 (iii) create a single clearinghouse for
9 all such mandatory incident reporting to
10 the Department of Defense, including cov-
11 ered unclassified information, covered de-
12 fense information, and classified informa-
13 tion.

14 (B) A mechanism for developing a shared
15 and real-time picture of the threat environment.

16 (C) Joint, collaborative, and co-located
17 analytics.

18 (D) Investments in technology and capa-
19 bilities to support automated detection and
20 analysis across the defense industrial base.

21 (E) Coordinated intelligence sharing with
22 relevant domestic law enforcement and counter-
23 intelligence agencies, in coordination, respec-
24 tively, with the Director of the Federal Bureau

1 of Investigation and the Director of National
2 Intelligence.

3 (F) A process for direct sharing of threat
4 intelligence related to a specific defense indus-
5 trial base entity with such entity.

6 (3) EXISTING INFORMATION SHARING PRO-
7 GRAMS.—The Secretary of Defense may utilize an
8 existing Department of Defense information sharing
9 program to satisfy the requirement under paragraph
10 (1) if such existing program includes, or is modified
11 to include, two-way sharing of threat information
12 that is specifically relevant to the defense industrial
13 base, including satisfying the requirements specified
14 in paragraph (2).

15 (4) INTELLIGENCE QUERIES.—As part of a
16 threat intelligence sharing program under this sub-
17 section, the Secretary of Defense shall require de-
18 fense industrial base entities holding a Department
19 of Defense contract to consent to queries of foreign
20 intelligence collection databases related to such enti-
21 ty as a condition of such contract.

22 (c) THREAT INTELLIGENCE PROGRAM PARTICIPA-
23 TION.—

24 (1) PROHIBITION ON PROCUREMENT.—Begin-
25 ning on the date that is than 1 year after the date

1 of the enactment of this Act, the Secretary of De-
2 fense may not procure or acquire, or extend or
3 renew a contract to procure or acquire, any item,
4 equipment, system, or service from any entity that
5 is not a participant in—

6 (A) the threat intelligence sharing program
7 established pursuant paragraph (1) of sub-
8 section (b); or

9 (B) a comparably widely-utilized threat in-
10 telligence sharing program described in para-
11 graph (3) of such subsection.

12 (2) APPLICATION TO SUBCONTRACTORS.—No
13 entity holding a Department of Defense contract
14 may subcontract any portion of such contract to an-
15 other entity unless that second entity—

16 (A) is a participant in a threat intelligence
17 sharing program under this section; or

18 (B) has received a waiver pursuant to sub-
19 section (d).

20 (3) IMPLEMENTATION.—In implementing the
21 prohibition under paragraph (1), the Secretary of
22 Defense—

23 (A) may create tiers of requirements and
24 participation within the applicable threat intel-

1 intelligence sharing program referred to in such
2 paragraph based on—

3 (i) an evaluation of the role of and
4 relative threats related to entities within
5 the defense industrial base; and

6 (ii) cybersecurity maturity model cer-
7 tification level; and

8 (B) shall prioritize available funding and
9 technical support to assist entities as is reason-
10 ably necessary for such entities to participate in
11 a threat intelligence sharing program under this
12 section.

13 (d) WAIVER AUTHORITY.—

14 (1) WAIVER.—The Secretary of Defense may
15 waive the prohibition under subsection (b)—

16 (A) with respect to an entity or class of en-
17 tities, if the Secretary determines that the re-
18 quirement to participate in a threat intelligence
19 sharing program under this section is unneces-
20 sary to protect the interests of the United
21 States; or

22 (B) at the request of an entity, if the Sec-
23 retary determines there is compelling justifica-
24 tion for such waiver.

1 (2) PERIODIC REEVALUATION.—The Secretary
2 of Defense shall periodically reevaluate any waiver
3 issued pursuant to paragraph (1) and promptly re-
4 voke any waiver the Secretary determines is no
5 longer warranted.

6 (e) REGULATIONS.—

7 (1) RULEMAKING AUTHORITY.—Not later than
8 180 days after the date of the enactment of this Act,
9 the Secretary of Defense shall promulgate such rules
10 and regulations as are necessary to carry out this
11 section.

12 (2) CMMC HARMONIZATION.—The Secretary of
13 Defense shall ensure that the threat intelligence
14 sharing program requirements set forth in the rules
15 and regulations promulgated pursuant to paragraph
16 (1) consider an entity's maturity and role within the
17 defense industrial base, in accordance with the ma-
18 turity certification levels established in the Depart-
19 ment of Defense Cybersecurity Maturity Model Cer-
20 tification program.

21 **SEC. 1633. ASSISTANCE FOR SMALL MANUFACTURERS IN**
22 **THE DEFENSE INDUSTRIAL SUPPLY CHAIN**
23 **ON MATTERS RELATING TO CYBERSECURITY.**

24 (a) IN GENERAL.—Subject to the availability of ap-
25 propriations, the Secretary of Defense, in consultation

1 with the Director of the National Institute of Standards
2 and Technology, may award financial assistance to a Cen-
3 ter for the purpose of providing cybersecurity services to
4 small manufacturers.

5 (b) CRITERIA.—If the Secretary carries out sub-
6 section (a), the Secretary, in consultation with the Direc-
7 tor, shall establish and publish on the grants.gov website,
8 or successor website, criteria for selecting recipients for
9 financial assistance under this section.

10 (c) USE OF FINANCIAL ASSISTANCE.—Financial as-
11 sistance under this section—

12 (1) shall be used by a Center to provide small
13 manufacturers with cybersecurity services relating
14 to—

15 (A) compliance with the cybersecurity re-
16 quirements of the Department of Defense Sup-
17 plement to the Federal Acquisition Regulation,
18 including awareness, assessment, evaluation,
19 preparation, and implementation of cybersecu-
20 rity services; and

21 (B) achieving compliance with the Cyberse-
22 curity Maturity Model Certification framework
23 of the Department of Defense; and

1 (2) may be used by a Center to employ trained
2 personnel to deliver cybersecurity services to small
3 manufacturers.

4 (d) BIENNIAL REPORTS.—

5 (1) IN GENERAL.—Not less frequently than
6 once every 2 years, the Secretary shall submit to the
7 congressional defense committees, the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate, and the Committee on Science, Space, and
10 Technology of the House of Representatives a bien-
11 nial report on financial assistance awarded under
12 this section.

13 (2) CONTENTS.—To the extent practicable,
14 each report submitted under paragraph (1) shall in-
15 clude the following with respect to the years covered
16 by the report:

17 (A) The number of small manufacturing
18 companies assisted.

19 (B) A description of the cybersecurity serv-
20 ices provided.

21 (C) A description of the cybersecurity mat-
22 ters addressed.

23 (D) An analysis of the operational effec-
24 tiveness and cost-effectiveness of the cybersecu-
25 rity services provided.

1 (e) TERMINATION.—The authority of the Secretary
2 to award of financial assistance under this section shall
3 terminate on the date that is 5 years after the date of
4 the enactment of this Act.

5 (f) DEFINITIONS.—In this section:

6 (1) The term “Center” has the meaning given
7 such term in section 25(a) of the National Institute
8 of Standards and Technology Act (15 U.S.C.
9 278k(a)).

10 (2) The term “small manufacturer” has the
11 meaning given that term in section 1644(g) of the
12 John S. McCain National Defense Authorization Act
13 for Fiscal Year 2019 (Public Law 115–232; 10
14 U.S.C. 2224 note).

15 **SEC. 1634. DEFENSE INDUSTRIAL BASE CYBERSECURITY**
16 **THREAT HUNTING AND SENSING, DISCOVERY,**
17 **AND MITIGATION.**

18 (a) DEFINITION.—In this section:

19 (1) DEFENSE INDUSTRIAL BASE.—The term
20 “defense industrial base” means the worldwide in-
21 dustrial complex with capabilities to perform re-
22 search and development, design, produce, deliver,
23 and maintain military weapon systems, subsystems,
24 components, or parts to meet military requirements.

1 (2) ADVANCED DEFENSE INDUSTRIAL BASE.—

2 The term “advanced defense industrial base” means
3 any entity in the defense industrial base holding a
4 Department of Defense contract that requires a cy-
5 bersecurity maturity model certification of level 4 or
6 higher.

7 (b) DEFENSE INDUSTRIAL BASE CYBERSECURITY
8 THREAT HUNTING STUDY.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of the enactment of this Act, the Sec-
11 retary of Defense shall submit to the congressional
12 defense committees a study of the feasibility and
13 resourcing required to establish the Defense Indus-
14 trial Base Cybersecurity Threat Hunting Program
15 (in this section referred to as the “Program”) de-
16 scribed in subsection (c).

17 (2) ELEMENTS.—The study required under
18 paragraph (1) shall—

19 (A) establish the resources necessary, gov-
20 ernance structures, and responsibility for execu-
21 tion of the Program, as well as any other rel-
22 evant considerations determined by the Sec-
23 retary;

24 (B) include a conclusive determination of
25 the Department of Defense’s capacity to estab-

1 lish the Program by the end of fiscal year 2021;
2 and

3 (C) identify any barriers that would pre-
4 vent such establishment.

5 (c) DEFENSE INDUSTRIAL BASE CYBERSECURITY
6 THREAT HUNTING PROGRAM.—

7 (1) IN GENERAL.—Upon a positive determina-
8 tion of the Program’s feasibility pursuant to the
9 study required under subsection (b), the Secretary of
10 Defense shall establish the Program to actively iden-
11 tify cybersecurity threats and vulnerabilities within
12 the information systems, including covered defense
13 networks containing controlled unclassified informa-
14 tion, of entities in the defense industrial base.

15 (2) PROGRAM LEVELS.—In establishing the
16 Program in accordance with paragraph (1), the Sec-
17 retary of Defense shall develop a tiered program
18 that takes into account the following:

19 (A) The cybersecurity maturity of entities
20 in the defense industrial base.

21 (B) The role of such entities.

22 (C) Whether each such entity possesses
23 controlled unclassified information and covered
24 defense networks.

1 (D) The covered defense information to
2 which such an entity has access as a result of
3 contracts with the Department of Defense.

4 (3) PROGRAM REQUIREMENTS.—The Program
5 shall—

6 (A) include requirements for mitigating
7 any vulnerabilities identified pursuant to the
8 Program;

9 (B) provide a mechanism for the Depart-
10 ment of Defense to share with entities in the
11 defense industrial base malicious code, indica-
12 tors of compromise, and insights on the evolv-
13 ing threat landscape;

14 (C) provide incentives for entities in the
15 defense industrial base to share with the De-
16 partment of Defense, including the National Se-
17 curity Agency's Cybersecurity Directorate,
18 threat and vulnerability information collected
19 pursuant to threat monitoring and hunt activi-
20 ties; and

21 (D) mandate a minimum level of program
22 participation for any entity that is part of the
23 advanced defense industrial base.

24 (d) THREAT IDENTIFICATION PROGRAM PARTICIPA-
25 TION.—

1 (1) PROHIBITION ON PROCUREMENT.—If the
2 Program is established pursuant to subsection (c),
3 beginning on the date that is 1 year after the date
4 of the enactment of this Act, the Secretary of De-
5 fense may not procure or obtain, or extend or renew
6 a contract to procure or obtain, any item, equip-
7 ment, system, or service from any entity in the de-
8 fense industrial base that is not in compliance with
9 the requirements of the Program.

10 (2) IMPLEMENTATION.—In implementing the
11 prohibition under paragraph (1), the Secretary of
12 Defense shall prioritize available funding and tech-
13 nical support to assist affected entities in the de-
14 fense industrial base as is reasonably necessary for
15 such affected entities to commence participation in
16 the Program and satisfy Program requirements.

17 (3) WAIVER AUTHORITY.—

18 (A) WAIVER.—The Secretary of Defense
19 may waive the prohibition under paragraph
20 (1)—

21 (i) with respect to an entity or class
22 of entities in the defense industrial base, if
23 the Secretary determines that the require-
24 ment to participate in the Program is un-

1 necessary to protect the interests of the
2 United States; or

3 (ii) at the request of such an entity,
4 if the Secretary determines there is a com-
5 pelling justification for such waiver.

6 (B) PERIODIC REEVALUATION.—The Sec-
7 retary of Defense shall periodically reevaluate
8 any waiver issued pursuant to subparagraph
9 (A) and revoke any such waiver the Secretary
10 determines is no longer warranted.

11 (e) USE OF PERSONNEL AND THIRD-PARTY THREAT
12 HUNTING AND SENSING CAPABILITIES.—In carrying out
13 the Program, the Secretary of Defense may—

14 (1) utilize Department of Defense personnel to
15 hunt for threats and vulnerabilities within the infor-
16 mation systems of entities in the defense industrial
17 base that have an active contract with Department
18 of Defense;

19 (2) certify third-party providers to hunt for
20 threats and vulnerabilities on behalf of the Depart-
21 ment of Defense;

22 (3) require the deployment of network sensing
23 technologies capable of identifying and filtering mali-
24 cious network traffic; or

1 (4) employ a combination of Department of De-
2 fense personnel and third-party providers and tools,
3 as the Secretary determines necessary and appro-
4 priate, for the entity described in paragraph (1).

5 (f) REGULATIONS.—

6 (1) RULEMAKING AUTHORITY.—Not later than
7 180 days after the date of the enactment of this Act,
8 the Secretary of Defense shall promulgate such rules
9 and regulations as are necessary to carry out this
10 section.

11 (2) CMMC HARMONIZATION.—In promulgating
12 rules and regulations pursuant to paragraph (1), the
13 Secretary of Defense shall consider how best to inte-
14 grate the requirements of this section with the De-
15 partment of Defense Cybersecurity Maturity Model
16 Certification program.

17 **SEC. 1635. DEFENSE DIGITAL SERVICE.**

18 (a) RELATIONSHIP WITH UNITED STATES DIGITAL
19 SERVICE.—Not later than 120 days after the date of the
20 enactment of this Act, the Secretary of Defense and the
21 Administrator of the United States Digital Service shall
22 establish a direct relationship between the Department of
23 Defense and the United States Digital Service to address
24 authorities, hiring processes, roles, and responsibilities.

1 (b) CERTIFICATION.—Not later than 120 days after
2 the date of the enactment of this Act, the Secretary of
3 Defense and the Administrator of the United States Dig-
4 ital Service shall jointly certify to the congressional de-
5 fense committees that the skills and qualifications of the
6 Department of Defense personnel assigned to and sup-
7 porting the core functions of the Defense Digital Service
8 are consistent with the skills and qualifications United
9 States Digital Service personnel.

10 **SEC. 1636. LIMITATION OF FUNDING FOR NATIONAL DE-**
11 **FENSE UNIVERSITY.**

12 Of the funds authorized to be appropriated by this
13 Act for fiscal year 2021 for the National Defense Univer-
14 sity, not more than 60 percent of such funds may be obli-
15 gated or expended until the Joint Staff and the National
16 Defense University present to the congressional defense
17 committees the following:

18 (1) A comprehensive plan for resourcing and
19 growing the student population of the College of In-
20 formation and Cyberspace, including by—

21 (A) enrolling a minimum of 350 cyber
22 workforce students per academic year; and

23 (B) graduating a minimum of 42 students
24 (including a minimum of 28 United States mili-
25 tary students) in the Joint Professional Military

1 Education Phase II War College 10- month
2 resident program in fiscal year 2021, and im-
3 plementing a plan to graduate a minimum of
4 70 students (including a minimum of 50 United
5 States military and civilian students) in fiscal
6 year 2023 and in each year thereafter through
7 the Future Year Defense Program.

8 (2) Budget documents for the Future Year De-
9 fense Program which show funding for the College
10 of Information and Cyberspace to support the com-
11 prehensive plan described in subsection (a).

12 (3) A comprehensive presentation of how pro-
13 grams of study on cyber-related matters are being
14 expanded and integrated into Joint Professional
15 Military Education at all National Defense Univer-
16 sity constituent colleges.

17 **SEC. 1637. CRITICAL INFRASTRUCTURE CYBER INCIDENT**
18 **REPORTING PROCEDURES.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary, acting
21 through the Director, and in consultation with Sector Risk
22 Management Agencies and other appropriate Federal de-
23 partments, shall, after notice and an opportunity for com-
24 ment, establish requirements and a process for covered
25 critical infrastructure entities to report a covered cyberse-

1 curity incident to the national cybersecurity and commu-
2 nications integration center of the Department of Home-
3 land Security, in furtherance of its mission with respect
4 to cybersecurity risks as set forth in section 2209.

5 (b) PROCEDURES.—The cybersecurity incident re-
6 porting requirements and process described in subsection
7 (a) shall, at a minimum, include—

8 (1) a definition of covered critical infrastructure
9 entities that are required to comply with the report-
10 ing requirements of this section, based on threshold
11 criteria related to—

12 (A) the likelihood that such entity may be
13 targeted by a malicious cyber actor, including a
14 foreign country;

15 (B) consequences that disruption to or
16 compromise of such entity could cause to na-
17 tional security, economic security, or public
18 health and safety; and

19 (C) maturity of security operations in de-
20 tecting, investigating, and mitigating a cyberse-
21 curity incident;

22 (2) criteria for the types and thresholds for a
23 covered cybersecurity incident to be reported under
24 this section, including the sophistication or novelty
25 of the cyber attack, the type, volume, and sensitivity

1 of the data at issue, and the number of individuals
2 affected or potentially affected by a cybersecurity in-
3 cident, subject to the limitations described in sub-
4 section (c); and

5 (3) procedures to comply with reporting re-
6 quirements pursuant to subsection (c).

7 (c) CYBERSECURITY INCIDENT REPORTING RE-
8 QUIREMENTS FOR COVERED CRITICAL INFRASTRUCTURE
9 ENTITIES.—

10 (1) IN GENERAL.—A covered critical infrastruc-
11 ture entity, as defined by the Director pursuant to
12 subsection (b), meets the requirements of this para-
13 graph if, upon becoming aware that a covered cyber-
14 security incident, including an incident involving
15 ransomware, social engineering, malware, or unau-
16 thorized access, has occurred involving any critical
17 infrastructure system or subsystem of the critical in-
18 frastructure, the entity—

19 (A) promptly reports such incident to the
20 national cybersecurity and communications inte-
21 gration center, consistent with such require-
22 ments and process, as soon as practicable (but
23 in no case later than 72 hours after the entity
24 first becomes aware that the incident occurred);
25 and

1 (B) provides all appropriate updates to any
2 report submitted under subparagraph (A).

3 (2) CONTENTS OF REPORT.—Each report sub-
4 mitted under subparagraph (A) of paragraph (1)
5 shall contain such information as the Director pre-
6 scribes in the reporting procedures issued under sub-
7 section (a), including the following information with
8 respect to any cybersecurity incident covered by the
9 report:

10 (A) The date, time, and time zone when
11 the cybersecurity incident began, if known.

12 (B) The date, time, and time zone when
13 the cybersecurity incident was detected.

14 (C) The date, time, and duration of the cy-
15 bersecurity incident.

16 (D) The circumstances of the cybersecurity
17 incident, including the specific critical infra-
18 structure systems or subsystems believed to
19 have been accessed and information acquired, if
20 any, as well as any interdependent systems that
21 suffered damage, disruption, or were otherwise
22 impacted by the incident.

23 (E) Any planned and implemented tech-
24 nical measures to respond to and recover from
25 the incident.

1 (F) In the case of any report which is an
2 update to a prior report, any additional mate-
3 rial information relating to the incident, includ-
4 ing technical data, as it becomes available.

5 (d) EFFECT OF OTHER REPORTING.—A covered crit-
6 ical infrastructure entity shall not be considered to have
7 satisfied the reporting requirements set forth in subsection
8 (c)(1) by reporting information required pursuant to sub-
9 section (c)(2) related to a covered cybersecurity incident
10 to any person, agency or organization, including a law en-
11 forcement agency, other than to the Director using the
12 incident reporting procedures establish by the national cy-
13 bersecurity and communications integration center using
14 the incident reporting procedures established by the Direc-
15 tor pursuant to subsection (a).

16 (e) DISCLOSURE, RETENTION, AND USE.—

17 (1) AUTHORIZED ACTIVITIES.—Covered cyber-
18 security incidents and related reporting information
19 provided to the Director pursuant to this section
20 may not be disclosed to, retained by, or used by,
21 consistent with otherwise applicable provisions of
22 Federal law, any Federal agency or department, or
23 any component, officer, employee, or agent of the
24 Federal Government, except if the Director deter-

1 mines such disclosure, retention, or use is necessary
2 for—

3 (A) the purpose of identifying—

4 (i) a cybersecurity threat as such term
5 is defined in section 102(5) of the Cyberse-
6 curity Act of 2015 (contained in division N
7 of the Consolidated Appropriations Act,
8 2016 (Public Law 114–113; 6 U.S.C.
9 1501)), including the source of such cyber-
10 security threat; or

11 (ii) a security vulnerability;

12 (B) the purpose of responding to, or other-
13 wise preventing or mitigating, a specific threat
14 of death, serious bodily harm, or serious eco-
15 nomic harm, including a terrorist act or a use
16 of a weapon of mass destruction;

17 (C) the purpose of responding to, inves-
18 tigating, prosecuting, or otherwise preventing or
19 mitigating, a serious threat to a minor, includ-
20 ing sexual exploitation and threats to physical
21 safety; or

22 (D) the purpose of preventing, inves-
23 tigating, disrupting, or prosecuting an offense
24 arising out of a threat described in subpara-

graphs (B)–(C) (3) or any of the offenses listed
in—

(i) sections 1028 through 1030 of title
18, United States Code (relating to fraud
and identity theft);

(ii) chapter 37 of such title (relating
to espionage and censorship); and

(iii) chapter 90 of such title (relating
to protection of trade secrets).

(2) EXCEPTION.—The Director may enter into
an agreement with a federally funded research and
development center or other research institution to
provide information in an anonymized manner for
the purpose of aggregating and analyzing cybersecu-
rity incident data and other reported information for
the limited purpose of better understanding the
cyber threat landscape, subject to appropriate pro-
tections for information and removal of any unneces-
sary personal or identifying information.

(3) PRIVACY AND CIVIL LIBERTIES.—Covered
cybersecurity incidents and related reporting infor-
mation provided to the Director pursuant to this
section shall be retained, used, and disseminated,
where permissible and appropriate, by the Federal
Government—

1 (A) in a manner that protects from unau-
2 thorized use or disclosure any information re-
3 ported under this section that may contain—

4 (i) personal information of a specific
5 individual; or

6 (ii) information that identifies a spe-
7 cific individual; and

8 (B) in a manner that protects the con-
9 fidentiality of information reported under this
10 section containing—

11 (i) personal information of a specific
12 individual; or

13 (ii) information that identifies a spe-
14 cific individual.

15 (4) FEDERAL REGULATORY AUTHORITY.—In-
16 formation regarding a covered cybersecurity incident
17 and related reporting information provided to the
18 Director pursuant to this section may not be used by
19 any Federal, State, Tribal, or local government to
20 regulate, including through an enforcement action,
21 the lawful activities of any non-Federal entity.

22 (f) LIMITATION.—The Director may not set criteria
23 or develop procedures pursuant to this Act that require
24 a covered critical infrastructure entity, identified pursuant

1 to subsection (b)(1), to report on any cybersecurity inci-
2 dent unless such incident—

3 (1) causes a loss in the confidentiality, integ-
4 rity, or availability of proprietary, sensitive, or per-
5 sonal information;

6 (2) results in a disruption or otherwise inhibits
7 the ability of an entity to deliver services or conduct
8 its primary business activity; or

9 (3) was carried out by a foreign country, or
10 where there is reason to believe a foreign country
11 was involved in such incident.

12 (g) DEFINITIONS.—In this section:

13 (1) COVERED CRITICAL INFRASTRUCTURE EN-
14 TITY.—The term “covered critical infrastructure en-
15 tity” is an entity that owns, operates, supports, or
16 maintains critical infrastructure which meets the
17 definition set forth by the Director pursuant to sub-
18 section (b)(1).

19 (2) COVERED CYBERSECURITY INCIDENT.—The
20 term “covered cybersecurity incident” means a cy-
21 bersecurity incident experienced by a covered critical
22 infrastructure entity that meets the definition and
23 criteria set forth by the Director in the procedures
24 prescribed pursuant to subsection (b)(2), subject to

1 the limitations in subsection (f) that involve, at a
2 minimum, an incident that—

3 (3) CRITICAL INFRASTRUCTURE.—The term
4 “critical infrastructure” has the meaning given that
5 term in section 2(4) of the Homeland Security Act
6 of 2002 (Public Law 107–196; 6 U.S.C. 101(4)).

7 (4) CYBERSECURITY RISK.—The term “cyberse-
8 curity risk” has the meaning given that term in sec-
9 tion 2209 of the Homeland Security Act of 2002 (6
10 U.S.C. 659).

11 (5) DEPARTMENT.—The term “Department”
12 means the Department of Homeland Security.

13 (6) DIRECTOR.—The term “Director” means
14 the Director of the Cybersecurity and Infrastructure
15 Security Agency of the Department.

16 (7) NATIONAL CYBERSECURITY AND COMMU-
17 NICATIONS INTEGRATION CENTER.—The term “na-
18 tional cybersecurity and communications integration
19 center” or “Center” means the national cybersecu-
20 rity and communications integration center de-
21 scribed in section 2209 of the Homeland Security
22 Act of 2002 (6 U.S.C. 659).

23 (8) SECRETARY.—The term “Secretary” means
24 the Secretary of Homeland Security.

1 (9) SECTOR SPECIFIC AGENCY.—The term
2 “Sector Specific Agency” has the meaning given
3 that term in section 2201(5) of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 651(5)).

5 **SEC. 1638. FUNDING FOR NATIONAL CENTER FOR HARD-**
6 **WARE AND EMBEDDED SYSTEMS SECURITY**
7 **AND TRUST.**

8 (a) INCREASE.—Notwithstanding the amounts set
9 forth in the funding tables in division D, the amount au-
10 thorized to be appropriated in section 4201 for research,
11 development, test, and evaluation, Air Force, as specified
12 in the corresponding funding table in section 4201, for
13 Aerospace Sensors, line 009, is hereby increased by
14 \$3,000,000 for the National Center for Hardware and
15 Embedded Systems Security and Trust.

16 (b) OFFSET.—Notwithstanding the amounts set forth
17 in the funding tables in division D, the amount authorized
18 to be appropriated in section 1402 for chemical agents and
19 munitions destruction, as specified in the corresponding
20 funding table in section 4501, for Chem Demilitariza-
21 tion—RDT&E, is hereby reduced by \$3,000,000.

22 **SEC. 1639. STRENGTHENING FEDERAL NETWORKS.**

23 (a) AUTHORITY.—Section 3553(b) of title 44, United
24 States Code, is amended—

1 (1) in paragraph (6)(D), by striking “; and” at
2 the end and inserting a semicolon;

3 (2) by redesignating paragraph (7) as para-
4 graph (8); and

5 (3) by inserting after paragraph (6) the fol-
6 lowing new paragraph:

7 “(7) hunting for and identifying, with or with-
8 out advance notice, threats and vulnerabilities within
9 Federal information systems; and”.

10 (b) BINDING OPERATIONAL DIRECTIVE.—Not later
11 than 1 year after the date of the enactment of this section,
12 the Secretary of Homeland Security shall issue a binding
13 operational directive pursuant to subsection (b)(2) of sec-
14 tion 3553 of title 44, United States Code, to implement
15 paragraph (7) of section 3553(b) of title 44, United States
16 Code, as added by subsection (a).

17 **SEC. 1640. DOD CYBER HYGIENE AND CYBERSECURITY MA-**
18 **TURITY MODEL CERTIFICATION FRAME-**
19 **WORK.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall submit to the congressional defense committees and
23 the Comptroller General of the United States a report on
24 the cyber hygiene practices of the Department of Defense
25 and the extent to which such practices are effective at pro-

1 tecting Department missions, information, system and
2 networks. The report shall include the following:

3 (1) An assessment of each Department compo-
4 nent's compliance with the requirements and levels
5 identified in the Cyber Maturity Model Certification
6 framework.

7 (2) For each Department component that does
8 not achieve the requirements for “good cyber hy-
9 giene” as defined in CMMC Model Version 1.02, a
10 plan for how that component will implement security
11 measures to bring it into compliance with good cyber
12 hygiene requirements within 1 year, and a strategy
13 for mitigating potential vulnerabilities and con-
14 sequences until such requirements are implemented.

15 (b) COMPTROLLER GENERAL REPORT REQUIRED.—
16 Not later than 180 days after the submission of the report
17 required under subsection (a), the Comptroller General of
18 the United States shall conduct an independent review of
19 the report and provide a briefing to the congressional de-
20 fense committees on the findings of the review.

21 **SEC. 1640A. SUBPOENA AUTHORITY.**

22 (a) IN GENERAL.—Section 2209 of the Homeland
23 Security Act of 2002 (6 U.S.C. 659) is amended—

24 (1) in subsection (a)—

1 (A) by redesignating paragraphs (1)
2 through (6) as paragraphs (2) through (7), re-
3 spectively;

4 (B) by inserting before paragraph (2), as
5 so redesignated, the following new paragraph:

6 “(1) the term ‘cybersecurity purpose’ has the
7 meaning given that term in section 102 of the Cy-
8 bersecurity Information Sharing Act of 2015 (6
9 U.S.C. 1501);”;

10 (C) in paragraph (6), as so redesignated,
11 by striking “and” at the end;

12 (D) by redesignating paragraph (7), as so
13 redesignated, as paragraph (8); and

14 (E) by inserting after paragraph (6), as so
15 redesignated, the following new paragraph:

16 “(7) the term ‘security vulnerability’ has the
17 meaning given that term in section 102 of the Cy-
18 bersecurity Information Sharing Act of 2015 (6
19 U.S.C. 1501); and”;

20 (2) in subsection (c)—

21 (A) in paragraph (10), by striking “and”
22 at the end;

23 (B) in paragraph (11), by striking the pe-
24 riod at the end and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(12) detecting, identifying, and receiving infor-
4 mation for a cybersecurity purpose about security
5 vulnerabilities relating to critical infrastructure in
6 information systems and devices.”; and

7 (3) by adding at the end the following new sub-
8 section:

9 “(o) SUBPOENA AUTHORITY.—

10 “(1) DEFINITION.—In this subsection, the term
11 ‘covered device or system’—

12 “(A) means a device or system commonly
13 used to perform industrial, commercial, sci-
14 entific, or governmental functions or processes
15 that relate to critical infrastructure, including
16 operational and industrial control systems, dis-
17 tributed control systems, and programmable
18 logic controllers; and

19 “(B) does not include personal devices and
20 systems, such as consumer mobile devices, home
21 computers, residential wireless routers, or resi-
22 dential internet enabled consumer devices.

23 “(2) AUTHORITY.—

24 “(A) IN GENERAL.—If the Director identi-
25 fies a system connected to the internet with a

1 specific security vulnerability and has reason to
2 believe such security vulnerability relates to
3 critical infrastructure and affects a covered de-
4 vice or system, and the Director is unable to
5 identify the entity at risk that owns or operates
6 such covered device or system, the Director may
7 issue a subpoena for the production of informa-
8 tion necessary to identify and notify such entity
9 at risk, in order to carry out a function author-
10 ized under subsection (c)(12).

11 “(B) LIMIT ON INFORMATION.—A sub-
12 poena issued pursuant to subparagraph (A)
13 may seek information—

14 “(i) only in the categories set forth in
15 subparagraphs (A), (B), (D), and (E) of
16 section 2703(c)(2) of title 18, United
17 States Code; and

18 “(ii) for not more than 20 covered de-
19 vices or systems.

20 “(C) LIABILITY PROTECTIONS FOR DIS-
21 CLOSING PROVIDERS.—The provisions of section
22 2703(e) of title 18, United States Code, shall
23 apply to any subpoena issued pursuant to sub-
24 paragraph (A).

25 “(3) COORDINATION.—

1 “(A) IN GENERAL.—If the Director exer-
2 cises the subpoena authority under this sub-
3 section, and in the interest of avoiding inter-
4 ference with ongoing law enforcement investiga-
5 tions, the Director shall coordinate the issuance
6 of any such subpoena with the Department of
7 Justice, including the Federal Bureau of Inves-
8 tigation, pursuant to interagency procedures
9 which the Director, in coordination with the At-
10 torney General, shall develop not later than 60
11 days after the date of the enactment of this
12 subsection.

13 “(B) CONTENTS.—The inter-agency proce-
14 dures developed under this paragraph shall pro-
15 vide that a subpoena issued by the Director
16 under this subsection shall be—

17 “(i) issued to carry out a function de-
18 scribed in subsection (c)(12); and

19 “(ii) subject to the limitations speci-
20 fied in this subsection.

21 “(4) NONCOMPLIANCE.—If any person, part-
22 nership, corporation, association, or entity fails to
23 comply with any duly served subpoena issued pursu-
24 ant to this subsection, the Director may request that
25 the Attorney General seek enforcement of such sub-

1 poena in any judicial district in which such person,
2 partnership, corporation, association, or entity re-
3 sides, is found, or transacts business.

4 “(5) NOTICE.—Not later than 7 days after the
5 date on which the Director receives information ob-
6 tained through a subpoena issued pursuant to this
7 subsection, the Director shall notify any entity iden-
8 tified by information obtained pursuant to such sub-
9 poena regarding such subpoena and the identified
10 vulnerability.

11 “(6) AUTHENTICATION.—

12 “(A) IN GENERAL.—Any subpoena issued
13 pursuant to this subsection shall be authenti-
14 cated with a cryptographic digital signature of
15 an authorized representative of the Agency, or
16 other comparable successor technology, that al-
17 lows the Agency to demonstrate that such sub-
18 poena was issued by the Agency and has not
19 been altered or modified since such issuance.

20 “(B) INVALID IF NOT AUTHENTICATED.—

21 Any subpoena issued pursuant to this sub-
22 section that is not authenticated in accordance
23 with subparagraph (A) shall not be considered
24 to be valid by the recipient of such subpoena.

1 “(7) PROCEDURES.—Not later than 90 days
2 after the date of the enactment of this subsection,
3 the Director shall establish internal procedures and
4 associated training, applicable to employees and op-
5 erations of the Agency, regarding subpoenas issued
6 pursuant to this subsection, which shall address the
7 following:

8 “(A) The protection of and restriction on
9 dissemination of nonpublic information obtained
10 through such a subpoena, including a require-
11 ment that the Agency not disseminate non-
12 public information obtained through such a sub-
13 poena that identifies the party that is subject to
14 such subpoena or the entity at risk identified by
15 information obtained, except that the Agency
16 may share the nonpublic information with the
17 Department of Justice for the purpose of en-
18 forcing such subpoena in accordance with para-
19 graph (4), and may share with a Federal agen-
20 cy the nonpublic information of the entity at
21 risk if—

22 “(i) the Agency identifies or is noti-
23 fied of a cybersecurity incident involving
24 such entity, which relates to the vulner-

1 ability which led to the issuance of such
2 subpoena;

3 “(ii) the Director determines that
4 sharing the nonpublic information with an-
5 other Federal department or agency is nec-
6 essary to allow such department or agency
7 to take a law enforcement or national secu-
8 rity action, consistent with the interagency
9 procedures under paragraph (3)(A), or ac-
10 tions related to mitigating or otherwise re-
11 solving such incident;

12 “(iii) the entity to which the informa-
13 tion pertains is notified of the Director’s
14 determination, to the extent practicable
15 consistent with national security or law en-
16 forcement interests, consistent with such
17 interagency procedures; and

18 “(iv) the entity consents, except that
19 the entity’s consent shall not be required if
20 another Federal department or agency
21 identifies the entity to the Agency in con-
22 nection with a suspected cybersecurity inci-
23 dent.

1 “(B) The restriction on the use of informa-
2 tion obtained through such a subpoena for a cy-
3 bersecurity purpose.

4 “(C) The retention and destruction of non-
5 public information obtained through such a sub-
6 poena, including—

7 “(i) destruction of such information
8 that the Director determines is unrelated
9 to critical infrastructure immediately upon
10 providing notice to the entity pursuant to
11 paragraph (5); and

12 “(ii) destruction of any personally
13 identifiable information not later than 6
14 months after the date on which the Direc-
15 tor receives information obtained through
16 such a subpoena, unless otherwise agreed
17 to by the individual identified by the sub-
18 poena respondent.

19 “(D) The processes for providing notice to
20 each party that is subject to such a subpoena
21 and each entity identified by information ob-
22 tained under such a subpoena.

23 “(E) The processes and criteria for con-
24 ducting critical infrastructure security risk as-
25 sessments to determine whether a subpoena is

1 necessary prior to being issued pursuant to this
2 subsection.

3 “(F) The information to be provided to an
4 entity at risk at the time of the notice of the
5 vulnerability, which shall include—

6 “(i) a discussion or statement that re-
7 sponding to, or subsequent engagement
8 with, the Agency, is voluntary; and

9 “(ii) to the extent practicable, infor-
10 mation regarding the process through
11 which the Director identifies security
12 vulnerabilities.

13 “(8) LIMITATION ON PROCEDURES.—The inter-
14 nal procedures established pursuant to paragraph
15 (7) may not require an owner or operator of critical
16 infrastructure to take any action as a result of a no-
17 tice of vulnerability made pursuant to this Act.

18 “(9) REVIEW OF PROCEDURES.—Not later than
19 1 year after the date of the enactment of this sub-
20 section, the Privacy Officer of the Agency shall—

21 “(A) review the internal procedures estab-
22 lished pursuant to paragraph (7) to ensure
23 that—

24 “(i) such procedures are consistent
25 with fair information practices; and

1 “(ii) the operations of the Agency
2 comply with such procedures; and

3 “(B) notify the Committee on Homeland
4 Security and Governmental Affairs of the Sen-
5 ate and the Committee on Homeland Security
6 of the House of Representatives of the results
7 of the review under subparagraph (A).

8 “(10) PUBLICATION OF INFORMATION.—Not
9 later than 120 days after establishing the internal
10 procedures under paragraph (7), the Director shall
11 publish information on the website of the Agency re-
12 garding the subpoena process under this subsection,
13 including information regarding the following:

14 “(A) Such internal procedures.

15 “(B) The purpose for subpoenas issued
16 pursuant to this subsection.

17 “(C) The subpoena process.

18 “(D) The criteria for the critical infra-
19 structure security risk assessment conducted
20 prior to issuing a subpoena.

21 “(E) Policies and procedures on retention
22 and sharing of data obtained by subpoenas.

23 “(F) Guidelines on how entities contacted
24 by the Director may respond to notice of a sub-
25 poena.

1 “(11) ANNUAL REPORTS.—The Director shall
2 annually submit to the Committee on Homeland Se-
3 curity and Governmental Affairs of the Senate and
4 the Committee on Homeland Security of the House
5 of Representatives a report (which may include a
6 classified annex but with the presumption of declas-
7 sification) on the use of subpoenas issued pursuant
8 to this subsection, which shall include the following:

9 “(A) A discussion of the following:

10 “(i) The effectiveness of the use of
11 such subpoenas to mitigate critical infra-
12 structure security vulnerabilities.

13 “(ii) The critical infrastructure secu-
14 rity risk assessment process conducted for
15 subpoenas issued under this subsection.

16 “(iii) The number of subpoenas so
17 issued during the preceding year.

18 “(iv) To the extent practicable, the
19 number of vulnerable covered devices or
20 systems mitigated under this subsection by
21 the Agency during the preceding year.

22 “(v) The number of entities notified
23 by the Director under this subsection, and
24 their responses, during the preceding year.

1 “(B) For each subpoena issued pursuant
2 to this subsection, the following:

3 “(i) Information relating to the source
4 of the security vulnerability detected, iden-
5 tified, or received by the Director.

6 “(ii) Information relating to the steps
7 taken to identify the entity at risk prior to
8 issuing the subpoena.

9 “(iii) A description of the outcome of
10 the subpoena, including discussion on the
11 resolution or mitigation of the critical in-
12 frastructure security vulnerability.

13 “(12) PUBLICATION OF THE ANNUAL RE-
14 PORTS.—The Director shall publish a version of the
15 annual report required under paragraph (11) on the
16 website of the Agency, which shall, at a minimum,
17 include the findings described in clauses (iii), (iv),
18 and (v) of subparagraph (A) of such paragraph.

19 “(13) PROHIBITION ON USE OF INFORMATION
20 FOR UNAUTHORIZED PURPOSES.—Any information
21 obtained pursuant to a subpoena issued under this
22 subsection may not be provided to any other Federal
23 department or agency for any purpose other than a
24 cybersecurity purpose or for the purpose of enforcing
25 a subpoena issued pursuant to this subsection.”.

1 (b) RULES OF CONSTRUCTION.—

2 (1) PROHIBITION ON NEW REGULATORY AU-
3 THORITY.—Nothing in this section or the amend-
4 ments made by this section may be construed to
5 grant the Secretary of Homeland Security, or the
6 head of any another Federal agency or department,
7 any authority to promulgate regulations or set
8 standards relating to the cybersecurity of private
9 sector critical infrastructure that was not in effect
10 on the day before the date of the enactment of this
11 Act.

12 (2) PRIVATE ENTITIES.—Nothing in this sec-
13 tion or the amendments made by this section may be
14 construed to require any private entity to—

15 (A) to request assistance from the Director
16 of the Cybersecurity and Infrastructure Secu-
17 rity Agency of the Department of Homeland
18 Security; or

19 (B) implement any measure or rec-
20 ommendation suggested by the Director.

21 **SEC. 1640B. EXTENSION OF SUNSET FOR PILOT PROGRAM**
22 **ON REGIONAL CYBERSECURITY TRAINING**
23 **CENTER FOR THE ARMY NATIONAL GUARD.**

24 Section 1651(e) of the John S. McCain National De-
25 fense Authorization Act for Fiscal Year 2019 (Public Law

1 115–232; 32 U.S.C. 501 note) is amended by striking
2 “shall expire on the date that is two years after the date
3 of the enactment of this Act” and inserting “shall expire
4 on August 31, 2022”.

5 **SEC. 1640C. CISA CYBERSECURITY SUPPORT TO AGENCIES.**

6 Section 3553(b) of title 44, United States Code, is
7 amended—

8 (1) in paragraph (6)(D), by striking “; and” at
9 the end and inserting a semicolon;

10 (2) by redesignating paragraph (7) as para-
11 graph (8);

12 (3) by inserting after paragraph (6) the fol-
13 lowing new paragraph:

14 “(7) upon request by an agency, and at the
15 Secretary’s discretion, with or without reimburse-
16 ment—

17 “(A) providing services, functions, or capa-
18 bilities, including operation of the agency’s in-
19 formation security program, to assist the agen-
20 cy with meeting the requirements set forth in
21 section 3554(b); and

22 “(B) deploying, operating, and maintaining
23 secure technology platforms and tools, including
24 networks and common business applications, for
25 use by the agency to perform agency functions,

1 including collecting, maintaining, storing, proc-
2 essing, and analyzing information; and”.

3 **SEC. 1640D. ESTABLISHMENT IN DHS OF JOINT CYBER**
4 **PLANNING OFFICE.**

5 (a) AMENDMENT.—Subtitle A of title XXII of the
6 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 2215. JOINT CYBER PLANNING OFFICE.**

9 “(a) ESTABLISHMENT OF OFFICE.—There is estab-
10 lished in the Agency an office for joint cyber planning (in
11 this section referred to as the ‘Office’) to develop, for pub-
12 lic and private sector entities, plans for cyber defense oper-
13 ations, including the development of a set of coordinated
14 actions to protect, detect, respond to, and recover from
15 cybersecurity risks or incidents or limit, mitigate, or de-
16 fend against coordinated, malicious cyber operations that
17 pose a potential risk to critical infrastructure or national
18 interests. The Office shall be headed by a Deputy Assist-
19 ant Director of Joint Cyber Planning (in this section re-
20 ferred to as the ‘Director’) within the Cybersecurity Divi-
21 sion.

22 “(b) PLANNING AND EXECUTION.—In leading the de-
23 velopment of plans for cyber defense operations pursuant
24 to subsection (a), the Director shall—

1 “(1) coordinate with relevant Federal depart-
2 ments and agencies to establish processes and proce-
3 dures necessary to develop and maintain ongoing co-
4 ordinated plans for cyber defense operations;

5 “(2) leverage cyber capabilities and authorities
6 of participating Federal departments and agencies,
7 as appropriate, in furtherance of plans for cyber de-
8 fense operations;

9 “(3) ensure that plans for cyber defense oper-
10 ations are, to the greatest extent practicable, devel-
11 oped in collaboration with relevant private sector en-
12 tities, particularly in areas in which such entities
13 have comparative advantages in limiting, mitigating,
14 or defending against a cybersecurity risk or incident
15 or coordinated, malicious cyber operation;

16 “(4) ensure that plans for cyber defense oper-
17 ations, as appropriate, are responsive to potential
18 adversary activity conducted in response to United
19 States offensive cyber operations;

20 “(5) facilitate the exercise of plans for cyber de-
21 fense operations, including by developing and mod-
22 eling scenarios based on an understanding of adver-
23 sary threats to, vulnerability of, and potential con-
24 sequences of disruption or compromise of critical in-
25 frastructure;

1 “(6) coordinate with and, as necessary, support
2 relevant Federal departments and agencies in the es-
3 tablishment of procedures, development of additional
4 plans, including for offensive and intelligence activi-
5 ties in support of cyber defense operations, and cre-
6 ation of agreements necessary for the rapid execu-
7 tion of plans for cyber defense operations when a cy-
8 bersecurity risk or incident or malicious cyber oper-
9 ation has been identified; and

10 “(7) support public and private sector entities,
11 as appropriate, in the execution of plans developed
12 pursuant to this section.

13 “(c) COMPOSITION.—The Office shall be composed
14 of—

15 “(1) a central planning staff; and

16 “(2) appropriate representatives of Federal de-
17 partments and agencies, including—

18 “(A) the Department;

19 “(B) United States Cyber Command;

20 “(C) the National Security Agency;

21 “(D) the Federal Bureau of Investigation;

22 “(E) the Department of Justice; and

23 “(F) the Office of the Director of National
24 Intelligence.

1 “(d) CONSULTATION.—In carrying out its respon-
2 sibilities described in subsection (b), the Office shall regu-
3 larly consult with appropriate representatives of non-Fed-
4 eral entities, such as—

5 “(1) State, local, federally-recognized Tribal,
6 and territorial governments;

7 “(2) information sharing and analysis organiza-
8 tions, including information sharing and analysis
9 centers;

10 “(3) owners and operators of critical informa-
11 tion systems;

12 “(4) private entities; and

13 “(5) other appropriate representatives or enti-
14 ties, as determined by the Secretary.

15 “(e) INTERAGENCY AGREEMENTS.—The Secretary
16 and the head of a Federal department or agency referred
17 to in subsection (c) may enter into agreements for the pur-
18 pose of detailing personnel on a reimbursable or non-reim-
19 bursable basis.

20 “(f) DEFINITIONS.—In this section:

21 “(1) CYBER DEFENSE OPERATION.—The term
22 ‘cyber defense operation’ means defensive activities
23 performed for a cybersecurity purpose.

24 “(2) CYBERSECURITY PURPOSE.—The term ‘cy-
25 bersecurity purpose’ has the meaning given such

1 term in section 102 of the Cybersecurity Act of 2015
 2 (contained in division N of the Consolidated Appro-
 3 priations Act, 2016 (Public Law 114–113; 6 U.S.C.
 4 1501)).

5 “(3) CYBERSECURITY RISK; INCIDENT.—The
 6 terms ‘cybersecurity risk’ and ‘incident’ have the
 7 meanings given such terms in section 2209.

8 “(4) INFORMATION SHARING AND ANALYSIS OR-
 9 GANIZATION.—The term ‘information sharing and
 10 analysis organization’ has the meaning given such
 11 term in section 2222(5).”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 13 The table of contents in section 1(b) of the Homeland Se-
 14 curity Act of 2002 is amended by inserting after the item
 15 relating to section 2214 the following new item:

“Sec. 2215. Joint cyber planning office.”.

16 **SEC. 1640E. IMPLEMENTATION OF CERTAIN CYBERSECU-**
 17 **RITY RECOMMENDATIONS; CYBER HYGIENE**
 18 **AND CYBERSECURITY MATURITY MODEL**
 19 **CERTIFICATION FRAMEWORK.**

20 (a) REPORT ON IMPLEMENTATION OF CERTAIN CY-
 21 BERSECURITY RECOMMENDATIONS.—Not later than 180
 22 days after the date of the enactment of this Act, the Sec-
 23 retary of Defense shall submit to the congressional defense
 24 committees a report regarding the plans of the Secretary

1 to implement certain cybersecurity recommendations to
2 ensure—

3 (1) the Chief Information Officer of the Depart-
4 ment of Defense takes appropriate steps to ensure
5 implementation of DC3I tasks;

6 (2) Department components develop plans with
7 scheduled completion dates to implement any re-
8 maining CDIP tasks overseen by the Chief Informa-
9 tion Officer;

10 (3) the Deputy Secretary of Defense identifies
11 a Department component to oversee the implementa-
12 tion of any CDIP tasks not overseen by the Chief
13 Information Officer and reports on progress relating
14 to such implementation;

15 (4) Department components accurately monitor
16 and report information on the extent that users have
17 completed Cyber Awareness Challenge training, as
18 well as the number of users whose access to the De-
19 partment network was revoked because such users
20 have not completed such training;

21 (5) the Chief Information Officer ensures all
22 Department components, including DARPA, require
23 their users to take Cyber Awareness Challenge train-
24 ing;

1 (6) a Department component is directed to
2 monitor the extent to which practices are imple-
3 mented to protect the Department's network from
4 key cyberattack techniques; and

5 (7) the Chief Information Officer assesses the
6 extent to which senior leaders of the Department
7 have more complete information to make risk-based
8 decisions, and revise the recurring reports (or de-
9 velop a new report) accordingly, including informa-
10 tion relating to the Department's progress on imple-
11 menting—

12 (A) cybersecurity practices identified in
13 cyber hygiene initiatives; and

14 (B) cyber hygiene practices to protect De-
15 partment networks from key cyberattack tech-
16 niques.

17 (b) REPORT ON CYBER HYGIENE AND CYBERSECU-
18 RITY MATURITY MODEL CERTIFICATION FRAMEWORK.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense shall submit to the congressional
22 defense committees and the Comptroller General of
23 the United States a report on the cyber hygiene
24 practices of the Department of Defense and the ex-
25 tent to which such practices are effective at pro-

1 tecting Department missions, information, system
2 and networks. The report shall include the following:

3 (A) An assessment of each Department
4 component's compliance with the requirements
5 and levels identified in the Cybersecurity Matu-
6 rity Model Certification framework.

7 (B) For each Department component that
8 does not achieve the requirements for “good
9 cyber hygiene” as defined in CMMC Model
10 Version 1.02, a plan for how that component
11 will implement security measures to bring it
12 into compliance with good cyber hygiene re-
13 quirements within one year, and a strategy for
14 mitigating potential vulnerabilities and con-
15 sequences until such requirements are imple-
16 mented.

17 (2) COMPTROLLER GENERAL REVIEW.—Not
18 later than 180 days after the submission of the re-
19 port required under paragraph (1)), the Comptroller
20 General of the United States shall conduct an inde-
21 pendent review of the report and provide a briefing
22 to the congressional defense committees on the find-
23 ings of the review.

1 **SEC. 1640F. BIENNIAL NATIONAL CYBER EXERCISE.**

2 (a) REQUIREMENT.—Not later than December 31,
3 2023, and not less frequently than once every 2 years
4 thereafter until a date that is not less than 10 years after
5 the date of enactment of this Act, the Secretary, in con-
6 sultation with the Secretary of Defense, shall conduct an
7 exercise to test the resilience, response, and recovery of
8 the United States in the case of a significant cyber attack
9 impacting critical infrastructure.

10 (b) PLANNING AND PREPARATION.—Each exercise
11 under subsection (a) shall be coordinated through the
12 Joint Cyber Planning Office of the Cybersecurity and In-
13 frastructure Security Planning Agency and prepared by
14 expert operational planners from the Department of
15 Homeland Security, in coordination with the Department
16 of Defense, the Federal Bureau of Investigation, and the
17 appropriate intelligence community elements, as identified
18 by the Director of National Intelligence.

19 (c) PARTICIPANTS.—

20 (1) FEDERAL GOVERNMENT PARTICIPANTS.—

21 The following shall participate in each exercise
22 under subsection (a):

23 (A) Relevant interagency partners, as de-
24 termined by the Secretary, including relevant
25 interagency partners from—

26 (i) law enforcement agencies; and

1 (ii) the intelligence community.

2 (B) Senior leader representatives from sec-
3 tor-specific agencies, as determined by the Sec-
4 retary.

5 (2) STATE AND LOCAL GOVERNMENTS.—The
6 Secretary shall invite representatives from State,
7 local, and Tribal governments to participate the ex-
8 ercises under subsection (a) if the Secretary deter-
9 mines such participation to be appropriate.

10 (3) PRIVATE SECTOR.—Depending on the na-
11 ture of an exercise being conducted under subsection
12 (a), the Secretary, in consultation with the senior
13 leader representative of the sector-specific agencies
14 participating in such exercise pursuant to paragraph
15 (1)(A)(ii), shall invite the following individuals to
16 participate:

17 (A) Representatives from private entities.

18 (B) Other individuals that the Secretary
19 determines.

20 (4) INTERNATIONAL PARTNERS.—Depending on
21 the nature of an exercise being conducted under sub-
22 section (a), the Secretary may, in consultation with
23 the Secretary of Defense and the Secretary of State,
24 invite allies and partners of the United States to
25 participate in such exercise.

1 (d) OBSERVERS.—The Secretary shall invite appro-
2 priately cleared representatives from the executive and leg-
3 islative branches of the Federal Government to observe an
4 exercise under subsection (a).

5 (e) ELEMENTS.—Each exercise under subsection (a)
6 shall include the following elements:

7 (1) Exercising the orchestration of cybersecu-
8 rity response and the provision of cyber support to
9 Federal, State, local, and Tribal governments and
10 private entities, including the exercise of the com-
11 mand and control and deconfliction of operational
12 responses through the National Security Council,
13 interagency coordinating processes and response
14 groups, and each participating department and
15 agency of the Federal Government.

16 (2) Testing of the information-sharing needs
17 and capabilities of exercise participants.

18 (3) Testing of the relevant policy, guidance, and
19 doctrine, including the National Cyber Incident Re-
20 sponse Plan of the Cybersecurity and Infrastructure
21 Security Agency of the Department of Homeland Se-
22 curity.

23 (4) Test the coordination between Federal,
24 State, local, and Tribal governments and private en-
25 tities.

1 (5) Exercising the integration of operational ca-
2 pabilities of the Department of Homeland Security,
3 the Cyber National Mission Force, Federal law en-
4 forcement, and the intelligence community.

5 (6) Test relevant information sharing and oper-
6 ational agreements.

7 (7) Exercising integrated operations, mutual
8 support, and shared situational awareness of the cy-
9 bersecurity operations centers of the Federal Gov-
10 ernment, including the following:

11 (A) The Cybersecurity and Infrastructure
12 Security Agency.

13 (B) The Cyber Threat Operations Center
14 of the National Security Agency.

15 (C) The Joint Operations Center of United
16 States Cyber Command.

17 (D) The Cyber Threat Intelligence Integra-
18 tion Center of the Office of the Director of Na-
19 tional Intelligence.

20 (E) The National Cyber Investigative Joint
21 Task Force of the Federal Bureau of Investiga-
22 tion.

23 (F) The Defense Cyber Crime Center of
24 the Department of Defense.

1 (G) The Intelligence Community Security
2 Coordination Center of the Office of the Direc-
3 tor of National Intelligence.

4 (f) BRIEFING.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date on which each exercise under sub-
7 section (a) is conducted, the President shall submit
8 to the appropriate congressional committees a brief-
9 ing on the participation of the Federal Government
10 participants in each such exercise.

11 (2) CONTENTS.—Each briefing required under
12 paragraph (1) shall include the following:

13 (A) An assessment of the decision and re-
14 sponse gaps observed in the national level re-
15 sponse.

16 (B) Proposed recommendations to improve
17 the resilience, response, and recovery in the
18 case of a significant cyber attack impacting
19 critical infrastructure.

20 (C) Plans to implement the recommenda-
21 tions described in subparagraph (B).

22 (D) Specific timelines for the implementa-
23 tion of such plans.

1 (g) REPEAL.—Subsection (b) of section 1648 of the
2 National Defense Authorization Act for Fiscal Year 2016
3 (Public Law 114–92; 129 Stat. 1119) is repealed.

4 (h) NATIONAL CYBER EXERCISE PROGRAM.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this section, the
7 Director, in consultation with appropriate represent-
8 atives from sector-specific agencies, the cybersecurity
9 research community, and Sector Coordinating Coun-
10 cils, shall carry out the National Cyber Exercise
11 Program (referred to in this section as the “Exercise
12 Program”) to evaluate the National Cyber Incident
13 Response Plan, and other related plans and strate-
14 gies.

15 (2) REQUIREMENTS.—

16 (A) IN GENERAL.—The Exercise Program
17 shall be—

18 (i) as realistic as practicable, based on
19 current risk assessments, including credible
20 threats, vulnerabilities, and consequences;

21 (ii) designed, as practicable, to simu-
22 late the partial or complete incapacitation
23 of a State, local, or tribal government, or
24 related critical infrastructure, resulting
25 from a cyber incident;

1 (iii) carried out, as appropriate, with
2 a minimum degree of notice to involved
3 parties regarding the timing and details of
4 such exercises, consistent with safety con-
5 siderations;

6 (iv) designed to provide for the sys-
7 tematic evaluation of cyber readiness and
8 enhance operational understanding of the
9 cyber incident response system and rel-
10 evant information sharing agreements; and

11 (v) designed to promptly develop
12 after-action reports and plans that can be
13 quickly incorporating lessons learned into
14 future operations.

15 (B) MODEL EXERCISE SELECTION.—The
16 Exercise Program shall include a selection of
17 model exercises that State, local, and Tribal
18 governments can readily adapt for use and aid
19 such governments with the design, implementa-
20 tion, and evaluation of exercises that—

21 (i) conform to the requirements under
22 subparagraph (A);

23 (ii) are consistent with any applicable
24 State, local, or Tribal strategy or plan; and

1 (iii) provide for systematic evaluation
2 of readiness.

3 (i) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Armed Services of
8 the Senate;

9 (B) the Committee on Armed Services of
10 the House of Representatives;

11 (C) the Committee on Homeland Security
12 and Governmental Affairs of the Senate; and

13 (D) the Committee on Homeland Security
14 of the House of Representatives.

15 (2) CRITICAL INFRASTRUCTURE.—The term
16 “critical infrastructure” has the meaning given such
17 term in section 1016(e) of Public Law 107–56 (42
18 U.S.C. 5195c(e)).

19 (3) INTELLIGENCE COMMUNITY.—The term
20 “intelligence community” has the meaning given
21 such term in section 3(4) of the National Security
22 Act of 1947 (50 U.S.C. 3003(4)).

23 (4) PRIVATE ENTITY.—The term “private enti-
24 ty” has the meaning given the term in section 102

1 of the Cybersecurity Information Sharing Act of
2 2015 (6 U.S.C. 1501).

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of Homeland Security.

5 (6) SECTOR-SPECIFIC AGENCY.—The term “sec-
6 tor-specific agency” has the meaning given the term
7 “Sector-Specific Agency” in section 2201 of the
8 Homeland Security Act of 2002 (6 U.S.C. 651).

9 (7) STATE.—The term “State” means any
10 State of the United States, the District of Columbia,
11 the Commonwealth of Puerto Rico, the Northern
12 Mariana Islands, the United States Virgin Islands,
13 Guam, American Samoa, and any other territory or
14 possession of the United States.

15 **Subtitle D—Nuclear Forces**

16 **SEC. 1641. COORDINATION IN TRANSFER OF FUNDS BY DE-** 17 **PARTMENT OF DEFENSE TO NATIONAL NU-** 18 **CLEAR SECURITY ADMINISTRATION.**

19 (a) IN GENERAL.—Section 179(f)(3) of title 10,
20 United States Code, is amended by adding at the end the
21 following new subparagraph:

22 “(D) The Secretary of Defense and the Secretary of
23 Energy shall ensure that a transfer of estimated nuclear
24 budget request authority is carried out in a manner that
25 provides for coordination between the Secretary of De-

1 fense and the Administrator for Nuclear Security using
2 appropriate interagency processes during the process in
3 which the Secretaries develop the budget materials of the
4 Department of Defense and the National Nuclear Security
5 Administration, including by beginning such coordination
6 by not later than June 30 for such budget materials that
7 will be submitted during the following year.”.

8 (b) REPORTS.—Subparagraph (B) of such section is
9 amended by adding at the end the following new clause:

10 “(iv) A description of the total amount of the
11 proposed estimated nuclear budget request authority
12 to be transferred by the Secretary of Defense to the
13 Secretary of Energy to support the weapons activi-
14 ties of the National Nuclear Security Administra-
15 tion, including—

16 “(A) identification of any trade-offs made
17 within the budget of the Department of Defense
18 as part of such proposed transfer; and

19 “(B) a certification made jointly by the
20 Secretaries that such proposed transfer was de-
21 veloped in a manner that allowed for the coordi-
22 nation described in subparagraph (D).”.

1 **SEC. 1642. EXERCISES OF NUCLEAR COMMAND, CONTROL,**
2 **AND COMMUNICATIONS SYSTEM.**

3 (a) REQUIREMENT.—Chapter 24 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 499b. Exercises of nuclear command, control, and**
7 **communications system**

8 “(a) REQUIRED EXERCISES.—Except as provided by
9 subsection (b), beginning 2021, the President shall partici-
10 pate in a large-scale exercise of the nuclear command, con-
11 trol, and communications system during the first year of
12 each term of the President, and may participate in such
13 additional exercises as the President determines appro-
14 priate.

15 “(b) WAIVER.—The President may waive, on a case-
16 by-case basis, the requirement to participate in an exercise
17 under subsection (a) if the President—

18 “(1) determines that participating in such an
19 exercise is infeasible by reason of a war declared by
20 Congress, a national emergency declared by the
21 President or Congress, a public health emergency
22 declared by the Secretary of Health and Human
23 Services under section 319 of the Public Health
24 Service Act (42 U.S.C. 247d), or other similar exi-
25 gent circumstance; and

1 “(2) submits to the congressional defense com-
2 mittees a notice of the waiver and a description of
3 such determination.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 at the end the following new item:

 “499b. Exercises of nuclear command, control, and communications system.”.

7 **SEC. 1643. INDEPENDENT STUDIES ON NUCLEAR WEAPONS**
8 **PROGRAMS OF CERTAIN FOREIGN STATES.**

9 (a) STUDY.—Not later than 60 days after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall seek to enter into a contract with a federally funded
12 research and development center to conduct a study on
13 the nuclear weapons programs of covered foreign coun-
14 tries.

15 (b) MATTERS INCLUDED.—The study under sub-
16 section (a) shall compile open-source data to conduct an
17 analysis of the following for each covered foreign country:

18 (1) The activities, budgets, and policy docu-
19 ments, regarding the nuclear weapons program.

20 (2) The known research and development activi-
21 ties with respect to nuclear weapons.

22 (3) The inventories of nuclear weapons and de-
23 livery vehicles with respect to both deployed and
24 nondeployed weapons.

1 (4) The capabilities of such nuclear weapons
2 and delivery vehicles.

3 (5) The physical sites used for nuclear proc-
4 essing, testing, and weapons integration.

5 (6) The human capital of the scientific and
6 technical workforce involved in nuclear programs, in-
7 cluding with respect to matters relating to the edu-
8 cation, knowledge, and technical capabilities of that
9 workforce.

10 (7) The known deployment areas for nuclear
11 weapons.

12 (8) Information with respect to the nuclear
13 command and control system.

14 (9) The factors and motivations driving the nu-
15 clear weapons program and the nuclear command
16 and control system.

17 (10) Any other information that the federally
18 funded research and development center determines
19 appropriate.

20 (c) SUBMISSION TO DOD.—Not later than 14
21 months after the date of the enactment of this Act, and
22 each year thereafter for the following 2 years, the federally
23 funded research and development center shall submit to
24 the Secretary the study under subsection (a) and any up-
25 dates to the study.

1 (d) SUBMISSION TO CONGRESS.—Not later than 30
2 days after the date on which the Secretary receives the
3 study under subsection (a) or updates to the study, the
4 Secretary shall submit to the appropriate congressional
5 committees the study or such updates, without change.

6 (e) PUBLIC RELEASE.—The federally funded re-
7 search and development center shall maintain an internet
8 website on which the center—

9 (1) publishes the study under subsection (a) by
10 not later than 30 days after the date on which the
11 Secretary receives the study under subsection (c);
12 and

13 (2) provides on an ongoing basis commentaries,
14 analyses, updates, and other information regarding
15 the nuclear weapons of covered foreign countries.

16 (f) FORM.—The study under subsection (a) shall be
17 in unclassified form.

18 (g) MODIFICATION TO REPORT ON NUCLEAR FORCES
19 OF THE UNITED STATES AND NEAR-PEER COUNTRIES.—
20 Section 1676 of the National Defense Authorization Act
21 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
22 1778) is amended—

23 (1) in subsection (a), by striking “Not later
24 than February 15, 2020, the Secretary of Defense,
25 in coordination with the Director of National Intel-

1 ligence, shall” and inserting “Not later than Feb-
2 ruary 15, 2020, and each year thereafter through
3 2023, the Secretary of Defense and the Director of
4 National Intelligence shall jointly”; and

5 (2) in subsection (b), by adding at the end the
6 following new paragraph:

7 “(4) With respect to the current and planned
8 nuclear systems specified in paragraphs (1) through
9 (3), the factors and motivations driving the develop-
10 ment and deployment of the systems.”.

11 (h) DEFINITIONS.—In this section:

12 (1) The term “appropriate congressional com-
13 mittees” means—

14 (A) the congressional defense committees;

15 (B) the Committee on Foreign Affairs and
16 the Permanent Select Committee on Intelligence
17 of the House of Representatives; and

18 (C) the Committee on Foreign Relations
19 and the Select Committee on Intelligence of the
20 Senate.

21 (2) The term “covered foreign country” means
22 each of the following:

23 (A) China.

24 (B) North Korea.

25 (C) Russia.

1 (3) The term “open-source data” includes data
2 derived from, found in, or related to any of the fol-
3 lowing:

4 (A) Geospatial information.

5 (B) Seismic sensors.

6 (C) Commercial data.

7 (D) Public government information.

8 (E) Academic journals and conference pro-
9 ceedings.

10 (F) Media reports.

11 (G) Social media.

12 **SEC. 1644. ROLE OF SECRETARY OF DEFENSE AND SEC-**
13 **RETARY OF ENERGY ON NUCLEAR WEAPONS**
14 **COUNCIL.**

15 (a) MEMBERSHIP.—Subsection (a) of section 179 of
16 title 10, United States Code, is amended—

17 (1) by redesignating paragraphs (1) through
18 (6) as paragraphs (3) through (8), respectively; and

19 (2) by inserting before paragraph (3), as so re-
20 designated, the following new paragraphs:

21 “(1) The Secretary of Defense.

22 “(2) The Secretary of Energy.”.

23 (b) CHAIRMAN; MEETINGS.—Subsection (b) of sec-
24 tion 179 of title 10, United States Code, is amended to
25 read as follows:

1 “(b) CHAIRMAN; MEETINGS.—(1) The Council shall
2 be co-chaired by the Secretary of Defense and the Sec-
3 retary of Energy. Any reference in any statute or regula-
4 tion to the Chairman of the Council shall be deemed to
5 be a reference to the Secretary of Defense and the Sec-
6 retary of Energy jointly.

7 “(2) The Council shall meet not less often than once
8 every three months. To the extent possible, not later than
9 seven days before a meeting, the Chairman shall dissemi-
10 nate to each member of the Council the agenda and docu-
11 ments for such meeting.”.

12 **SEC. 1645. LIMITATION ON AVAILABILITY OF FUNDS RELAT-**
13 **ING TO UPDATES ON MEETINGS HELD BY NU-**
14 **CLEAR WEAPONS COUNCIL.**

15 Section 179(g) of title 10, United States Code, is
16 amended to read as follows:

17 “(g) SEMIANNUAL UPDATES ON COUNCIL MEET-
18 INGS.—(1) Not later than February 1 and August 1 of
19 each year, the Council shall provide to the congressional
20 defense committees a semiannual update including, with
21 respect to the six-month period preceding the update—

22 “(A) the dates on which the Council met; and

23 “(B) except as provided by paragraph (2), a
24 summary of any decisions made by the Council pur-
25 suant to subsection (d) at each such meeting and

1 the rationale for and options that informed such de-
2 cisions.

3 “(2) The Council shall not be required to include in
4 a semiannual update under paragraph (1) the matters de-
5 scribed in subparagraph (B) of that paragraph with re-
6 spect to decisions of the Council relating to the budget
7 of the President for a fiscal year if the budget for that
8 fiscal year has not been submitted to Congress under sec-
9 tion 1105 of title 31 as of the date of the semiannual up-
10 date.

11 “(3) The Council may provide a semiannual update
12 under paragraph (1) either in the form of a briefing or
13 a written report.

14 “(4)(A) If by February 1 of any year the Council has
15 not provided the semiannual update under paragraph (1)
16 required by that date, not more than 50 percent of the
17 funds authorized to be appropriated for that year for the
18 Office of the Under Secretary of Defense for Acquisition
19 and Sustainment may be obligated or expended until the
20 date on which such semiannual update has been provided.

21 “(B) If by August 1 of any year the Council has not
22 provided the semiannual update under paragraph (1) re-
23 quired by that date, not more than 90 percent of the funds
24 authorized to be appropriated for that year for the Office
25 of the Under Secretary of Defense for Acquisition and

1 Sustainment may be obligated or expended until the date
2 on which such semiannual update has been provided.”.

3 **SEC. 1646. BRIEFING ON NUCLEAR WEAPONS STORAGE AND**
4 **MAINTENANCE FACILITIES OF THE AIR**
5 **FORCE.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the Secretary of the Air Force shall pro-
8 vide to the congressional defense committees a briefing on
9 the efforts by the Secretary to harden and modernize the
10 nuclear weapons storage and maintenance facilities of the
11 Air Force. The briefing shall include the plans of the Sec-
12 retary with respect to the following:

13 (1) Verifying that the Air Force is deploying
14 tested and field-proven physical security designs of
15 such facilities, including with respect to forced entry,
16 blast and ballistic resistant barrier systems, that in-
17 corporate multiple reactive countermeasures for pro-
18 tection against the dedicated adversary threat classi-
19 fication level.

20 (2) Streamlining the procurement of the infra-
21 structure to protect ground-based strategic deterrent
22 weapons by ensuring that the physical security de-
23 signs of such facilities are appropriately tailored to
24 the threat.

1 (3) Ensuring that competitive procedures are
 2 used in awarding a contract for the physical security
 3 design of such facilities that include a fair consider-
 4 ation of such designs that are successfully used at
 5 other similar facilities.

6 (4) Ensuring that the physical security design
 7 for which such contract is awarded—

8 (A) meets the security requirements of all
 9 planned modernization projects for the nuclear
 10 weapons storage and maintenance facilities of
 11 the Air Force; and

12 (B) do not result in higher and additional
 13 costs to shore up existing infrastructure at such
 14 facilities.

15 **Subtitle E—Missile Defense** 16 **Programs**

17 **SEC. 1651. EXTENSION AND MODIFICATION OF REQUIRE-**
 18 **MENT FOR COMPTROLLER GENERAL OF THE**
 19 **UNITED STATES REVIEW AND ASSESSMENT**
 20 **OF MISSILE DEFENSE ACQUISITION PRO-**
 21 **GRAMS.**

22 Section 232(a) of the National Defense Authorization
 23 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
 24 1339), as amended by section 1688 of the National De-

1 fense Authorization Act for Fiscal Year 2016 (Public Law
2 114–92; 129 Stat. 1144), is amended—

3 (1) in paragraph (1), by striking “through
4 2020” and inserting “through 2025”; and

5 (2) in paragraph (2)—

6 (A) by striking “through 2021” and insert-
7 ing “through 2026”; and

8 (B) by adding at the end the following new
9 sentence: “In carrying out this subsection, the
10 Comptroller General shall review emergent
11 issues relating to such programs and account-
12 ability and, in consultation with the congres-
13 sional defense committees, either include any
14 findings from the review in the reports sub-
15 mitted under this paragraph or provide to such
16 committees a briefing on the findings.”.

17 **SEC. 1652. EXTENSION OF TRANSITION OF BALLISTIC MIS-**
18 **SILE DEFENSE PROGRAMS TO MILITARY DE-**
19 **PARTMENTS.**

20 Section 1676(b)(1) of the National Defense Author-
21 ization Act for Fiscal Year 2018 (Public Law 115–91; 10
22 U.S.C. 2431 note) is amended by striking “2021” and in-
23 serting “2023”.

1 **SEC. 1653. DEVELOPMENT OF HYPERSONIC AND BALLISTIC**
2 **MISSILE TRACKING SPACE SENSOR PAYLOAD.**

3 (a) FINDINGS; SENSE OF CONGRESS.—

4 (1) FINDINGS.—Congress finds the following:

5 (A) Subsection (d) of section 1683 of the
6 National Defense Authorization Act for Fiscal
7 Year 2018 (Public Law 115–91; 10 U.S.C.
8 2431 note), as amended by section 1683 of the
9 National Defense Authorization Act for Fiscal
10 Year 2020 (Public Law 116–92), requires the
11 Director of the Missile Defense Agency to de-
12 velop a hypersonic and ballistic tracking space
13 sensor payload to address missile defense track-
14 ing requirements.

15 (B) The budget of the President for fiscal
16 year 2021 submitted under section 1105 of title
17 31, United States Code, did not provide any
18 funding for the Missile Defense Agency to con-
19 tinue the development of such sensor payload.

20 (2) SENSE OF CONGRESS.—It is the sense of
21 Congress that—

22 (A) regardless of the overall architecture
23 for a missile defense tracking space layer, the
24 Director of the Missile Defense Agency should
25 remain the material developer for the

1 hypersonic and ballistic tracking space sensor
2 payload to ensure that—

3 (i) unique hypersonic and ballistic
4 missile tracking requirements are met; and

5 (ii) the system can be integrated into
6 the existing missile defense system com-
7 mand and control, battle management, and
8 communications system; and

9 (B) the Secretary of Defense should ensure
10 transparency of funding for this effort to en-
11 sure proper oversight can be conducted on this
12 critical capability.

13 (b) LIMITATION.—Subsection (d) of section 1683 of
14 the National Defense Authorization Act for Fiscal Year
15 2018 (Public Law 115–91; 10 U.S.C. 2431 note), as
16 amended by section 1683 of the National Defense Author-
17 ization Act for Fiscal Year 2020 (Public Law 116–92),
18 is amended by adding at the end the following new para-
19 graph:

20 “(3) LIMITATION.—Of the funds authorized to
21 be appropriated by the National Defense Authoriza-
22 tion Act for Fiscal Year 2021 or otherwise made
23 available for fiscal year 2021 for operation and
24 maintenance, Defense-wide, for the Space Defense
25 Agency, not more than 50 percent may be obligated

1 or expended until the date on which the Secretary
2 submits the certification under paragraph (2)(B).”.

3 (c) COORDINATION.—Subsection (a) of such section
4 is amended by striking “the Commander of the Air Force
5 Space Command and” and inserting “the Chief of Space
6 Operations, the Commander of the United States Space
7 Command, the Commander of the United States Northern
8 Command, and”.

9 **SEC. 1654. ANNUAL CERTIFICATION ON HYPERSONIC AND**
10 **BALLISTIC MISSILE TRACKING SPACE SEN-**
11 **SOR PAYLOAD.**

12 (a) FINDING; SENSE OF CONGRESS.—

13 (1) FINDING.—Congress finds that the budget
14 submitted by the President under section 1105(a) of
15 title 31, United States Code, for fiscal year 2021
16 does not fully fund an operational capability for the
17 hypersonic and ballistic missile tracking space sensor
18 within the tracking layer of the persistent space-
19 based sensor architecture of the Space Development
20 Agency, despite such space sensor being a require-
21 ment by the combatant commanders and being high-
22 lighted as a needed capability against both
23 hypersonic and ballistic threats in the Missile De-
24 fense Review published in 2019.

1 (2) SENSE OF CONGRESS.—It is the sense of
2 Congress that the Missile Defense Agency
3 hypersonic and ballistic missile tracking space sensor
4 must be prioritized within the persistent space-based
5 sensor architecture of the Space Development Agen-
6 cy to ensure the delivery of capabilities to the
7 warfighter as soon as possible.

8 (b) ANNUAL CERTIFICATION.—Subsection (d) of sec-
9 tion 1683 of the National Defense Authorization Act for
10 Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2431
11 note), as amended by section 1653, is further amended
12 by adding at the end the following new paragraph:

13 “(4) ANNUAL CERTIFICATION.—On an annual
14 basis until the date on which the hypersonic and bal-
15 listic tracking space sensor payload achieves full
16 operational capability, the Secretary of Defense,
17 without delegation, shall submit to the appropriate
18 congressional committees a certification that—

19 “(A) the most recent future-years defense
20 program submitted under section 221 of title
21 10, United States Code, includes estimated ex-
22 penditures and proposed appropriations in
23 amounts necessary to ensure the development
24 and deployment of such space sensor payload as

1 a component of the sensor architecture devel-
2 oped under subsection (a); and

3 “(B) the Commander of the United States
4 Space Command has validated both the ballistic
5 and hypersonic tracking requirements of, and
6 the timeline to deploy, such space sensor pay-
7 load.”.

8 **SEC. 1655. ALIGNMENT OF THE MISSILE DEFENSE AGENCY**
9 **WITHIN THE DEPARTMENT OF DEFENSE.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) Since the Missile Defense Agency was
12 aligned to be under the authority, direction, and
13 control of the Under Secretary of Defense for Re-
14 search and Engineering pursuant to section 205(b)
15 of title 10, United States Code, the advanced tech-
16 nology development budget requests in the defense
17 budget materials (as defined in section 231(f) of
18 title 10, United States Code) have decreased by
19 more than 650 percent, from a request for
20 \$292,000,000 for fiscal year 2018 (the highest such
21 request) to a request for \$45,000,000 for fiscal year
22 2021.

23 (2) The overwhelming majority of the budget of
24 the Missile Defense Agency is invested in programs
25 that would be categorized as acquisition category 1

1 efforts if such programs were administered under
2 the acquisition standards under Department of De-
3 fense Directive 5000.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that, in light of the findings under subsection (a),
6 upon the completion of the independent review of the orga-
7 nization of the Missile Defense Agency required by section
8 1688 of the National Defense Authorization Act for Fiscal
9 Year 2020 (Public Law 116–92; 133 Stat. 1787), the Sec-
10 retary of Defense should reassess the alignment of the
11 Agency within the Department of Defense to ensure that
12 missile defense efforts are being given proper oversight
13 and that the Agency is focused on delivering capability to
14 address current and future threats.

15 (c) REPORT.—Not later than February 28, 2021, the
16 Secretary of Defense shall submit to the congressional de-
17 fense committees a report on the alignment of the Missile
18 Defense Agency within the Department of Defense. The
19 report shall include—

20 (1) a description of the risks and benefits of
21 both—

22 (A) continuing the alignment of the Agen-
23 cy under the authority, direction, and control of
24 the Under Secretary of Defense for Research

1 and Engineering pursuant to section 205(b) of
2 title 10, United States Code; and

3 (B) realigning the Agency to be under the
4 authority, direction, and control of the Under
5 Secretary of Defense for Acquisition and
6 Sustainment; and

7 (2) if the Agency were to be realigned, the ac-
8 tions that would need to be taken to realign the
9 Agency to be under the authority, direction, and
10 control of the Under Secretary of Defense for Acqui-
11 sition and Sustainment or another element of the
12 Department of Defense.

13 **SEC. 1656. ANALYSIS OF ALTERNATIVES FOR HOMELAND**
14 **MISSILE DEFENSE MISSIONS.**

15 (a) ANALYSIS OF ALTERNATIVES.—

16 (1) REQUIREMENT.—Not later than 90 days
17 after the date of the enactment of this Act, the Di-
18 rector of Cost Assessment and Program Evaluation,
19 in coordination with the Secretary of the Navy, the
20 Secretary of the Army, and the Director of the Mis-
21 sile Defense Agency, shall conduct an analysis of al-
22 ternatives with respect to a complete architecture for
23 using the regional terminal high altitude area de-
24 fense system and the Aegis ballistic missile defense
25 system to conduct homeland defense missions.

1 (2) SCOPE.—The analysis of alternatives under
2 paragraph (1) shall include the following:

3 (A) The sensors needed for the architec-
4 ture described in such paragraph.

5 (B) An assessment of the locations of each
6 system included in the analysis to provide simi-
7 lar coverage as the ground-based midcourse de-
8 fense system, including, with respect to such
9 systems that are land-based, by giving pref-
10 erence to locations with completed environ-
11 mental impact analyses conducted pursuant to
12 section 227 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2013 (Public Law
14 112–239; 126 Stat. 1678), to the extent prac-
15 ticable.

16 (C) The acquisition objectives for intercept-
17 tors of the terminal high altitude area defense
18 system and standard missile–3 interceptors for
19 homeland defense purposes.

20 (D) Any improvements needed to the mis-
21 sile defense system command and control, battle
22 management, and communications system.

23 (E) The manning, training, and
24 sustainment needed to support such architec-
25 ture.

1 (F) A detailed schedule for the develop-
2 ment, testing, production, and deployment of
3 such systems.

4 (G) A lifecycle cost estimate of such archi-
5 tecture.

6 (H) A comparison of the capabilities, costs,
7 schedules, and policies with respect to—

8 (i) deploying regional systems de-
9 scribed in subsection (a) to conduct home-
10 land defense missions; and

11 (ii) deploying future ground-based
12 midcourse defense systems for such mis-
13 sions.

14 (3) SUBMISSION.—Not later than 90 days after
15 the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the congressional defense
17 committees a report containing—

18 (A) the analysis of alternatives under para-
19 graph (1); and

20 (B) a certification by the Secretary that
21 such analysis is sufficient.

22 (b) ASSESSMENT.—Not later than February 28,
23 2021, the Director of the Defense Intelligence Agency, and
24 the head of any other element of the intelligence commu-
25 nity that the Secretary of Defense determines appropriate,

1 shall submit to the congressional defense committees an
2 assessment of the following:

3 (1) How the development and deployment of re-
4 gional terminal high altitude area defense systems
5 and Aegis ballistic missile defense systems to con-
6 duct longer-range missile defense missions would be
7 perceived by near-peer foreign countries and rogue
8 nations.

9 (2) How such near-peer foreign countries and
10 rogue nations would likely respond to such deploy-
11 ments.

12 **SEC. 1657. NEXT GENERATION INTERCEPTORS.**

13 (a) NOTIFICATION OF CHANGED REQUIREMENTS.—
14 During the acquisition and development process of the
15 next generation interceptor program, not later than 7 days
16 after the date on which any changes are made to the re-
17 quirements for such program that are established in the
18 equivalent to capability development documentation, the
19 Director of the Missile Defense Agency shall notify the
20 congressional defense committees of such changes.

21 (b) BRIEFING ON CONTRACT.—Not later than 14
22 days after the date on which the Director awards a con-
23 tract for the next generation interceptor, the Director
24 shall provide the congressional defense committees a brief-

1 ing on such contract, including with respect to the cost,
2 schedule, performance, and requirements of the contract.

3 (c) REPORT ON GROUND-BASED MIDCOURSE DE-
4 FENSE SYSTEM.—

5 (1) REQUIREMENT.—Not later than 90 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense, in coordination with the Under
8 Secretary of Defense for Policy, the Director of the
9 Missile Defense Agency, and the Commander of the
10 United States Northern Command, shall submit to
11 the congressional defense committees a report on the
12 ground-based midcourse defense system.

13 (2) MATTERS INCLUDED.—The report under
14 paragraph (1) shall include the following:

15 (A) An explanation of how contracts in ex-
16 istence as of the date of the report could be
17 used to reestablish improvements and
18 sustainment for kill vehicles and boosters for
19 the ground-based midcourse defense system.

20 (B) An explanation of how such system
21 could be improved through service life exten-
22 sions or pre-planned product improvements to
23 address some of the requirements of the next
24 generation interceptor by 2026, including an

1 identification of the costs, schedule, and any
2 risks.

3 (C) A description of the costs and schedule
4 with respect to restarting booster production to
5 field 20 additional interceptors by 2026.

6 (D) An analysis of policy implications with
7 respect to the requirements for the ground-
8 based midcourse defense system.

9 **SEC. 1658. OVERSIGHT OF NEXT GENERATION INTER-**
10 **CEPTOR PROGRAM.**

11 (a) FINDINGS; SENSE OF CONGRESS.—

12 (1) FINDINGS.—Congress finds that the Sec-
13 retary of Defense discovered major technical prob-
14 lems with the redesigned kill vehicle program, which
15 led to cancelling the program in August 2019 and
16 caused significant delays to the improved defense of
17 the United States against rogue nation ballistic mis-
18 sile threats and wasted \$1,200,000,000.

19 (2) SENSE OF CONGRESS.—It is the sense of
20 Congress that the Secretary of Defense should en-
21 sure robust oversight and accountability for the ac-
22 quisition of the future next generation interceptor
23 program to avoid making the same errors that were
24 experienced in the redesigned kill vehicle effort.

1 (b) INDEPENDENT COST ASSESSMENT AND VALIDA-
2 TION.—

3 (1) ASSESSMENT.—The Director of Cost As-
4 sessment and Program Evaluation shall conduct an
5 independent cost assessment of the next generation
6 interceptor program.

7 (2) VALIDATION.—The Under Secretary of De-
8 fense for Acquisition and Sustainment shall validate
9 the preliminary cost assessment conducted under
10 paragraph (1) that will be used to inform the award
11 of the contract for the next generation interceptor.

12 (3) SUBMISSION.—Not later than the date on
13 which the Director of the Missile Defense Agency
14 awards a contract for the next generation inter-
15 ceptor, the Secretary of Defense shall submit to the
16 congressional defense committees a report containing
17 the preliminary independent cost assessment under
18 paragraph (1) and the validation under paragraph
19 (2).

20 (c) FLIGHT TESTS.—In addition to the requirements
21 of section 2399 of title 10, United States Code, the Direc-
22 tor of the Missile Defense Agency may not make any deci-
23 sion regarding the initial production, or equivalent, of the
24 next generation interceptor unless the Director has—

1 (1) certified to the congressional defense com-
2 mittees that the Director has conducted not fewer
3 than two successful intercept flight tests of the next
4 generation interceptor; and

5 (2) provided to such committees a briefing on
6 the details of such tests, including with respect to
7 the operational realism of such tests.

8 **SEC. 1659. MISSILE DEFENSE COOPERATION BETWEEN THE**
9 **UNITED STATES AND ISRAEL.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the strong and enduring relationship be-
13 tween the United States and Israel is in the national
14 security interest of both countries;

15 (2) the memorandum of understanding signed
16 by the United States and Israel on September 14,
17 2016, including the provisions of the memorandum
18 relating to missile and rocket defense cooperation,
19 continues to be a critical component of the bilateral
20 relationship;

21 (3) the United States and Israel should con-
22 tinue government-to-government collaboration and
23 information sharing of technical data to investigate
24 the potential operational use of Israeli missile de-
25 fense systems for United States purposes; and

1 (4) in addition to the existing Israeli missile de-
2 fense interceptor systems, there is potential for de-
3 veloping and incorporating directed energy platforms
4 to assist the missile defense capabilities of both the
5 United States and Israel.

6 (b) COOPERATION.—The Secretary of Defense may
7 seek to extend existing cooperation with Israel to carry
8 out, on a joint basis with Israel, research, development,
9 test, and evaluation activities to establish directed energy
10 capabilities that address missile threats to the United
11 States, the deployed members of the Armed Forces of the
12 United States, or Israel. The Secretary shall ensure that
13 any such activities are conducted—

14 (1) in accordance with Federal law and the
15 Convention on Prohibitions or Restrictions on the
16 Use of Certain Conventional Weapons which may be
17 deemed to be Excessively Injurious or to have Indis-
18 criminate Effects, signed at Geneva October 10,
19 1980; and

20 (2) in a manner that appropriately protects sen-
21 sitive information and the national security interests
22 of the United States and the national security inter-
23 ests of Israel.

1 **SEC. 1660. REPORT ON DEFENSE OF GUAM FROM INTE-**
2 **GRATED AIR AND MISSILE THREATS.**

3 (a) REPORT.—Not later than 120 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port containing a study on the defense of Guam from inte-
7 grated air and missile threats, including such threats from
8 ballistic, hypersonic, and cruise missiles.

9 (b) ELEMENTS.—The report under subsection (a)
10 shall include the following:

11 (1) The identification of existing deployed land-
12 and sea-based air and missile defense programs of
13 record within the military departments and Defense
14 Agencies, including with respect to interceptors, ra-
15 dars, and ground-, ship-, air,- and space-based sen-
16 sors that could be used either alone or in coordina-
17 tion with other systems to counter the threats speci-
18 fied in subsection (a) with an initial operational ca-
19 pability by 2025.

20 (2) A plan of how such programs would be used
21 to counter such threats with an initial operational
22 capability by 2025.

23 (3) A plan of which programs currently in de-
24 velopment but not yet deployed could enhance or
25 substitute for existing programs in countering such

1 threats with an initial operational capability by
2 2025.

3 (4) An analysis of which military department,
4 Defense Agency, or combatant command would have
5 operational control of the mission to counter such
6 threats.

7 (5) A cost analysis of the various options de-
8 scribed in paragraphs (1) and (3), including a
9 breakdown of the cost of weapons systems consid-
10 ered under the various scenarios (including any costs
11 to modify the systems), the cost benefits gained
12 through economies of scale, and the cost of any mili-
13 tary construction required.

14 (6) An analysis of the policy implications re-
15 garding deploying additional missile defense systems
16 on Guam, and how such deployments could affect
17 strategic stability, including likely responses from
18 both rogue nations and near-peer competitors.

19 (c) CONSULTATION.—The Secretary shall carry out
20 this section in consultation with each of the following:

21 (1) The Director of the Missile Defense Agency.

22 (2) The Commander of the United States Indo-
23 Pacific Command.

24 (3) The Commander of the United States
25 Northern Command.

1 (4) Any other official whom the Secretary of
2 Defense determines for purposes of this section has
3 significant technical, policy, or military expertise.

4 (d) FORM.—The report submitted under subsection
5 (a) shall be in unclassified form, but may contain a classi-
6 fied annex.

7 (e) BRIEFING.—Not later than 30 days after the date
8 on which the Secretary submits to the congressional de-
9 fense committees the report under subsection (a), the Sec-
10 retary shall provide to such committees a briefing on the
11 report.

12 **SEC. 1661. REPORT ON CRUISE MISSILE DEFENSE.**

13 Not later than January 15, 2021, the Commander
14 of the United States Northern Command, in coordination
15 with the Director of the Missile Defense Agency, shall sub-
16 mit to the congressional defense committees a report con-
17 taining—

18 (1) an identification of any vulnerability of the
19 contiguous United States to known cruise missile
20 threats; and

21 (2) a plan to mitigate any such vulnerability.

22 **Subtitle F—Other Matters**

23 **SEC. 1671. CONVENTIONAL PROMPT GLOBAL STRIKE.**

24 (a) INTEGRATION.—Section 1697(a) of the National
25 Defense Authorization Act for Fiscal Year 2020 (Public

1 Law 116–92; 133 Stat. 1791) is amended by adding at
2 the end the following new sentence: “The Secretary shall
3 initiate such transfer of technologies to DDG–1000 class
4 destroyers by not later than January 1, 2021.”.

5 (b) REPORT ON STRATEGIC HYPERSONIC WEAP-
6 ONS.—

7 (1) REQUIREMENT.—Not later than 120 days
8 after the date of the enactment of this Act, the
9 Chairman of the Joint Chiefs of Staff, in coordina-
10 tion with the Under Secretary of Defense for Policy,
11 shall submit to the congressional defense committees
12 a report on strategic hypersonic weapons.

13 (2) MATTERS INCLUDED.—The report under
14 paragraph (1) shall include the following:

15 (A) A discussion of the authority to use
16 strategic hypersonic weapons and if, and how,
17 such authorities would be delegated to the com-
18 manders of the combatant commands or to the
19 Chiefs of the Armed Forces.

20 (B) An assessment of escalation and mis-
21 calculation risks (including the risk that adver-
22 saries may detect initial launch but not reliably
23 detect the entire boost-glide trajectory), how
24 such risks will be addressed and minimized with
25 regards to the use of strategic hypersonic weap-

1 ons, and whether any risk escalation exercises
2 have been conducted or are planned for the po-
3 tential use of hypersonic weapons.

4 (C) A description of any updates needed to
5 war plans with the introduction of strategic
6 hypersonic weapons.

7 (D) Identification of the element of the
8 Department of Defense that has responsibility
9 for establishing targeting requirements for stra-
10 tegic hypersonic weapons.

11 (E) A description of how the requirements
12 for land- and sea-based strategic hypersonic
13 weapons will be addressed with the Joint Re-
14 quirements Oversight Council, and how such re-
15 quirements will be formally provided to the mili-
16 tary departments procuring such weapons
17 through an acquisition program described under
18 section 804 of the National Defense Authoriza-
19 tion Act for Fiscal Year 2016 (10 U.S.C. 2302
20 note).

21 (F) A basing strategy for land-based
22 launch platforms and a description of the ac-
23 tions needed to be taken for future deployment
24 of such platforms.

1 (3) FORM.—The report under paragraph (1)
2 shall be submitted in unclassified form, but may in-
3 clude a classified annex.

4 (c) ANNUAL REPORTS ON ACQUISITION.—

5 (1) ARMY AND NAVY PROGRAMS.—Except as
6 provided by paragraph (3), not later than 30 days
7 after the date on which the budget of the President
8 for each of fiscal years 2022 through 2025 is sub-
9 mitted to Congress pursuant to section 1105 of title
10 31, United States Code, the Secretary of the Army
11 and the Secretary of the Navy shall jointly submit
12 to the congressional defense committees a report on
13 the conventional prompt global strike programs of
14 the Army and the Navy, including—

15 (A) the total costs to the respective mili-
16 tary departments for such programs;

17 (B) the strategy for such programs with
18 respect to manning, training, and equipping, in-
19 cluding cost estimates; and

20 (C) a testing strategy and schedule for
21 such programs.

22 (2) CERTIFICATIONS.—Not later than 60 days
23 after the date on which the budget of the President
24 for each of fiscal years 2022 through 2025 is sub-
25 mitted to Congress pursuant to section 1105 of title

1 31, United States Code, the Director of Cost Assess-
2 ment and Program Evaluation shall submit to the
3 congressional defense committees a certification re-
4 garding the sufficiency, including any anomalies,
5 with respect to—

6 (A) the total program costs of the conven-
7 tional prompt global strike programs of the
8 Army and the Navy; and

9 (B) the testing strategy for such programs.

10 (3) TERMINATION.—The requirement to submit
11 a report under paragraph (1) shall terminate on the
12 date on which the Secretary of Defense determines
13 that the conventional prompt global strike programs
14 of the Army and the Navy are unable to be acquired
15 under the authority of section 804 of the National
16 Defense Authorization Act for Fiscal Year 2016 (10
17 U.S.C. 2302 note).

18 **SEC. 1672. SUBMISSION OF REPORTS UNDER MISSILE DE-**
19 **FENSE REVIEW AND NUCLEAR POSTURE RE-**
20 **VIEW.**

21 Not later than 30 days after the date of the enact-
22 ment of this Act, the Secretary of Defense shall submit
23 to the congressional defense committees—

1 (1) each report produced by the Department of
2 Defense pursuant to the Missile Defense Review
3 published in 2019; and

4 (2) each report produced by the Department
5 pursuant to the Nuclear Posture Review published
6 in 2018.

7 **SEC. 1673. REPORT ON CONSIDERATION OF RISKS OF INAD-**
8 **VERTENT ESCALATION TO NUCLEAR WAR.**

9 (a) REPORT.—Not later than January 31, 2021, the
10 Under Secretary of Defense for Policy shall submit to the
11 Committees on Armed Services of the House of Represent-
12 atives and the Senate a report—

13 (1) detailing the efforts of the Department of
14 Defense with respect to developing and imple-
15 menting guidance to ensure that the risks of inad-
16 vertent escalation to a nuclear war are considered
17 within the decision-making processes of the Depart-
18 ment regarding relevant activities (such as devel-
19 oping contingency plans, managing military crises
20 and conflicts, and supporting the Department of
21 State in the development, negotiation, and imple-
22 mentation of cooperative risk-reduction measures);
23 and

24 (2) identifying the capabilities and factors
25 taken into account in developing such guidance.

1 (b) FORM.—The report under subsection (a) shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 (c) BRIEFING.—Not later than December 1, 2020,
5 the Under Secretary shall provide to the Committees on
6 Armed Services of the House of Representatives and the
7 Senate a briefing on the progress and findings made in
8 carrying out subsection (a).

9 **SEC. 1674. LIMITATION ON AVAILABILITY OF FUNDS RELAT-**
10 **ING TO REPORTS ON MISSILE SYSTEMS AND**
11 **ARMS CONTROL TREATIES.**

12 (a) LIMITATION.—

13 (1) IN GENERAL.—Beginning on October 1,
14 2020, if the Secretary of Defense has not submitted
15 the covered reports, not more than 25 percent of the
16 funds specified in paragraph (2) may be obligated or
17 expended until the date on which the covered reports
18 have been submitted.

19 (2) FUNDS SPECIFIED.—The funds specified in
20 this paragraph are the funds authorized to be appro-
21 priated by the William M. (Mac) Thornberry Na-
22 tional Defense Authorization Act for Fiscal Year
23 2021 or otherwise made available for fiscal year
24 2021 for the immediate office of the Secretary of
25 Defense.

1 (b) COVERED REPORTS DEFINED.—In this section,
2 the term “covered reports” means—

3 (1) the report under section 1698(b) of the Na-
4 tional Defense Authorization Act for Fiscal Year
5 2020 (Public Law 116–92; 133 Stat. 1792); and

6 (2) the assessment under section 1236(b) of the
7 National Defense Authorization Act for Fiscal Year
8 2020 (Public Law 116–92; 133 Stat. 1650).

9 **SEC. 1675. CYBERSECURITY AND INFRASTRUCTURE SECU-**
10 **RITY AGENCY REVIEW.**

11 (a) IN GENERAL.—The Director of the Cybersecurity
12 and Infrastructure Security Agency of the Department of
13 Homeland Security shall conduct a review of the ability
14 of the Cybersecurity and Infrastructure Security Agency
15 to carry out its mission requirements, as well as the rec-
16 ommendations detailed in the U.S. Cyberspace Solarium
17 Commission’s Report regarding the Agency.

18 (b) ELEMENTS OF REVIEW.—The review conducted
19 in accordance with subsection (a) shall include the fol-
20 lowing elements:

21 (1) An assessment of how additional budget re-
22 sources could be used by the Cybersecurity and In-
23 frastructure Security Agency for projects and pro-
24 grams that—

1 (A) support the national risk management
2 mission;

3 (B) support public and private-sector cy-
4 bersecurity;

5 (C) promote public-private integration; and

6 (D) provide situational awareness of cyber-
7 security threats.

8 (2) A force structure assessment of the Cyber-
9 security and Infrastructure Security Agency, includ-
10 ing—

11 (A) a determination of the appropriate size
12 and composition of personnel to carry out the
13 mission requirements of the Agency, as well as
14 the recommendations detailed in the U.S.
15 Cyberspace Solarium Commission’s Report re-
16 garding the Agency;

17 (B) as assessment of whether existing per-
18 sonnel are appropriately matched to the
19 prioritization of threats in the cyber domain
20 and risks to critical infrastructure;

21 (C) an assessment of whether the Agency
22 has the appropriate personnel and resources
23 to—

1 (i) perform risk assessments, threat
2 hunting, and incident response to support
3 both private and public cybersecurity;

4 (ii) carry out its responsibilities re-
5 lated to the security of Federal information
6 and Federal information systems (as such
7 term is defined in section 3502 of title 44,
8 United States Code); and

9 (iii) carry out its critical infrastruc-
10 ture responsibilities, including national risk
11 management;

12 (D) an assessment of whether current
13 structure, personnel, and resources of regional
14 field offices are sufficient to carry out Agency
15 responsibilities and mission requirements; and

16 (E) an assessment of current Cybersecu-
17 rity and Infrastructure Security Agency facili-
18 ties, including a review of the suitability of such
19 facilities to fully support current and projected
20 mission requirements nationally and regionally,
21 and recommendations regarding future facility
22 requirements.

23 (c) SUBMISSION OF REVIEW.—Not later than 1 year
24 after the date of the enactment of this Act, the Secretary
25 of Homeland Security shall submit to the Committee on

1 Homeland Security of the House of Representatives and
2 the Committee on Homeland Security and Governmental
3 Affairs of the Senate a report detailing the result of the
4 review conducted in accordance with subsection (a), in-
5 cluding recommendations to address any identified gaps.

6 (d) GENERAL SERVICES ADMINISTRATION RE-
7 VIEW.—

8 (1) SUBMISSION OF ASSESSMENT.—Upon sub-
9 mission to the Committee on Homeland Security of
10 the House of Representatives and the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate of the report required under subsection (c),
13 the Director of the Cybersecurity and Infrastructure
14 Security Agency of the Department of Homeland Se-
15 curity shall submit to the Administrator of the Gen-
16 eral Services Administration the results of the as-
17 sessment required under subsection (b)(2)(E).

18 (2) REVIEW.—The Administrator of the Gen-
19 eral Services Administration shall—

20 (A) conduct a review of Cybersecurity and
21 Infrastructure Security Agency assessment re-
22 quired under subsection (b)(2)(E); and

23 (B) make recommendations regarding re-
24 sources needed to procure or build a new facil-
25 ity or augment existing facilities to ensure suffi-

1 cient size and accommodations to fully support
2 current and projected mission requirements, in-
3 cluding the integration of personnel from the
4 private sector and other Federal departments
5 and agencies.

6 (3) SUBMISSION OF REVIEW.—Not later than
7 30 days after receipt of the assessment under para-
8 graph (1), the Administrator of the General Services
9 Administration shall submit to the President, the
10 Secretary of Homeland Security, the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate, and the Committee on Homeland Security of
13 the House of Representatives the review required
14 under paragraph (2).

15 **TITLE XVII—REPORTS AND** 16 **OTHER MATTERS**

17 **Subtitle A—Studies and Reports**

18 **SEC. 1701. REVIEW OF SUPPORT OF SPECIAL OPERATIONS** 19 **TO COMBAT TERRORISM.**

20 (a) REVIEW.—The Comptroller General of the United
21 States shall conduct a review of all support provided, or
22 planned to be provided, under section 127e of title 10,
23 United States Code. Such review shall include an analysis
24 of each of the following:

1 (1) The strategic alignment between such sup-
2 port and relevant Executive orders, global campaign
3 plans, theatre campaign plans, execute orders, and
4 other guiding documents for currency, relevancy,
5 and efficacy.

6 (2) The extent to which United States Special
7 Operations Command has the processes and proce-
8 dures to manage, integrate, and synchronize the au-
9 thority under section 127e of title 10, United States
10 Code, in support of the objectives and priorities
11 specified by the documents listed in (a)(1) as well as
12 the objectives and priorities of—

13 (A) the geographic combatant commands;

14 (B) theatre elements of United States Spe-
15 cial Operations Command;

16 (C) relevant chiefs of mission and other
17 appropriate positions in the Department of
18 State; and

19 (D) any other interagency organization af-
20 fected by the use of such authority.

21 (3) For the activities carried out pursuant to
22 such authority, the extent to which United States
23 Special Operations Command has the processes and
24 procedures to—

1 (A) determine the professionalism, cohe-
2 sion, and institutional capacity of the military
3 in the country where forces receiving support
4 are based;

5 (B) determine the adherence of the forces
6 receiving support to human rights norms and
7 the laws of armed conflict;

8 (C) establish measures of effectiveness;

9 (D) assess such activities against estab-
10 lished measures of effectiveness as identified in
11 subparagraph (C);

12 (E) establish criteria to determine the suc-
13 cessful completion of such activities;

14 (F) deconflict and synchronize activities
15 conducted under such authority with other rel-
16 evant funding authorities;

17 (G) deconflict and synchronize activities
18 conducted under such authorities with other rel-
19 evant activities conducted by organizations re-
20 lated to, but outside the purview of, the Depart-
21 ment of Defense; and

22 (H) track the training, support, and facili-
23 tation provided to forces receiving support, and
24 the significant activities undertaken by such

1 forces as a result of such training, support, and
2 facilitation.

3 (4) The extent to which United States Special
4 Operations Command has processes and procedures
5 to manage the sunset, termination, or transition of
6 activities carried out pursuant to such authority, in-
7 cluding—

8 (A) accountability with respect to equip-
9 ment provided; and

10 (B) integrity of the tactics, techniques, and
11 procedures developed.

12 (5) The extent to which United States Special
13 Operations Command has and uses processes and
14 procedures to—

15 (A) report to Congress biannually on the
16 matters referred to in paragraph (3); and

17 (B) notify Congress with respect to the in-
18 tent to sunset, terminate, or transition activities
19 carried out pursuant to such authority.

20 (6) Any other issues the Comptroller General
21 determines appropriate with respect to the authority
22 under section 127e of title 10, United States Code.

23 (b) BRIEFING.—Not later than 180 days after the
24 date of the enactment of this Act, the Comptroller General
25 shall provide for the Committees on Armed Services of the

1 Senate and House of Representatives a briefing on the
2 progress of the review required under subsection (a).

3 (c) REPORT.—Not later than 1 year after the date
4 of the enactment of this Act, the Comptroller General shall
5 submit to the Committees on Armed Services of the Sen-
6 ate and House of Representatives a report on the findings
7 of the review required under subsection (a) and the rec-
8 ommendations of the Comptroller General pursuant to
9 such review.

10 (d) SUPPORT DEFINED.—In this section, the term
11 “support” includes—

12 (1) personnel who provide capacity for—

13 (A) training and equipment;

14 (B) training, advice, and assistance; or

15 (C) advice, assistance, and accompaniment
16 capacity;

17 (2) financial assistance; and

18 (3) equipment and weapons.

19 **SEC. 1702. FFRDC STUDY OF EXPLOSIVE ORDNANCE DIS-**
20 **POSAL AGENCIES.**

21 (a) IN GENERAL.—The Secretary of Defense shall
22 enter into an agreement with a federally funded research
23 and development corporation under which such corpora-
24 tion shall conduct a study of the responsibilities, authori-
25 ties, policies, programs, resources, organization, and ac-

1 tivities of the explosive ordnance disposal agencies of the
2 Department of Defense, Defense Agencies, and military
3 departments. In carrying out the study, the federally fund-
4 ed research and development corporation shall solicit input
5 from relevant nonprofit organizations, such as the Na-
6 tional Defense Industrial Association EOD Committee,
7 United States Army EOD Association, United States
8 Bomb Technician Association and the EOD Warrior
9 Foundation.

10 (b) ELEMENTS OF STUDY.—The study conducted
11 under subsection (a) shall include, for the Department of
12 Defense, each Defense Agency, and each the military de-
13 partments, each of the following:

14 (1) An identification and evaluation of—

15 (A) technology research, development, and
16 acquisition activities related to explosive ord-
17 nance disposal, including an identification and
18 evaluation of—

19 (i) current and future technology and
20 related industrial base gaps; and

21 (ii) any technical or operational risks
22 associated with such technology or related
23 industrial base gaps;

24 (B) recruiting, training, education, assign-
25 ment, promotion, and retention of military and

1 civilian personnel with responsibilities relating
2 to explosive ordnance disposal;

3 (C) administrative and operational force
4 structure with respect to explosive ordnance dis-
5 posal, including an identification and assess-
6 ment of risk associated with force structure ca-
7 pacity or capability gaps, if any; and

8 (D) the demand for, and activities con-
9 ducted in support of, domestic and international
10 military explosive ordnance disposal operations,
11 including—

12 (i) support provided to Department of
13 Defense agencies and other Federal agen-
14 cies; and

15 (ii) an identification and assessment
16 of risk associated with the prioritization
17 and availability of explosive ordnance dis-
18 posal support among supported agencies
19 and operations.

20 (2) Recommendations, if any, for changes to—

21 (A) the organization and distribution of re-
22 sponsibilities and authorities relating to explo-
23 sive ordnance disposal;

24 (B) the explosive ordnance disposal force
25 structure, management, prioritization, and op-

erating concepts in support of the explosive ordnance disposal requirements of the Armed Forces and other Federal agencies; and

(C) resource investment strategies and technology prioritization for explosive ordnance disposal, including science and technology, prototyping, experimentation, test and evaluation, and related 5-year funding profiles.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than August 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under subsection (a). Such report shall include the comments on the study, if any, of the Secretary of Defense, the directors of each of the Defense Agencies, and the Secretaries of each of the military departments.

(2) FORM OF REPORT.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 1703. REPORT ON THE HUMAN RIGHTS OFFICE AT
UNITED STATES SOUTHERN COMMAND.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

1 (1) the promotion of human rights and the pro-
2 tection of civilians abroad is an ethical, legal, and
3 strategic interest of the United States;

4 (2) the Human Rights Office at the United
5 States Southern Command plays an essential role in
6 the promotion of human rights and the
7 professionalization of foreign security forces in the
8 area of responsibility of the United States Southern
9 Command;

10 (3) the Secretary of Defense should ensure the
11 status of the Human Rights Office at the United
12 States Southern Command and, to the extent pos-
13 sible, ensure the United States Southern Command
14 has the assets necessary to support the activities of
15 the Human Rights Office; and

16 (4) the Secretary of Defense should ensure the
17 development, at each of the combatant commands, of
18 an office responsible for—

19 (A) advising the commander of the com-
20 batant command on the promotion of human
21 rights and protection of civilians; and

22 (B) integrating such promotion and protec-
23 tion into command strategy.

24 (b) REPORT.—Not later than 90 days after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall submit to the congressional defense committees a re-
2 port on—

3 (1) the activities of the Human Rights Office at
4 the United States Southern Command to provide
5 and promote—

6 (A) analysis and policy support to the
7 Commander of the United States Southern
8 Command regarding human rights and the pro-
9 tection of civilians;

10 (B) education of employees of the Depart-
11 ment of Defense regarding human rights and
12 protection of civilians pursuant to the document
13 promulgated by the United States Southern
14 Command on July 1, 1998, titled “Regulation
15 1-20” (relating to policy and procedures for
16 human rights administration);

17 (C) integration of the promotion of human
18 rights and protection of civilians into the strat-
19 egy, planning, training, and exercises of the
20 United States Southern Command, including
21 into programs of the armed forces of partner
22 countries through the Human Rights Initiative
23 program of such Command;

1 (D) promotion of human rights and the
2 protection of civilians through security coopera-
3 tion activities;

4 (E) implementation of section 362 of title
5 10, United States Code; and

6 (F) countering trafficking in persons; and

7 (2) the resources necessary over the period of
8 the future years defense plan for fiscal year 2022
9 under section 221 of title 10, United States Code,
10 for the United States Southern Command to support
11 the activities of the Human Rights Office at such
12 Command.

13 (c) FORM.—The report under subsection (b) shall be
14 submitted in unclassified form.

15 **SEC. 1704. REPORT ON JOINT TRAINING RANGE EXERCISES**
16 **FOR THE PACIFIC REGION.**

17 (a) REPORT.—Not later than March 15, 2021, the
18 Chairman of the Joint Chiefs of Staff, in coordination
19 with the Commander of United States Indo-Pacific Com-
20 mand, the Secretary of the Army, the Secretary of the
21 Navy, and the Secretary of the Air Force, shall submit
22 to the congressional defense committees a report con-
23 taining a plan to integrate combined, joint, and multi-do-
24 main, training and experimentation in the Pacific region,

1 including existing ranges, training areas, and test facilities,
2 ties, to achieve the following objectives:

3 (1) Support future combined and joint exercises
4 and training to test operational capabilities and
5 weapon systems.

6 (2) Employ multi-domain training to validate
7 joint operational concepts.

8 (3) Integrate allied and partner countries into
9 national-level exercises.

10 (b) MATTERS.—The report under subsection (a) shall
11 address the following:

12 (1) Integration of cyber, space, and electromagnetic
13 spectrum domains.

14 (2) Mobile and fixed range instrumentation
15 packages for experimentation and training.

16 (3) Digital, integrated command and control for
17 air defense systems.

18 (4) Command, control, communications, computer,
19 and information (C4I) systems.

20 (5) War gaming, modeling, and simulations
21 packages.

22 (6) Intelligence support systems.

23 (7) Manpower management, execution, collection,
24 and analysis required for the incorporation of

1 space and cyber activities into the training range ex-
2 ercise plan contained in such report.

3 (8) Connectivity requirements to support all do-
4 main integration and training.

5 (9) Any training range upgrades or infrastruc-
6 ture improvements necessary to integrate legacy
7 training and exercise facilities into integrated, oper-
8 ational sites.

9 (10) Exercises led by the United States Indo-
10 Pacific Command, within the area of operations of
11 the Command, that integrate allied and partnered
12 countries and link to the national-level exercises of
13 the United States.

14 (11) Incorporation of any other functional and
15 geographic combatant commands required to sup-
16 port the United States Indo-Pacific Command.

17 (c) FORM.—The report under subsection (a) may be
18 submitted in classified form, and shall include an unclassi-
19 fied summary.

20 **SEC. 1705. STUDY ON CHINESE POLICIES AND INFLUENCE**
21 **IN THE DEVELOPMENT OF INTERNATIONAL**
22 **STANDARDS FOR EMERGING TECHNOLOGIES.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Director of the Na-
25 tional Institute of Standards and Technology shall enter

1 into an agreement with an appropriate non-governmental
2 entity with relevant expertise, as determined by the Direc-
3 tor, to conduct a study and make recommendations with
4 respect to the impact of the policies of the People’s Repub-
5 lic of China and coordination among industrial entities
6 within the People’s Republic of China on international
7 bodies engaged in developing and setting international
8 standards for emerging technologies. The study may in-
9 clude—

10 (1) an assessment of how the role of the Peo-
11 ple’s Republic of China in international standards
12 setting organizations has grown over the previous 10
13 years, including in leadership roles in standards-
14 drafting technical committees, and the quality or
15 value of that participation;

16 (2) an assessment of the impact of the stand-
17 ardization strategy of the People’s Republic of
18 China, as identified in the “Chinese Standard 2035”
19 on international bodies engaged in developing and
20 setting standards for select emerging technologies,
21 such as advanced communication technologies or
22 cloud computing and cloud services;

23 (3) an examination of whether international
24 standards for select emerging technologies are being
25 designed to promote interests of the People’s Repub-

1 lic of China that are expressed in the “Made in
2 China 2025” plan to the exclusion of other partici-
3 pants;

4 (4) an examination of how the previous prac-
5 tices that the People’s Republic of China has utilized
6 while participating in international standards setting
7 organizations may foretell how the People’s Republic
8 of China will engage in international standardization
9 activities of critical technologies like artificial intel-
10 ligence and quantum information science, and what
11 may be the consequences;

12 (5) recommendations on how the United States
13 can take steps to mitigate influence of the People’s
14 Republic of China and bolster United States public
15 and private sector participation in international
16 standards-setting bodies; and

17 (6) any other areas the Director, in consulta-
18 tion with the entity selected to conduct the study,
19 believes is important to address.

20 (b) REPORT TO CONGRESS.—The agreement entered
21 into under subsection (a) shall require the entity con-
22 ducting the study to, not later than 2 years after the date
23 of the enactment of this Act—

24 (1) submit to the Committee on Science, Space,
25 and Technology of the House of Representatives and

1 the Committee on Commerce, Science, and Trans-
2 portation of the Senate a report containing the find-
3 ings and recommendations of the review conducted
4 under subsection (a); and

5 (2) make a copy of such report available on a
6 publicly accessible website.

7 **SEC. 1706. SENSE OF CONGRESS AND STRATEGY ON CATA-**
8 **STROPHIC CRITICAL INFRASTRUCTURE FAIL-**
9 **URE RESPONSE.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the occurrence of a catastrophic critical in-
13 frastructure failure event, in which key networks fa-
14 cilitating the delivery of essential services such as
15 electricity, water, or communications fail for an ex-
16 tended duration, would constitute a significant
17 threat to the national security and common welfare
18 of the United States;

19 (2) such a catastrophic critical infrastructure
20 failure event could occur by various means, including
21 but not limited to those linked to natural phe-
22 nomenon (including earthquakes, hurricanes, or geo-
23 magnetic disturbances) or military conflict (includ-
24 ing cyberattacks, electromagnetic pulse effects, or ki-
25 netic assault); and

1 (3) the Department of the Defense should
2 strengthen its preparedness for catastrophic critical
3 infrastructure failure events, including with respect
4 to preemptive infrastructure enhancements, the fa-
5 cilitation of resiliency and relief efforts in the after-
6 math thereto, and the mitigation of impacts of such
7 an event on activities of the Department.

8 (b) STRATEGY.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of the enactment of this Act, the Secretary
11 of Defense shall submit to the congressional defense
12 committees a report that includes an analysis of
13 each of the following:

14 (A) Particular threat scenarios involving
15 catastrophic critical infrastructure failure
16 events which the Secretary believes could be
17 adequately addressed by existing Department of
18 Defense plans and resources.

19 (B) Particular threat scenarios involving
20 catastrophic critical infrastructure failure
21 events which the Secretary believes could not
22 currently be adequately addressed by existing
23 Department of Defense plans and resources.

24 (C) Unique challenges, with respect to ac-
25 tivities and operations of the Department of

1 Defense, presented by catastrophic critical in-
2 frastructure failure events involving geo-
3 magnetic disturbance or electromagnetic pulse
4 events.

5 (D) Strategies to increase future prepared-
6 ness with respect to any threat scenarios identi-
7 fied pursuant to subparagraph (B).

8 (2) FORM.—The report under paragraph (1)
9 may be submitted in classified form, but if so sub-
10 mitted, shall be accompanied by an unclassified sum-
11 mary.

12 **SEC. 1707. GAO STUDY ON THE SCHOOL-TO-PRISON PIPE-**
13 **LINE.**

14 (a) IN GENERAL.—The Comptroller General of the
15 United States shall conduct a study on the school to prison
16 pipeline in order to—

17 (1) highlight this issue;

18 (2) offer proof of concept to States that evi-
19 dence-based interventions, such as restorative prac-
20 tices, are—

21 (A) more effective than punitive, exclu-
22 sionary measures;

23 (B) improve student achievement; and

24 (C) enhance public safety and student-well-
25 being; and

1 (3) determine the long-term benefits of replac-
2 ing a punitive approach to discipline with restorative
3 practices in schools, by analyzing the potential sav-
4 ings generated by helping children stay in school and
5 out of the criminal justice system.

6 (b) COST-BENEFIT ANALYSIS.—The study conducted
7 under subsection (a) shall include a cost-benefit analysis
8 to determine the effectiveness and impact of school re-
9 source officers and local law enforcement personnel on
10 school climate and student discipline.

11 (c) REPORT.—Upon the conclusion of the study
12 under subsection (a), the Comptroller General of the
13 United States shall prepare and submit to Congress a re-
14 port regarding the study and the conclusions and rec-
15 ommendations generated from the study.

16 **SEC. 1708. DEPARTMENT OF VETERANS AFFAIRS REPORT**
17 **ON UNCLAIMED PROPERTY.**

18 (a) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of Veterans Affairs shall submit to Congress a report on
21 the unclaimed property in the possession of the Depart-
22 ment of Veterans Affairs.

23 (b) REVIEW OF REPORT.—The Comptroller General
24 of the United States shall conduct a review of the report
25 submitted under subsection (a).

1 (c) UNCLAIMED PROPERTY DEFINED.—The term
2 “unclaimed property” includes any intangible personal
3 property, including money, liquidated obligations, choses
4 in action, accounts, entrusted funds, deposits, evidences
5 of debt or instruments held by any Federal agency, officer
6 or employee thereof (except bonuses, gratuities, and sums
7 held by the Social Security Administration), which has re-
8 mained unclaimed by the owner.

9 **SEC. 1709. REPORT REGARDING VETERANS WHO RECEIVE**
10 **BENEFITS UNDER LAWS ADMINISTERED BY**
11 **THE SECRETARY OF VETERANS AFFAIRS.**

12 (a) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, the Secretary of Veterans
14 Affairs shall publish a report regarding veterans who re-
15 ceive benefits under laws administered by the Secretary,
16 including the Transition Assistance Program under sec-
17 tions 1142 and 1144 of title 10, United States Code.

18 (b) DATA.—The data regarding veterans published in
19 the report under subsection (a)—

20 (1) shall be disaggregated by—

21 (A) sex;

22 (B) sexual orientation;

23 (C) gender identity;

24 (D) minority group member status; and

1 (E) minority group member status listed
2 by sex; and

3 (2) may not include any personally identifiable
4 information.

5 (c) MATTERS INCLUDED.—The report under sub-
6 section (a) shall include—

7 (1) identification of any disparities in the use of
8 benefits under laws administered by the Secretary;

9 (2) an analysis of the cause of such disparities,
10 and recommendations to address such disparities;
11 and

12 (3) identification of veterans who are deter-
13 mined to be ineligible for benefits due to discharge
14 status.

15 (d) MINORITY GROUP MEMBER DEFINED.—In this
16 section, the term “minority group member” has the mean-
17 ing given that term in section 544 of title 38, United
18 States Code.

19 **SEC. 1710. GAO REPORT ON ZTE COMPLIANCE WITH SET-**
20 **TLEMENT AGREEMENT.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Comptroller General
23 of the United States shall submit to Congress a report
24 on the compliance of Zhongxing Telecommunications
25 Equipment Corporation and ZTE Kangxun Telecommuni-

1 cations Ltd. (collectively referred to in this section as
2 “ZTE”) with the Superseding Settlement Agreement and
3 Superseding Order reached with the Department of Com-
4 merce on June 8, 2018 (in this section referred to as the
5 “agreement”).

6 (b) MATTERS TO BE INCLUDED.—The report re-
7 quired by subsection (a) shall include a comprehensive
8 analysis of the following:

9 (1) The level of compliance by ZTE, past and
10 present, with the obligations of ZTE under the
11 agreement.

12 (2) The transparency and candor of ZTE in
13 representing such level of compliance.

14 (3) Efforts by the United States Government to
15 monitor, report on, and ensure compliance by ZTE
16 with the agreement.

17 (4) Whether any actions taken by ZTE since
18 June 8, 2018, constitute a material breach of the
19 obligations of ZTE under the agreement.

20 (5) Recommended courses of action for the
21 United States Government to improve compliance by
22 ZTE with the agreement or to respond to a material
23 breach of the obligations of ZTE under the agree-
24 ment.

1 **SEC. 1710A. GAO STUDY OF CYBERSECURITY INSURANCE.**

2 (a) STUDY.—The Comptroller General of the United
3 States shall conduct a study to assess and analyze the
4 state and availability of insurance coverage in the United
5 States for cybersecurity risks, which shall include—

6 (1) identifying the number and dollar volume of
7 cyber insurance policies currently in force and the
8 percentage of businesses, and specifically small busi-
9 nesses, that have cyber insurance coverage;

10 (2) assessing the extent to which States have
11 established minimum standards for the scope of
12 cyber insurance policies; and

13 (3) identifying any barriers to modeling and un-
14 derwriting cybersecurity risks.

15 (b) REPORT.—Not later than the expiration of the
16 180-day period beginning on the date of the enactment
17 of this Act, the Comptroller General shall submit a report
18 to the Congress setting forth the findings and conclusions
19 of the study conducted pursuant to subsection (a), which
20 shall include recommendations on whether or not Federal
21 intervention would help facilitate the growth and develop-
22 ment of insurers offering coverage for cybersecurity risks,
23 the availability and affordability of such coverage, and pol-
24 icyholder education regarding such coverage.

1 **SEC. 1710B. REPORT ON RECOGNITION OF AFRICAN AMER-**
2 **ICAN SERVICEMEMBERS IN DEPARTMENT OF**
3 **DEFENSE NAMING PRACTICES.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to the congressional defense committees a report con-
7 taining the following information:

8 (1) A description of current Department of De-
9 fense naming conventions for military installations,
10 infrastructure, vessels, and weapon systems.

11 (2) A list of all military installations (including
12 reserve component facilities), infrastructure (includ-
13 ing reserve component infrastructure), vessels, and
14 weapon systems that are currently named after Afri-
15 can Americans who served in the Armed Forces.

16 (3) An explanation of the steps being taken to
17 recognize the service of African Americans who have
18 served in the Armed Forces with honor, heroism,
19 and distinction by increasing the number of military
20 installations, infrastructure, vessels, and weapon sys-
21 tems named after deserving African American mem-
22 bers of the Armed Forces.

23 **SEC. 1710C. REPORT ON GOVERNMENT POLICE TRAINING**
24 **AND EQUIPPING PROGRAMS.**

25 (a) REPORT.—Not later than 1 year after the date
26 of the enactment of this Act, the President shall submit

1 to Congress a report on United States Government police
2 training and equipping programs outside the United
3 States.

4 (b) ELEMENTS.—The report required under para-
5 graph (1) shall include the following:

6 (1) A list of all United States Government de-
7 partments and agencies involved in implementing po-
8 lice training and equipping programs.

9 (2) A description of the scope, size, and compo-
10 nents of all police training and equipping programs
11 for fiscal years 2023, 2024, and 2025, including, for
12 each such program—

13 (A) the name of each country that received
14 assistance under the program;

15 (B) for each training activity, the number
16 of foreign personnel provided training, their
17 units of operation, location of the training, cost
18 of the activity, the United States unit involved,
19 and the nationality and unit of non-United
20 States training personnel, if any, involved in
21 each activity;

22 (C) the purpose and objectives of the pro-
23 gram;

24 (D) the funding and personnel levels for
25 the program in each such fiscal year;

1 (E) the authority under which the program
2 is conducted;

3 (F) the name of the United States Govern-
4 ment department or agency with lead responsi-
5 bility for the program and the mechanisms for
6 oversight of the program; and

7 (G) the metrics for measuring the results
8 of the program.

9 (3) An assessment of the requirements for po-
10 lice training and equipping programs, and what
11 changes, if any, are required to improve the capacity
12 of the United States Government to meet such re-
13 quirements.

14 (4) An evaluation of the appropriate role of
15 United States Government departments and agen-
16 cies in coordinating on and carrying out police train-
17 ing and equipping programs.

18 (5) An evaluation of the appropriate role of
19 contractors in carrying out police training and
20 equipping programs, and what modifications, if any,
21 are needed to improve oversight of such contractors.

22 (6) Recommendations for legislative modifica-
23 tions, if any, to existing authorities relating to police
24 training and equipping programs.

1 (c) FORM OF REPORT.—The report required under
2 this section shall be submitted in unclassified form, but
3 may include a classified annex.

4 (d) PUBLIC AVAILABILITY INTERNET.—All unclassi-
5 fied portions of the report required under this section shall
6 be made publicly available on an appropriate internet
7 website.

8 (e) DEFINITION.—In this section, the term “police”
9 includes national police, gendarmerie, counter-narcotics
10 police, counterterrorism police, formed police units, border
11 security, and customs.

12 **SEC. 1710D. DEEPFAKE REPORT.**

13 (a) DEFINITIONS.—In this section:

14 (1) DIGITAL CONTENT FORGERY.—The term
15 “digital content forgery” means the use of emerging
16 technologies, including artificial intelligence and ma-
17 chine learning techniques, to fabricate or manipulate
18 audio, visual, or text content with the intent to mis-
19 lead.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of Homeland Security.

22 (b) REPORTS ON DIGITAL CONTENT FORGERY
23 TECHNOLOGY.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act and annually

1 thereafter for 5 years, the Secretary, acting through
2 the Under Secretary for Science and Technology of
3 the Department of Homeland Security, and with re-
4 spect to subparagraphs (F) through (H) of para-
5 graph (2), in consultation with the Director of Na-
6 tional Intelligence, shall research the state of digital
7 content forgery technology and produce a report on
8 such technology.

9 (2) CONTENTS.—Each report produced under
10 paragraph (1) shall include the following:

11 (A) An assessment of the underlying tech-
12 nologies used to create or propagate digital con-
13 tent forgeries, including the evolution of such
14 technologies.

15 (B) A description of the types of digital
16 content forgeries, including those used to com-
17 mit fraud, cause harm, or violate civil rights
18 recognized under Federal law.

19 (C) An assessment of how foreign govern-
20 ments, and the proxies and networks thereof,
21 use, or could use, digital content forgeries to
22 harm national security.

23 (D) An assessment of how non-govern-
24 mental entities in the United States use, or
25 could use, digital content forgeries.

1 (E) An assessment of the uses, applica-
2 tions, dangers, and benefits, including the im-
3 pact on individuals, of deep learning tech-
4 nologies used to generate high fidelity artificial
5 content of events that did not occur.

6 (F) An analysis of the methods used to de-
7 termine whether content is genuinely created by
8 a human or through digital content forgery
9 technology, and an assessment of any effective
10 heuristics used to make such a determination,
11 as well as recommendations on how to identify
12 and address suspect content and elements to
13 provide warnings to users of such content.

14 (G) A description of the technological
15 countermeasures that are, or could be, used to
16 address concerns with digital content forgery
17 technology.

18 (H) Proposed research and development
19 activities for the Science and Technology Direc-
20 torate of the Department of Homeland Security
21 to undertake related to the identification of
22 forged digital content and related counter-
23 measures.

24 (I) Any additional information the Sec-
25 retary determines appropriate.

1 (3) CONSULTATION AND PUBLIC HEARINGS.—

2 In producing each report required under paragraph
3 (1), the Secretary may—

4 (A) consult with any other agency of the
5 Federal Government that the Secretary con-
6 siders necessary; and

7 (B) conduct public hearings to gather, or
8 otherwise allow interested parties an oppor-
9 tunity to present, information and advice rel-
10 evant to the production of the report.

11 (4) FORM OF REPORT.—Each report required
12 under paragraph (1) shall be produced in unclassi-
13 fied form, but may contain a classified annex.

14 (5) APPLICABILITY OF FOIA.—Nothing in this
15 section, or in a report produced under this section,
16 may be construed to allow the disclosure of informa-
17 tion or a record that is exempt from public disclo-
18 sure under section 552 of title 5, United States
19 Code (commonly known as the “Freedom of Infor-
20 mation Act”).

21 (6) APPLICABILITY OF THE PAPERWORK RE-
22 DUCTION ACT.—Subchapter I of chapter 35 of title
23 44, United States Code (commonly known as the
24 “Paperwork Reduction Act”), shall not apply to this
25 section.

1 **SEC. 1710E. STUDY ON UNEMPLOYMENT RATE OF WOMEN**
2 **VETERANS WHO SERVED ON ACTIVE DUTY IN**
3 **THE ARMED FORCES AFTER SEPTEMBER 11,**
4 **2001.**

5 (a) STUDY.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs, in consultation with the
9 Bureau of Labor Statistics of the Department of
10 Labor, shall conduct a study on why Post-9/11 Vet-
11 erans who are women are at higher risk of unem-
12 ployment than all other groups of women veterans
13 and their non- veteran counterparts.

14 (2) CONDUCT OF STUDY.—

15 (A) IN GENERAL.—The Secretary shall
16 conduct the study under paragraph (1) pri-
17 marily through the Center for Women Veterans
18 under section 318 of title 38, United States
19 Code.

20 (B) CONSULTATION.—In carrying out the
21 study conducted under paragraph (1), the Sec-
22 retary may consult with—

23 (i) the Department of Labor;

24 (ii) other Federal agencies, such as
25 the Department of Defense, the Office of

1 Personnel Management, and the Small
2 Business Administration;

3 (iii) foundations; and

4 (iv) entities in the private sector.

5 (3) ELEMENTS OF STUDY.—The study con-
6 ducted under paragraph (1) shall include, with re-
7 spect to Post-9/11 Veterans who are women, at a
8 minimum, an analysis of the following:

9 (A) Rank at time of separation from the
10 Armed Forces.

11 (B) Geographic location upon such separa-
12 tion.

13 (C) Educational level upon such separa-
14 tion.

15 (D) The percentage of such veterans who
16 enrolled in an education or employment training
17 program of the Department of Veterans Affairs
18 or the Department of Labor after such separa-
19 tion.

20 (E) Industries that have employed such
21 veterans.

22 (F) Military occupational specialties avail-
23 able to such veterans.

24 (G) Barriers to employment of such vet-
25 erans.

1 (H) Causes to fluctuations in employment
2 of such veterans.

3 (I) Current employment training programs
4 of the Department of Veterans Affairs or the
5 Department of Labor that are available to such
6 veterans.

7 (J) Economic indicators that impact unem-
8 ployment of such veterans.

9 (K) Health conditions of such veterans
10 that could impact employment.

11 (L) Whether there are differences in the
12 analyses conducted under subparagraphs (A)
13 through (K) based on the race of such veteran.

14 (M) The difference between unemployment
15 rates of Post-9/11 Veterans who are women
16 compared to unemployment rates of Post-9/11
17 Veterans who are men, including an analysis of
18 potential causes of such difference.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 completing the study under subsection (a), the Sec-
22 retary shall submit to the Committee on Veterans'
23 Affairs of the Senate and the Committee on Vet-
24 erans' Affairs of the House of Representatives a re-
25 port on such study.

1 (2) ELEMENTS.—The report required by para-
2 graph (1) shall include the following:

3 (A) The analyses conducted under sub-
4 section (a)(3).

5 (B) A description of the methods used to
6 conduct the study under subsection (a).

7 (C) Such other matters relating to the un-
8 employment rates of Post-9/11 Veterans who
9 are women as the Secretary considers appro-
10 priate.

11 (c) POST-9/11 VETERAN DEFINED.—In this section,
12 the term “Post-9/11 Veteran” means a veteran who
13 served on active duty in the Armed Forces on or after
14 September 11, 2001.

15 **SEC. 1710F. REPORT ON THE OKLAHOMA CITY NATIONAL**
16 **MEMORIAL.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Secretary of Interior shall submit
19 to Congress a report containing the following information:

20 (1) A description of the current status of the
21 Oklahoma City National Memorial, an affiliated site
22 of the National Park System.

23 (2) A summary of non-Federal funding that has
24 been raised in accordance with section 7(2) of the

1 Oklahoma City National Memorial Act of 1997 (16
2 U.S.C. 450ss–5(2)).

3 **SEC. 1710G. REPORTS ON MILITARY SERVICE ACADEMIES.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the superintendent of each military serv-
6 ice academy shall submit to the Secretary of Defense and
7 the congressional defense committees a report that in-
8 cludes, with respect to the academy overseen by the super-
9 intendent, the following:

10 (1) Anonymized equal opportunity claims and
11 determinations involving the academy over the past
12 20 years.

13 (2) Results of a climate survey of cadets or
14 midshipmen (as the case may be) conducted by an
15 external entity.

16 (3) A review of educational and extracurricular
17 instruction at the academy, including—

18 (A) a review of courses to ensure the inclu-
19 sion of minority communities in authorship and
20 course content; and

21 (B) a review of faculty and staff demo-
22 graphics to determine diversity recruitment
23 practices at the academy.

1 **SEC. 1710H. INDEPENDENT STUDY ON IDENTIFYING AND**
2 **ADDRESSING THREATS THAT INDIVIDUALLY**
3 **OR COLLECTIVELY AFFECT NATIONAL SECU-**
4 **RITY, FINANCIAL SECURITY, OR BOTH.**

5 (a) INDEPENDENT STUDY.—Not later than 30 days
6 after the date of the enactment of this Act, the Director
7 of National Intelligence, in coordination with the Sec-
8 retary of the Treasury in the Secretary’s capacity as the
9 Chair of the Financial Stability Oversight Council and the
10 heads of other relevant departments and agencies, shall
11 seek to enter into a contract with a federally funded re-
12 search and development center under which the center will
13 conduct a study on identifying and addressing threats that
14 individually or collectively affect national security, finan-
15 cial security, or both.

16 (b) ELEMENTS OF STUDY.—In carrying out the
17 study referred to in subsection (a), the selected Federally
18 funded research and development center shall be contrac-
19 tually obligated to—

20 (1) identify threats that individually or collec-
21 tively affect national security, financial security, or
22 both, including—

23 (A) foreign entities and governments ac-
24 quiring financial interests in domestic compa-
25 nies that have access to critical or sensitive na-

1 tional security materials, technologies, or infor-
2 mation;

3 (B) other currencies being used in lieu of
4 the United States Dollar in international trans-
5 actions;

6 (C) foreign influence in companies seeking
7 to access capital markets by conducting initial
8 public offerings in other countries;

9 (D) the use of financial instruments, mar-
10 kets, payment systems, or digital assets in ways
11 that appear legitimate but may be part of a for-
12 eign malign strategy to weaken or undermine
13 the economic security of the United States;

14 (E) the use of entities, such as corpora-
15 tions, companies, limited liability companies,
16 limited partnerships, business trusts, business
17 associations, or other similar entities to obscure
18 or hide the foreign beneficial owner of such en-
19 tities; and

20 (F) any other known or potential threats
21 that individually or collectively affect national
22 security, financial security, or both currently or
23 in the foreseeable future.

1 (2) assess the extent to which the United States
2 Government is currently able to identify and charac-
3 terize the threats identified under paragraph (1);

4 (3) assess the extent to which the United States
5 Government is currently able to mitigate the risk
6 posed by the threats identified under paragraph (1);

7 (4) assess whether current levels of information
8 sharing and cooperation between the United States
9 Government and allies and partners has been helpful
10 or can be improved upon in order for the United
11 States Government to identify, characterize, and
12 mitigate the threats identified under paragraph (1);
13 and

14 (5) recommend opportunities, and any such au-
15 thorities or resources required, to improve the effi-
16 ciency and effectiveness of the United States Gov-
17 ernment in identifying the threats identified under
18 paragraph (1) and mitigating the risk posed by such
19 threats.

20 (c) SUBMISSION TO DIRECTOR OF NATIONAL INTEL-
21 LIGENCE.—Not later than 180 days after the date of the
22 enactment of this Act, the federally funded research and
23 development center selected to conduct the study under
24 subsection (a) shall submit to the Director of National In-

1 telligence a report on the results of the study in both clas-
2 sified and unclassified form.

3 (d) SUBMISSION TO CONGRESS.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date on which the Director of National Intel-
6 ligence receives the report under subsection (c), the
7 Director shall submit to the appropriate committees
8 of Congress an unaltered copy of the report in both
9 classified and unclassified form, and such comments
10 as the Director, in coordination with the Secretary
11 of Treasury in his capacity as the Chair of the Fi-
12 nancial Stability Oversight Council and the heads of
13 other relevant departments and agencies, may have
14 with respect to the report.

15 (2) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—In this subsection, the term “appropriate
17 committees of Congress” means—

18 (A) the Committee on Armed Services, the
19 Select Committee on Intelligence, and the Com-
20 mittee on Banking, Housing, and Urban Af-
21 fairs, the Committee on Foreign Relations, and
22 the Committee on Appropriations of the Senate;
23 and

24 (B) the Committee on Armed Services, the
25 Permanent Select Committee on Intelligence,

1 and the Committee on Financial Services, the
2 Committee on Foreign Affairs, and the Com-
3 mittee on Appropriations of the House of Rep-
4 resentatives.

5 **SEC. 1710I. MARITIME SECURITY AND DOMAIN AWARENESS.**

6 (a) PROGRESS REPORT ON MARITIME SECURITY.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense, in coordination with the Secretary
10 of State, the Secretary of the Department in which
11 the Coast Guard is operating, and the heads of other
12 appropriate Federal agencies, shall submit to the
13 congressional defense committees a report on the
14 steps taken since December 20, 2019, to make fur-
15 ther use of the following mechanisms to combat IUU
16 fishing:

17 (A) Inclusion of counter-IUU fishing in ex-
18 isting shiprider agreements to which the United
19 States is a party.

20 (B) Entry into shiprider agreements that
21 include counter-IUU fishing with priority flag
22 states and countries in priority regions with
23 which the United States does not already have
24 such agreements.

1 (C) Inclusion of counter-IUU fishing in the
2 mission of the Combined Maritime Forces.

3 (D) Inclusion of counter-IUU fishing exer-
4 cises in the annual at-sea exercises conducted
5 by the Department of Defense, in coordination
6 with the United States Coast Guard.

7 (E) Development of partnerships similar to
8 the Oceania Maritime Security Initiative and
9 the Africa Maritime Law Enforcement Partner-
10 ship in other priority regions.

11 (2) ELEMENT.—The report required by para-
12 graph (1) shall include a description of specific steps
13 taken by the Secretary of the Navy with respect to
14 each mechanism described in paragraph (1), includ-
15 ing a detailed description of any security cooperation
16 engagement undertaken to combat IUU fishing by
17 such mechanisms and resulting coordination between
18 the Department of the Navy and the Coast Guard.

19 (b) ASSESSMENT OF SERVICE COORDINATION ON
20 MARITIME DOMAIN AWARENESS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary
23 of the Navy shall enter into an agreement with the
24 Secretary of the department in which the Coast
25 Guard is operating, in consultation with the Sec-

1 retary of Commerce, to assess the available commer-
2 cial solutions for collecting, sharing, and dissemi-
3 nating among United States maritime services and
4 partner countries maritime domain awareness infor-
5 mation relating to illegal maritime activities, includ-
6 ing IUU fishing.

7 (2) ELEMENTS.—The assessment carried out
8 pursuant to an agreement under paragraph (1)
9 shall—

10 (A) build on the ongoing Coast Guard as-
11 sessment related to autonomous vehicles;

12 (B) consider appropriate commercially and
13 academically available technological solutions;
14 and

15 (C) consider any limitation related to af-
16 fordability, exportability, maintenance, and
17 sustainment requirements and any other factor
18 that may constrain the suitability of such solu-
19 tions for use in a joint and combined environ-
20 ment, including the potential provision of such
21 solutions to one or more partner countries.

22 (3) SUBMITTAL TO CONGRESS.—Not later than
23 1 year after entering into an agreement under para-
24 graph (1), the Secretary of the Navy shall submit to
25 the Committee on Armed Services, the Committee

1 on Commerce, Science, and Transportation, and the
2 Committee on Appropriations of the Senate and the
3 Committee on Armed Services, the Committee on
4 Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign
5 Affairs, and the Committee on Appropriations of the
6 House of Representatives the assessment prepared
7 in accordance with the agreement.

8
9 (c) REPORT ON USE OF FISHING FLEETS BY FOR-
10 EIGN GOVERNMENTS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Director of the Office of Naval Intelligence shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation,
13 and the Committee on Appropriations of the Senate
14 and the Committee on Armed Services, the Committee on Natural Resources, the Committee on
15 Transportation and Infrastructure, the Committee
16 on Foreign Affairs, and the Committee on Appropriations of the House of Representatives a report
17 on the use by governments of foreign countries of
18 distant-water fishing fleets as extensions of the official maritime security forces of such countries.

1 (2) ELEMENT.—The report required by para-
2 graph (1) shall include the following:

3 (A) An analysis of the manner in which
4 fishing fleets are leveraged in support of the
5 naval operations and policies of foreign coun-
6 tries more generally.

7 (B) A consideration of—

8 (i) threats posed, on a country-by-
9 country basis, to the fishing vessels and
10 other vessels of the United States and
11 partner countries;

12 (ii) risks to Navy and Coast Guard
13 operations of the United States, and the
14 naval and coast guard operations of part-
15 ner countries; and

16 (iii) the broader challenge to the inter-
17 ests of the United States and partner
18 countries.

19 (3) FORM.—The report required by paragraph
20 (1) shall be in unclassified form, but may include a
21 classified annex.

22 (d) DEFINITIONS.—In this section, any term that is
23 also used in the Maritime SAFE Act (Public Law 116–
24 92) shall have the meaning given such term in that Act.

1 **SEC. 1710J. COMPTROLLER GENERAL REPORT ON DEPART-**
2 **MENT OF DEFENSE PROCESSES FOR RE-**
3 **SPONDING TO CONGRESSIONAL REPORTING**
4 **REQUIREMENTS.**

5 (a) COMPTROLLER GENERAL ANALYSIS.—Not later
6 than 1 year after the date of the enactment of this Act,
7 the Comptroller General of the United States shall submit
8 to the Committees on Armed Services of the Senate and
9 House of Representatives a report containing an analysis
10 of Department of Defense processes for responding to con-
11 gressional reporting requirements in the annual National
12 Defense Authorization Acts, or the accompanying com-
13 mittee reports.

14 (b) CRITERIA FOR EVALUATION.—The analysis re-
15 quired under subsection (a) shall include an evaluation of
16 funding and changes to policies and business practices by
17 the Department for improving the effectiveness, efficiency,
18 and public transparency of the Department's compliance
19 with congressional reporting requirements.

20 (c) CONTENTS OF REPORT.—The report required by
21 subsection (a) shall include each of the following:

22 (1) A description of—

23 (A) current laws, guidance, policies for De-
24 partment of Defense compliance with congres-
25 sional oversight reporting requirements; and

1 (B) recent direction from the congressional
2 defense committees for the Department con-
3 cerning how it designs, modifies, tracks, deliv-
4 ers, and inventories completed reports.

5 (2) A review and evaluation of the cost and ef-
6 fectiveness of—

7 (A) the methods the Department of De-
8 fense uses to track and respond to reporting re-
9 quirements; and

10 (B) the ways in which the Department of
11 Defense ensures suitability of content and time-
12 liness.

13 (3) An analysis of options for modernizing the
14 preparation and delivery process for reports that in-
15 cludes—

16 (A) the coordination of Department of De-
17 fense business practices and internal policies
18 with legislative processes; and

19 (B) a determination of the feasibility of
20 maintaining a congressional tracking database
21 that makes unclassified reports publicly avail-
22 able in a searchable online database that identi-
23 fies, for each report included in the database—

24 (i) the deadline on which the required
25 report was required to be submitted;

- 1 (ii) the date on which the report was
- 2 received;
- 3 (iii) the classification level of the com-
- 4 pleted report;
- 5 (iv) the form in which the report was
- 6 submitted;
- 7 (v) the standard legislative citation
- 8 and hyperlink to original legislative lan-
- 9 guage that required the report;
- 10 (vi) the total cost associated with the
- 11 report;
- 12 (vii) a brief summary of the report;
- 13 (viii) a unique identifier for the re-
- 14 port; and
- 15 (ix) the subject and sub-subject codes
- 16 associated with the report.

17 **SEC. 1710K. REPORT ON PREDATORY SOCIAL MEDIA AND**
18 **THE MILITARY COMMUNITY.**

19 (a) IN GENERAL.—The Comptroller General of the
20 United States shall submit to Congress a report on risks
21 facing service members, military families, and separated
22 veterans on social media.

23 (b) CONTENTS.—The report required under sub-
24 section (a) shall include an analysis of the following:

1 (1) Content related to predatory loans or finan-
2 cial or educational products.

3 (2) Content related unproven or unnecessary
4 medical treatments or procedures.

5 (3) Content related to ethnic or racial violent
6 extremism.

7 (4) The risks to readiness, morale, and national
8 security posed by such content.

9 (5) The ways in which social media algorithms
10 may amplify such content.

11 (6) The steps taken by social media companies
12 and executive agencies to address the risks posed by
13 the content described in paragraphs (1), (2), and
14 (3).

15 (c) FORM.—The report required under subsection (a)
16 shall be submitted in an unclassified form but may include
17 a classified annex.

18 (d) EXECUTIVE AGENCY DEFINED.—In this section,
19 the term “executive agency” means an executive depart-
20 ment or independent establishment in the executive branch
21 of the Federal Government.

22 **SEC. 1710L. REPORT ON TRANSFORMING BUSINESS PROC-**
23 **ESSES FOR REVOLUTIONARY CHANGE.**

24 (a) REPORT REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the congressional defense com-
2 mittees a report on the efforts of the Secretary to imple-
3 ment the recommendations set forth in the study con-
4 ducted by the Defense Business Board titled “Trans-
5 forming Department of Defense’s Core Business Processes
6 for Revolutionary Change”.

7 (b) ELEMENTS.—The report required under sub-
8 section (a) shall include—

9 (1) a description of the actions carried out by
10 the Secretary of Defense to implement the rec-
11 ommendations set forth in the study described in
12 subsection (a);

13 (2) identification of the specific recommenda-
14 tions, if any, that have been implemented by the
15 Secretary;

16 (3) the amount of any cost savings achieved as
17 a result of implementing such recommendations;

18 (4) identification of any recommendations that
19 have not been implemented; and

20 (5) alternative recommendations that may help
21 the Department of Defense achieve
22 \$125,000,000,000 in cost savings over the period of
23 5 fiscal years beginning after the year in which the
24 report is submitted.

1 **SEC. 1710M. REVIEW AND REPORT OF EXPERIMENTATION**
2 **WITH TICKS AND INSECTS.**

3 (a) REVIEW.—The Comptroller General of the United
4 States shall conduct a review of whether the Department
5 of Defense experimented with ticks, other insects, airborne
6 releases of tick-borne bacteria, viruses, pathogens, or any
7 other tick-borne agents regarding use as a biological weap-
8 on between the years of 1950 and 1977.

9 (b) REPORT.—If the Comptroller General of the
10 United States finds that any experiment described under
11 subsection (a) occurred, the Comptroller General shall
12 submit to the Committees on Armed Services of the House
13 of Representatives and the Senate a report on—

14 (1) the scope of such experiment; and

15 (2) whether any ticks, insects, or other vector-
16 borne agents used in such experiment were released
17 outside of any laboratory by accident or experiment
18 design.

19 **SEC. 1710N. REPORT ON AGILE PROGRAM AND PROJECT**
20 **MANAGEMENT.**

21 (a) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Comptroller General of
23 the United States shall submit to the Committee on
24 Armed Services of the Senate and the Committee on
25 Armed Services of the House of Representatives a publicly
26 available report on agile program and project management

1 within the Department of Defense. The report shall in-
2 clude the following:

3 (1) A review of all statutory provisions enabling
4 the use of agile program and project management
5 within the Department of Defense.

6 (2) An evaluation of the implementation of stat-
7 utory provisions enabling the use of agile program
8 and project management within the Department of
9 Defense and Armed Forces.

10 (3) An evaluation of the agile program and
11 project methodologies used within the Department of
12 Defense and Armed Forces.

13 (4) An evaluation of the how agile program and
14 project methodologies have enabled efforts to pre-
15 pare the Department of Defense and Armed Forces
16 for the future of work.

17 (5) An evaluation of the enterprise scalability of
18 the agile program and project methodologies used
19 within the Department of Defense and Armed
20 Forces, including how well agile methods are inte-
21 grated into the enterprise when used at scale.

22 (6) An analysis of the impediments to the fur-
23 ther adoption and enterprise scalability of agile pro-
24 gram and project management including statutory
25 impediments, as well as existing policy, guidance,

1 and instruction of the Department of Defense and
2 Armed Forces.

3 (7) An analysis of the impact of further adop-
4 tion and enterprise scalability of agile program and
5 project management on the future of work within
6 the Department of Defense and Armed Forces.

7 (8) Such other information as the Comptroller
8 General determines appropriate.

9 (b) INTERIM BRIEFING.—Not later than March 1,
10 2021, the Comptroller General shall provide to the Com-
11 mittee on Armed Services of the Senate and the Com-
12 mittee on Armed Services of the House of Representatives
13 a briefing on the topics to be covered by the report under
14 subsection (a), including and preliminary data and any
15 issues or concerns of the Comptroller General relating to
16 the report.

17 (c) ACCESS TO RELEVANT DATA.—For purposes of
18 this section, the Secretary of Defense shall ensure that
19 the Comptroller General has access to all relevant data.

20 **Subtitle B—Electronic Message**
21 **Preservation**

22 **SEC. 1711. SHORT TITLE.**

23 This subtitle may be cited as the “Electronic Message
24 Preservation Act”.

1 **SEC. 1712. PRESERVATION OF ELECTRONIC MESSAGES AND**
2 **OTHER RECORDS.**

3 (a) REQUIREMENT FOR PRESERVATION OF ELEC-
4 TRONIC MESSAGES.—Chapter 29 of title 44, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 2912. Preservation of electronic messages and**
8 **other records**

9 “(a) REGULATIONS REQUIRED.—The Archivist shall
10 promulgate regulations governing Federal agency preser-
11 vation of electronic messages that are determined to be
12 records. Such regulations shall, at a minimum—

13 “(1) require the electronic capture, manage-
14 ment, and preservation of such electronic records in
15 accordance with the records disposition requirements
16 of chapter 33;

17 “(2) require that such electronic records are
18 readily accessible for retrieval through electronic
19 searches; and

20 “(3) include timelines for Federal agency imple-
21 mentation of the regulations that ensure compliance
22 as expeditiously as practicable.

23 “(b) ENSURING COMPLIANCE.—The Archivist shall
24 promulgate regulations that—

25 “(1) establish mandatory minimum functional
26 requirements for electronic records management sys-

1 tems to ensure compliance with the requirements in
2 paragraphs (1) and (2) of subsection (a); and

3 “(2) establish a process to ensure that the elec-
4 tronic records management system of each Federal
5 agency meets the functional requirements estab-
6 lished under paragraph (1).

7 “(c) COVERAGE OF OTHER ELECTRONIC
8 RECORDS.—To the extent practicable, the regulations pro-
9 mulgated under subsections (a) and (b) shall also include
10 requirements for the capture, management, and preserva-
11 tion of other electronic records.

12 “(d) COMPLIANCE BY FEDERAL AGENCIES.—Each
13 Federal agency shall comply with the regulations promul-
14 gated under subsections (a) and (b).

15 “(e) REVIEW OF REGULATIONS REQUIRED.—The Ar-
16 chivist shall periodically review and, as necessary, amend
17 the regulations promulgated under subsections (a) and
18 (b).”.

19 (b) DEADLINE FOR REGULATIONS.—

20 (1) PRESERVATION OF ELECTRONIC MES-
21 SAGES.—Not later than 120 days after the date of
22 the enactment of this Act, the Archivist shall pro-
23 mulgate the regulations required under section
24 2912(a) of title 44, United States Code, as added by
25 subsection (a).

1 (2) ENSURING COMPLIANCE.—Not later than 2
2 years after the date of the enactment of this Act, the
3 Archivist shall promulgate the regulations required
4 under section 2912(b) of title 44, United States
5 Code, as added by subsection (a).

6 (c) REPORTS ON IMPLEMENTATION OF REGULA-
7 TIONS.—

8 (1) AGENCY REPORT TO ARCHIVIST.—Not later
9 than 1 year after the date of the enactment of this
10 Act, the head of each Federal agency shall submit
11 to the Archivist a report on the agency's compliance
12 with the regulations promulgated under section 2912
13 of title 44, United States Code, as added by sub-
14 section (a), and shall make the report publicly avail-
15 able on the website of the agency.

16 (2) ARCHIVIST REPORT TO CONGRESS.—Not
17 later than 90 days after receipt of all reports re-
18 quired by paragraph (1), the Archivist shall submit
19 to the Committee on Homeland Security and Gov-
20 ernmental Affairs of the Senate and the Committee
21 on Oversight and Reform of the House of Represent-
22 atives a report on Federal agency compliance with
23 the regulations promulgated under section 2912(a)
24 of title 44, United States Code, as added by sub-

1 section (a), and shall make the report publicly avail-
2 able on the website of the agency.

3 (3) FEDERAL AGENCY DEFINED.—In this sub-
4 section, the term “Federal agency” has the meaning
5 given that term in section 2901 of title 44, United
6 States Code.

7 (d) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 29 of title 44, United States
9 Code, is amended by adding after the item relating to sec-
10 tion 2911 the following new item:

“2912. Preservation of electronic messages and other records.”.

11 (e) DEFINITIONS.—Section 2901 of title 44, United
12 States Code, is amended—

13 (1) by striking “and” at the end of paragraph
14 (14); and

15 (2) by striking paragraph (15) and inserting
16 the following new paragraphs:

17 “(15) the term ‘electronic messages’ means
18 electronic mail and other electronic messaging sys-
19 tems that are used for purposes of communicating
20 between individuals; and

21 “(16) the term ‘electronic records management
22 system’ means software designed to manage elec-
23 tronic records, including by—

24 “(A) categorizing and locating records;

1 “(B) ensuring that records are retained as
2 long as necessary;

3 “(C) identifying records that are due for
4 disposition; and

5 “(D) ensuring the storage, retrieval, and
6 disposition of records.”.

7 **SEC. 1713. PRESIDENTIAL RECORDS.**

8 (a) ADDITIONAL REGULATIONS RELATING TO PRESI-
9 DENTIAL RECORDS.—

10 (1) IN GENERAL.—Section 2206 of title 44,
11 United States Code, is amended—

12 (A) by striking “and” at the end of para-
13 graph (3);

14 (B) by striking the period at the end of
15 paragraph (4) and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(5) provisions for establishing standards nec-
18 essary for the economical and efficient management
19 of electronic Presidential records during the Presi-
20 dent’s term of office, including—

21 “(A) records management controls nec-
22 essary for the capture, management, and pres-
23 ervation of electronic messages;

24 “(B) records management controls nec-
25 essary to ensure that electronic messages are

1 readily accessible for retrieval through elec-
2 tronic searches; and

3 “(C) a process to ensure the electronic
4 records management system to be used by the
5 President for the purposes of complying with
6 the requirements in subparagraphs (A) and
7 (B).”.

8 (2) DEFINITIONS.—Section 2201 of title 44,
9 United States Code, is amended by adding at the
10 end the following new paragraphs:

11 “(6) The term ‘electronic messages’ has the
12 meaning given that term under section 2901(15).

13 “(7) The term ‘electronic records management
14 system’ has the meaning given that term under sec-
15 tion 2901(16).”.

16 (b) CERTIFICATION OF PRESIDENT’S MANAGEMENT
17 OF PRESIDENTIAL RECORDS.—

18 (1) CERTIFICATION REQUIRED.—Chapter 22 of
19 title 44, United States Code, is amended by adding
20 at the end the following new section:

21 **“§ 2210. Certification of the President’s management**
22 **of Presidential records**

23 “(a) ANNUAL CERTIFICATION.—The Archivist shall
24 annually certify whether the electronic records manage-

1 ment controls established by the President meet require-
2 ments under sections 2203(a) and 2206(5).

3 “(b) REPORT TO CONGRESS.—The Archivist shall re-
4 port annually to the Committee on Homeland Security and
5 Governmental Affairs of the Senate and the Committee
6 on Oversight and Reform of the House of Representatives
7 on the status of the certification.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of chapter 22 of title 44,
10 United States Code, is amended by adding at the
11 end the following new item:

“2210. Certification of the President’s management of Presidential
records.”.

12 (c) REPORT TO CONGRESS.—Section 2203(g) of title
13 44, United States Code, is amended by adding at the end
14 the following new paragraph:

15 “(5) One year following the conclusion of a Presi-
16 dent’s term of office, or if a President serves consecutive
17 terms 1 year following the conclusion of the last term, the
18 Archivist shall submit to the Committee on Homeland Se-
19 curity and Governmental Affairs of the Senate and the
20 Committee on Oversight and Reform of the House of Rep-
21 resentatives a report on—

22 “(A) the volume and format of electronic Presi-
23 dential records deposited into that President’s Presi-
24 dential archival depository; and

1 “(B) whether the electronic records manage-
2 ment controls of that President met the require-
3 ments under sections 2203(a) and 2206(5).”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect 1 year after the date of the
6 enactment of this Act.

7 **Subtitle C—Space Technology Ad-**
8 **vancement Report (STAR) Act of**
9 **2020**

10 **SEC. 1721. SHORT TITLE.**

11 This subtitle may be cited as the “Space Technology
12 Advancement Report (STAR) Act of 2020”.

13 **SEC. 1722. FINDINGS.**

14 Congress finds the following:

15 (1) As stated in the United States-China Eco-
16 nomic and Security Commission’s 2019 Report to
17 Congress, the United States retains many advan-
18 tages over the People’s Republic of China (PRC) in
19 space, including—

20 (A) the organization and technical exper-
21 tise of its space program;

22 (B) the capabilities of the National Aero-
23 nautics and Space Administration for human
24 spaceflight and exploration;

25 (C) its vibrant commercial space sector;

1 (D) its long history of space leadership;
2 and

3 (E) many international partnerships.

4 (2) The PRC seeks to establish a leading posi-
5 tion in the economic and military use of outer space
6 and views space as critical to its future security and
7 economic interests.

8 (3) The PRC's national-level commitment to es-
9 tablishing itself as a global space leader harms
10 United States interests and threatens to undermine
11 many of the advantages the United States has
12 worked so long to establish.

13 (4) For over 60 years, the United States has
14 led the world in space exploration and human space
15 flight through a robust national program that en-
16 sures NASA develops and maintains critical
17 spaceflight systems to enable this leadership, includ-
18 ing the Apollo program's Saturn V rocket, the Space
19 Shuttle, the International Space Station and the
20 Space Launch System and Orion today.

21 (5) The Defense Intelligence Agency noted in
22 its 2019 "Challenges to U.S. Security in Space" re-
23 port that the PRC was developing a national super-
24 heavy lift rocket comparable to NASA's Space
25 Launch System.

1 (6) The United States space program and com-
2 mercial space sector risks being hollowed out by the
3 PRC's plans to attain leadership in key technologies.

4 (7) It is in the economic and security interest
5 of the United States to remain the global leader in
6 space power.

7 (8) A recent report by the Air Force Research
8 Laboratory and the Defense Innovation Unit found
9 that China's strategy to bolster its domestic space
10 industry includes a global program of theft and
11 other misappropriation of intellectual property, di-
12 rect integration of state-owned entities and their
13 technology with commercial start-ups, the use of
14 front companies to invest in United States space
15 companies, vertical control of supply chains, and
16 predatory pricing.

17 (9) The United States Congress passed the
18 Wolf Amendment as part of the Fiscal Year 2012
19 Consolidated and Further Continuing Appropria-
20 tions Act (Public Law 112–55) and every year there-
21 after in response to the nefarious and offensive na-
22 ture of Chinese activities in the space industry.

23 **SEC. 1723. REPORT; STRATEGY.**

24 (a) REPORT.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this section, and annually
3 thereafter in fiscal years 2022 and 2023, the Na-
4 tional Space Council shall submit to the appropriate
5 congressional committees an interagency assessment
6 of the ability of the United States to compete with
7 foreign space programs and in the emerging com-
8 mercial space economy.

9 (2) CONTENT OF REPORT.—The report shall in-
10 clude information on the following:

11 (A) An assessment of the human explo-
12 ration and spaceflight capabilities of the na-
13 tional space program of the United States rel-
14 ative to national programs of the PRC.

15 (B) An assessment of—

16 (i) the viability of extraction of space-
17 based precious minerals, onsite exploitation
18 of space-based natural resources, and utili-
19 zation of space-based solar power;

20 (ii) the programs of the United States
21 and the PRC that are related to the issues
22 described in clause (i); and

23 (iii) any potential terrestrial or space
24 environmental impacts of space-based solar
25 power.

1 (C) An assessment of United States stra-
2 tegic interests in or related to cislunar space.

3 (D) A comparative assessment of future
4 United States space launch capabilities and
5 those of the PRC.

6 (E) The extent of foreign investment in the
7 commercial space sector of the United States,
8 especially in venture capital and other private
9 equity investments that seek to work with the
10 Federal Government.

11 (F) The steps by which the National Aero-
12 nautics and Space Administration, the Depart-
13 ment of Defense, and other United States Fed-
14 eral agencies conduct the necessary due dili-
15 gence and security reviews prior to investing in
16 private space entities that may have received
17 funding from foreign investment.

18 (G) Current steps that the United States
19 is taking to identify and help mitigate threats
20 to domestic space industry from influence of the
21 PRC.

22 (H) An assessment of the current ability,
23 role, costs, and authorities of the Department
24 of Defense to mitigate the threats of commer-
25 cial communications and navigation in space

1 from the PRC's growing counterspace capabili-
2 ties, and any actions required to improve this
3 capability.

4 (I) An assessment of how the PRC's activi-
5 ties are impacting United States national secu-
6 rity, including—

7 (i) theft by the PRC of United States
8 intellectual property through technology
9 transfer requirements or otherwise; and

10 (ii) efforts of the PRC to seize control
11 of critical elements of the United States
12 space industry supply chain and United
13 States space industry companies or sister
14 companies with shared leadership; and gov-
15 ernment cybersecurity capabilities.

16 (J) An assessment of efforts of the PRC to
17 pursue cooperative agreements with other na-
18 tions to advance space development.

19 (K) Recommendations to Congress, includ-
20 ing recommendations with respect to—

21 (i) any legislative proposals to address
22 threats by the PRC to the United States
23 national space programs as well as domes-
24 tic commercial launch and satellite indus-
25 tries; and

1 (ii) how the United States Govern-
2 ment can best utilize existing Federal enti-
3 ties to investigate and prevent potentially
4 harmful investment by the PRC in the
5 United States commercial space industry.

6 (3) FORM.—The report required under para-
7 graph (1) shall be submitted in unclassified form,
8 but may include a classified annex.

9 (b) STRATEGY.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the submission of the report required in subsection
12 (a), the President, in consultation with the National
13 Space Council, shall develop and submit to the ap-
14 propriate congressional committees a strategy to en-
15 sure the United States can—

16 (A) compete with other national space pro-
17 grams;

18 (B) maintain leadership in the emerging
19 commercial space economy;

20 (C) identify market, regulatory, and other
21 means to address unfair competition from the
22 PRC based on the findings of in the report re-
23 quired in subsection (a);

1 (D) leverage commercial space capabilities
2 to ensure United States national security and
3 the security of United States interests in space;

4 (E) protect United States supply chains
5 and manufacturing critical to competitiveness in
6 space; and

7 (F) coordinate with international allies and
8 partners in space.

9 (3) FORM.—The strategy required under para-
10 graph (1) shall be submitted in unclassified form,
11 but may include a classified annex.

12 (c) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES OF CONGRESS.—The term “appropriate con-
16 gressional committees” means—

17 (A) the Committee on Armed services, the
18 Committee on Foreign Relations, and the Com-
19 mittee on Commerce, Science, and Transpor-
20 tation of the Senate; and

21 (B) the Committee on Armed Services, the
22 Committee on Foreign Affairs, and the Com-
23 mittee on Science, Space, and Technology of
24 the House of Representatives.

(2) PRC.—The term “PRC” means the “People’s Republic of China”.

Subtitle D—AMBER Alert Nationwide

SEC. 1731. COOPERATION WITH DEPARTMENT OF HOMELAND SECURITY.

Subtitle A of title III of the PROTECT Act (34 U.S.C. 20501 et seq.) is amended—

(1) in section 301—

(A) in subsection (b)—

(i) in paragraph (1), by inserting “(including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States)” after “gaps in areas of interstate travel”; and

(ii) in paragraphs (2) and (3), by inserting “, territories of the United States, and tribal governments” after “States”; and

(B) in subsection (d), by inserting “, the Secretary of Homeland Security,” after “Secretary of Transportation”; and

(2) in section 302—

1 (A) in subsection (b), in paragraphs (2),
 2 (3), and (4) by inserting “, territorial, tribal,”
 3 after “State”; and

4 (B) in subsection (c)—

5 (i) in paragraph (1), by inserting “,
 6 the Secretary of Homeland Security,” after
 7 “Secretary of Transportation”; and

8 (ii) in paragraph (2), by inserting “,
 9 territorial, tribal,” after “State”.

10 **SEC. 1732. AMBER ALERTS ALONG MAJOR TRANSPOR-**
 11 **TATION ROUTES.**

12 (a) IN GENERAL.—Section 303 of the PROTECT
 13 Act (34 U.S.C. 20503) is amended—

14 (1) in the section heading, by inserting “**AND**
 15 **MAJOR TRANSPORTATION ROUTES**” after
 16 “**ALONG HIGHWAYS**”;

17 (2) in subsection (a)—

18 (A) by inserting “(referred to in this sec-
 19 tion as the ‘Secretary’)” after “Secretary of
 20 Transportation”; and

21 (B) by inserting “and at airports, mari-
 22 time ports, border crossing areas and check-
 23 points, and ports of exit from the United
 24 States” after “along highways”;

25 (3) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) by striking “other motorist infor-
3 mation systems to notify motorists” and
4 inserting “other information systems to no-
5 tify motorists, aircraft passengers, ship
6 passengers, and travelers”; and

7 (ii) by inserting “, aircraft passengers,
8 ship passengers, and travelers” after “nec-
9 essary to notify motorists”; and

10 (B) in paragraph (2)—

11 (i) in subparagraph (A), by striking
12 “other motorist information systems to no-
13 tify motorists” and inserting “other infor-
14 mation systems to notify motorists, air-
15 craft passengers, ship passengers, and
16 travelers”;

17 (ii) in subparagraph (D), by inserting
18 “, aircraft passengers, ship passengers,
19 and travelers” after “support the notifica-
20 tion of motorists”;

21 (iii) in subparagraph (E), by inserting
22 “, aircraft passengers, ship passengers,
23 and travelers” after “motorists”, each
24 place it appears;

1 (iv) in subparagraph (F), by inserting
2 “, aircraft passengers, ship passengers,
3 and travelers” after “motorists”; and

4 (v) in subparagraph (G), by inserting
5 “, aircraft passengers, ship passengers,
6 and travelers” after “motorists”;

7 (4) in subsection (c), by striking “other motor-
8 ist information systems to notify motorists”, each
9 place it appears, and inserting “other information
10 systems to notify motorists, aircraft passengers, ship
11 passengers, and travelers”;

12 (5) by amending subsection (d) to read as fol-
13 lows:

14 “(d) FEDERAL SHARE.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), the Federal share of the cost of any ac-
17 tivities funded by a grant under this section may not
18 exceed 80 percent.

19 “(2) WAIVER.—If the Secretary determines
20 that American Samoa, Guam, the Northern Mariana
21 Islands, Puerto Rico, or the Virgin Islands of the
22 United States is unable to comply with the require-
23 ment under paragraph (1), the Secretary shall waive
24 such requirement.”;

25 (6) in subsection (g)—

1 (A) by striking “In this section” and in-
 2 serting “In this subtitle”; and

3 (B) by striking “or Puerto Rico” and in-
 4 serting “American Samoa, Guam, Puerto Rico,
 5 the Northern Mariana Islands, the Virgin Is-
 6 lands of the United States, and any other terri-
 7 tory of the United States”; and

8 (7) in subsection (h), by striking “fiscal year
 9 2004” and inserting “each of fiscal years 2019
 10 through 2023”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 12 The table of contents in section 1(b) of the PROTECT
 13 Act (Public Law 108–21) is amended by striking the item
 14 relating to section 303 and inserting the following:

“Sec. 303. Grant program for notification and communications systems along
 highways and major transportation routes for recovery of ab-
 ducted children.”.

15 **SEC. 1733. AMBER ALERT COMMUNICATION PLANS IN THE**
 16 **TERRITORIES.**

17 Section 304 of the PROTECT Act (34 U.S.C. 20504)
 18 is amended—

19 (1) in subsection (b)(4), by inserting “a terri-
 20 torial government or” after “with”;

21 (2) by amending subsection (c) to read as fol-
 22 lows:

23 “(c) FEDERAL SHARE.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Federal share of the cost of any ac-
3 tivities funded by a grant under this section may not
4 exceed 50 percent.

5 “(2) WAIVER.—If the Attorney General deter-
6 mines that American Samoa, Guam, the Northern
7 Mariana Islands, Puerto Rico, the Virgin Islands of
8 the United States, or an Indian tribe is unable to
9 comply with the requirement under paragraph (1),
10 the Attorney General shall waive such require-
11 ment.”; and

12 (3) in subsection (d), by inserting “, including
13 territories of the United States” before the period at
14 the end.

15 **SEC. 1734. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
16 **PORT.**

17 (a) IN GENERAL.—Not later than 5 years after the
18 date of the enactment of this Act, the Comptroller General
19 shall conduct a study assessing—

20 (1) the implementation of the amendments
21 made by this Act;

22 (2) any challenges related to integrating the
23 territories of the United States into the AMBER
24 Alert system;

1 (3) the readiness, educational, technological,
2 and training needs of territorial law enforcement
3 agencies in responding to cases involving missing,
4 abducted, or exploited children; and

5 (4) any other related matters the Attorney Gen-
6 eral or the Secretary of Transportation determines
7 appropriate.

8 (b) REPORT REQUIRED.—The Comptroller General
9 shall submit a report on the findings of the study required
10 under subsection (a) to—

11 (1) the Committee on the Judiciary and the
12 Committee on Environment and Public Works of the
13 Senate;

14 (2) the Committee on the Judiciary and the
15 Committee on Transportation and Infrastructure of
16 the House of Representatives; and

17 (3) each of the delegates or resident commis-
18 sioner to the House of Representatives from Amer-
19 ican Samoa, Guam, the Northern Mariana Islands,
20 Puerto Rico, and the Virgin Islands of the United
21 States.

22 (c) PUBLIC AVAILABILITY.—The Comptroller Gen-
23 eral shall make the report required under subsection (b)
24 available on a public Government website.

25 (d) OBTAINING OFFICIAL DATA.—

1 (1) IN GENERAL.—The Comptroller General
2 may secure information necessary to conduct the
3 study under subsection (a) directly from any Federal
4 agency and from any territorial government receiv-
5 ing grant funding under the PROTECT Act. Upon
6 request of the Comptroller General, the head of a
7 Federal agency or territorial government shall fur-
8 nish the requested information to the Comptroller
9 General.

10 (2) AGENCY RECORDS.—Notwithstanding para-
11 graph (1), nothing in this subsection shall require a
12 Federal agency or any territorial government to
13 produce records subject to a common law evidentiary
14 privilege. Records and information shared with the
15 Comptroller General shall continue to be subject to
16 withholding under sections 552 and 552a of title 5,
17 United States Code. The Comptroller General is ob-
18 ligated to give the information the same level of con-
19 fidentiality and protection required of the Federal
20 agency or territorial government. The Comptroller
21 General may be requested to sign a nondisclosure or
22 other agreement as a condition of gaining access to
23 sensitive or proprietary data to which the Comp-
24 troller General is entitled.

1 (3) PRIVACY OF PERSONAL INFORMATION.—
2 The Comptroller General, and any Federal agency
3 and any territorial government that provides infor-
4 mation to the Comptroller General, shall take such
5 actions as are necessary to ensure the protection of
6 the personal information of a minor.

7 **Subtitle E—Other Matters**

8 **SEC. 1741. TECHNICAL, CONFORMING, AND CLERICAL**
9 **AMENDMENTS.**

10 (a) TITLE 10, UNITED STATES CODE.—Title 10,
11 United States Code, is amended as follows:

12 (1) Section 127e(g) is amended by striking
13 “Low-Intensity” and inserting “Low Intensity”.

14 (2) Section 142 is amended—

15 (A) by striking subsection (d); and

16 (B) by redesignating the second subsection

17 (c) as subsection (d).

18 (3) Section 192(c) is amended by striking the
19 first paragraph (1).

20 (4) Section 231 is amended—

21 (A) in subsection (a)(1), by striking “and”
22 after the colon;

23 (B) by striking “quadrennial defense re-
24 view” each place it appears and inserting “na-
25 tional defense strategy”; and

1 (C) in subsection (f)(3), by striking “sec-
2 tion 118” and inserting “section 113(g)”.

3 (5) Section 1073c(a) is amended by redesignig-
4 nating the second paragraph (6) as paragraph (7).

5 (6) Section 1044e is amended by striking “sub-
6 section (h)” each place it appears and inserting
7 “subsection (i)”.

8 (7) The table of sections at the beginning of
9 chapter 58 is amended by striking the item relating
10 to section 1142 and inserting the following:

“1142. Preseparation counseling; transmittal of certain records to Department
of Veterans Affairs.”.

11 (8) Section 1564(c)(2) is amended in the mat-
12 ter preceding subparagraph (A) by striking “in” and
13 inserting “is”.

14 (9) The table of sections at the beginning of
15 chapter 113 is amended by striking “Sec.” each
16 place it appears, except for the first “Sec.” pre-
17 ceding the item relating to section 2200g.

18 (10) The table of sections at the beginning of
19 chapter 135 is amended by striking the item relating
20 to section 2279c.

21 (11) The table of sections at the beginning of
22 chapter 142 is amended by striking the item relating
23 to section 2417 and inserting the following:

“2417. Administrative and other costs.”.

1 (12) The table of sections at the beginning of
2 chapter 152 is amended by striking the item relating
3 to section 2568a and inserting the following:

“2568a. Damaged personal protective equipment: award to members separating
from the Armed Forces and veterans.”.

4 (13) Section 2417(2) is amended by striking
5 “entities -” and inserting “entities—”.

6 (14) Section 2641b(a)(3)(B) is amended by
7 striking “subsection (c)(5)” and inserting “sub-
8 section (c)(6)”.

9 (15) Section 2804(b) is amended in the third
10 sentence by striking “; and”.

11 (16) Section 2890(e)(2) is amended by insert-
12 ing “a” before “landlord” in the matter preceding
13 subparagraph (A).

14 (17) Section 2891(e)(1) is amended—

15 (A) by inserting “unit” after “housing”
16 the third place it appears; and

17 (B) in subparagraph (B), by inserting
18 “the” before “tenant”.

19 (18) Section 2891a is amended—

20 (A) in subsection (b), by adding a period
21 at the end of paragraph (2); and

22 (B) in subsection (e)(2)(B), by striking
23 “the” before “any basic”.

1 (19) Section 2894(c)(3) is amended by insert-
2 ing “, the office” after “installation housing man-
3 agement office”.

4 (b) TITLE 38, UNITED STATES CODE.—Section
5 1967(a)(3)(D) of title 38, United States Code, is amended
6 in the matter preceding clause (i) by inserting a comma
7 after “theater of operations”.

8 (c) NDAA FOR FISCAL YEAR 2019.—Effective as of
9 August 13, 2018, and as if included therein as enacted,
10 the John S. McCain National Defense Authorization Act
11 for Fiscal Year 2019 (Public Law 115–232) is amended
12 as follows:

13 (1) Section 226(b)(3)(C) (132 Stat. 1686) is
14 amended by striking “commercial-off the-shelf” and
15 inserting “commercially available off-the-shelf items
16 (as defined in section 104 of title 41, United States
17 Code) that may serve as”.

18 (2) Section 809(b)(3) (132 Stat. 1840) is
19 amended by striking “Section 598(d)(4) of the Na-
20 tional Defense Authorization Act of for Fiscal Year
21 2010 (Public Law 111–84; 10 U.S.C. 1561 note)”
22 and inserting “Section 563(d)(4) of the Duncan
23 Hunter National Defense Authorization Act for Fis-
24 cal Year 2009 (Public Law 110–417; 10 U.S.C.
25 1561 note)”.

1 (3) Section 836(a)(2)(B) (132 Stat. 1860) is
2 amended by inserting “of such title” after “Section
3 104(1)(A)”.

4 (4) Section 836(c)(8) is amended by striking
5 subparagraphs (A) and (B) and inserting the fol-
6 lowing new subparagraphs:

7 “(A) by striking ‘commercial items’ and in-
8 serting ‘commercial products’; and

9 “(B) by striking ‘the item’ both places it
10 appears and inserting ‘commercial product’.”.

11 (5) Section 889(f) (132 Stat. 1918) is amended
12 by striking “appropriate congressional committees’ ”
13 and inserting “appropriate congressional commit-
14 tees”.

15 (6) Section 1286(e)(2)(D) (10 U.S.C. 2358
16 note; 132 Stat. 2080) is amended by striking “im-
17 prove” and inserting “improved”.

18 (7) Section 1757(a) (50 U.S.C. 4816; 132 Stat.
19 2218) is amended by inserting “to persons” before
20 “who are potential”.

21 (8) Section 1759(a)(2) (50 U.S.C. 4818; 132
22 Stat. 2223) is amended by striking the semicolon at
23 the end and inserting a period.

1 (9) Section 1763(c) (50 U.S.C. 4822; 132 Stat.
2 2231) is amended by striking “December 5, 1991”
3 and inserting “December 5, 1995”.

4 (10) Section 1773(b)(1) (50 U.S.C. 4842; 132
5 Stat. 2235) is amended by striking “section
6 1752(1)(D)” and inserting “section 1752(2)(D)”.

7 (11) Section 1774(a) (50 U.S.C. 4843; 132
8 Stat. 2237) is amended in the matter preceding
9 paragraph (1) by inserting “under” before “section
10 1773”.

11 (12) Section 2827(b)(1) (132 Stat. 2270) is
12 amended by inserting “in the matter preceding the
13 paragraphs” after “amended”.

14 (d) NDAA FOR FISCAL YEAR 2016.—Effective as of
15 December 23, 2016, and as if included therein as enacted,
16 section 856(a)(1) the National Defense Authorization Act
17 for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
18 2377 note) is amended by inserting “United States Code,”
19 after “title 41,”.

20 (e) COORDINATION WITH OTHER AMENDMENTS
21 MADE BY THIS ACT.—For purposes of applying amend-
22 ments made by provisions of this Act other than this sec-
23 tion, the amendments made by this section shall be treated
24 as having been enacted immediately before any such
25 amendments by other provisions of this Act.

1 **SEC. 1742. ADDITION OF CHIEF OF THE NATIONAL GUARD**
2 **BUREAU TO THE LIST OF OFFICERS PRO-**
3 **VIDING REPORTS OF UNFUNDED PRIORITIES.**

4 Section 222a(b) of title 10, United States Code, is
5 amended—

6 (1) by redesignating paragraph (5) as para-
7 graph (6); and

8 (2) by inserting after paragraph (4) the fol-
9 lowing new paragraph:

10 “(5) The Chief of the National Guard Bu-
11 reau.”.

12 **SEC. 1743. ACCEPTANCE OF PROPERTY BY MILITARY ACAD-**
13 **EMIES AND MUSEUMS.**

14 (a) ACCEPTANCE OF PROPERTY.—Section 2601 of
15 title 10, United States Code, is amended—

16 (1) in subsection (a)(2), by inserting after sub-
17 paragraph (B) the following new subparagraph:

18 “(C) The Secretary concerned may display, at a mili-
19 tary museum, recognition for an individual or organization
20 that contributes money to a nonprofit entity described in
21 subparagraph (A), or an individual or organization that
22 contributes a gift directly to the armed force concerned
23 for the benefit of a military museum, whether or not the
24 contribution is subject to the condition that recognition
25 be provided. The Secretary of Defense shall prescribe uni-
26 form regulations governing the circumstances under which

1 contributor recognition may be provided, appropriate
2 forms of recognition, and suitable display standards.”; and

3 (2) in subsection (e)(1)—

4 (A) by inserting “or personal” after “real”
5 both places it appears; and

6 (B) by striking “or the Coast Guard Acad-
7 emy” and inserting “the Coast Guard Academy,
8 the National Defense University, the Defense
9 Acquisition University, the Air University, the
10 Army War College, the Army Command and
11 General Staff College, the Naval War College,
12 the Naval Postgraduate School, or the Marine
13 Corps University”.

14 (b) LEASE OF NON-EXCESS PROPERTY TO MILITARY
15 MUSEUMS.—

16 (1) IN GENERAL.—Section 2667 of title 10,
17 United States Code, is amended—

18 (A) in subsection (b)—

19 (i) in paragraph (7), by striking
20 “and” at the end;

21 (ii) in paragraph (8), by striking the
22 period at the end and inserting “; and”;
23 and

24 (iii) by adding at the end the fol-
25 lowing new paragraph:

1 “(9) in the case of a lease of a museum facility
2 to a museum foundation, may provide for use in
3 generating revenue for activities of the museum fa-
4 cility and for such administrative purposes as may
5 be necessary to support the facility.”;

6 (B) in subsection (i), by adding at the end
7 the following new paragraph:

8 “(6) The term ‘museum foundation’ means any
9 entity—

10 “(A) qualifying as an exempt organization
11 under section 501(c)(3) of the Internal Revenue
12 Code of 1986; and

13 “(B) incorporated for the primary purpose
14 of supporting a Department of Defense mu-
15 seum.”; and

16 (C) in subsection (k)—

17 (i) in the subsection heading, by in-
18 serting “AND MUSEUMS” after “LEASES
19 FOR EDUCATION”; and

20 (ii) by inserting “or to a museum
21 foundation” before the period at the end.

22 (2) REPEALS.—

23 (A) LEASE OR LICENSE OF UNITED
24 STATES NAVY MUSEUM FACILITIES AT WASH-
25 INGTON NAVY YARD, DISTRICT OF COLUMBIA.—

1 The National Defense Authorization Act for
2 Fiscal Year 2006 (Public Law 109–163) is
3 amended by striking section 2852.

4 (B) LEASE OF FACILITY TO MARINE CORPS
5 HERITAGE FOUNDATION.—Section 2884 of the
6 Floyd D. Spence National Defense Authoriza-
7 tion Act for Fiscal Year 2001 (Public Law
8 106–398; 114 Stat. 1654A–440) is amended by
9 striking subsection (e).

10 **SEC. 1744. REAUTHORIZATION OF NATIONAL OCEANO-**
11 **GRAPHIC PARTNERSHIP PROGRAM.**

12 (a) NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-
13 GRAM.—Section 8931 of title 10, United States Code, is
14 amended to read as follows:

15 **“SEC. 8931. NATIONAL OCEANOGRAPHIC PARTNERSHIP**
16 **PROGRAM.**

17 “(a) ESTABLISHMENT.—The Secretary of the Navy
18 shall establish a program to be known as the ‘National
19 Oceanographic Partnership Program’.

20 “(b) PURPOSES.—The purposes of the program are
21 as follows:

22 “(1) To promote the national goals of assuring
23 national security, advancing economic development,
24 protecting quality of life, ensuring environmental
25 stewardship, and strengthening science education

1 and communication through improved knowledge of
2 the ocean.

3 “(2) To coordinate and strengthen oceano-
4 graphic efforts in support of those goals by—

5 “(A) creating and carrying out partner-
6 ships among Federal agencies, academia, indus-
7 try, and other members of the oceanographic
8 community in the areas of science, data, re-
9 sources, education, and communication; and

10 “(B) accepting, planning, and executing
11 oceanographic research projects funded by
12 grants, contracts, cooperative agreements, or
13 other vehicles as appropriate, that contribute to
14 assuring national security, advancing economic
15 development, protecting quality of life, ensuring
16 environmental stewardship, and strengthening
17 science education and communication through
18 improved knowledge of the ocean.”.

19 (b) OCEAN POLICY COMMITTEE.—

20 (1) IN GENERAL.—Section 8932 of such title is
21 amended to read as follows:

22 **“§ 8932. Ocean Policy Committee**

23 “(a) COMMITTEE.—There is established an Ocean
24 Policy Committee (hereinafter referred to as the ‘Com-
25 mittee’). The Committee shall retain the membership, co-

1 chairs, and subcommittees outlined in Executive Order
2 No. 13840.

3 “(b) RESPONSIBILITIES.—The Committee shall con-
4 tinue the activities of that Committee as it was in exist-
5 ence on the day before the date of the enactment of the
6 National Defense Authorization Act for Fiscal Year 2021.
7 In discharging its responsibilities and to assist in the exe-
8 cution of the activities delineated in this subsection, the
9 Committee may delegate to a subcommittee, as appro-
10 priate. The Committee shall—

11 “(1) prescribe policies and procedures to imple-
12 ment the National Oceanographic Partnership Pro-
13 gram;

14 “(2) engage and collaborate, pursuant to exist-
15 ing laws and regulations, with stakeholders, includ-
16 ing regional ocean partnerships, to address ocean-re-
17 lated matters that may require interagency or inter-
18 governmental solutions;

19 “(3) facilitate coordination and integration of
20 Federal activities in ocean and coastal waters to in-
21 form ocean policy and identify priority ocean re-
22 search, technology, and data needs; and

23 “(4) review, select, and identify partnership
24 projects for implementation under the program,
25 based on—

1 “(A) whether the project addresses impor-
2 tant research objectives or operational goals;

3 “(B) whether the project has, or is de-
4 signed to have, appropriate participation within
5 the oceanographic community of public, aca-
6 demic, commercial, private participation or sup-
7 port;

8 “(C) whether the partners have a long-
9 term commitment to the objectives of the
10 project;

11 “(D) whether the resources supporting the
12 project are shared among the partners; and

13 “(E) whether the project has been sub-
14 jected to adequate review according to each of
15 the supporting agencies.

16 “(c) ANNUAL REPORT AND BRIEFING.—(1) Not later
17 than March 1 of each year, the Committee shall post a
18 report on the National Oceanographic Partnership Pro-
19 gram on a publicly available website and brief—

20 “(A) the Committee on Commerce, Science, and
21 Transportation of the Senate;

22 “(B) the Committee on Armed Services of the
23 Senate;

24 “(C) the Committee on Natural Resources of
25 the House of Representatives;

1 “(D) the Committee on Science, Space, and
2 Technology of the House of Representatives; and

3 “(E) the Committee on Armed Services of the
4 House of Representatives.

5 “(2) The report and all briefing materials shall be
6 posted to a publicly available website not later than 30
7 days after the briefing.

8 “(3) The report and briefing shall include the fol-
9 lowing:

10 “(A) A description of activities of the program
11 carried out during the prior fiscal year.

12 “(B) A general outline of the activities planned
13 for the program during the current fiscal year.

14 “(C) A summary of projects, partnerships, and
15 collaborations, including the Federal and non-Fed-
16 eral sources of funding, continued from the prior fis-
17 cal year and projects expected to begin during the
18 current and subsequent fiscal years, as required in
19 the program office report outlined in section
20 8932(f)(2)(C) of this title.

21 “(D) The amounts requested in the budget sub-
22 mitted to Congress pursuant to section 1105(a) of
23 title 31 for the subsequent fiscal year, for the pro-
24 grams, projects, activities and the estimated expend-
25 itures under such programs, projects, and activities,

1 to execute the National Oceanographic Partnership
2 Program.

3 “(E) A summary of national ocean research pri-
4 orities informed by the Ocean Research Advisory
5 Panel required in section 8933(b)(4) of this title.

6 “(F) A list of the members of the Ocean Re-
7 search Advisory Panel described in section 8933(a)
8 of this title and any working groups described in
9 section 8932(f)(2)(A) of this title in existence during
10 the fiscal years covered.

11 “(d) NATIONAL OCEANOGRAPHIC PARTNERSHIP
12 FUND.—(1) There is established in the Treasury a sepa-
13 rate account to be known as the National Oceanographic
14 Partnership Program Fund to be jointly managed by the
15 Secretary of the Navy, the Administrator of the National
16 Oceanic and Atmospheric Administration, and any other
17 Federal agency that contributes amounts to the Fund.

18 “(2) Amounts in the Fund shall be available to the
19 National Oceanic Partnership Program without further
20 appropriation to remain available for up to 5 years from
21 the date contributed or until expended for the purpose of
22 carrying out this section.

23 “(3) There is authorized to be credited to the Fund
24 the following:

1 “(A) Such amounts as determined appropriate
2 to be transferred to the Fund by the head of a Fed-
3 eral agency or entity participating in the National
4 Oceanographic Partnership Program.

5 “(B) Funds provided by a State, local govern-
6 ment, tribal government, territory, or possession, or
7 any subdivisions thereof.

8 “(C) Funds contributed by—

9 “(i) a non-profit organization, individual,
10 or Congressionally-established foundation; and

11 “(ii) by private grants, contracts, and do-
12 nations.

13 “(4) For the purpose of carrying out this section, as
14 directed by the Committee, departments or agencies rep-
15 resented on the Committee may enter into contracts, make
16 grants, including transactions authorized by paragraph
17 (5), and may transfer funds available to the National
18 Oceanographic Partnership Program under paragraph (3)
19 to participating departments and agencies for such pur-
20 poses.

21 “(5) The Committee or any participating Federal
22 agency or entity may enter into an agreement to use, with
23 or without reimbursement, the land, services, equipment,
24 personnel, and facilities of any department, agency, or in-
25 strumentality of the United States, or of any State, local

1 government, Indian tribal government, Territory, District
2 of Columbia, or possession, or of any political subdivision
3 thereof, or of any foreign government or international or-
4 ganization or individual, for the purpose of carrying out
5 this section.

6 “(e) ESTABLISHMENT AND FORMS OF PARTNERSHIP
7 PROJECTS.—A partnership project under the National
8 Oceanographic Partnership Program—

9 “(1) may be established by any instrument that
10 the Committee considers appropriate; and

11 “(2) may include demonstration projects.

12 “(f) PARTNERSHIP PROGRAM OFFICE.—(1) The Sec-
13 retary of the Navy and Administrator of the National Oce-
14 anic and Atmospheric Administration shall jointly estab-
15 lish a partnership program office for the National Oceano-
16 graphic Partnership Program. Competitive procedures will
17 be used to select an external operator for the partnership
18 program office.

19 “(2) The Committee will monitor the performance of
20 the duties of the partnership program office, which shall
21 consist of the following:

22 “(A) To support working groups established by
23 the Committee or subcommittee and report working
24 group activities to the Committee, including working
25 group proposals for partnership projects.

1 “(B) To support the process for proposing part-
 2 nership projects to the Committee, including, where
 3 appropriate, managing review of such projects.

4 “(C) To submit to the Committee and make
 5 publicly available an annual report on the status of
 6 all partnership projects, including the Federal and
 7 non-Federal sources of funding for each project, and
 8 activities of the office.

9 “(D) To perform any additional duties for the
 10 administration of the National Oceanographic Part-
 11 nership Program that the Committee considers ap-
 12 propriate.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
 14 tions at the beginning of chapter 893 of title 10,
 15 United States Code, is amended by striking the item
 16 relating to section 8932 and inserting the following
 17 new item:

“8932. Ocean Policy Committee.”.

18 (c) OCEAN RESEARCH ADVISORY PANEL.—Section
 19 8933 of such title is amended to read as follows:

20 **“§ 8933. Ocean Research Advisory Panel**

21 “(a) ESTABLISHMENT.—(1) The Committee shall es-
 22 tablish an Ocean Research Advisory Panel consisting of
 23 not less than 10 and not more than 18 members appointed
 24 by the Co-chairs, including the following:

1 “(A) Three members who will represent the Na-
2 tional Academies of Sciences, Engineering, and Med-
3 icine.

4 “(B) Members selected from among individuals
5 who will represent the views of ocean industries,
6 State, tribal, territorial or local governments, aca-
7 demia, and such other views as the Co-chairs con-
8 sider appropriate.

9 “(C) Members selected from among individuals
10 eminent in the fields of marine science, marine tech-
11 nology, and marine policy, or related fields.

12 “(2) The Committee shall ensure that an appropriate
13 balance of academic, scientific, industry, and geographical
14 interests and gender and racial diversity are represented
15 by the members of the Advisory Panel.

16 “(b) RESPONSIBILITIES.—The Committee shall as-
17 sign the following responsibilities to the Advisory Panel:

18 “(1) To advise the Committee on policies and
19 procedures to implement the National Oceano-
20 graphic Partnership Program.

21 “(2) To advise the Committee on matters relat-
22 ing to national oceanographic science, engineering,
23 facilities, or resource requirements.

6 “(5) Any additional responsibilities that the
7 Committee considers appropriate.

9 “(c) ADMINISTRATIVE AND TECHNICAL SUPPORT.—

14 “(d) FEDERAL ADVISORY COMMITTEE ACT.—Section
15 14 of the Federal Advisory Committee Act (5 U.S.C.
16 App.) shall not apply to the Ocean Research Advisory
17 Panel appointed under section 8933.”.

(a) STANDARDS FOR PROGRAM AND PROJECT MANAGEMENT.—Section 503(c)(1)(D) of title 31, United States Code, is amended by striking “consistent with widely accepted standards” and inserting “in accordance with standards accredited by the American National Standards Institute”.

1 (b) PROGRAM MANAGEMENT IMPROVEMENT OFFI-
2 CERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—
3 Section 1126 of title 31, United States Code, is amend-
4 ed—

5 (1) in subsection (a)(1), by inserting after “sen-
6 ior executive of the agency” the following: “, who
7 has significant program and project management
8 oversight responsibilities,”; and

9 (2) in subsection (b)(4) by striking “twice” and
10 inserting “four times”.

11 **SEC. 1746. QUARTERLY BRIEFINGS ON JOINT ALL DOMAIN**
12 **COMMAND AND CONTROL CONCEPT.**

13 (a) IN GENERAL.—During the period beginning on
14 October 1, 2020, and ending on October 1, 2022, the Di-
15 rector of the Joint All Domain Command and Control (in
16 this section referred to as “JADC2”) Cross Functional
17 Team (in this section referred to as “CFT”), in consulta-
18 tion with the Vice Chairman of the Joint Chiefs of Staff
19 and Chief Information Officer of the Department of De-
20 fense, shall provide to the Committee on Armed Services
21 of the House of Representatives quarterly briefings on the
22 progress of the Department’s Joint All Domain Command
23 and Control concept.

1 (b) ELEMENTS.—Each briefing under subsection (a)
2 shall include, with respect to the JADC2 concept, the fol-
3 lowing elements:

4 (1) The status of the joint concept of command
5 and control.

6 (2) How the JADC2 CFT is identifying gaps
7 and addressing validated requirements based on the
8 joint concept of command and control.

9 (3) Progress in developing specific plans to
10 evaluate and implement materiel and non-materiel
11 improvements to command and control capabilities.

12 (4) Clarification on distribution of responsibil-
13 ities and authorities within the CFT and the Office
14 of the Secretary of Defense with respect to JADC2,
15 and how the CFT and the Office of the Secretary
16 of Defense are synchronizing and aligning with joint
17 and military concepts, solutions, experimentation,
18 and exercises.

19 (5) The status of and review of any rec-
20 ommendations for resource allocation necessary to
21 achieve operational JADC2.

22 (6) A sufficiency assessment of planned funding
23 across the future years defense program for the de-
24 velopment of JADC2 capabilities.

1 **SEC. 1747. RESOURCES TO IMPLEMENT A DEPARTMENT OF**
2 **DEFENSE POLICY ON CIVILIAN CASUALTIES**
3 **IN CONNECTION WITH UNITED STATES MILI-**
4 **TARY OPERATIONS.**

5 (a) RESOURCES TO IMPLEMENT DEPARTMENT OF
6 DEFENSE POLICY ON CIVILIAN CASUALTIES IN CONNEC-
7 TION WITH UNITED STATES MILITARY OPERATIONS.—

8 (1) PURPOSE.—The purpose of this section is
9 to facilitate fulfillment of the requirements in section
10 936 of the John S. McCain National Defense Au-
11 thorization Act for Fiscal Year 2019 (10 U.S.C. 134
12 note).

13 (2) PERSONNEL.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Defense shall do the following:

16 (A) Add to, and assign within, each of the
17 United States Central Command, the United
18 States Africa Command, the United States Spe-
19 cial Operations Command, the United States
20 European Command, the United States South-
21 ern Command, the United States Indo-Pacific
22 Command, and the United States Northern
23 Command not fewer than two personnel who
24 shall have primary responsibility for the fol-
25 lowing in connection with military operations
26 undertaken by such command:

1 (i) Providing guidance and oversight
2 relating to prevention of and response to
3 civilian casualties, promotion of observance
4 of human rights, and the protection of ci-
5 vilians and civilian infrastructure.

6 (ii) Overseeing civilian casualty re-
7 sponse functions on behalf of the com-
8 mander of such command.

9 (iii) Receiving reports of civilian cas-
10 ualties and conduct of civilian casualty as-
11 sessments.

12 (iv) Analyzing civilian casualty inci-
13 dents and trends.

14 (v) Offering condolences for casual-
15 ties, including ex gratia payments.

16 (vi) Ensuring the integration of activi-
17 ties relating to civilian casualty mitigation,
18 protection of civilians, and promotion of
19 observance of human rights in security co-
20 operation activities.

21 (vii) Consulting with non-govern-
22 mental organizations on civilian casualty
23 and human rights matters.

24 (B) Add to, and assign within, the Office
25 of the Under Secretary for Policy not fewer

1 than two personnel who shall have primary re-
2 sponsibility for implementing and overseeing
3 implementation by the components of the De-
4 partment of Defense of Department policy on
5 civilian casualties resulting from United States
6 military operations.

7 (C) Add to, and assign within, the Joint
8 Staff not fewer than two personnel who shall
9 have primary responsibility for the following:

10 (i) Overseeing implementation by the
11 components of the Department of Defense
12 of Department policy on civilian casualties
13 resulting from United States military oper-
14 ations.

15 (ii) Developing and sharing in the im-
16 plementation of such policy.

17 (iii) Communicating operational guid-
18 ance on such policy.

19 (3) TRAINING, SOFTWARE, AND OTHER RE-
20 QUIREMENTS.—

21 (A) IN GENERAL.—In each of fiscal years
22 2021 through 2023, the Secretary of Defense
23 and each Secretary of a military department
24 may obligate and expend, from amounts speci-

1 fied in subparagraph (B), not more than
2 \$5,000,000 for the following:

3 (i) Training related to civilian cas-
4 ualty mitigation and response.

5 (ii) Information technology equip-
6 ment, support and maintenance, and data
7 storage, in order to implement the policy of
8 the Department related relating to civilian
9 casualties resulting from United States
10 military operations as required by section
11 936 of the John S. McCain National De-
12 fense Authorization Act for Fiscal Year
13 2019.

14 (B) FUNDS.—The funds for a fiscal year
15 specified in this subparagraph are funds as fol-
16 lows:

17 (i) In the case of the Secretary of De-
18 fense, amounts authorized to be appro-
19 priated for such fiscal year for operation
20 and maintenance, Defense-wide.

21 (ii) In the case of a Secretary of a
22 military department, amounts authorized
23 to be appropriated for such fiscal year for
24 operation and maintenance for the compo-

1 nents of the Armed Forces under the juris-
2 diction of such Secretary.

3 (b) UNITED STATES MILITARY OPERATIONS DE-
4 FINED.—In this section, the term “United States military
5 operations” includes any mission, strike, engagement,
6 raid, or incident involving United States Armed Forces.

7 **SEC. 1748. SENSE OF CONGRESS REGARDING REPORTING**
8 **OF CIVILIAN CASUALTIES RESULTING FROM**
9 **UNITED STATES MILITARY OPERATIONS.**

10 It is the sense of Congress—

11 (1) to commend the Department of Defense for
12 the measures it has implemented and is currently
13 implementing to prevent, mitigate, track, investigate,
14 learn from, respond to, and report civilian casualties
15 resulting from United States military operations;
16 and

17 (2) to agree with the Department that civilian
18 casualties are a tragic and unavoidable part of war,
19 and to recognize that the Department endeavors to
20 conduct all military operations in compliance with
21 the international law of armed conflict and the laws
22 of the United States, including distinction, propor-
23 tionality, and the requirement to take feasible pre-
24 cautions in planning and conducting operations to
25 reduce the risk of harm to civilians and other pro-

1 tected persons and objects; and the protection of ci-
2 vilians and other protected persons and objects, in
3 addition to a legal obligation and a strategic inter-
4 est, is a moral and ethical imperative; that the De-
5 partment has submitted to Congress three successive
6 annual reports on civilian casualties resulting from
7 United States military operations for calendar years
8 2017, 2018, and 2019, and has updated reports as
9 appropriate; and to recognize the efforts of the De-
10 partment, both in policy and in practice, to reduce
11 the harm to civilians and other protected persons
12 and objects resulting from United States military
13 operations, and to encourage the Department to
14 make additional progress in—

15 (A) developing at all combatant commands
16 personnel and offices responsible for advising
17 the commanders of such commands, and inte-
18 grating into command strategy, the promotion
19 of observance of human rights and the protec-
20 tion of civilians and other protected persons
21 and objects;

22 (B) finalizing and implementing the policy
23 of the Department relating to civilian casualties
24 resulting from United States military oper-
25 ations, as required by section 936 of the John

1 S. McCain National Defense Authorization Act
2 for Fiscal Year 2019 (10 U.S.C. 134 note);

3 (C) finalizing Department-wide regulations
4 to implement section 1213 of the National De-
5 fense Authorization for Fiscal Year 2020 (Pub-
6 lic Law 116–92) for ex gratia payments for
7 damage, personal injury, or death that is inci-
8 dent to the use of force by the United States
9 Armed Forces, a coalition that includes the
10 United States, a military organization sup-
11 porting the United States, or a military organi-
12 zation supporting the United States or such co-
13 alition; and

14 (D) professionalizing foreign partner forces
15 to reduce civilian casualties, including in con-
16 nection with train and equip programs, advise,
17 assist, accompany, and enable missions, and
18 fully combined and coalition operations.

19 **SEC. 1749. PROHIBITION OF PUBLIC DISPLAY OF CONFED-**
20 **ERATE BATTLE FLAG ON DEPARTMENT OF**
21 **DEFENSE PROPERTY.**

22 (a) PROHIBITION.—Except as provided in subsection

23 (b) the Secretary of Defense shall prohibit the public dis-
24 play of the Confederate battle flag at all Department of
25 Defense property.

1 (b) EXCEPTIONS.—The prohibition under subsection
2 (a) shall not apply to—

3 (1) a museum located on a Department of De-
4 fense installation that addresses the Civil War from
5 a historical or educational perspective;

6 (2) an educational or historical display depict-
7 ing a Civil War battle in which the Confederate bat-
8 tle flag is present, but not the main focus of the dis-
9 play;

10 (3) a State flag that incorporates the Confed-
11 erate battle flag;

12 (4) a State-issued license plate with a depiction
13 of the Confederate battle flag; or

14 (5) a grave site of a Confederate soldier.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “Confederate battle flag” means
17 the battle flag carried by Confederate armies during
18 the Civil War.

19 (2) The term “Department of Defense prop-
20 erty” means all installations, workplaces, common-
21 access areas, and public areas of the Department of
22 Defense, including—

23 (A) office buildings, facilities, naval ves-
24 sels, aircraft, Government vehicles, hangars,
25 ready rooms, conference rooms, individual of-

1 fices, cubicles, storage rooms, tool and equip-
2 ment rooms, workshops, break rooms, galleys,
3 recreational areas, commissaries, Navy and Ma-
4 rine Corps exchanges, and heads;

5 (B) sensitive compartmented information
6 facilities and other secure facilities;

7 (C) open-bay barracks and common areas
8 of barracks and living quarters;

9 (D) all Department of Defense school
10 houses and training facilities including, officer
11 candidate school, the basic school, recruit train-
12 ing command, and recruiting offices;

13 (E) all areas of the Department of Defense
14 in public or plain view, including outside areas,
15 work office buildings, stores, or barracks, in-
16 cluding parking lots;

17 (F) the front yard or external porch of
18 Government-owned and Government-operated
19 housing and public-private venture housing; and

20 (G) automobile bumper stickers, clothing,
21 and other apparel that is located on or in any
22 installation, workplace, common-access area, or
23 public area of the Department of Defense.

1 **SEC. 1750. DEPLOYMENT OF REAL-TIME STATUS OF SPE-**
2 **CIAL USE AIRSPACE.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration, in consultation, as appropriate,
5 with the Secretary of Defense and the heads of the mili-
6 tary services, including the National Guard and Air Na-
7 tional Guard, and other appropriate Federal agencies,
8 shall initiate, not later than 180 days after the date of
9 enactment of this Act, a program to enable public dissemi-
10 nation of information on—

11 (1) the real-time status of the activation or de-
12 activation of military operations areas and restricted
13 areas; and

14 (2) the reports submitted to the Administrator
15 pursuant to section 73.19 of title 14, Code of Fed-
16 eral Regulations.

17 (b) STATUS REPORT.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the Administrator initiates the program required
20 under subsection (a), and every year thereafter until
21 such program is complete, the Administrator shall
22 submit a status report to the appropriate commit-
23 tees of Congress on the implementation of such pro-
24 gram.

25 (2) CONTENTS.—The report required under
26 paragraph (1) shall contain, at a minimum—

1 (A) an update on the progress of the Ad-
2 ministrator in modifying policies, systems, or
3 equipment that may be necessary to enable the
4 public dissemination of information on the real-
5 time status of the activation or deactivation of
6 military operations areas and restricted areas;

7 (B) a description of any challenges to com-
8 pleting the program initiated pursuant to sub-
9 section (a), including challenges in—

10 (i) receiving the timely and complete
11 submissions of data concerning airspace
12 usage;

13 (ii) modifying policies; and

14 (iii) acquiring necessary systems or
15 equipment; and

16 (C) a timeline of the anticipated comple-
17 tion of the program and the modifications de-
18 scribed in subparagraph (A).

19 (c) UTILIZATION REPORTS.—Not later than 180
20 days after the date of enactment of this Act, the Secretary
21 of Defense shall submit a report to the appropriate com-
22 mittees of Congress—

23 (1) describing whether the Department of De-
24 fense has submitted the utilization reports required
25 under section 73.19 of title 14, Code of Federal

1 Regulations for the prior fiscal year, and, if so, to
2 what extent such reports have been submitted; and

3 (2) providing, if the Secretary discovers that all
4 such reports have not been submitted in a timely
5 and complete manner—

6 (A) an explanation for the failure to sub-
7 mit any such reports in the manner prescribed
8 by regulation; and

9 (B) a plan to ensure the timely and com-
10 plete submission of all such reports.

11 (d) POLICIES.—Not later than 18 months after the
12 date of enactment of this Act, the Administrator shall sub-
13 mit a report to the appropriate committees of Congress
14 on special use airspace, including a review of the Federal
15 Aviation Administration’s—

16 (1) policies and processes for establishing, re-
17 viewing, and revoking military operations areas and
18 restricted areas; and

19 (2) administration, including release of, under-
20 utilized special use airspace.

21 (e) DEFINITIONS.—In this section:

22 (1) The term “appropriate committees of Con-
23 gress” means—

1 (A) the Committee on Commerce, Science,
2 and Transportation and the Committee on
3 Armed Services of the Senate; and

4 (B) the Committee on Transportation and
5 Infrastructure and the Committee on Armed
6 Services of the House of Representatives.

7 (2) The term “underutilized”, with respect to a
8 military operations area or restricted area, means
9 such an area determined by the Administrator of the
10 Federal Aviation Administrator to have had, during
11 the 2 most recent consecutive fiscal years prior to
12 the date of enactment of this Act, the number of
13 hours actually utilized be less than 75 percent of the
14 number of hours the area was activated, discounted
15 for weather cancellations and delays, loss of use for
16 reasons beyond the control of the Federal agency
17 using the area, and other factors determined appro-
18 priate by the Administrator.

19 **SEC. 1751. DUTIES OF SECRETARY UNDER UNIFORMED AND**
20 **OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

21 (a) ENSURING ABILITY OF ABSENT UNIFORMED
22 SERVICES VOTERS SERVING AT DIPLOMATIC AND CON-
23 SULAR POSTS TO RECEIVE AND TRANSMIT BALLOTING
24 MATERIALS.—In carrying out the Secretary’s duties as
25 the Presidential designee under the Uniformed and Over-

1 seas Citizens Absentee Voting Act (52 U.S.C. 20301 et
2 seq.), the Secretary shall take such actions as may be nec-
3 essary to ensure that an absent uniformed services voter
4 under such Act who is absent from the United States by
5 reason of active duty or service at a diplomatic and con-
6 sular post of the United States is able to receive and
7 transmit balloting materials in the same manner and with
8 the same rights and protections as an absent uniformed
9 services voter under such Act who is absent from the
10 United States by reason of active duty or service at a mili-
11 tary installation.

12 (b) EFFECTIVE DATE.—This section shall apply with
13 respect to elections held on or after the date of the enact-
14 ment of this Act.

15 **SEC. 1752. PUBLICLY AVAILABLE DATABASE OF CASUAL-**
16 **TIES OF MEMBERS OF THE ARMED FORCES.**

17 (a) IN GENERAL.—The Secretary of Defense shall
18 publish on an appropriate publicly available website of the
19 Department of Defense a database of all casualties of
20 members of the Armed Forces of the United States that
21 occur during military operations that take place during
22 1990 or any subsequent year.

23 (b) REQUIREMENTS.—The Secretary shall ensure
24 that the database published under subsection (a) has the
25 following capabilities:

1 (1) The capability of generating a machine
2 readable report, to the extent practicable, through
3 searches based on each, and any combination, of the
4 casualty attributes.

5 (2) The capability of downloading individual
6 records as the result of a search based on each, and
7 any combination, of the casualty attributes.

8 (c) NEXT-OF-KIN OPT OUT.—The Secretary shall de-
9 velop a mechanism under which the next-of-kin (as deter-
10 mined by the Secretary) of any individual whose informa-
11 tion would be included in the database required under sub-
12 section (a) may elect to have such information excluded
13 from the database.

14 (d) CASUALTY ATTRIBUTES.—In this section, the
15 term “casualty attributes” means each of the following
16 with respect to the casualty of a member of the Armed
17 Forces:

18 (1) The conflict in which the casualty occurred.

19 (2) The country where the casualty occurred.

20 (3) The attributes of the member of the Armed
21 Forces, including—

22 (A) service;

23 (B) component;

24 (C) name;

25 (D) rank;

1 (E) date of death; and

2 (F) any other information as determined
3 by the Secretary.

4 **SEC. 1753. NOTICE AND COMMENT FOR PROPOSED AC-**
5 **TIONS OF THE SECRETARY OF DEFENSE RE-**
6 **LATING TO FOOD AND BEVERAGE INGREDI-**
7 **ENTS.**

8 (a) NOTICE AND COMMENT.—Before promulgating
9 any service-wide or Department-wide final rule, statement,
10 or determination relating to the limitation or prohibition
11 of an ingredient in a food or beverage item provided to
12 members of the Armed Forces by the Department of De-
13 fense (including an item provided through a commissary
14 store, a dining facility on a military installation, or a mili-
15 tary medical treatment facility), the Secretary of Defense
16 shall—

17 (1) publish in the Federal Register a notice of
18 the proposed rule, statement, or determination (in
19 this section referred to as a “proposed action”); and

20 (2) provide interested persons an opportunity to
21 submit public comments with respect to the pro-
22 posed action.

23 (b) MATTERS TO BE INCLUDED IN NOTICE.—The
24 Secretary shall include in any notice published under sub-
25 section (a)(2) the following:

1 (1) A summary of the notice.

2 (2) The date of publication of the notice.

3 (3) The contact information for the office of the
4 Department of Defense responsible for the proposed
5 action.

6 (4) The deadline for comments to be submitted
7 with respect to the proposed action and a description
8 of the method to submit such comments.

9 (5) A description of the proposed action.

10 (6) Findings and a statement of reason sup-
11 porting the proposed action.

12 (c) WAIVER AUTHORITY.—The Director of the De-
13 fense Logistics Agency may waive subsections (a) and (b)
14 if the Director determines such waiver is necessary for
15 military operations or for the response to a national emer-
16 gency declared by the President under the National Emer-
17 gencies Act (50 U.S.C. 1601 et seq.), a medical emer-
18 gency, or a pandemic.

19 (d) REPORTS.—

20 (1) REPORTS.—On a quarterly basis, the Direc-
21 tor of the Defense Logistics Agency shall submit to
22 the congressional defense committees a report con-
23 taining an identification of any waiver under sub-
24 section (c) issued or in effect during the quarter pre-
25 ceding submission of the report.

1 (2) MATTERS.—A report under paragraph (1)
2 shall include, with respect to each waiver identified,
3 the following:

4 (A) The date, time, and location of the
5 issuance of such waiver.

6 (B) A detailed justification for the
7 issuance of such waiver.

8 (C) An identification of the rule, state-
9 ment, or determination for which the Director
10 issued such waiver, including the proposed du-
11 ration of such rule, statement, or determina-
12 tion.

13 **SEC. 1754. SPACE STRATEGIES AND ASSESSMENT.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the United States Government should support
16 activities in space by—

17 (1) ensuring robust, innovative, and increas-
18 ingly capable civil and national security space pro-
19 grams;

20 (2) supporting effective and stable space part-
21 nerships with allies of the United States;

22 (3) leveraging, to the greatest extent practicable
23 and appropriate, commercial space capabilities; and

24 (4) ensuring freedom of navigation and pro-
25 viding measures to assure the supply chain related

1 to such space assets and manufacturing processes of
2 such assets.

3 (b) STRATEGY REQUIRED.—Not later than 270 days
4 after the date of the enactment of this Act, the President,
5 in consultation with the National Space Council, shall de-
6 velop and maintain a strategy to ensure that the United
7 States, as appropriate, strengthens civil and national secu-
8 rity capabilities and operations in space through—

9 (1) challenging and inspiring civil space goals
10 and programs;

11 (2) partnerships with allies of the United
12 States;

13 (3) leveraging of commercial space capabilities;

14 (4) ensuring supply chain and manufacturing
15 processes for space assets;

16 (5) sustaining a highly skilled, world-class
17 workforce; and

18 (6) considering the financial security and cyber-
19 security concerns threatening commercial and Fed-
20 eral Government launch sites of the United States.

21 (c) SUBMISSION OF STRATEGY AND PLAN.—Not
22 later than 1 year after the date of the enactment of this
23 Act, the Chair of the National Space Council, in consulta-
24 tion with relevant departments and agencies of the Fed-

1 eral Government, shall submit to the appropriate congres-
2 sional committees a report setting forth—

3 (1) the strategy under subsection (b); and

4 (2) a plan to implement the strategy, including
5 to—

6 (A) ensure the freedom of navigation of
7 space assets and protect the supply chain relat-
8 ing to such assets and manufacturing process of
9 such assets from threats from China, Russia,
10 Iran, and North Korea, which may include pro-
11 tection from intellectual property theft and
12 threats with respect to electronic warfare capa-
13 bilities;

14 (B) identify capabilities required to ensure
15 civil and national security space leadership;

16 (C) provide contingency and resiliency for
17 civil and national security space operations; and

18 (D) strengthen relations with the allies of
19 the United States with respect to space.

20 (d) ASSESSMENT AND REPORT.—

21 (1) ASSESSMENT AND REPORT REQUIRE-
22 MENT.—Not later than 180 days after the date of
23 the enactment of this Act, the Secretary of Defense,
24 in consultation with the Director of National Intel-
25 ligence and the Administrator of the National Aero-

1 nautics and Space Administration, shall submit to
2 the appropriate congressional committees a report
3 that includes—

4 (A) an assessment of the capabilities and
5 role of relevant departments and agencies of the
6 Federal Government to—

7 (i) ensure access to launch, commu-
8 nications, and freedom of navigation and
9 other relevant infrastructure and services
10 for civil and national security space pro-
11 grams and activities; and

12 (ii) identify vulnerabilities that could
13 affect access to space infrastructure; and

14 (iii) address financial security and cy-
15 bersecurity concerns threatening commer-
16 cial and Federal Government launch sites
17 of the United States; and

18 (B) recommendations and costs to improve
19 the capabilities assessed pursuant to subpara-
20 graph (A), including recommendations with re-
21 spect to—

22 (i) the electronic warfare capabilities
23 of China, Russia, Iran, and North Korea;
24 and

1 (ii) the use of counterspace weapons
2 and cyber attacks by China, Russia, Iran,
3 and North Korea.

4 (2) FORM.—The report under paragraph (1)
5 may include a classified annex.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Armed Services of
10 the House of Representatives;

11 (B) the Committee on Science, Space, and
12 Technology of the House of Representatives;

13 (C) the Committee on Foreign Affairs of
14 the House of Representatives;

15 (D) the Committee on Energy and Com-
16 merce of the House of Representatives;

17 (E) the Permanent Select Committee on
18 Intelligence of the House of Representatives;

19 (F) the Committee on Armed Services of
20 the Senate;

21 (G) the Committee on Foreign Relations of
22 the Senate;

23 (H) the Committee on Commerce, Science,
24 and Transportation of the Senate; and

1 (I) the Select Committee on Intelligence of
2 the Senate.

3 (2) The term “launch site” has the meaning
4 given that term under section 50902 of title 51,
5 United States Code.

6 **SEC. 1755. NONIMMIGRANT STATUS FOR CERTAIN NATION-**
7 **ALS OF PORTUGAL.**

8 For purposes of clauses (i) and (ii) of section
9 101(a)(15)(E) of the Immigration and Nationality Act (8
10 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to
11 be a foreign state described in such section if the Govern-
12 ment of Portugal provides similar nonimmigrant status to
13 nationals of the United States.

14 **SEC. 1756. SENSE OF CONGRESS ON EXTENSION OF LIMITA-**
15 **TIONS ON IMPORTATION OF URANIUM FROM**
16 **RUSSIAN FEDERATION.**

17 It is the sense of Congress that—

18 (1) a secure nuclear fuel supply chain is essen-
19 tial to the economic and national security of the
20 United States;

21 (2) the Government of the Russian Federation
22 uses its control over energy resources, including in
23 the civil nuclear sector, to exert political influence
24 and create economic dependency in other countries;

1 (3) the Agreement Suspending the Antidumping
2 Investigation on Uranium from the Russian Federa-
3 tion (commonly referred to as the “Russian Suspen-
4 sion Agreement”), which limits imports of Russian
5 uranium to 20 percent of the market share, is vital
6 to averting American dependence on Russian energy;

7 (4) the United States should—

8 (A) expeditiously complete negotiation of
9 an extension of the Russian Suspension Agree-
10 ment to cap the market share for Russian ura-
11 nium at 20 percent or lower; or

12 (B) if an agreement to extend the Russian
13 Suspension Agreement cannot be reached, com-
14 plete the antidumping investigation under title
15 VII of the Tariff Act of 1930 (19 U.S.C. 1671
16 et seq.) with respect to imports of uranium
17 from the Russian Federation—

18 (i) to avoid unfair trade in uranium
19 and maintain a nuclear fuel supply chain
20 in the United States, consistent with the
21 national security and nonproliferation
22 goals of the United States; and

23 (ii) to protect the United States nu-
24 clear fuel supply chain from the continued
25 manipulation of the global and United

1 States uranium markets by the Russian
2 Federation and Russian-influenced com-
3 petitors;

4 (5) a renegotiated, long-term extension of the
5 Russian Suspension Agreement can prevent adver-
6 saries of the United States from monopolizing the
7 nuclear fuel supply chain;

8 (6) as was done in 2008, upon completion of a
9 new negotiated long-term extension of the Russian
10 Suspension Agreement, Congress should enact legis-
11 lation to codify the terms of extension into law to
12 ensure long-term stability for the domestic nuclear
13 fuel supply chain; and

14 (7) if the negotiations to extend the Russian
15 Suspension Agreement prove unsuccessful, Congress
16 should be prepared to enact legislation to prevent
17 the manipulation by the Russian Federation of glob-
18 al uranium markets and potential domination by the
19 Russian Federation of the United States uranium
20 market.

21 **SEC. 1757. AUTHORITY TO ESTABLISH A MOVEMENT CO-**
22 **ORDINATION CENTER PACIFIC IN THE**
23 **INDOPACIFIC REGION.**

24 (a) AUTHORITY TO ESTABLISH.—

1 (1) IN GENERAL.—The Secretary of Defense,
2 with the concurrence of the Secretary of State, may
3 authorize—

4 (A) the establishment of a Movement Co-
5 ordination Center Pacific (in this section re-
6 ferred to as the “Center”); and

7 (B) participation of the Department of De-
8 fense in an Air Transport and Air-to-Air refuel-
9 ing and other Exchanges of Services program
10 (in this section referred to as the “ATARES
11 program”) of the Center.

12 (2) SCOPE OF PARTICIPATION.—Participation
13 in the ATARES program under paragraph (1)(B)
14 shall be limited to the reciprocal exchange or trans-
15 fer of air transportation and air refueling services on
16 a reimbursable basis or by replacement-in-kind or
17 the exchange of air transportation or air refueling
18 services of an equal value with foreign militaries.

19 (3) LIMITATIONS.—The Department of De-
20 fense’s balance of executed transportation hours,
21 whether as credits or debits, in participation in the
22 ATARES program under paragraph (1)(B) may not
23 exceed 500 hours. The Department of Defense’s bal-
24 ance of executed flight hours for air refueling in the

1 ATARES program under paragraph (1)(B) may not
2 exceed 200 hours.

3 (b) WRITTEN ARRANGEMENT OR AGREEMENT.—

4 (1) ARRANGEMENT OR AGREEMENT RE-
5 QUIRED.—The participation of the Department of
6 Defense in the ATARES or exchange like program
7 under subsection (a) shall be in accordance with a
8 written arrangement or agreement entered into by
9 the Secretary of Defense, with the concurrence of
10 the Secretary of State.

11 (2) FUNDING ARRANGEMENTS.—If Department
12 of Defense facilities, equipment, or funds are used to
13 support the ATARES program, the written arrange-
14 ment or agreement under paragraph (1) shall specify
15 the details of any equitable cost-sharing or other
16 funding arrangement.

17 (3) OTHER ELEMENTS.—Any written arrange-
18 ment or agreement entered into under paragraph (1)
19 shall require that any accrued credits and liabilities
20 resulting from an unequal exchange or transfer of
21 air transportation or air refueling services shall be
22 liquidated, not less than once every 5 years, through
23 the ATARES program.

1 (c) IMPLEMENTATION.—In carrying out any written
2 arrangement or agreement entered into under subsection
3 (b), the Secretary of Defense may—

4 (1) pay the Department of Defense’s equitable
5 share of the operating expenses of the Center and
6 the ATARES program from funds available to the
7 Department of Defense for operation and maintenance; and

8
9 (2) assign members of the Armed Forces or Department of Defense civilian personnel, within billets
10 authorized for the United States Indo-Pacific Command, to duty at the Center as necessary to fulfill
11 the Department of Defense obligations under that
12 arrangement or agreement.

13
14
15 (d) REPORT.—Not later than March 1, 2021, the
16 Secretary of Defense shall submit to the congressional defense committees a report that contains—

17
18 (1) a summary of the coordination structure of
19 the center and program, and details related to its
20 formation and implementation;

21 (2) list of the military services, by country, participating or seeking to participate in the program;

22 (3) for each country on the list under paragraph (2), a description of completed agreements
23
24

1 and those still to be completed with host nations, as
2 applicable; and

3 (4) any other relevant matters that the Sec-
4 retary determines should be included.

5 **SEC. 1758. ESTABLISHMENT OF VETTING PROCEDURES**
6 **AND MONITORING REQUIREMENTS FOR CER-**
7 **TAIN MILITARY TRAINING.**

8 (a) ESTABLISHMENT OF VETTING PROCEDURES.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the Secretary
11 of Defense shall establish procedures to vet covered
12 individuals for eligibility for physical access to De-
13 partment of Defense installations and facilities with-
14 in the United States.

15 (2) CRITERIA FOR PROCEDURES.—The proce-
16 dures established under paragraph (1) shall include
17 biographic and biometric screening of covered indi-
18 viduals, continuous review of whether covered indi-
19 viduals should continue to be authorized for physical
20 access, biographic checks of the immediate family
21 members of covered individuals, and any other meas-
22 ures that the Secretary determines appropriate for
23 vetting.

24 (3) COLLECTION OF INFORMATION.—The Sec-
25 retary shall—

1 (A) collect the information required to vet
2 individuals under the procedures established
3 under this subsection;

4 (B) as required for the effective implemen-
5 tation of this section, seek to enter into agree-
6 ments with the relevant departments and agen-
7 cies of the United States to facilitate the shar-
8 ing of information in the possession of such de-
9 partments and agencies concerning covered in-
10 dividuals; and

11 (C) ensure that the initial vetting of cov-
12 ered individuals is conducted as early and
13 promptly as practicable, to minimize disruptions
14 to United States programs to train foreign mili-
15 tary students.

16 (b) DETERMINATION AUTHORITY.—

17 (1) REVIEW OF VETTING RESULTS.—The Sec-
18 retary shall assign to an organization within the De-
19 partment with responsibility for security and coun-
20 terintelligence the responsibility of—

21 (A) reviewing the results of the vetting of
22 a covered individual conducted under subsection
23 (a); and

24 (B) making a recommendation regarding
25 whether such individual should be given phys-

1 ical access to a Department of Defense installa-
2 tion or facility.

3 (2) NEGATIVE RECOMMENDATION.—If the rec-
4 ommendation with respect to a covered individual
5 under paragraph (1)(B) is that the individual should
6 not be given physical access to a Department of De-
7 fense installation or facility—

8 (A) such individual may only be given such
9 access if such access is authorized by the Sec-
10 retary of Defense or the Deputy Secretary of
11 Defense; and

12 (B) the Secretary of Defense shall ensure
13 that the Secretary of State is promptly provided
14 with notification of such recommendation.

15 (c) ADDITIONAL SECURITY MEASURES.—

16 (1) SECURITY MEASURES REQUIRED.—The Sec-
17 retary of Defense shall ensure that—

18 (A) all Department of Defense common ac-
19 cess cards issued to foreign nationals in the
20 United States comply with the credentialing
21 standards issued by the Office of Personnel
22 Management;

23 (B) all such common access cards issued to
24 foreign nationals in the United States include a
25 visual indicator as required by the standard de-

1 developed by the Department of Commerce Na-
2 tional Institute of Standards and Technology;

3 (C) physical access by covered individuals
4 is limited, as appropriate, to those Department
5 of Defense installations or facilities within the
6 United States directly associated with the train-
7 ing or education or necessary for such individ-
8 uals to access authorized benefits;

9 (D) a policy is in place covering possession
10 of firearms on Department of Defense property
11 by covered individuals;

12 (E) covered individuals who have been
13 granted physical access to Department of De-
14 fense installations and facilities are incor-
15 porated into the Insider Threat Program of the
16 Department of Defense; and

17 (F) covered individuals are prohibited from
18 transporting, possessing, storing, or using per-
19 sonally owned firearms on Department of De-
20 fense installations or property consistent with
21 the Secretary of Defense policy memorandum
22 dated January 16, 2020.

23 (2) EFFECTIVE DATE.—The security measures
24 required under paragraph (1) shall take effect on

1 the date that is 181 days after the date of the enact-
2 ment of this Act.

3 (3) NOTIFICATION REQUIRED.—Upon the es-
4 tablishment of the security measures required under
5 paragraph (1), the Secretary of Defense shall submit
6 to the Committees on Armed Services of the Senate
7 and House of Representatives notice of the estab-
8 lishment of such security measures.

9 (d) REPORTING REQUIREMENTS.—

10 (1) BRIEFING REQUIREMENT.—Not later than
11 90 days after the date of the enactment of this Act,
12 the Secretary of Defense shall provide to the Com-
13 mittee on Armed Services of the Senate and the
14 Committees on Armed Services and Foreign Affairs
15 of the House of Representative a briefing on the es-
16 tablishment of any policy or guidance related to the
17 implementation of this section.

18 (2) REPORT.—Not later than 2 years after the
19 date of the enactment of this Act, the Secretary of
20 Defense shall submit to such committees a report on
21 the implementation and effects of this section. Such
22 report shall include a description of—

23 (A) any positive or negative effects on the
24 training of foreign military students as a result
25 of this section;

1 (B) the effectiveness of the vetting proce-
2 dures implemented pursuant to this section in
3 preventing harm to members of the Armed
4 Forces and United States persons;

5 (C) any mitigation strategies used to ad-
6 dress any negative effects of the implementation
7 of this section; and

8 (D) a proposed plan to mitigate any ongo-
9 ing negative effects to the vetting and training
10 of foreign military students by the Department
11 of Defense.

12 (3) REPORT BY COMPTROLLER GENERAL.—Not
13 later than 3 years after the date of the enactment
14 of this Act, the Comptroller General of the United
15 States shall submit to Congress an unclassified re-
16 port (which may contain a classified annex) on the
17 safety and security of United States personnel and
18 international students assigned to United States
19 military bases participating in programs authorized
20 under chapter 5 of part II of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2347 et seq.) (relating to
22 international military education and training), par-
23 ticularly with respect to whether—

24 (A) relevant United States diplomatic and
25 consular personnel properly vet foreign per-

sonnel participating in such programs and entering such bases;

(B) existing screening protocols with respect to such vetting include counter-terrorism screening and are sufficiently effective at ensuring the safety and security of United States personnel and international students assigned to such bases; and

(C) whether existing screening protocols with respect to such vetting are in compliance with applicable requirements of section 362 of title 10, United States Code, and sections 502B and 620M of the Foreign Assistance Act of 1961 (22 U.S.C. 2304 and 2378d).

(e) VETTING PROCEDURES REVIEW FOR DEPARTMENT OF STATE REGIONAL AND COUNTRY STRATEGIES.—The Secretary of State shall ensure that any comprehensive regional strategy, such as a joint regional strategy or its equivalent, and any country strategy, such as an integrated country strategy or its equivalent, that is produced by the Department of State during the 8-year period beginning on the date that is 2 years after the date of the enactment of this Act, and each successor strategy to such strategy during such 8-year period, shall integrate

1 a review of vetting procedures for diplomatic visas that
2 includes—

3 (1) an evaluation of the vetting procedures of
4 diplomatic and consular posts for issuing visas to
5 diplomats and government officials;

6 (2) an analysis of the frequency and regularity
7 of the review of such procedures;

8 (3) a description of the methods and resources
9 used to vet applications for diplomatic visas;

10 (4) a description of the methodologies employed
11 for ensuring any such diplomatic visas issued for
12 purposes of security assistance (as such term is de-
13 fined for purposes of section 502B of the Foreign
14 Assistance Act of 1961) are vetted in compliance
15 with applicable requirements of section 362 of title
16 10, United States Code, and sections 502B and
17 620M of the Foreign Assistance Act of 1961 (22
18 U.S.C. 2304 and 2378d); and

19 (5) a description of the methods and resources
20 used to conduct recurring reviews of individuals re-
21 maining in the United States for more than one year
22 from the date of the issuance of a visa, and recur-
23 ring reviews of individuals entering the United
24 States on a multi-entry visa over a period of time
25 longer than 1 year.

1 (f) DEFINITIONS.—In this section:

2 (1) The term “covered individual” means any
3 foreign national (except foreign nationals of Aus-
4 tralia, Canada, New Zealand, and the United King-
5 dom who have been granted a security clearance
6 that is reciprocally accepted by the United States for
7 access to classified information) who—

8 (A) is seeking physical access to a Depart-
9 ment of Defense installation or facility within
10 the United States; and

11 (B) is—

12 (i) selected, nominated, or accepted
13 for training or education for a period of
14 more than 14 days occurring on a Depart-
15 ment of Defense installation or facility
16 within the United States; or

17 (ii) an immediate family member ac-
18 companying any foreign national who has
19 been selected, nominated, or accepted for
20 such training or education.

21 (2) The term “United States” means the sev-
22 eral States, the District of Columbia, the Common-
23 wealth of Puerto Rico, and Guam.

24 (3) The term “immediate family member” with
25 respect to any individual means the parent, step-par-

1 ent, sibling, step-sibling, half-sibling, child, or step-
2 child of the individual.

3 **SEC. 1759. WOMEN, PEACE, AND SECURITY ACT IMPLEMEN-**
4 **TATION.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that \$15,000,000 annually is an appropriate alloca-
7 tion of funding to be made available for activities con-
8 sistent with the Women, Peace, and Security Act of 2017
9 (Public Law 115–68; 131 Stat. 1202) and with any guid-
10 ance specified in this section, in order to fully implement
11 such Act and in furtherance of the national security prior-
12 ities of the United States.

13 (b) IN GENERAL.—During the period beginning on
14 the date of the enactment of this Act and ending on Sep-
15 tember 30, 2025, the Secretary of Defense shall carry out
16 activities consistent with the Women, Peace, and Security
17 Act of 2017 and with the guidance specified in this sec-
18 tion, including by carrying out—

19 (1) any Defense-wide directives and programs
20 that advance the implementation of the Women,
21 Peace, and Security Act of 2017, including directives
22 relating to military doctrine, programs that are ap-
23 plicable across the Department, and programs that
24 are specific to a combatant command;

1 (2) the hiring and training of full-time equiva-
2 lent personnel as gender advisors of the Department;

3 (3) the integration of gender analysis into
4 training for military personnel across ranks, to in-
5 clude special emphasis on senior level training and
6 support for women, peace, and security; and

7 (4) security cooperation activities that further
8 implement the Women, Peace, and Security Act of
9 2017.

10 (c) SECURITY COOPERATION ACTIVITIES.—Con-
11 sistent with the Women, Peace, and Security Act of 2017,
12 the Secretary of Defense, in coordination with the Sec-
13 retary of State, shall incorporate gender analysis and par-
14 ticipation by women into security cooperation activities
15 conducted with the national security forces of foreign
16 countries pursuant to subsection (b)(4), including by—

17 (1) incorporating gender analysis (including
18 data disaggregated by sex) and priorities for women,
19 peace, and security into educational, training, and
20 capacity-building materials and programs, including
21 as authorized by section 333 of title 10, United
22 States Code;

23 (2) advancing and advising on the recruitment,
24 employment, development, retention, and promotion

1 of women in the national security forces of such for-
2 eign countries, including by—

3 (A) identifying available military career op-
4 portunities for women;

5 (B) promoting such career opportunities
6 among women and girls;

7 (C) promoting the skills necessary for such
8 careers;

9 (D) encouraging the interest of women and
10 girls in such careers, including by highlighting
11 as role models women in such careers in the
12 United States or in applicable foreign countries;
13 and

14 (E) advising on best practices to prevent
15 the harassment and abuse of women serving in
16 the national security forces of such foreign
17 countries;

18 (3) incorporating training and advising to ad-
19 dress sexual harassment and abuse against women
20 within such national security forces;

21 (4) integrating gender analysis into policy and
22 planning;

23 (5) ensuring any infrastructure constructed
24 pursuant to the security cooperation activity ad-
25 dresses the requirements of women serving in such

1 national security forces, including by addressing ap-
2 propriate equipment; and

3 (6) including Department of Defense personnel
4 who are women in security cooperation activities of
5 the United States conducted abroad.

6 (d) PARTNER COUNTRY ASSESSMENTS.—The Sec-
7 retary of Defense shall include in any partner country as-
8 sessment conducted in the course of carrying out security
9 cooperation activities specified in subsection (b)(4) consid-
10 eration of any barriers or opportunities with respect to
11 women in the national security forces of such partner
12 countries, including any barriers or opportunities relating
13 to—

14 (1) protections against exploitation, abuse, and
15 harassment; or

16 (2) recruitment, employment, development, re-
17 tention, or promotion of the women.

18 (e) PILOT PROGRAM.—

19 (1) IN GENERAL.—The Secretary of Defense, in
20 coordination with the Secretary of State—

21 (A) shall direct and carry out a pilot pro-
22 gram to conduct partner country assessments
23 referred to in subsection (d) on barriers to the
24 participation of women in the national security
25 forces of participating partner countries (in this

subsection referred to as a “pilot barrier assessment”);

(B) in carrying out such pilot program, shall seek to enter into contracts with nonprofit organizations or federally funded research and development centers independent of the Department of Defense for the purpose of conducting the pilot barrier assessments; and

(C) after a pilot barrier assessment is conducted, shall—

(i) review the methods of research and analysis used by any entity contracted with pursuant to subparagraph (B) in conducting such assessment and identify lessons learned from the review; and

(ii) assess the ability of the Department of Defense to conduct future pilot barrier assessments without entering into a contract pursuant to subparagraph (B), including by assessing potential costs and benefits for the Department that may arise from conducting such future assessments.

(2) SELECTION OF COUNTRIES.—

(A) IN GENERAL.—The Secretary of Defense, in consultation with the commanders of

1 the combatant commands and relevant United
2 States ambassadors, shall select one partner
3 country from within the geographic area of re-
4 sponsibility of each geographic combatant com-
5 mand for participation in the pilot program.

6 (B) CONSIDERATION.—In making the se-
7 lection under subparagraph (A), the dem-
8 onstrated political commitment of the partner
9 country to increasing the participation of
10 women in the security sector and the national
11 security priorities and theater campaign strate-
12 gies of the United States shall be considered.

13 (3) PILOT BARRIER ASSESSMENT.—A pilot bar-
14 rier assessment under this subsection shall be—

15 (A) adapted to the local context of the
16 partner country being assessed;

17 (B) conducted in collaboration with the se-
18 curity sector of the partner country being as-
19 sessed; and

20 (C) based on tested methodologies.

21 (4) FINDINGS.—

22 (A) IN GENERAL.—The Secretary of De-
23 fense should use findings from each pilot bar-
24 rier assessment to inform effective security co-
25 operation activities and security sector assist-

1 ance interventions by the United States in the
2 partner country assessed. Such activities and
3 interventions shall substantially increase oppor-
4 tunities for the recruitment, employment, devel-
5 opment, retention, deployment, and promotion
6 of women in the national security forces of such
7 partner country (including for deployments to
8 peace operations and for participation in
9 counterterrorism operations and activities).

10 (B) MODEL METHODOLOGY.—The Sec-
11 retary of Defense, in coordination with the Sec-
12 retary of State, shall develop a model barrier
13 assessment methodology from the findings of
14 the pilot program for use across the geographic
15 combatant commands.

16 (5) REPORTS ON PILOT PROGRAM.—

17 (A) INITIAL REPORT.—Not later than 2
18 years after the date of the enactment of this
19 Act, the Secretary of Defense, in coordination
20 with the Secretary of State, shall submit to the
21 appropriate committees of Congress an initial
22 report on the implementation of the pilot pro-
23 gram under this subsection, including an identi-
24 fication of the partner counties selected for par-

1 ticipation in the program and the justifications
2 for such selections.

3 (B) UPDATE TO REPORT.—Not later than
4 2 years after the date on which the initial re-
5 port under subparagraph (A) is submitted, the
6 Secretary of Defense, in coordination with the
7 Secretary of State, shall submit to the appro-
8 priate committees of Congress an update to the
9 initial report.

10 (C) REPORT ON METHODOLOGY.—On the
11 date on which the Secretary of Defense deter-
12 mines the pilot program to be complete, the
13 Secretary of Defense, in coordination with the
14 Secretary of State, shall submit to the appro-
15 priate committees of Congress a report on the
16 model barrier assessment methodology devel-
17 oped under paragraph (4)(B).

18 (f) BUILDING UNITED STATES CAPACITY.—

19 (1) MILITARY SERVICE ACADEMIES.—Con-
20 sistent with subsection (c)(6), the Secretary of De-
21 fense shall make every effort to encourage the ad-
22 mission of diverse individuals (including individuals
23 who are women) to each military service academy,
24 including by—

1 (A) establishing programs that hold com-
2 manding officers accountable for removing bi-
3 ases with respect to such individuals;

4 (B) ensuring that each military service
5 academy fosters a zero tolerance environment
6 for harassment towards such individuals; and

7 (C) ensuring that each military service
8 academy fosters equal opportunities for growth
9 that enable the full participation of such indi-
10 viduals in all training programs, career tracks,
11 and elements of the Department, especially in
12 elements of the Armed Forces previously closed
13 to women, such as infantry and special oper-
14 ations forces.

15 (2) PARTNERSHIPS WITH SCHOOLS AND NON-
16 PROFIT ORGANIZATIONS.—The Secretary of Defense
17 shall make every effort to enter into partnerships
18 with elementary schools, secondary schools, postsec-
19 ondary educational institutions, and nonprofit orga-
20 nizations, to support activities relating to the imple-
21 mentation of the Women, Peace, and Security Act of
22 2017.

23 (g) STANDARDIZATION OF POLICIES.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of the enactment of this Act, the Secretary

1 of Defense shall initiate a process to standardize
2 policies relating to women, peace, and security
3 across the Department of Defense.

4 (2) ROLES, RESPONSIBILITIES, AND REQUIRE-
5 MENTS.—In carrying out the process initiated under
6 paragraph (1), the Secretary shall establish roles, re-
7 sponsibilities, and requirements for gender advisors,
8 gender focal points, and women, peace, and security
9 subject matter experts, including with respect to
10 commander and senior official-level engagement and
11 support for women, peace, and security commit-
12 ments.

13 (h) DEPARTMENT EDUCATION, AND TRAINING.—The
14 Secretary of Defense shall—

15 (1) integrate gender analysis into relevant
16 training for all members of the Armed Forces and
17 civilian employees of the Department of Defense;

18 (2) develop standardized training, across the
19 Department, for gender advisors, gender focal
20 points, and women, peace, and security subject mat-
21 ter experts;

22 (3) ensure that gender analysis and the mean-
23 ingful participation of women and their relationship
24 to security outcomes is addressed in professional
25 military education curriculum; and

1 (4) build the capacity of the Department to
2 conduct the partner country assessments referred to
3 in subsection (d).

4 (i) BRIEFING.—Not later than 1 year after the date
5 of the enactment of this Act, the Director of the Defense
6 Security Cooperation Agency shall provide a briefing to
7 the appropriate committees of Congress on the efforts to
8 build partner defense institution and security force capac-
9 ity pursuant to this section.

10 (j) REPORTS.—During the period beginning on the
11 date of the enactment and ending on January 1, 2025,
12 on a basis that is not less frequently than annually, the
13 Secretary of Defense shall submit to the appropriate com-
14 mittees of Congress reports on the steps the Department
15 has taken to implement the Women, Peace, and Security
16 Act of 2017, including with respect to activities carried
17 out under this section.

18 (k) DEFINITIONS.—In this section:

19 (1) The term “appropriate committees of Con-
20 gress” means—

21 (A) the Committee on Armed Services and
22 the Committee on Foreign Affairs of the House
23 of Representatives; and

1 (B) the Committee on Armed Services and
2 the Committee on Foreign Relations of the Sen-
3 ate.

4 (2) The term “gender analysis” has the mean-
5 ing given that term in the Women’s Entrepreneur-
6 ship and Economic Empowerment Act of 2018
7 (Public Law 115–428; 132 Stat. 5509).

8 (3) The terms “elementary school” and “sec-
9 ondary school” have the meanings given those terms
10 in section 8101 of the Elementary and Secondary
11 Education Act of 1965 (20 U.S.C. 7801).

12 (4) The term “postsecondary educational insti-
13 tution” has the meaning given that term in section
14 3 of the Carl D. Perkins Career and Technical Edu-
15 cation Act of 2006 (20 U.S.C. 2302).

16 **SEC. 1760. DEVELOPING CRISIS CAPABILITIES TO MEET**
17 **NEEDS FOR HOMELAND SECURITY-CRITICAL**
18 **SUPPLIES.**

19 (a) IN GENERAL.—The Secretary of Homeland Secu-
20 rity shall coordinate with the Secretary of Health and
21 Human Services, the Administrator of the Environmental
22 Protection Agency, and the heads of other relevant Fed-
23 eral departments and agencies—

24 (1) to identify categories of homeland security-
25 critical supplies that would be needed to address po-

1 tential national emergencies or disasters, including
2 any public health emergency, act of terrorism (as de-
3 fined in section 3077 of title 18, United States
4 Code), cyber attack, and other attack;

5 (2) to develop plans, designs, and guidance re-
6 lating to the production, in accordance with other
7 applicable law, of the categories of homeland secu-
8 rity-critical supplies identified pursuant to para-
9 graph (1) to address the respective national emer-
10 gencies and disasters, including such production by
11 nontraditional manufacturers; and

12 (3) based on such final plans, designs, and
13 guidance, to enter into such contingent arrange-
14 ments with governmental and private entities, in ac-
15 cordance with other applicable law, as may be nec-
16 essary to expedite the production of homeland secu-
17 rity-critical supplies in the event of a national emer-
18 gency or disaster.

19 (b) PROCESS.—In coordinating the development or
20 revision of a plan, design, or guidance with respect to any
21 homeland security-critical supply under this section:

22 (1) The Secretary of Homeland Security shall
23 give each Federal department or agency with respon-
24 sibility for regulating the supply an opportunity—

1 (A) to contribute to the development or re-
2 vision of the plan, design, or guidance; and

3 (B) to approve or disapprove the plan, de-
4 sign, or guidance under regulations appropriate
5 to approving the supply for emergency or dis-
6 aster use.

7 (2) If a Federal department or agency with re-
8 sponsibility for regulating the homeland security-
9 critical supply disapproves of the plan, design, or
10 guidance with respect to the supply, the head of the
11 disapproving department or agency shall provide to
12 the Secretary of Homeland Security the rationale for
13 the disapproval.

14 (3) The Secretary of Homeland Security may—

15 (A) if no Federal department or agency
16 disapproves a plan, design, or guidance as de-
17 scribed in paragraphs (1)(B) and (2), finalize
18 the plan, design, or guidance for purposes of
19 subsections (a)(3) and (c); and

20 (B) if a Federal department or agency
21 does disapprove a plan, design, or guidance as
22 described in paragraphs (1)(B) and (2), provide
23 an updated plan, design, or guidance for review
24 and approval or disapproval in accordance with
25 paragraphs (1) and (2).

1 (c) PUBLIC POSTING.—The Secretary of Homeland
2 Security shall publish each final plan, design, or guidance
3 that is developed under this section on a public Internet
4 website, except that the Secretary may withhold publica-
5 tion of, or redact information from the publication of, a
6 plan, design, or guidance if—

7 (1) publicly posting the information would not
8 be in the interest of homeland security;

9 (2) the information is protected from public dis-
10 closure by other applicable law; or

11 (3) the information is protected from public dis-
12 closure by contract.

13 (d) RELATION TO OTHER LAW.—Nothing in this sec-
14 tion shall be construed to expand, repeal, limit, or other-
15 wise affect the provisions of other applicable law per-
16 taining to the regulation of a homeland security-critical
17 supply.

18 (e) BIENNIAL REVIEW.—Not less than every 2 years,
19 in accordance with subsections (a) through (e), the Sec-
20 retary of Homeland Security shall coordinate the review
21 and, as needed, revision of each plan, design, and guidance
22 in effect under this section.

23 (f) DEFINITION.—In this section:

24 (1) The term “homeland security-critical sup-
25 ply”—

1 (A) means any supply needed to ensure
2 public safety and welfare during—

3 (i) a national emergency or disaster,
4 including any public health emergency, act
5 of terrorism (as defined in section 3077 of
6 title 18, United States Code), cyber attack,
7 and other attack; or

8 (ii) any other reasonably foreseeable
9 contingency of grave consequence to the
10 United States during which shortages are
11 reasonably anticipated; and

12 (B) includes a vaccine, a medication, med-
13 ical equipment, and personal protective equip-
14 ment.

15 (2) The term “nontraditional manufacturer”
16 may include (as determined by the Secretary)—

17 (A) a home craftsperson;

18 (B) a distiller;

19 (C) a cosmetic manufacturer;

20 (D) a manufacturing facility primarily de-
21 signed for an industry other than manufac-
22 turing homeland security-critical supplies;

23 (E) an institution of higher education;

24 (F) an advanced manufacturing facility;

25 (G) a machine shop; and

1 (H) a research laboratory.

2 **SEC. 1761. ESTABLISHMENT OF WESTERN EMERGENCY RE-**
3 **FINED PETROLEUM PRODUCTS RESERVE.**

4 (a) ESTABLISHMENT.—The Secretary of Defense,
5 acting through the Director of the Defense Logistics
6 Agency, shall establish a reserve, to be known as the
7 “Western Emergency Refined Petroleum Products Re-
8 serve” (in this section referred to as the “Reserve”), to
9 store refined petroleum products that may be made avail-
10 able to military and governmental entities during an emer-
11 gency situation, as determined appropriate by the Sec-
12 retary of Defense.

13 (b) USE OF RESERVE.—In accordance with sub-
14 section (a), the Secretary of Defense may make refined
15 petroleum products stored in the Reserve available to
16 other Federal agencies, State and local governments, and
17 any other public entity determined appropriate by the Sec-
18 retary of Defense.

19 (c) REIMBURSEMENT.—The Secretary of Defense
20 shall require reimbursement for associated costs for stor-
21 age capacity or refined petroleum products made available
22 to other Federal agencies, State or local governments, or
23 any other public entity pursuant to this section.

24 (d) LOCATION.—The Reserve shall—

1 (1) be located in the western region of the
2 United States;

3 (2) utilize salt cavern storage; and

4 (3) be in immediate proximity to existing pipe-
5 line, rail, and highway infrastructure.

6 (e) CONDITION ON COMMENCEMENT.—Commence-
7 ment of the program shall be subject to the availability
8 of appropriations for the program.

9 **SEC. 1762. FOREIGN STATE COMPUTER INTRUSIONS.**

10 (a) IN GENERAL.—Chapter 97 of title 28, United
11 States Code, is amended by inserting after section 1605B
12 the following:

13 **“§ 1605C. Computer intrusions by a foreign state**

14 “A foreign state shall not be immune from the juris-
15 diction of the courts of the United States or of the States
16 in any case not otherwise covered by this chapter in which
17 money damages are sought against a foreign state by a
18 national of the United States for personal injury, harm
19 to reputation, or damage to or loss of property resulting
20 from any of the following activities, whether occurring in
21 the United States or a foreign state:

22 “(1) Unauthorized access to or access exceeding
23 authorization to a computer located in the United
24 States.

1 “(2) Unauthorized access to confidential, elec-
2 tronic stored information located in the United
3 States.

4 “(3) The transmission of a program, informa-
5 tion, code, or command to a computer located in the
6 United States, which, as a result of such conduct,
7 causes damage without authorization.

8 “(4) The use, dissemination, or disclosure, with-
9 out consent, of any information obtained by means
10 of any activity described in paragraph (1), (2), or
11 (3).

12 “(5) The provision of material support or re-
13 sources for any activity described in paragraph (1),
14 (2), (3), or (4), including by an official, employee, or
15 agent of such foreign state.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 97 of title 28, United States Code, is amended
18 by inserting after the item relating to section 1605B the
19 following:

 “1605C. Computer intrusions by a foreign state.”.

20 (c) APPLICATION.—This section and the amendments
21 made by this section shall apply to any action pending on
22 or filed on or after the date of the enactment of this Act.

1 **SEC. 1763. ONLINE AND DISTANCE EDUCATION CLASSES**
2 **AND NONIMMIGRANT VISAS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, for the period described in subsection (b), a
5 nonimmigrant described in subparagraph (F), (J), or (M)
6 of section 101(a)(15) of the Immigration and Nationality
7 Act (8 U.S.C. 1101(a)(15)) may engage in online or dis-
8 tance education classes or programs that are determined
9 necessary by an institution or program described in such
10 subparagraph for the protection of health and safety, and
11 such classes or programs shall count towards the require-
12 ment to pursue a full course of study to maintain non-
13 immigrant status.

14 (b) PERIOD DESCRIBED.—The period described in
15 this section—

16 (1) begins on March 13, 2020; and

17 (2) ends on the date that is the later of—

18 (A) June 30, 2021; or

19 (B) the date that is 90 days after the date
20 on which the public health emergency declared
21 with respect to COVID–19 by the Secretary of
22 Health and Human Services under section 319
23 of the Public Health Service Act (42 U.S.C.
24 247d) is terminated.

1 **SEC. 1764. TRANSFER OF MARE ISLAND NAVAL CEMETERY**
2 **TO SECRETARY OF VETERANS AFFAIRS FOR**
3 **MAINTENANCE BY NATIONAL CEMETERY AD-**
4 **MINISTRATION.**

5 (a) AGREEMENT.—Beginning on the date that is 180
6 days after the date on which the Secretary submits the
7 report required by subsection (c)(1), the Secretary of Vet-
8 erans Affairs shall seek to enter into an agreement with
9 the city of Vallejo, California, under which the city of
10 Vallejo shall transfer to the Secretary all right, title, and
11 interest in the Mare Island Naval Cemetery in Vallejo,
12 California, at no cost to the Secretary. The Secretary shall
13 seek to enter into such agreement before the date that
14 is 1 year after the date on which such report is submitted.

15 (b) MAINTENANCE BY NATIONAL CEMETERY ADMIN-
16 ISTRATION.—If the Mare Island Naval Cemetery is trans-
17 ferred to the Secretary of Veterans Affairs pursuant to
18 subsection (a), the National Cemetery Administration
19 shall maintain the cemetery as a national shrine.

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary shall submit to the Committee on Veterans'
24 Affairs of the Senate and the Committee on Vet-
25 erans' Affairs of the House of Representatives a re-

1 port on the feasibility and advisability of exercising
2 the authority granted by subsection (a).

3 (2) CONTENTS.—The report submitted under
4 paragraph (1) shall include the following:

5 (A) An assessment of the feasibility and
6 advisability of exercising the authority granted
7 by subsection (a).

8 (B) An estimate of the costs, including
9 both direct and indirect costs, that the Depart-
10 ment of Veterans Affairs would incur by exer-
11 cising such authority.

12 **SEC. 1765. MITIGATION OF HELICOPTER NOISE.**

13 (a) IN GENERAL.—The Secretary of Defense shall
14 take the following actions to mitigate helicopter noise and
15 to receive, track, and analyze complaints on an ongoing
16 basis from individuals in the National Capital Region:

17 (1) Develop a noise inquiry website, to assist in
18 directing mitigation efforts toward concentrated
19 areas of inquiry, that is based off of the websites of
20 the Ronald Reagan Washington National Airport
21 and the Dulles International Airport. Such website
22 shall—

23 (A) provide a form to collect inquiry infor-
24 mation;

1 (B) geo-tag the location of the inquiry to
2 an exportable map;

3 (C) export information to an Excel spread-
4 sheet; and

5 (D) send an email response to the indi-
6 vidual making the inquiry.

7 (2) Establish a helicopter noise abatement
8 working group led by the Department of Defense to
9 collect, correlate, and identify trends associated with
10 helicopter noise within the National Capital Region,
11 with officials of the Department of Defense and the
12 Federal Aviation Administration in attendance. The
13 working group shall recommend procedural changes
14 to mitigate the impact of helicopter noise on the
15 community only to the extent consistent with avia-
16 tion safety and airspace efficiency and while sus-
17 taining aircrew readiness, training, and mission sup-
18 port.

19 (b) DEFINITION OF NATIONAL CAPITAL REGION.—
20 In this section, the term “National Capital Region” has
21 the meaning given the term in section 2574 of title 10,
22 United States Code.

1 **SEC. 1766. DEPARTMENT OF DEFENSE SUPPORT FOR CER-**
2 **TAIN SPORTING EVENTS.**

3 Section 2564 of title 10, United States Code, is
4 amended—

5 (1) in subsection (a), by inserting “the
6 Paralympics,” after “the Olympics,”; and

7 (2) in subsection (c)—

8 (A) in the subsection heading, by striking
9 “INAPPLICABILITY TO” and inserting “SUP-
10 PORT OF”;

11 (B) by striking “Subsections (a) and (b)
12 do not apply to” and inserting “The Secretary
13 of Defense may authorize technical, contracting,
14 and specialized equipment support to”;

15 (C) in paragraph (4), by inserting “and
16 Paralympic” after “Olympic”; and

17 (D) in paragraph (5)(A)(iii), by inserting
18 “and Paralympic” after “Olympic”.

19 **SEC. 1767. PILOT PROGRAM FOR ONLINE REAL ESTATE IN-**
20 **VENTORY TOOL.**

21 (a) IN GENERAL.—The Secretary of the Army in con-
22 sultation with Administrator of the General Services Ad-
23 ministration and Assistant Secretary of Defense for
24 Sustainment shall establish a pilot program for developing
25 an online real estate tool of existing inventory of space
26 available at Army installations.

1 (b) PURPOSE.—The purpose of the online inventory
2 tool is to—

3 (1) achieve efficiencies in real estate property
4 management consistent with the National Defense
5 Strategy goal of finding greater efficiencies within
6 the Department of Defense operations;

7 (2) provide a public tool to better market space
8 available at Army installations for better utilization
9 of existing space; and

10 (3) provide a tool to better quantify existing
11 space and how it is utilize for current missions and
12 requirements.

13 (c) CONSIDERATIONS.—The Secretary of the Army
14 shall consider—

15 (1) innovative approaches to establishing this
16 pilot program including use of other transaction au-
17 thorities consistent with section 2371 of title 10,
18 United States Code, as well as use of commercial
19 off-the-shelf technologies;

20 (2) developing appropriate protections of sen-
21 sitive or classified information from being included
22 with the online inventory tool; and

23 (3) developing appropriate levels of access for
24 private sector users of the system.

1 (d) ESTABLISHMENT OF POLICY.—After the pilot
2 program has been established and locations identified, the
3 Secretary of the Army shall develop policy requiring the
4 use of the system described in subsection (a) to query for
5 existing inventory before any military construction or off-
6 post leases are agreed to. The Secretary of the Army shall
7 ensure that all relevant notifications to congressional de-
8 fense committees include certification that the system in
9 subsection (a) was queried.

10 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to effect the application of title
12 V of the McKinney-Vento Homeless Assistance Act (42
13 U.S.C. 11411 et seq.).

14 **SEC. 1768. ESTABLISHMENT OF SOUTHERN NEW ENGLAND**
15 **REGIONAL COMMISSION.**

16 (a) ESTABLISHMENT.—Section 15301(a) of title 40,
17 United States Code, is amended by adding at the end the
18 following:

19 “(4) The Southern New England Regional
20 Commission.”.

21 (b) DESIGNATION OF REGION.—

22 (1) IN GENERAL.—Subchapter II of chapter
23 157 of such title is amended by adding at the end
24 the following:

1 **“§ 15734. Southern New England Regional Commis-**
 2 **sion**

3 “The region of the Southern New England Regional
 4 Commission shall include the following counties:

5 “(1) RHODE ISLAND.—The counties of Provi-
 6 dence, Washington, Newport, and Bristol in the
 7 State of Rhode Island.

8 “(2) CONNECTICUT.—The counties of Hartford,
 9 New Haven, and New London in the State of Con-
 10 necticut.

11 “(3) MASSACHUSETTS.—The counties of
 12 Hampden and Bristol in the State of Massachu-
 13 setts.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
 15 MENT.—The analysis for Subchapter II of chapter
 16 157 of such title is amended by adding at the end
 17 the following:

“15734. Southern New England Regional Commission.”.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—The au-
 19 thorization of appropriations in section 15751 of title 40,
 20 United States Code, shall apply with respect to the South-
 21 ern New England Regional Commission beginning with
 22 fiscal year 2021.

23 **SEC. 1769. FEDRAMP AUTHORIZATION ACT.**

24 (a) SHORT TITLE.—This section may be cited as the
 25 “Federal Risk and Authorization Management Program

1 Authorization Act of 2020” or the “FedRAMP Authoriza-
2 tion Act”.

3 (b) CODIFICATION OF THE FEDRAMP PROGRAM.—

4 (1) AMENDMENT.—Chapter 36 of title 44,
5 United States Code, is amended by adding at the
6 end the following new sections:

7 **“§ 3607. Federal Risk and Authorization Management**
8 **Program**

9 “(a) ESTABLISHMENT.—There is established within
10 the General Services Administration the Federal Risk and
11 Authorization Management Program. The Administrator
12 of General Services, in accordance with the guidelines es-
13 tablished pursuant to section 3612, shall establish a gov-
14 ernmentwide program that provides the authoritative
15 standardized approach to security assessment and author-
16 ization for cloud computing products and services that
17 process unclassified information used by agencies.

18 “(b) COMPONENTS OF FEDRAMP.—The Joint Au-
19 thorization Board and the FedRAMP Program Manage-
20 ment Office are established as components of FedRAMP.

21 **“§ 3608. FedRAMP Program Management Office**

22 “(a) GSA DUTIES.—

23 “(1) ROLES AND RESPONSIBILITIES.—The Ad-
24 ministrator of General Services shall—

1 “(A) determine the categories and charac-
2 teristics of cloud computing information tech-
3 nology goods or services that are within the ju-
4 risdiction of FedRAMP and that require
5 FedRAMP authorization from the Joint Au-
6 thorization Board or the FedRAMP Program
7 Management Office;

8 “(B) develop, coordinate, and implement a
9 process for the FedRAMP Program Manage-
10 ment Office, the Joint Authorization Board,
11 and agencies to review security assessments of
12 cloud computing services pursuant to sub-
13 sections (b) and (c) of section 3611, and appro-
14 priate oversight of continuous monitoring of
15 cloud computing services; and

16 “(C) ensure the continuous improvement of
17 FedRAMP.

18 “(2) IMPLEMENTATION.—The Administrator
19 shall oversee the implementation of FedRAMP, in-
20 cluding—

21 “(A) appointing a Program Director to
22 oversee the FedRAMP Program Management
23 Office;

24 “(B) hiring professional staff as may be
25 necessary for the effective operation of the

1 FedRAMP Program Management Office, and
2 such other activities as are essential to properly
3 perform critical functions;

4 “(C) entering into interagency agreements
5 to detail personnel on a reimbursable or non-re-
6 imburseable basis to assist the FedRAMP Pro-
7 gram Management Office and the Joint Author-
8 ization Board in discharging the responsibilities
9 of the Office under this section; and

10 “(D) such other actions as the Adminis-
11 trator may determine necessary to carry out
12 this section.

13 “(b) DUTIES.—The FedRAMP Program Manage-
14 ment Office shall have the following duties:

15 “(1) Provide guidance to independent assess-
16 ment organizations, validate the independent assess-
17 ments, and apply the requirements and guidelines
18 adopted in section 3609(c)(5).

19 “(2) Oversee and issue guidelines regarding the
20 qualifications, roles, and responsibilities of inde-
21 pendent assessment organizations.

22 “(3) Develop templates and other materials to
23 support the Joint Authorization Board and agencies
24 in the authorization of cloud computing services to
25 increase the speed, effectiveness, and transparency

1 of the authorization process, consistent with stand-
2 ards defined by the National Institute of Standards
3 and Technology.

4 “(4) Establish and maintain a public comment
5 process for proposed guidance before the issuance of
6 such guidance by FedRAMP.

7 “(5) Issue FedRAMP authorization for any au-
8 thorizations to operate issued by an agency that
9 meets the requirements and guidelines described in
10 paragraph (1).

11 “(6) Establish frameworks for agencies to use
12 authorization packages processed by the FedRAMP
13 Program Management Office and Joint Authoriza-
14 tion Board.

15 “(7) Coordinate with the Secretary of Defense
16 and the Secretary of Homeland Security to establish
17 a framework for continuous monitoring and report-
18 ing required of agencies pursuant to section 3553.

19 “(8) Establish a centralized and secure reposi-
20 tory to collect and share necessary data, including
21 security authorization packages, from the Joint Au-
22 thorization Board and agencies to enable better
23 sharing and reuse to such packages across agencies.

24 “(c) EVALUATION OF AUTOMATION PROCEDURES.—

1 “(1) IN GENERAL.—The FedRAMP Program
2 Management Office shall assess and evaluate avail-
3 able automation capabilities and procedures to im-
4 prove the efficiency and effectiveness of the issuance
5 of provisional authorizations to operate issued by the
6 Joint Authorization Board and FedRAMP author-
7 izations, including continuous monitoring of cloud
8 environments and among cloud environments.

9 “(2) MEANS FOR AUTOMATION.—Not later than
10 1 year after the date of the enactment of this section
11 and updated annually thereafter, the FedRAMP
12 Program Management Office shall establish a means
13 for the automation of security assessments and re-
14 views.

15 “(d) METRICS FOR AUTHORIZATION.—The
16 FedRAMP Program Management Office shall establish
17 annual metrics regarding the time and quality of the as-
18 sessments necessary for completion of a FedRAMP au-
19 thorization process in a manner that can be consistently
20 tracked over time in conjunction with the periodic testing
21 and evaluation process pursuant to section 3554 in a man-
22 ner that minimizes the agency reporting burden.

23 **“§ 3609. Joint Authorization Board**

24 “(a) ESTABLISHMENT.—There is established the
25 Joint Authorization Board which shall consist of cloud

1 computing experts, appointed by the Director in consulta-
2 tion with the Administrator, from each of the following:

3 “(1) The Department of Defense.

4 “(2) The Department of Homeland Security.

5 “(3) The General Services Administration.

6 “(4) Such other agencies as determined by the
7 Director, in consultation with the Administrator.

8 “(b) ISSUANCE OF PROVISIONAL AUTHORIZATIONS
9 TO OPERATE.—The Joint Authorization Board shall con-
10 duct security assessments of cloud computing services and
11 issue provisional authorizations to operate to cloud service
12 providers that meet FedRAMP security guidelines set
13 forth in section 3608(b)(1).

14 “(c) DUTIES.—The Joint Authorization Board
15 shall—

16 “(1) develop and make publicly available on a
17 website, determined by the Administrator, criteria
18 for prioritizing and selecting cloud computing serv-
19 ices to be assessed by the Joint Authorization
20 Board;

21 “(2) provide regular updates on the status of
22 any cloud computing service during the assessment
23 and authorization process of the Joint Authorization
24 Board;

1 “(3) review and validate cloud computing serv-
2 ices and independent assessment organization secu-
3 rity packages or any documentation determined to
4 be necessary by the Joint Authorization Board to
5 evaluate the system security of a cloud computing
6 service;

7 “(4) in consultation with the FedRAMP Pro-
8 gram Management Office, serve as a resource for
9 best practices to accelerate the FedRAMP process;

10 “(5) establish requirements and guidelines for
11 security assessments of cloud computing services,
12 consistent with standards defined by the National
13 Institute of Standards and Technology, to be used
14 by the Joint Authorization Board and agencies;

15 “(6) perform such other roles and responsibil-
16 ities as the Administrator may assign, in consulta-
17 tion with the FedRAMP Program Management Of-
18 fice and members of the Joint Authorization Board;
19 and

20 “(7) establish metrics and goals for reviews and
21 activities associated with issuing provisional author-
22 izations to operate and provide to the FedRAMP
23 Program Management Office.

24 “(d) DETERMINATIONS OF DEMAND FOR CLOUD
25 COMPUTING SERVICES.—The Joint Authorization Board

1 shall consult with the Chief Information Officers Council
2 established in section 3603 to establish a process for
3 prioritizing and accepting the cloud computing services to
4 be granted a provisional authorization to operate through
5 the Joint Authorization Board, which shall be made avail-
6 able on a public website.

7 “(e) DETAIL OF PERSONNEL.—To assist the Joint
8 Authorization Board in discharging the responsibilities
9 under this section, personnel of agencies may be detailed
10 to the Joint Authorization Board for the performance of
11 duties described under subsection (c).

12 **“§ 3610. Independent assessment organizations**

13 “(a) REQUIREMENTS FOR ACCREDITATION.—The
14 Joint Authorization Board shall determine the require-
15 ments for certification of independent assessment organi-
16 zations pursuant to section 3609. Such requirements may
17 include developing or requiring certification programs for
18 individuals employed by the independent assessment orga-
19 nizations who lead FedRAMP assessment teams.

20 “(b) ASSESSMENT.—Accredited independent assess-
21 ment organizations may assess, validate, and attest to the
22 quality and compliance of security assessment materials
23 provided by cloud service providers.

1 **“§ 3611. Roles and responsibilities of agencies**

2 “(a) IN GENERAL.—In implementing the require-
3 ments of FedRAMP, the head of each agency shall, con-
4 sistent with guidance issued by the Director pursuant to
5 section 3612—

6 “(1) create policies to ensure cloud computing
7 services used by the agency meet FedRAMP security
8 requirements and other risk-based performance re-
9 quirements as defined by the Director;

10 “(2) issue agency-specific authorizations to op-
11 erate for cloud computing services in compliance
12 with section 3554;

13 “(3) confirm whether there is a provisional au-
14 thorization to operate in the cloud security reposi-
15 tory established under section 3608(b)(10) issued by
16 the Joint Authorization Board or a FedRAMP au-
17 thorization issued by the FedRAMP Program Man-
18 agement Office before beginning an agency author-
19 ization for a cloud computing product or service;

20 “(4) to the extent practicable, for any cloud
21 computing product or service the agency seeks to au-
22 thorize that has received either a provisional author-
23 ization to operate by the Joint Authorization Board
24 or a FedRAMP authorization by the FedRAMP Pro-
25 gram Management Office, use the existing assess-

1 ments of security controls and materials within the
2 authorization package; and

3 “(5) provide data and information required to
4 the Director pursuant to section 3612 to determine
5 how agencies are meeting metrics as defined by the
6 FedRAMP Program Management Office.

7 “(b) SUBMISSION OF POLICIES REQUIRED.—Not
8 later than 6 months after the date of the enactment of
9 this section, the head of each agency shall submit to the
10 Director the policies created pursuant to subsection (a)(1)
11 for review and approval.

12 “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE
13 REQUIRED.—Upon issuance of an authorization to oper-
14 ate or a provisional authorization to operate issued by an
15 agency, the head of each agency shall provide a copy of
16 the authorization to operate letter and any supplementary
17 information required pursuant to section 3608(b) to the
18 FedRAMP Program Management Office.

19 “(d) PRESUMPTION OF ADEQUACY.—

20 “(1) IN GENERAL.—The assessment of security
21 controls and materials within the authorization
22 package for provisional authorizations to operate
23 issued by the Joint Authorization Board and agency
24 authorizations to operate that receive FedRAMP au-
25 thorization from the FedRAMP Program Manage-

1 ment Office shall be presumed adequate for use in
2 agency authorizations of cloud computing products
3 and services.

4 “(2) INFORMATION SECURITY REQUIRE-
5 MENTS.—The presumption under paragraph (1)
6 does not modify or alter the responsibility of any
7 agency to ensure compliance with subchapter II of
8 chapter 35 for any cloud computing products or
9 services used by the agency.

10 **“§ 3612. Roles and responsibilities of the Office of**
11 **Management and Budget**

12 “The Director shall have the following duties:

13 “(1) Issue guidance to ensure that an agency
14 does not operate a Federal Government cloud com-
15 puting service using Government data without an
16 authorization to operate issued by the agency that
17 meets the requirements of subchapter II of chapter
18 35 and FedRAMP.

19 “(2) Ensure agencies are in compliance with
20 any guidance or other requirements issued related to
21 FedRAMP.

22 “(3) Review, analyze, and update guidance on
23 the adoption, security, and use of cloud computing
24 services used by agencies.

1 “(4) Ensure the Joint Authorization Board is
2 in compliance with section 3609(c).

3 “(5) Adjudicate disagreements between the
4 Joint Authorization Board and cloud service pro-
5 viders seeking a provisional authorization to operate
6 through the Joint Authorization Board.

7 “(6) Promulgate regulations on the role of
8 FedRAMP authorization in agency acquisition of
9 cloud computing products and services that process
10 unclassified information.

11 **“§ 3613. Authorization of appropriations for**
12 **FEDRAMP**

13 “‘There is authorized to be appropriated \$20,000,000
14 each year for the FedRAMP Program Management Office
15 and the Joint Authorization Board.

16 **“§ 3614. Reports to Congress**

17 “‘Not later than 12 months after the date of the en-
18 actment of this section, and annually thereafter, the Di-
19 rector shall submit to the Committee on Oversight and
20 Reform of the House of Representatives and the Com-
21 mittee on Homeland Security and Governmental Affairs
22 of the Senate a report that includes the following:

23 “(1) The status, efficiency, and effectiveness of
24 FedRAMP Program Management Office and agen-
25 cies during the preceding year in supporting the

1 speed, effectiveness, sharing, reuse, and security of
2 authorizations to operate for cloud computing prod-
3 ucts and services, including progress towards meet-
4 ing the metrics adopted by the FedRAMP Program
5 Management Office pursuant to section 3608(d) and
6 the Joint Authorization Board pursuant to section
7 3609(c)(5).

8 “(2) Data on agency use of provisional author-
9 izations to operate issued by the Joint Authorization
10 Board and agency sponsored authorizations that re-
11 ceive FedRAMP authorization by the FedRAMP
12 Program Management Office.

13 “(3) The length of time for the Joint Author-
14 ization Board to review applications for and issue
15 provisional authorizations to operate.

16 “(4) The length of time for the FedRAMP Pro-
17 gram Management Office to review agency applica-
18 tions for and issue FedRAMP authorization.

19 “(5) The number of provisional authorizations
20 to operate issued by the Joint Authorization Board
21 and FedRAMP authorizations issued by the
22 FedRAMP Program Management Office for the pre-
23 vious year.

24 “(6) A review of progress made during the pre-
25 ceding year in advancing automation techniques to

1 securely automate FedRAMP processes and to accel-
2 erate reporting as described in this section.

3 “(7) The number and characteristics of author-
4 ized cloud computing services in use at each agency
5 consistent with guidance provided by the Director in
6 section 3612.

7 **“§ 3615. Federal Secure Cloud Advisory Committee**

8 “(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

9 “(1) ESTABLISHMENT.—There is established a
10 Federal Secure Cloud Advisory Committee (referred
11 to in this section as the ‘Committee’) to ensure ef-
12 fective and ongoing coordination of agency adoption,
13 use, authorization, monitoring, acquisition, and secu-
14 rity of cloud computing products and services to en-
15 able agency mission and administrative priorities.

16 “(2) PURPOSES.—The purposes of the Com-
17 mittee are the following:

18 “(A) To examine the operations of
19 FedRAMP and determine ways that authoriza-
20 tion processes can continuously be improved, in-
21 cluding the following:

22 “(i) Measures to increase agency re-
23 use of provisional authorizations to operate
24 issued by the Joint Authorization Board.

1 “(ii) Proposed actions that can be
2 adopted to reduce the cost of provisional
3 authorizations to operate and FedRAMP
4 authorizations for cloud service providers.

5 “(iii) Measures to increase the num-
6 ber of provisional authorizations to operate
7 or FedRAMP authorizations for cloud
8 computing services offered by small busi-
9 nesses (as defined by section 3(a) of the
10 Small Business Act (15 U.S.C. 632(a)).

11 “(B) Collect information and feedback on
12 agency compliance with and implementation of
13 FedRAMP requirements.

14 “(C) Serve as a forum that facilitates com-
15 munication and collaboration among the
16 FedRAMP stakeholder community.

17 “(3) DUTIES.—The duties of the Committee
18 are, at a minimum, the following:

19 “(A) Provide advice and recommendations
20 to the Administrator, the Joint Authorization
21 Board, and to agencies on technical, financial,
22 programmatic, and operational matters regard-
23 ing secure adoption of cloud computing services.

24 “(B) Submit reports as required.

25 “(b) MEMBERS.—

1 “(1) COMPOSITION.—The Committee shall be
2 comprised of not more than 15 members who are
3 qualified representatives from the public and private
4 sectors, appointed by the Administrator, in consulta-
5 tion with the Administrator of the Office of Elec-
6 tronic Government, as follows:

7 “(A) The Administrator or the Administra-
8 tor’s designee, who shall be the Chair of the
9 Committee.

10 “(B) At least one representative each from
11 the Cybersecurity and Infrastructure Security
12 Agency and the National Institute of Standards
13 and Technology.

14 “(C) At least two officials who serve as the
15 Chief Information Security Officer within an
16 agency, who shall be required to maintain such
17 a position throughout the duration of their serv-
18 ice on the Committee.

19 “(D) At least one official serving as Chief
20 Procurement Officer (or equivalent) in an agen-
21 cy, who shall be required to maintain such a po-
22 sition throughout the duration of their service
23 on the Committee.

24 “(E) At least one individual representing
25 an independent assessment organization.

1 “(F) No fewer than five representatives
2 from unique businesses that primarily provide
3 cloud computing services or products, including
4 at least two representatives from a small busi-
5 ness (as defined by section 3(a) of the Small
6 Business Act (15 U.S.C. 632(a))).

7 “(G) At least two other government rep-
8 resentatives as the Administrator determines to
9 be necessary to provide sufficient balance, in-
10 sights, or expertise to the Committee.

11 “(2) DEADLINE FOR APPOINTMENT.—Each
12 member of the Committee shall be appointed not
13 later than 30 days after the date of the enactment
14 of this Act.

15 “(3) PERIOD OF APPOINTMENT; VACANCIES.—

16 “(A) IN GENERAL.—Each non-Federal
17 member of the Committee shall be appointed
18 for a term of 3 years, except that the initial
19 terms for members may be staggered 1-, 2-, or
20 3-year terms to establish a rotation in which
21 one-third of the members are selected each
22 year. Any such member may be appointed for
23 not more than 2 consecutive terms.

24 “(B) VACANCIES.—Any vacancy in the
25 Committee shall not affect its powers, but shall

1 be filled in the same manner in which the origi-
2 nal appointment was made. Any member ap-
3 pointed to fill a vacancy occurring before the
4 expiration of the term for which the member's
5 predecessor was appointed shall be appointed
6 only for the remainder of that term. A member
7 may serve after the expiration of that member's
8 term until a successor has taken office.

9 “(c) MEETINGS AND RULES OF PROCEDURES.—

10 “(1) MEETINGS.—The Committee shall hold
11 not fewer than three meetings in a calendar year, at
12 such time and place as determined by the Chair.

13 “(2) INITIAL MEETING.—Not later than 120
14 days after the date of the enactment of this section,
15 the Committee shall meet and begin the operations
16 of the Committee.

17 “(3) RULES OF PROCEDURE.—The Committee
18 may establish rules for the conduct of the business
19 of the Committee, if such rules are not inconsistent
20 with this section or other applicable law.

21 “(d) EMPLOYEE STATUS.—

22 “(1) IN GENERAL.—A member of the Com-
23 mittee (other than a member who is appointed to the
24 Committee in connection with another Federal ap-
25 pointment) shall not be considered an employee of

1 the Federal Government by reason of any service as
2 such a member, except for the purposes of section
3 5703 of title 5, relating to travel expenses.

4 “(2) PAY NOT PERMITTED.—A member of the
5 Committee covered by paragraph (1) may not receive
6 pay by reason of service on the panel.

7 “(e) APPLICABILITY TO THE FEDERAL ADVISORY
8 COMMITTEE ACT.—Notwithstanding any other provision
9 of law, the Federal Advisory Committee Act (5 U.S.C.
10 App.) shall apply to the Committee, except that section
11 14 of such Act shall not apply.

12 “(f) HEARINGS AND EVIDENCE.—The Committee, or
13 on the authority of the Committee, any subcommittee,
14 may, for the purposes of carrying out this section, hold
15 hearings, sit and act at such times and places, take testi-
16 mony, receive evidence, and administer oaths.

17 “(g) CONTRACTING.—The Committee, may, to such
18 extent and in such amounts as are provided in appropria-
19 tion Acts, enter into contracts to enable the Committee
20 to discharge its duties under this section.

21 “(h) INFORMATION FROM FEDERAL AGENCIES.—

22 “(1) IN GENERAL.—The Committee is author-
23 ized to secure directly from any executive depart-
24 ment, bureau, agency, board, commission, office,
25 independent establishment, or instrumentality of the

1 Government, information, suggestions, estimates,
2 and statistics for the purposes of the Committee.
3 Each department, bureau, agency, board, commis-
4 sion, office, independent establishment, or instru-
5 mentality shall, to the extent authorized by law, fur-
6 nish such information, suggestions, estimates, and
7 statistics directly to the Committee, upon request
8 made by the Chair, the Chair of any subcommittee
9 created by a majority of the Committee, or any
10 member designated by a majority of the Committee.

11 “(2) RECEIPT, HANDLING, STORAGE, AND DIS-
12 SEMINATION.—Information may only be received,
13 handled, stored, and disseminated by members of
14 the Committee and its staff consistent with all appli-
15 cable statutes, regulations, and Executive orders.

16 “(i) DETAIL OF EMPLOYEES.—Any Federal Govern-
17 ment employee may be detailed to the Committee without
18 reimbursement from the Committee, and such detailee
19 shall retain the rights, status, and privileges of his or her
20 regular employment without interruption.

21 “(j) POSTAL SERVICES.—The Committee may use
22 the United States mails in the same manner and under
23 the same conditions as agencies.

24 “(k) EXPERT AND CONSULTANT SERVICES.—The
25 Committee is authorized to procure the services of experts

1 and consultants in accordance with section 3109 of title
2 5, but at rates not to exceed the daily rate paid a person
3 occupying a position at Level IV of the Executive Schedule
4 under section 5315 of title 5.

5 “(1) REPORTS.—

6 “(1) INTERIM REPORTS.—The Committee may
7 submit to the Administrator and Congress interim
8 reports containing such findings, conclusions, and
9 recommendations as have been agreed to by the
10 Committee.

11 “(2) ANNUAL REPORTS.—Not later than 18
12 months after the date of the enactment of this sec-
13 tion, and annually thereafter, the Committee shall
14 submit to the Administrator and Congress a final re-
15 port containing such findings, conclusions, and rec-
16 ommendations as have been agreed to by the Com-
17 mittee.

18 **“§ 3616. Definitions**

19 “(a) IN GENERAL.—Except as provided under sub-
20 section (b), the definitions under sections 3502 and 3552
21 apply to sections 3607 through this section.

22 “(b) ADDITIONAL DEFINITIONS.—In sections 3607
23 through this section:

24 “(1) ADMINISTRATOR.—The term ‘Adminis-
25 trator’ means the Administrator of General Services.

1 “(2) AUTHORIZATION PACKAGE.—The term
2 ‘authorization package’—

3 “(A) means the essential information used
4 to determine whether to authorize the operation
5 of an information system or the use of a des-
6 ignated set of common controls; and

7 “(B) at a minimum, includes the informa-
8 tion system security plan, privacy plan, security
9 control assessment, privacy control assessment,
10 and any relevant plans of action and milestones.

11 “(3) CLOUD COMPUTING.—The term ‘cloud
12 computing’ has the meaning given that term by the
13 National Institutes of Standards and Technology in
14 NIST Special Publication 800–145 and any amend-
15 atory or superseding document thereto.

16 “(4) CLOUD SERVICE PROVIDER.—The term
17 ‘cloud service provider’ means an entity offering
18 cloud computing services to agencies.

19 “(5) DIRECTOR.—The term ‘Director’ means
20 the Director of the Office of Management and Budg-
21 et.

22 “(6) FEDRAMP.—The term ‘FedRAMP’ means
23 the Federal Risk and Authorization Management
24 Program established under section 3607(a).

1 “(7) FEDRAMP AUTHORIZATION.—The term
2 ‘FedRAMP authorization’ means a cloud computing
3 product or service that has received an agency au-
4 thorization to operate and has been approved by the
5 FedRAMP Program Management Office to meet re-
6 quirements and guidelines established by the
7 FedRAMP Program Management Office.

8 “(8) FEDRAMP PROGRAM MANAGEMENT OF-
9 FICE.—The term ‘FedRAMP Program Management
10 Office’ means the office that administers FedRAMP
11 established under section 3608.

12 “(9) INDEPENDENT ASSESSMENT ORGANIZA-
13 TION.—The term ‘independent assessment organiza-
14 tion’ means a third-party organization accredited by
15 the Program Director of the FedRAMP Program
16 Management Office to undertake conformity assess-
17 ments of cloud service providers.

18 “(10) JOINT AUTHORIZATION BOARD.—The
19 term ‘Joint Authorization Board’ means the Joint
20 Authorization Board established under section
21 3609.”.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENT.—The table of sections for chapter 36 of title
24 44, United States Code, is amended by adding at
25 the end the following new items:

“3607. Federal Risk and Authorization Management Program.

“3608. FedRAMP Program Management Office.

“3609. Joint Authorization Board.

“3610. Independent assessment organizations.

“3611. Roles and responsibilities of agencies.

“3612. Roles and responsibilities of the Office of Management and Budget.

“3613. Authorization of appropriations for FEDRAMP.

“3614. Reports to Congress.

“3615. Federal Secure Cloud Advisory Committee.

“3616. Definitions.”.

1 (3) SUNSET.—This section and any amendment
2 made by this section shall be repealed on the date
3 that is 10 years after the date of the enactment of
4 this section.

5 (4) RULE OF CONSTRUCTION.—Nothing in this
6 section or any amendment made by this section shall
7 be construed as altering or impairing the authorities
8 of the Director of the Office of Management and
9 Budget or the Secretary of Homeland Security
10 under subchapter II of chapter 35 of title 44, United
11 States Code.

12 **SEC. 1770. TAXPAYERS RIGHT-TO-KNOW ACT.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “Taxpayers Right-To-Know Act”.

15 (b) INVENTORY OF GOVERNMENT PROGRAMS.—Sec-
16 tion 1122(a) of title 31, United States Code, is amended—

17 (1) by redesignating paragraphs (1) and (2) as
18 paragraphs (2) and (3), respectively;

19 (2) by inserting before paragraph (2), as so re-
20 designated, the following:

1 “(1) DEFINITIONS.—For purposes of this sub-
2 section—

3 “(A) the term ‘Federal financial assist-
4 ance’ has the meaning given that term under
5 section 7501;

6 “(B) the term ‘open Government data
7 asset’ has the meaning given that term under
8 section 3502 of title 44;

9 “(C) the term ‘program’ means a single
10 program activity or an organized set of aggre-
11 gated, disaggregated, or consolidated program
12 activities by one or more agencies directed to-
13 ward a common purpose or goal; and

14 “(D) the term ‘program activity’ has the
15 meaning given that term in section 1115(h).”;
16 (3) in paragraph (2), as so redesignated—

17 (A) by striking “IN GENERAL.—Not later
18 than October 1, 2012, the Office of Manage-
19 ment and Budget shall” and inserting
20 “WEBSITE AND PROGRAM INVENTORY.—The
21 Director of the Office of Management and
22 Budget shall”;

23 (B) in subparagraph (A), by inserting
24 “that includes the information required under

1 subsections (b) and (c)” after “a single
2 website”; and

3 (C) by striking subparagraphs (B) and (C)
4 and inserting the following:

5 “(B) include on the website described in
6 subparagraph (A), or another appropriate Fed-
7 eral Government website where related informa-
8 tion is made available, as determined by the Di-
9 rector—

10 “(i) a program inventory that shall
11 identify each program; and

12 “(ii) for each program identified in
13 the program inventory, the information re-
14 quired under paragraph (3);

15 “(C) make the information in the program
16 inventory required under subparagraph (B)
17 available as an open Government data asset;
18 and

19 “(D) at a minimum—

20 “(i) update the information required
21 to be included on the single website under
22 subparagraph (A) on a quarterly basis;
23 and

1 “(ii) update the program inventory re-
2 quired under subparagraph (B) on an an-
3 nual basis.”;

4 (4) in paragraph (3), as so redesignated—

5 (A) in the matter preceding subparagraph
6 (A), by striking “described under paragraph (1)
7 shall include” and inserting “identified in the
8 program inventory required under paragraph
9 (2)(B) shall include”;

10 (B) in subparagraph (B), by striking
11 “and” at the end;

12 (C) in subparagraph (C), by striking the
13 period at the end and inserting “and,”; and

14 (D) by adding at the end the following:

15 “(D) for each program activity that is part
16 of a program—

17 “(i) a description of the purposes of
18 the program activity and the contribution
19 of the program activity to the mission and
20 goals of the agency;

21 “(ii) a consolidated view for the cur-
22 rent fiscal year and each of the 2 fiscal
23 years before the current fiscal year of—

24 “(I) the amount appropriated;

25 “(II) the amount obligated; and

1 “(III) the amount outlayed;

2 “(iii) to the extent practicable and
3 permitted by law, links to any related eval-
4 uation, assessment, or program perform-
5 ance review by the agency, an inspector
6 general, or the Government Accountability
7 Office (including program performance re-
8 ports required under section 1116), and
9 other related evidence assembled in re-
10 sponse to implementation of the Founda-
11 tions for Evidence-Based Policymaking Act
12 of 2018 (Public Law 115–435; 132 Stat.
13 5529);

14 “(iv) an identification of the statutes
15 that authorize the program activity or the
16 authority under which the program activity
17 was created or operates;

18 “(v) an identification of any major
19 regulations specific to the program activity;

20 “(vi) any other information that the
21 Director of the Office of Management and
22 Budget determines relevant relating to pro-
23 gram activity data in priority areas most
24 relevant to Congress or the public to in-

crease transparency and accountability;
and

“(vii) for each assistance listing under
which Federal financial assistance is pro-
vided, for the current fiscal year and each
of the 2 fiscal years before the current fis-
cal year and consistent with existing law
relating to the protection of personally
identifiable information—

“(I) a linkage to the relevant
program activities that fund Federal
financial assistance by assistance list-
ing;

“(II) information on the popu-
lation intended to be served by the as-
sistance listing based on the language
of the solicitation, as required under
section 6102;

“(III) to the extent practicable
and based on data reported to the
agency providing the Federal financial
assistance, the results of the Federal
financial assistance awards provided
by the assistance listing;

1 “(IV) to the extent practicable,
2 the percentage of the amount appro-
3 priated for the assistance listing that
4 is used for management and adminis-
5 tration;

6 “(V) the identification of each
7 award of Federal financial assistance
8 and, to the extent practicable, the
9 name of each direct or indirect recipi-
10 ent of the award; and

11 “(VI) any information relating to
12 the award of Federal financial assist-
13 ance that is required to be included on
14 the website established under section
15 2(b) of the Federal Funding Account-
16 ability and Transparency Act of 2006
17 (31 U.S.C. 6101 note).”; and

18 (5) by adding at the end the following:

19 “(4) ARCHIVING.—The Director of the Office of
20 Management and Budget shall—

21 “(A) archive and preserve the information
22 included in the program inventory required
23 under paragraph (2)(B) after the end of the pe-
24 riod during which such information is made
25 available under paragraph (3); and

1 “(B) make information archived in accord-
2 ance with subparagraph (A) publicly available
3 as an open Government data asset.”.

4 (c) GUIDANCE, IMPLEMENTATION, REPORTING, AND
5 REVIEW.—

6 (1) DEFINITIONS.—In this subsection—

7 (A) the term “appropriate congressional
8 committees” means the Committee on Oversight
9 and Reform of the House of Representatives
10 and the Committee on Homeland Security and
11 Governmental Affairs of the Senate;

12 (B) the term “Director” means the Direc-
13 tor of the Office of Management and Budget;

14 (C) the term “program” has the meaning
15 given that term in section 1122(a)(1) of title
16 31, United States Code, as amended by sub-
17 section (b) of this section;

18 (D) the term “program activity” has the
19 meaning given that term in section 1115(h) of
20 title 31, United States Code; and

21 (E) the term “Secretary” means the Sec-
22 retary of the Treasury.

23 (2) PLAN FOR IMPLEMENTATION AND RECON-
24 CILING PROGRAM DEFINITIONS.—Not later than 180
25 days after the date of enactment of this Act, the Di-

1 rector, in consultation with the Secretary, shall sub-
2 mit to the appropriate congressional committees a
3 report that—

4 (A) includes a plan that—

5 (i) discusses how making available on
6 a website the information required under
7 subsection (a) of section 1122 of title 31,
8 United States Code, as amended by sub-
9 section (b), will leverage existing data
10 sources while avoiding duplicative or over-
11 lapping information in presenting informa-
12 tion relating to program activities and pro-
13 grams;

14 (ii) indicates how any gaps in data
15 will be assessed and addressed;

16 (iii) indicates how the Director will
17 display such data; and

18 (iv) discusses how the Director will
19 expand the information collected with re-
20 spect to program activities to incorporate
21 the information required under the amend-
22 ments made by subsection (b);

23 (B) sets forth details regarding a pilot pro-
24 gram, developed in accordance with best prac-
25 tices for effective pilot programs—

1 (i) to develop and implement a func-
2 tional program inventory that could be lim-
3 ited in scope; and

4 (ii) under which the information re-
5 quired under the amendments made by
6 subsection (b) with respect to program ac-
7 tivities shall be made available on the
8 website required under section 1122(a) of
9 title 31, United States Code;

10 (C) establishes an implementation timeline
11 for—

12 (i) gathering and building program
13 activity information;

14 (ii) developing and implementing the
15 pilot program;

16 (iii) seeking and responding to stake-
17 holder comments;

18 (iv) developing and presenting find-
19 ings from the pilot program to the appro-
20 priate congressional committees;

21 (v) notifying the appropriate congres-
22 sional committees regarding how program
23 activities will be aggregated, disaggregated,
24 or consolidated as part of identifying pro-
25 grams; and

1 (vi) implementing a Governmentwide
2 program inventory through an iterative ap-
3 proach; and

4 (D) includes recommendations, if any, to
5 reconcile the conflicting definitions of the term
6 “program” in relevant Federal statutes, as it
7 relates to the purpose of this section.

8 (3) IMPLEMENTATION.—

9 (A) IN GENERAL.—Not later than 3 years
10 after the date of enactment of this Act, the Di-
11 rector shall make available online all informa-
12 tion required under the amendments made by
13 subsection (b) with respect to all programs.

14 (B) EXTENSIONS.—The Director may,
15 based on an analysis of the costs of implemen-
16 tation, and after submitting to the appropriate
17 congressional committees a notification of the
18 action by the Director, extend the deadline for
19 implementation under subparagraph (A) by not
20 more than a total of 1 year.

21 (4) REPORTING.—Not later than 2 years after
22 the date on which the Director makes available on-
23 line all information required under the amendments
24 made by subsection (b) with respect to all programs,
25 the Comptroller General of the United States shall

1 submit to the appropriate congressional committees
2 a report regarding the implementation of this section
3 and the amendments made by this section, which
4 shall—

5 (A) review how the Director and agencies
6 determined how to aggregate, disaggregate, or
7 consolidate program activities to provide the
8 most useful information for an inventory of
9 Government programs;

10 (B) evaluate the extent to which the pro-
11 gram inventory required under section 1122 of
12 title 31, United States Code, as amended by
13 this section, provides useful information for
14 transparency, decision-making, and oversight;

15 (C) evaluate the extent to which the pro-
16 gram inventory provides a coherent picture of
17 the scope of Federal investments in particular
18 areas; and

19 (D) include the recommendations of the
20 Comptroller General, if any, for improving im-
21 plementation of this section and the amend-
22 ments made by this section.

23 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) IN GENERAL.—Section 1122 of title 31,
25 United States Code, is amended—

1 (A) in subsection (b), in the matter pre-
2 ceding paragraph (1), by inserting “described in
3 subsection (a)(2)(A)” after “the website” each
4 place it appears;

5 (B) in subsection (c), in the matter pre-
6 ceding paragraph (1), by inserting “described in
7 subsection (a)(2)(A)” after “the website”; and

8 (C) in subsection (d)—

9 (i) in the subsection heading, by strik-
10 ing “ON WEBSITE”; and

11 (ii) in the first sentence, by striking
12 “on the website”.

13 (2) OTHER AMENDMENTS.—

14 (A) Section 1115(a) of title 31, United
15 States Code, is amended in the matter pre-
16 ceding paragraph (1) by striking “the website
17 provided under” and inserting “a website de-
18 scribed in”.

19 (B) Section 10 of the GPRA Moderniza-
20 tion Act of 2010 (31 U.S.C. 1115 note) is
21 amended—

22 (i) in subsection (a)(3), by striking
23 “the website described under” and insert-
24 ing “a website described in”; and

25 (ii) in subsection (b)—

1 (I) in paragraph (1), by striking
2 “the website described under” and in-
3 serting “a website described in”; and
4 (II) in paragraph (3), by striking
5 “the website as required under” and
6 inserting “a website described in”.

7 (C) Section 1120(a)(5) of title 31, United
8 States Code, is amended by striking “the
9 website described under” and inserting “a
10 website described in”.

11 (D) Section 1126(b)(2)(E) of title 31,
12 United States Code, is amended by striking
13 “the website of the Office of Management and
14 Budget pursuant to” and inserting “a website
15 described in”.

16 (E) Section 3512(a)(1) of title 31, United
17 States Code, is amended by striking “the
18 website described under” and inserting “a
19 website described in”.

20 **SEC. 1771. BUILDING UNITED STATES CAPACITY FOR**
21 **VERIFICATION AND MANUFACTURING OF AD-**
22 **VANCED MICROELECTRONICS.**

23 (a) IN GENERAL.—The Secretary of Commerce, act-
24 ing through the Director of the National Institute of
25 Standards and Technology, shall carry out research and

1 development to enable advances and breakthroughs in
2 measurement science, standards, material characteriza-
3 tion, instrumentation, testing, and manufacturing capa-
4 bilities that will accelerate the underlying research and de-
5 velopment for design, development, and manufacturability
6 of next generation microelectronics and ensure the com-
7 petitiveness and leadership of the United States within the
8 microelectronics sector.

9 (b) ELEMENTS.—The activities under subsection (a)
10 shall include research and development in the following
11 areas:

12 (1) Advanced metrology and characterization
13 for manufacturing of microchips using 3 nanometer
14 transistor processes or more advanced processes.

15 (2) Metrology for security and supply chain
16 verification, including pre-silicon security verification
17 of the design for logical and physical vulnerabilities
18 beyond current functional analysis.

19 **SEC. 1772. THRESHOLD FOR REPORTING ADDITIONS TO**
20 **TOXICS RELEASE INVENTORY.**

21 Section 7321 of the PFAS Act of 2019 (Public Law
22 116–92) is amended—

23 (1) in subsection (b), by adding at the end the
24 following:

1 “(3) LIMITATION.—Section 372.38 of title 40,
2 Code of Federal Regulations (or any successor regu-
3 lation), shall not apply to a chemical described in
4 paragraph (1) unless the Administrator, in accord-
5 ance with paragraph (2)(B), revises the threshold
6 for reporting such chemical to 10,000 pounds.”;

7 (2) in subsection (c), by adding at the end the
8 following:

9 “(3) LIMITATION.—Section 372.38 of title 40,
10 Code of Federal Regulations (or any successor regu-
11 lation), shall not apply to the substances and classes
12 of substances included in the toxics release inventory
13 under paragraph (1) unless the Administrator, in ac-
14 cordance with paragraph (2)(B), revises the thresh-
15 old for reporting such substances and class of sub-
16 stances to 10,000 pounds.”; and

17 (3) in subsection (d), by adding at the end the
18 following:

19 “(4) LIMITATION.—Section 372.38 of title 40,
20 Code of Federal Regulations (or any successor regu-
21 lation), shall not apply to the substances and classes
22 of substances described in paragraph (2) unless the
23 Administrator sets a 10,000 pound reporting thresh-
24 old for such substances and classes of substances.”.

1 **SEC. 1773. HEMP PRODUCTS.**

2 The Secretary of Defense may not prohibit, on the
3 basis of a product containing hemp or any ingredient de-
4 rived from hemp, the possession, use, or consumption of
5 such product by a member of the Armed Forces if—

6 (1) the hemp meets the definition in section
7 297A of the Agricultural Marketing Act of 1946 (7
8 U.S.C. 1639o); and

9 (2) such possession, use, or consumption is in
10 compliance with applicable Federal, State, and local
11 law.

12 **SEC. 1774. EXEMPTION FROM PAPERWORK REDUCTION**
13 **ACT.**

14 (a) UNIFORMED SERVICES UNIVERSITY OF THE
15 HEALTH SCIENCES.—Chapter 104 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 2117. Exemption from Paperwork Reduction Act**

19 “Subchapter I of chapter 35 of title 44 shall not
20 apply to the voluntary collection of information during the
21 conduct of research by the University.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 2116 the following new
25 item:

“2117. Exemption from Paperwork Reduction Act.”.

1 **SEC. 1775. SUPPORT FOR THE DESIGNATION OF NATIONAL**
2 **BORINQUENEERS DAY.**

3 (a) SENSE OF CONGRESS.—It is the Sense of Con-
4 gress that—

5 (1) in 1898, Puerto Rico became a territory of
6 the United States and, the following year, Congress
7 authorized raising a military unit of volunteer sol-
8 diers on the island, which was organized as the
9 “Puerto Rico Regiment of Volunteer Infantry”;

10 (2) in 1908, Congress incorporated the regi-
11 ment as part of the regular United States Army as
12 the “Puerto Rico Regiment of Infantry”;

13 (3) in 1917, after the United States entry into
14 World War I, the Puerto Rico Regiment of Infantry
15 was sent to Panama to defend the Panama Canal
16 Zone;

17 (4) in 1920, Congress redesignated the unit as
18 the 65th Infantry Regiment of the United States
19 Army;

20 (5) during World War II, the 65th Infantry
21 Regiment served in North Africa and Europe, in-
22 cluding combat operations in France and Germany
23 for which members of the unit received commenda-
24 tions for valiant service, including 1 Distinguished
25 Service Cross, 2 Silver Stars, 2 Bronze Stars, and
26 90 Purple Hearts;

1 (6) in 1950, the 65th Infantry Regiment de-
2 ployed to South Korea, and during the voyage the
3 soldiers nicknamed the unit the “Borinqueneers”, a
4 reference to the native Taíno Tribe’s name for the
5 island of Puerto Rico;

6 (7) during the Korean war, the 65th Infantry
7 Regiment (hereinafter, the “Borinqueneers”) en-
8 gaged in substantial combat operations on the Ko-
9 rean Peninsula, and the unit played a central role in
10 several important offensives and counter-offensives
11 that earned it well-deserved admiration and com-
12 mendation;

13 (8) the Borinqueneers’ extraordinary service
14 during the Korean war resulted in the Regiment re-
15 ceiving 2 Presidential Unit Citations (Army and
16 Navy), 2 Republic of Korea Presidential Unit Cita-
17 tions, a Meritorious Unit Commendation (Army), a
18 Navy Unit Commendation, the Chryssoun Aristion
19 Andrias (Bravery Gold Medal of Greece), and cam-
20 paign participation credits for United Nations Offen-
21 sive, Chinese Communist Forces (CCF) Interven-
22 tion, First United Nations Counteroffensive, CCF
23 Spring Offensive, United Nations Summer-Fall Of-
24 fensive, Second Korean Winter, Korea Summer-Fall

1954

1 1952, Third Korean Winter, and Korea Summer
2 1953;

3 (9) the Borinqueneers' extraordinary service
4 during the Korean war also resulted in numerous in-
5 dividual commendations and awards for its soldiers,
6 including 1 Medal of Honor, 9 Distinguished Service
7 Crosses, more than 250 Silver Stars, more than 600
8 Bronze Stars, and more than 2,700 Purple Hearts;

9 (10) in 1956, the 65th Infantry Regiment was
10 deactivated from the regular United States Army
11 and, in 1959, its units and regimental number were
12 assigned to the Puerto Rico National Guard;

13 (11) in 1982, the United States Army Center
14 of Military History officially authorized designating
15 the 65th Infantry Regiment as the "Borinqueneers";
16 and

17 (12) on April 13, 2016, Congress awarded the
18 Congressional Gold Medal to the 65th Infantry Regi-
19 ment in recognition of the Borinqueneers' numerous
20 contributions to American history and outstanding
21 military service from World War I through the re-
22 cent conflicts in Afghanistan and Iraq.

23 (b) RESOLUTION.—The House of Representatives—

24 (1) expresses support for the designation of
25 "National Borinqueneers Day";

1 (2) recognizes the bravery, service, and sacrifice
2 of the Puerto Rican soldiers of the 65th Infantry
3 Regiment in the armed conflicts of the United
4 States in the 20th and 21st centuries;

5 (3) expresses deep gratitude for the contribu-
6 tions to the Armed Forces that have been made by
7 hundreds of thousands of patriotic United States
8 citizens from Puerto Rico; and

9 (4) urges individuals and communities across
10 the United States to participate in activities that are
11 designed—

12 (A) to celebrate the distinguished service of
13 the military veterans who served in the 65th In-
14 fantry Regiment, known as the
15 “Borinqueneers”;

16 (B) to pay tribute to the sacrifices made
17 and adversities overcome by Puerto Rican and
18 Hispanic military service members; and

19 (C) to recognize the significant contribu-
20 tions to American history made by the 65th In-
21 fantry Regiment, known as the
22 “Borinqueneers”.

1 **SEC. 1776. TEMPORARY RELIEF FOR PRIVATE STUDENT**
2 **LOAN BORROWERS.**

3 (a) IN GENERAL.—A servicer of a private education
4 loan extended to a covered borrower shall suspend all pay-
5 ments on such loan through September 30, 2021.

6 (b) NO ACCRUAL OF INTEREST.—Interest shall not
7 accrue on a loan described under subsection (a) for which
8 payment was suspended for the period of the suspension.

9 (c) CONSIDERATION OF PAYMENTS.—A servicer of a
10 private education loan extended to a covered borrower
11 shall deem each month for which a loan payment was sus-
12 pended under this section as if the borrower of the loan
13 had made a payment for the purpose of any loan forgive-
14 ness program or loan rehabilitation program for which the
15 borrower would have otherwise qualified.

16 (d) REPORTING TO CONSUMER REPORTING AGEN-
17 CIES.—During the period in which a loan payment was
18 suspended under this section, the servicer of the loan shall
19 ensure that, for the purpose of reporting information
20 about the loan to a consumer reporting agency, any pay-
21 ment that has been suspended is treated as if it were a
22 regularly scheduled payment made by a borrower.

23 (e) SUSPENDING INVOLUNTARY COLLECTION.—Dur-
24 ing the period for which a loan payment was suspended
25 under this section, the servicer or holder of the loan shall
26 suspend all involuntary collection related to the loan.

1 (f) NOTICE TO BORROWERS AND TRANSITION PE-
2 RIOD.—To inform covered borrowers of the actions taken
3 in accordance with this section and ensure an effective
4 transition, the servicer of a private education loan ex-
5 tended to a covered borrower shall—

6 (1) not later than 15 days after the date of en-
7 actment of this Act, notify covered borrowers—

8 (A) of the actions taken in accordance with
9 subsections (a) and (b) for whom payments
10 have been suspended and interest waived;

11 (B) of the actions taken in accordance with
12 subsection (e) for whom collections have been
13 suspended;

14 (C) of the option to continue making pay-
15 ments toward principal; and

16 (D) that the program under this section is
17 a temporary program; and

18 (2) beginning on August 1, 2020, carry out a
19 program to provide not less than 6 notices by postal
20 mail, telephone, or electronic communication to cov-
21 ered borrowers indicating when the borrower's nor-
22 mal payment obligations will resume.

23 (g) DEFINITIONS.—In this section:

1 (1) COVERED BORROWER.—The term “covered
2 borrower” means a borrower of a private education
3 loan.

4 (2) PRIVATE EDUCATION LOAN.—The term
5 “private education loan” has the meaning given the
6 term in section 140 of the Truth in Lending Act (15
7 U.S.C. 1650).

8 **SEC. 1777. SUPPORT FOR NATIONAL MARITIME HERITAGE**
9 **GRANTS PROGRAM.**

10 Of the funds authorized to be appropriated by this
11 Act for fiscal year 2021 for the Department of Defense,
12 the Secretary of Defense may contribute \$5,000,000 to
13 support the National Maritime Heritage Grants Program
14 established under section 308703 of title 54, United
15 States Code.

16 **SEC. 1778. EXTENSION OF TIME TO REVIEW WORLD WAR I**
17 **VALOR MEDALS.**

18 (a) IN GENERAL.—Section 584(f) of the National
19 Defense Authorization Act for Fiscal Year 2020 (Public
20 Law 116–92; 133 Stat. 1281) is amended by striking
21 “five” and inserting “seven”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect as if enacted on the date
24 of the enactment of the National Defense Authorization

1 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
2 1281).

3 **SEC. 1779. ENSURING CHINESE DEBT TRANSPARENCY.**

4 (a) UNITED STATES POLICY AT THE INTERNATIONAL
5 FINANCIAL INSTITUTIONS.—The Secretary of the Treas-
6 ury shall instruct the United States Executive Director at
7 each international financial institution (as defined in sec-
8 tion 1701(c)(2) of the International Financial Institutions
9 Act) that it is the policy of the United States to use the
10 voice and vote of the United States at the respective insti-
11 tution to seek to secure greater transparency with respect
12 to the terms and conditions of financing provided by the
13 government of the People’s Republic of China to any mem-
14 ber state of the respective institution that is a recipient
15 of financing from the institution, consistent with the rules
16 and principles of the Paris Club.

17 (b) REPORT REQUIRED.—The Chairman of the Na-
18 tional Advisory Council on International Monetary and Fi-
19 nancial Policies shall include in the annual report required
20 by section 1701 of the International Financial Institutions
21 Act—

22 (1) a description of progress made toward ad-
23 vancing the policy described in subsection (a) of this
24 section; and

1 (2) a discussion of financing provided by enti-
2 ties owned or controlled by the government of the
3 People's Republic of China to the member states of
4 international financial institutions that receive fi-
5 nancing from the international financial institutions,
6 including any efforts or recommendations by the
7 Chairman to seek greater transparency with respect
8 to the former financing.

9 (c) SUNSET.—Subsections (a) and (b) of this section
10 shall have no force or effect after the earlier of—

11 (1) the date that is 7 years after the date of the
12 enactment of this Act; or

13 (2) 30 days after the date that the Secretary
14 reports to the Committee on Financial Services of
15 the House of Representatives and the Committee on
16 Foreign Relations of the Senate that the People's
17 Republic of China is in substantial compliance with
18 the rules and principles of the Paris Club.

19 **SEC. 1780. STRATEGY TO SECURE EMAIL.**

20 (a) IN GENERAL.—Not later than December 31,
21 2021, the Secretary of Homeland Security shall develop
22 and submit to Congress a strategy, including rec-
23 ommendations, to implement across all United States-
24 based email providers Domain-based Message Authentica-
25 tion, Reporting, and Conformance standard at scale.

1 (b) ELEMENTS.—The strategy required under sub-
2 section (a) shall include the following:

3 (1) A recommendation for the minimum size
4 threshold for United States-based email providers
5 for applicability of Domain-based Message Authen-
6 tication, Reporting, and Conformance.

7 (2) A description of the security and privacy
8 benefits of implementing the Domain-based Message
9 Authentication, Reporting, and Conformance stand-
10 ard at scale, including recommendations for national
11 security exemptions, as appropriate, as well as the
12 burdens of such implementation and an identifica-
13 tion of the entities on which such burdens would
14 most likely fall.

15 (3) An identification of key United States and
16 international stakeholders associated with such im-
17 plementation.

18 (4) An identification of any barriers to such im-
19 plementing, including a cost-benefit analysis where
20 feasible.

21 (5) An initial estimate of the total cost to the
22 Federal Government and implementing entities in
23 the private sector of such implementing, including
24 recommendations for defraying such costs, if appli-
25 cable.

1 (c) CONSULTATION.—In developing the strategies
2 and recommendations under subsection (a), the Secretary
3 of Homeland Security may, as appropriate, consult with
4 representatives from the information technology sector.

5 (d) DEFINITION.—In this section, the term “Domain-
6 based Message Authentication, Reporting, and Conform-
7 ance” means an email authentication, policy, and report-
8 ing protocol that verifies the authenticity of the sender of
9 an email and blocks and reports to the sender fraudulent
10 accounts.

11 **SEC. 1781. REPORT ON THREAT POSED BY DOMESTIC TER-**
12 **RORISTS.**

13 (a) REPORT REQUIRED.—Not later than 180 days
14 after the date of the enactment of this Act, the Director
15 of the Federal Bureau of Investigation, the Under Sec-
16 retary of Homeland Security for Intelligence and Analysis,
17 and the Director of National Intelligence (acting through
18 the National Counterterrorism Center) shall jointly submit
19 to the appropriate congressional committees a report that
20 includes an evaluation of the nature and extent of the do-
21 mestic terror threat and domestic terrorist groups.

22 (b) ELEMENTS.—The report under subsection (a)
23 shall—

24 (1) describe the manner in which domestic ter-
25 ror activity is tracked and reported;

1 (2) identify all known domestic terror groups,
2 whether formal in nature or loosely affiliated
3 ideologies;

4 (3) include a breakdown of the ideology of each
5 group; and

6 (4) describe the efforts of such groups, if any,
7 to infiltrate or target domestic constitutionally pro-
8 tected activity by citizens for cooption or to carry
9 out attacks, and the number of individuals associ-
10 ated or affiliated with each group that engages in
11 such efforts.

12 **SEC. 1782. DOMESTIC PROCUREMENT OF TUNGSTEN AND**
13 **TUNGSTEN POWDER.**

14 To the extent practicable, the Secretary of Defense
15 shall prioritize the procurement of tungsten and tungsten
16 powder from only domestic producers.

17 **SEC. 1783. DEPARTMENT OF DEFENSE MECHANISM FOR**
18 **PROVISION OF DISSENTING VIEWS.**

19 (a) IN GENERAL.—The Secretary of Defense shall es-
20 tablish a mechanism through which members of the
21 Armed Forces and civilian employees of the Department
22 of Defense may privately provide dissenting views regard-
23 ing the Department of Defense and United States national
24 security policy without fear of retribution.

1 (b) BRIEFING.—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary shall pro-
3 vide to the congressional defense committees a briefing on
4 the status of the mechanism required by subsection (a).

5 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to alleviate the duty of any indi-
7 vidual to follow the military chain of command or to follow
8 the policies of the Department of Defense and Federal
9 Government.

10 **SEC. 1784. SECTOR RISK MANAGEMENT AGENCIES.**

11 (a) DEFINITIONS.—In this Act:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means the Committee on Homeland Secu-
15 rity and the Committee on Armed Services in the
16 House of Representatives and the Committee on
17 Homeland Security and Governmental Affairs and
18 Committee on Armed Services in the Senate.

19 (2) CRITICAL INFRASTRUCTURE.—The term
20 “critical infrastructure” has the meaning given that
21 term in section 2(4) of the Homeland Security Act
22 of 2002.

23 (3) DEPARTMENT.—The term “Department”
24 means the Department of Homeland Security.

1 (4) DIRECTOR.—The term “Director” means
2 the Director of the Cybersecurity and Infrastructure
3 Security Agency of the Department.

4 (5) INFORMATION SHARING AND ANALYSIS OR-
5 GANIZATION.—The term “information sharing and
6 analysis organization” has the meaning given that
7 term in section 2222(5) of the Homeland Security
8 Act of 2002.

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of Homeland Security.

11 (7) SECTOR RISK MANAGEMENT AGENCY.—The
12 term “sector risk management agency” has the
13 meaning given that term in section 2201(5) of the
14 Homeland Security Act of 2002.

15 (b) CRITICAL INFRASTRUCTURE SECTOR DESIGNA-
16 TION.—

17 (1) INITIAL REVIEW.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary shall review the current framework for secur-
20 ing critical infrastructure, as described in section
21 2202(c)(4) of the Homeland Security Act and Presi-
22 dential Policy Directive 21, and submit a report to
23 the President containing recommendations for—

24 (A) any revisions to the current framework
25 for securing critical infrastructure;

1 (B) any revisions to the list of critical in-
2 frastructure sectors set forth in Presidential
3 Policy Directive 21 or previously designated
4 subsectors; and

5 (C) any revisions to the list of designated
6 Federal departments or agencies that serve as
7 the Sector Risk Management Agency for a sec-
8 tor or subsector, necessary to comply with para-
9 graph (3)(B).

10 (2) PERIODIC EVALUATION BY THE SEC-
11 RETARY.—At least once every 5 years, the Secretary,
12 in consultation with the Director, shall—

13 (A) evaluate the current list of critical in-
14 frastructure sectors and subsectors and the ap-
15 propriateness of Sector Risk Management
16 Agency designations, as set forth in Presi-
17 dential Policy Directive 21, or any successor
18 document or policy; and

19 (B) recommend to the President—

20 (i) any revisions to the list of critical
21 infrastructure sectors or subsectors; and

22 (ii) any revisions to the designation of
23 any Federal department or agency des-
24 ignated as the Sector Risk Management
25 Agency for a sector or subsector.

1 (3) REVIEW AND REVISION BY THE PRESI-
2 DENT.—

3 (A) IN GENERAL.—Not later than 180
4 days after a recommendation by the Secretary
5 pursuant to paragraph (2), the President
6 shall—

7 (i) review the recommendation and re-
8 vise, as appropriate, the designation of a
9 critical infrastructure sector or subsector
10 or the designation of a Sector Risk Man-
11 agement Agency; or

12 (ii) submit a report to appropriate
13 congressional committees, and the Majority
14 and Minority Leaders of the Senate and
15 the Speaker and Minority Leader of the
16 House of Representatives, explaining the
17 basis for rejecting the recommendations of
18 the Secretary.

19 (B) LIMITATION.—The President may only
20 designate an agency under this subsection if the
21 agency is referenced in section 205 of the Chief
22 Financial Officers Act of 1990 (42 U.S.C. 901).

23 (4) PUBLICATION.—Any designation of critical
24 infrastructure sectors shall be published in the Fed-
25 eral Register.

1 (c) SECTOR RISK MANAGEMENT AGENCIES.—

2 (1) REFERENCES.—Any reference to a sector-
3 specific agency in any law, regulation, map, docu-
4 ment, record, or other paper of the United States
5 shall be deemed to be a reference to the Sector Risk
6 Management Agency of the relevant critical infra-
7 structure sector.

8 (2) SECTOR RISK MANAGEMENT AGENCY.—Sub-
9 title A of title XXII of the Homeland Security Act
10 of 2002 is amended by adding at the end the fol-
11 lowing new section:

12 **“SEC. 2215. SECTOR RISK MANAGEMENT AGENCIES.**

13 “(a) IN GENERAL.—Each Sector Risk Management
14 Agency, as designated by law or presidential directive,
15 shall—

16 “(1) provide specialized sector-specific expertise
17 to critical infrastructure owners and operators with-
18 in the relevant sector; and

19 “(2) support programs and associated activities
20 of its designated critical infrastructure sector in co-
21 ordination with the Director.

22 “(b) COORDINATION.—In carrying out this section,
23 Sector Risk Management Agencies shall—

1 “(1) coordinate with the Department and other
2 relevant Federal departments and agencies, as ap-
3 propriate;

4 “(2) collaborate with critical infrastructure
5 owners and operators within the designated critical
6 infrastructure sector or subsector; and

7 “(3) coordinate with independent regulatory
8 agencies, and State, local, Tribal, and territorial en-
9 tities, as appropriate.

10 “(c) RESPONSIBILITIES.—Each Sector Risk Manage-
11 ment Agency shall utilize its specialized expertise about
12 its designated critical infrastructure sector or subsector
13 and authorities under applicable law to—

14 “(1) support sector risk management, includ-
15 ing—

16 “(A) establishing and carrying out pro-
17 grams, in coordination with the Director, to as-
18 sist critical infrastructure owners and operators
19 within the designated sector in identifying, un-
20 derstanding, and mitigating threats,
21 vulnerabilities, and risks to their systems or as-
22 sets, or within a region or sector; and

23 “(B) recommending security measures to
24 mitigate the consequences of destruction, com-
25 promise, and disruption of systems and assets;

1 “(2) assess sector risk, including—

2 “(A) identifying, assessing, and prioritizing
3 risks within the designated sector, considering
4 physical and cyber threats, vulnerabilities, and
5 consequences; and

6 “(B) supporting national risk assessment
7 efforts led by the Department, through the Di-
8 rector;

9 “(3) sector coordination, including—

10 “(A) serving as a day-to-day Federal inter-
11 face for the prioritization and coordination of
12 sector-specific activities and responsibilities
13 under this section;

14 “(B) serving as the government coordi-
15 nating council chair for the designated sector or
16 subsector; and

17 “(C) participating in cross-sector coordi-
18 nating councils, as appropriate;

19 “(4) facilitating the sharing of information
20 about cyber and physical threats within the sector to
21 the Department, including—

22 “(A) facilitating, in coordination with the
23 Director, access to, and exchange of, informa-
24 tion and intelligence necessary to strengthen
25 the security of critical infrastructure, including

1 through information sharing and analysis orga-
2 nizations and the national cybersecurity and
3 communications integration center established
4 in section 2209 of the Homeland Security Act
5 of 2002;

6 “(B) facilitating the identification of intel-
7 ligence needs and priorities of critical infra-
8 structure owners and operators in the sector, in
9 coordination with the Director, the Office of Di-
10 rector of National Intelligence, and other Fed-
11 eral departments and agencies, as appropriate;

12 “(C) providing the Director ongoing, and
13 where possible, real-time awareness of identified
14 threats, vulnerabilities, mitigations, and other
15 actions related to the security of the sector; and

16 “(D) supporting the reporting require-
17 ments of the Department of Homeland Security
18 under applicable law by providing, on an annual
19 basis, sector-specific critical infrastructure in-
20 formation;

21 “(5) supporting incident management, includ-
22 ing—

23 “(A) supporting, in coordination with the
24 Director, incident management and restoration

1 efforts during or following a security incident;
2 and

3 “(B) supporting the Director, upon re-
4 quest, in conducting vulnerability assessments
5 and asset response activities for critical infra-
6 structure; and

7 “(6) contributing to emergency preparedness ef-
8 forts, including—

9 “(A) coordinating with critical infrastruc-
10 ture owners and operators within the des-
11 ignated sector, as well as the Director, in the
12 development of planning documents for coordi-
13 nated action in the event of a natural disaster,
14 act of terrorism, or other man-made disaster or
15 emergency;

16 “(B) conducting exercises and simulations
17 of potential natural disasters, acts of terrorism,
18 or other man-made disasters or emergencies
19 within the sector; and

20 “(C) supporting the Department and other
21 Federal departments or agencies in developing
22 planning documents or conducting exercises or
23 simulations relevant to their assigned sector.”.

24 (3) CLERICAL AMENDMENT.—The table of con-
25 tents in section 1(b) of the Homeland Security Act

1 of 2002 is amended by inserting after the item relat-
2 ing to section 2214 the following new item:

“Sec. 2215. Sector risk management agencies.”.

3 (d) REPORTING AND AUDITING.—Not later than 2
4 years after the date of the enactment of this Act and every
5 4 years thereafter, the Comptroller General of the United
6 States shall submit to the Committee on Homeland Secu-
7 rity of the House of Representatives and the Committee
8 on Homeland Security and Governmental Affairs of the
9 Senate a report on the effectiveness of Sector Risk Man-
10 agement Agencies in carrying out their responsibilities
11 under section 2215 of the Homeland Security Act of 2002,
12 as added by this section.

13 **SEC. 1785. INTEGRATION OF MEMBERS OF THE ARMED**
14 **FORCES WHO ARE MINORITIES.**

15 Each Secretary of a military department shall—

16 (1) share lessons learned and best practices on
17 the progress of plans to integrate members of the
18 Armed Forces who identify as belonging to a minor-
19 ity group into the military department under the ju-
20 risdiction of the Secretary; and

21 (2) strategically communicate such progress
22 with other military departments and the public.

1 **SEC. 1786. POLICY ON CONSCIOUS AND UNCONSCIOUS GEN-**
2 **DER BIAS.**

3 The Secretary of Defense shall develop a policy that
4 defines conscious and unconscious gender bias and pro-
5 vides guidance to eliminate conscious and unconscious
6 gender bias.

7 **SEC. 1787. PROTECTIONS FOR PREGNANT MEMBERS OF**
8 **THE ARMED FORCES.**

9 Each Secretary of a military department shall develop
10 and implement policies to ensure that the career of a mem-
11 ber of the Armed Forces is not negatively affected as a
12 result of such member becoming pregnant.

13 **SEC. 1788. RELEASE OF DEPARTMENT OF DEFENSE DOCU-**
14 **MENTS ON THE 1981 EL MOZOTE MASSACRE**
15 **IN EL SALVADOR.**

16 (a) **RELEASE OF MATERIALS.**—Not more than 30
17 days after the date of the enactment of this Act, the Sec-
18 retary of Defense shall direct all Defense Agency bureaus,
19 departments, agencies, and entities to identify and release
20 to Salvadoran judicial authorities, including to the Salva-
21 doran presiding judge investigating and prosecuting the
22 El Mozote massacre case, all materials that might be rel-
23 evant to the El Mozote massacre that occurred in Decem-
24 ber of 1981.

25 (b) **MATERIALS DESCRIBED.**—The materials re-
26 quired to be released under subsection (a) include—

1 (1) all documents, correspondence, reproduc-
2 tions of Salvadoran documents, and other similar
3 materials dated during, or originating from, the pe-
4 riod beginning on January 1, 1981, and ending on
5 January 30, 1983, that are relevant to the massacre
6 that occurred at El Mozote, El Salvador, and sur-
7 rounding communities, in December of 1981;

8 (2) all materials dated during, or originating
9 from, the period referred to in paragraph (1) related
10 to the establishment, operations, command struc-
11 ture, officers and troops of the Atlacatl Battalion;
12 and

13 (3) any other materials the Secretary deter-
14 mines are relevant to the El Mozote massacre.

15 (c) **TIMELINE FOR COMPLETION.**—The Secretary
16 shall submit to the Committees on Armed Services of the
17 Senate and House of Representatives a specific timeline
18 for the completion of the release of the materials as re-
19 quired under subsection (a). Such timeline for completion
20 may not exceed 150 days after the date of the enactment
21 of this Act.

22 **SEC. 1789. STUDY AND ESTABLISHMENT OF THE ASSISTANT**
23 **DEPUTY SECRETARY FOR ENVIRONMENT**
24 **AND RESILIENCE.**

25 (a) **STUDY.**—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall carry out a study on the creation of a position
3 of Assistant Deputy Secretary for Environment and
4 Resilience, which would broaden the responsibilities
5 and authorities of the Deputy Assistant Secretary
6 for Environment. The Secretary shall determine the
7 scope of duties for this position by evaluating which
8 defense activities outside of sustainment are im-
9 pacted by the threat of anticipated or unanticipated
10 changes in environmental conditions, or extreme
11 weather events. The Secretary shall also consider
12 whether the position of Assistant Deputy Secretary
13 for Environment and Resilience should—

14 (A) update and execute on the Department
15 of Defense’s 2014 Climate Change Adaptation
16 Roadmap;

17 (B) collaborate with other Assistant Dep-
18 uty Secretaries of Defense and Assistant Secre-
19 taries of Defense to develop recommendations
20 on how to factor climate risks into Department
21 of Defense policies; and

22 (C) undertake such other duties related to
23 environmental resilience as the Secretary may
24 determine appropriate.

1 (2) REPORT TO CONGRESS.—Not later than the
2 end of the 60-day period beginning on the date of
3 enactment of this Act, the Secretary shall issue a re-
4 port to the Congress containing all findings and de-
5 terminations made in carrying out the study re-
6 quired under paragraph (1).

7 (b) ESTABLISHMENT.—After issuing the report re-
8 quired under subsection (a), the Secretary shall establish
9 the position of Assistant Deputy Secretary for Environ-
10 ment and Resilience and delegate such duties to the posi-
11 tion as the Secretary determines appropriate, taking into
12 account the results of the study required under subsection
13 (a).

14 (c) ANNUAL REPORT.—The Assistant Deputy Sec-
15 retary for Environment and Resilience shall issue an an-
16 nual report to the Secretary of Defense and the Congress
17 containing a description of the actions taken by the Assist-
18 ant Deputy Secretary during the previous year.

19 **SEC. 1790. EXPANSION OF ELIGIBILITY FOR HUD-VASH.**

20 (a) HUD PROVISIONS.—Section 8(o)(19) of the
21 United States Housing Act of 1937 (42 U.S.C.
22 1437f(o)(19)) is amended by adding at the end the fol-
23 lowing new subparagraph:

24 “(D) VETERAN DEFINED.—In this para-
25 graph, the term ‘veteran’ has the meaning given

1 that term in section 2002(b) of title 38, United
2 States Code.”.

3 (b) VHA CASE MANAGERS.—Subsection (b) of sec-
4 tion 2003 of title 38, United States Code, is amended by
5 adding at the end the following: “In the case of vouchers
6 provided under the HUD–VASH program under section
7 8(o)(19) of such Act, for purposes of the preceding sen-
8 tence, the term ‘veteran’ shall have the meaning given
9 such term in section 2002(b) of this title.”.

10 (c) ANNUAL REPORTS.—

11 (1) IN GENERAL.—Not less frequently than
12 once each year, the Secretary of Veterans Affairs
13 shall submit to the Committee on Veterans’ Affairs
14 of the Senate and the Committee on Veterans’ Af-
15 fairs of the House of Representatives a report on the
16 homelessness services provided under programs of
17 the Department of Veterans Affairs, including serv-
18 ices under HUD–VASH program under section
19 8(o)(1) of the United States Housing Act of 1937
20 (42 U.S.C. 1437f(o)(19)).

21 (2) INCLUDED INFORMATION.—Each such an-
22 nual report shall include, with respect to the year
23 preceding the submittal of the report, a statement of
24 the number of eligible individuals who were fur-
25 nished such homelessness services and the number of

1 individuals furnished such services under each such
2 program, disaggregated by the number of men who
3 received such services and the number of women
4 who received such services, and such other informa-
5 tion as the Secretary considers appropriate.

6 **SEC. 1791. WAIVER AUTHORITY WITH RESPECT TO INSTITU-**
7 **TIONS LOCATED IN AN AREA AFFECTED BY**
8 **HURRICANE MARIA.**

9 (a) **WAIVER AUTHORITY.**—Notwithstanding any
10 other provision of law, unless enacted with specific ref-
11 erence to this section or section 392 of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1068a), for any affected
13 institution that was receiving assistance under title III of
14 such Act (20 U.S.C. 1051 et seq.) at the time of a covered
15 hurricane disaster, the Secretary of Education shall, for
16 each of the fiscal years 2020 through 2022 (and may, for
17 each of the fiscal years 2023 and 2024)—

18 (1) waive—

19 (A) the eligibility data requirements set
20 forth in section 391(d) of the Higher Education
21 Act of 1965 (20 U.S.C. 1068(d));

22 (B) the wait-out period set forth in section
23 313(d) of the Higher Education Act of 1965
24 (20 U.S.C. 1059(d));

1 (C) the allotment requirements under sec-
2 tion 324 of the Higher Education Act of 1965
3 (20 U.S.C. 1063); and

4 (D) the use of the funding formula devel-
5 oped pursuant to section 326(f)(3) of the High-
6 er Education Act of 1965 (20 U.S.C.
7 1063b(f)(3));

8 (2) waive or modify any statutory or regulatory
9 provision to ensure that affected institutions that
10 were receiving assistance under title III of the High-
11 er Education Act of 1965 (20 U.S.C. 1051 et seq.)
12 at the time of a covered hurricane disaster are not
13 adversely affected by any formula calculation for fis-
14 cal year 2020 or for any of the 4 succeeding fiscal
15 years, as necessary; and

16 (3) make available to each affected institution
17 an amount that is not less than the amount made
18 available to such institution under title III of the
19 Higher Education Act of 1965 (20 U.S.C. 1051 et
20 seq.) for fiscal year 2017, except that for any fiscal
21 year for which the funds appropriated for payments
22 under such title are less than the appropriated level
23 for fiscal year 2017, the amount made available to
24 such institutions shall be ratably reduced among the
25 institutions receiving funds under such title.

1 (b) DEFINITIONS.—In this section:

2 (1) AFFECTED INSTITUTION.—The term “af-
3 fected institution” means an institution of higher
4 education (as defined in section 101 of the Higher
5 Education Act of 1965 (20 U.S.C. 1001)) that—

6 (A) is—

7 (i) a part A institution (which term
8 shall have the meaning given the term “eli-
9 gible institution” under section 312(b) of
10 the Higher Education Act of 1965 (20
11 U.S.C. 1058(b))); or

12 (ii) a part B institution, as such term
13 is defined in section 322(2) of the Higher
14 Education Act of 1965 (20 U.S.C.
15 1061(2)), or as identified in section 326(e)
16 of such Act (20 U.S.C. 1063b(e));

17 (B) is located in a covered area affected by
18 a hurricane disaster; and

19 (C) is able to demonstrate that, as a result
20 of the impact of a covered hurricane disaster,
21 the institution—

22 (i) incurred physical damage;

23 (ii) has pursued collateral source com-
24 pensation from insurance, the Federal
25 Emergency Management Agency, and the

1 Small Business Administration, as appropriate; and

2
3 (iii) was not able to fully reopen in existing facilities or to fully reopen to the
4 pre-hurricane enrollment levels during the
5 30-day period beginning on September 7,
6 2017.
7

8 (2) COVERED AREA AFFECTED BY A HURRICANE DISASTER.—The term “covered area affected
9 by a hurricane disaster” means an area for which
10 the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5170) as
12 a result of Hurricane Maria.
13
14

15 (3) COVERED HURRICANE DISASTER.—The
16 term “covered hurricane disaster” means a major
17 disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act (42
19 U.S.C. 5170), and that was caused by Hurricane
20 Maria or Hurricane Irma.
21

22 **SEC. 1792. CREDIT MONITORING.**

23 Section 605A(k) of the Fair Credit Reporting Act (15
24 U.S.C. 1681c–1(k)) is amended by striking paragraph (4).

1 **SEC. 1793. DEPARTMENT OF HOMELAND SECURITY CISA DI-**
2 **RECTOR TERM LIMITATION.**

3 (a) IN GENERAL.—Subsection (b) of section 2202 of
4 the Homeland Security Act of 2002 (6 U.S.C. 652) is
5 amended by—

6 (1) redesignating paragraph (2) as paragraph
7 (4); and

8 (2) inserting after paragraph (1) the following
9 new paragraphs:

10 “(2) QUALIFICATIONS.—

11 “(A) IN GENERAL.—The Director shall be
12 appointed from among individuals who have—

13 “(i) extensive knowledge in at least
14 two of the areas specified in subparagraph
15 (B); and

16 “(ii) not fewer than 5 years of dem-
17 onstrated experience in efforts to foster co-
18 ordination and collaboration between the
19 Federal Government, the private sector,
20 and other entities on issues related to cy-
21 bersecurity, infrastructure security, or se-
22 curity risk management.

23 “(B) SPECIFIED AREAS.—The areas speci-
24 fied in this subparagraph are the following:

25 “(i) Cybersecurity.

26 “(ii) Infrastructure security.

1 “(iii) Security risk management.

2 “(3) TERM.—Effective with respect to an indi-
3 vidual appointed to be the Director by the President,
4 by and with the advice and consent of the Senate,
5 after the date of the enactment of this paragraph,
6 the term of office of such an individual so appointed
7 shall be 5 years, and such an individual may not
8 serve more than two terms. The term of office of the
9 individual serving as the Director as of such date of
10 enactment shall be 5 years beginning on the date on
11 which the Director began serving.”.

12 (b) CHANGE OF TITLE OF ASSISTANT DIRECTOR TO
13 EXECUTIVE ASSISTANT DIRECTOR.—

14 (1) CYBERSECURITY DIVISION.—Section 2203
15 of the Homeland Security Act of 2002 (6 U.S.C.
16 653) is amended—

17 (A) in subsection (a)—

18 (i) in the heading for paragraph (2),
19 by striking “ASSISTANT DIRECTOR” and
20 inserting “EXECUTIVE ASSISTANT DIREC-
21 TOR”; and

22 (ii) in paragraph (2), by striking “As-
23 sistant Director for Cybersecurity (in this
24 section referred to as the ‘Assistant Direc-
25 tor’)” and inserting “Executive Assistant

1 Director for Cybersecurity (in this section
2 referred to as the ‘Executive Assistant Di-
3 rector’)); and

4 (B) by striking “Assistant Director” each
5 place it appears and inserting “Executive As-
6 sistant Director”.

7 (2) INFRASTRUCTURE SECURITY DIVISION.—
8 Section 2204 of the Homeland Security Act of 2002
9 (6 U.S.C. 654) is amended—

10 (A) in subsection (a)—

11 (i) in the heading for paragraph (2),
12 by striking “ASSISTANT DIRECTOR” and
13 inserting “EXECUTIVE ASSISTANT DIREC-
14 TOR”; and

15 (ii) in paragraph (2), by striking “As-
16 sistant Director for Infrastructure Security
17 (in this section referred to as the ‘Assist-
18 ant Director’))” and inserting “Executive
19 Assistant Director for Infrastructure Secu-
20 rity (in this section referred to as the ‘Ex-
21 ecutive Assistant Director’)); and

22 (B) by striking “Assistant Director” each
23 place it appears and inserting “Executive As-
24 sistant Director”.

1 (c) AMENDMENT RELATING TO QUALIFICATIONS FOR
2 CERTAIN CISA EXECUTIVE ASSISTANT DIRECTORS.—
3 The Homeland Security Act of 2002 is amended—

4 (1) in subparagraph (B) of section 2203(a)(2)
5 (6 U.S.C. 653(a)(2)), by striking “President without
6 the advice and consent of the Senate” and inserting
7 “Secretary”; and

8 (2) in subparagraph (B) of section 2204(a)(2)
9 (6 U.S.C. 654(a)(2)), by striking “President without
10 the advice and consent of the Senate” and inserting
11 “Secretary”.

12 (d) AMENDMENT TO POSITION LEVEL OF CISA DI-
13 RECTOR.—Subchapter II of chapter 53 of title 5, United
14 States Code, is amended—

15 (1) in section 5313, by inserting after “Admin-
16 istrator of the Transportation Security Administra-
17 tion.” the following:

18 “Director, Cybersecurity and Infrastructure Se-
19 curity Agency.”; and

20 (2) in section 5314, by striking “Director, Cy-
21 bersecurity and Infrastructure Security Agency.”.

22 **SEC. 1794. WORKFORCE ISSUES FOR MILITARY REALIGN-**
23 **MENTS IN THE PACIFIC.**

24 Section 6(b)(1)(B)(i) of the Joint Resolution entitled
25 “A Joint Resolution to approve the ‘Covenant To Estab-

lish a Commonwealth of the Northern Mariana Islands in
Political Union With the United States of America’, and
for other purposes”, approved March 24, 1976 (48 U.S.C.
1806(b)(1)(B)(i) is amended—

(1) by striking “contact” and inserting “con-
tract”;

(2) by inserting “supporting,” after “connected
to,”;

(3) by striking “or” before “associated with”;

(4) by inserting “or adversely affected by” after
“associated with,”; and

(5) by inserting “, with priority given to feder-
ally funded military projects” after “and in the
Commonwealth”.

**SEC. 1795. INCLUSION ON THE VIETNAM VETERANS MEMO-
RIAL WALL OF THE NAMES OF THE LOST
CREW MEMBERS OF THE U.S.S. FRANK E.
EVANS KILLED ON JUNE 3, 1969.**

(a) IN GENERAL.—Not later than 1 year after the
date of enactment of this Act, the Secretary of Defense
shall authorize the inclusion on the Vietnam Veterans Me-
morial Wall in the District of Columbia of the names of
the 74 crew members of the U.S.S. Frank E. Evans killed
on June 3, 1969.

1 (b) REQUIRED CONSULTATION.—The Secretary of
2 Defense shall consult with the Secretary of the Interior,
3 the American Battlefield Monuments Commission, and
4 other applicable authorities with respect to any adjust-
5 ments to the nomenclature and placement of names pursu-
6 ant to subsection (a) to address any space limitations on
7 the placement of additional names on the Vietnam Vet-
8 erans Memorial Wall.

9 (c) NONAPPLICABILITY OF COMMEMORATIVE WORKS
10 ACT.—Chapter 89 of title 40, United States Code (com-
11 monly known as the “Commemorative Works Act”), shall
12 not apply to any activities carried out under subsection
13 (a) or (b).

14 **SEC. 1796. STUDY ON VIABILITY OF SEAWATER MINING FOR**
15 **CRITICAL MINERALS.**

16 (a) FINDING.—The Congress finds that—

17 (1) extracting minerals from seawater has the
18 potential to provide a domestic source for minerals
19 that are critical to the defense industrial base of the
20 United States, which would reduce the dependence
21 of the United States on imports of the minerals
22 while strengthening the national security and the de-
23 fense industrial base of the United States;

1 (2) the cost of extracting uranium from sea-
2 water has dropped significantly to nearly \$400 per
3 kilogram; and

4 (3) extracting uranium from seawater is an en-
5 vironmentally friendly, emerging technology solution
6 that has the potential to transform how uranium is
7 extracted.

8 (b) STUDY.—Within 60 days after the date of the en-
9 actment of this Act, the Secretary of Defense, in consulta-
10 tion with the head of any other relevant Federal agency
11 and relevant stakeholders, shall conduct a study of the via-
12 bility of extracting minerals, such as uranium, that are
13 critical to the defense industrial base of the United States,
14 from seawater.

15 (c) REPORT.—Within 1 year after the date of the en-
16 actment of this Act, the Secretary of Defense shall submit
17 to the Committee on Armed Services and the Committee
18 on Science, Space, and Technology of the House of Rep-
19 resentatives and the Committee on Armed Services and
20 the Committee on Environment and Public Works of the
21 Senate a written report which contains the results of the
22 study required by subsection (b).

23 **SEC. 1797. RESTRICTIONS ON CONFUCIUS INSTITUTES.**

24 (a) RESTRICTIONS ON CONFUCIUS INSTITUTES.—An
25 institution of higher education or other postsecondary edu-

1 cational institution (referred to in this section as an “insti-
2 tution”) shall not be eligible to receive Federal funds from
3 the Department of Defense, other than educational assist-
4 ance funds that are provided directly to students, unless—

5 (1) the institution submits any contract or
6 agreement between the institution and a Confucius
7 Institute to the National Academies of Sciences, En-
8 gineering, and Medicine; and

9 (2) the National Academies of Sciences, Engi-
10 neering, and Medicine issues a written determination
11 that the contract or agreement includes clear provi-
12 sions that—

13 (A) protect academic freedom at the insti-
14 tution;

15 (B) prohibit the application of any foreign
16 law on any campus of the institution; and

17 (C) grant full managerial authority of the
18 Confucius Institute to the institution, including
19 full control over what is being taught, the ac-
20 tivities carried out, the research grants that are
21 made, and who is employed at the Confucius
22 Institute.

23 (b) CONFUCIUS INSTITUTE DEFINED.—In this sec-
24 tion, the term “Confucius Institute” means a cultural in-

1 stitute directly or indirectly funded by the Government of
2 the People's Republic of China.

3 (c) FUNDING.—

4 (1) INCREASE.—Notwithstanding the amounts
5 set forth in the funding tables in division D, the
6 amount authorized to be appropriated in section 201
7 for research, development, test, and evaluation, as
8 specified in the corresponding funding table in sec-
9 tion 4201, for research, development, test, and eval-
10 uation, Defense-wide, basic research, basic research
11 initiatives (PE 0601110D8Z), line 003 is hereby in-
12 creased by \$1,000,000 (to be used in support of the
13 National Academies of Sciences, Engineering, and
14 Medicine assessments under subsection (a)).

15 (2) OFFSET.—Notwithstanding the amounts set
16 forth in the funding tables in division D, the amount
17 authorized to be appropriated in section 301 for op-
18 eration and maintenance as specified in the cor-
19 responding funding table in section 4301, for oper-
20 ation and maintenance, Defense-wide, admin &
21 servicewide activities, Defense Information Systems
22 Agency, line 280 is hereby reduced by \$1,000,000.

1 **SEC. 1798. DISCLOSURE REQUIREMENT.**

2 (a) IN GENERAL.—Section 104 of the Sarbanes-
3 Oxley Act of 2002 (15 U.S.C. 7214) is amended by adding
4 at the end the following:

5 “(i) DISCLOSURE REGARDING FOREIGN JURISDIC-
6 TIONS THAT PREVENT INSPECTIONS.—

7 “(1) DEFINITIONS.—In this subsection—

8 “(A) the term ‘covered issuer’ means an
9 issuer that is required to file reports under sec-
10 tion 13 or 15(d) of the Securities Exchange Act
11 of 1934 (15 U.S.C. 78m, 78o(d)); and

12 “(B) the term ‘non-inspection year’ means,
13 with respect to a covered issuer, a year—

14 “(i) during which the Commission
15 identifies the covered issuer under para-
16 graph (2)(A) with respect to every report
17 described in subparagraph (A) filed by the
18 covered issuer during that year; and

19 “(ii) that begins after the date of en-
20 actment of this subsection.

21 “(2) DISCLOSURE TO COMMISSION.—The Com-
22 mission shall—

23 “(A) identify each covered issuer that, with
24 respect to the preparation of the audit report
25 on the financial statement of the covered issuer
26 that is included in a report described in para-

graph (1)(A) filed by the covered issuer, retains a registered public accounting firm that has a branch, office, or affiliate that—

“(i) is located in a foreign jurisdiction;

“(ii) performs more than one-third of the audit services for the audit report of the covered issuer; and

“(iii) the Board is unable to inspect or investigate completely because of a position taken by an authority in the foreign jurisdiction described in clause (i), as determined by the Board; and

“(B) require each covered issuer identified under subparagraph (A) to, in accordance with rules issued by the Commission, submit to the Commission documentation to determine whether the covered issuer is owned or controlled by a governmental entity in the foreign jurisdiction described in subparagraph (A)(i).

“(3) TRADING PROHIBITION AFTER 3 YEARS OF NON-INSPECTIONS.—

“(A) IN GENERAL.—If the Commission determines that a covered issuer has 3 consecutive non-inspection years, the Commission shall pro-

hibit the securities of the covered issuer from
being traded—

“(i) on a national securities exchange;

or

“(ii) through any other method that is
within the jurisdiction of the Commission
to regulate, including through the method
of trading that is commonly referred to as
the ‘over-the-counter’ trading of securities.

“(B) REMOVAL OF INITIAL PROHIBI-
TION.—If, after the Commission imposes a pro-
hibition on a covered issuer under subpara-
graph (A), the covered issuer certifies to the
Commission that the covered issuer has re-
tained a registered public accounting firm that
the Board has inspected under this section to
the satisfaction of the Commission, the Com-
mission shall end that prohibition.

“(C) RECURRENCE OF NON-INSPECTION
YEARS.—If, after the Commission ends a prohi-
bition under subparagraph (B) or (D) with re-
spect to a covered issuer, the Commission deter-
mines that the covered issuer has a non-inspec-
tion year, the Commission shall prohibit the se-

curities of the covered issuer from being traded—

“(i) on a national securities exchange;
or

“(ii) through any other method that is within the jurisdiction of the Commission to regulate, including through the method of trading that is commonly referred to as the ‘over-the-counter’ trading of securities.

“(D) REMOVAL OF SUBSEQUENT PROHIBITION.—If, after the end of the 5-year period beginning on the date on which the Commission imposes a prohibition on a covered issuer under subparagraph (C), the covered issuer certifies to the Commission that the covered issuer will retain a registered public accounting firm that the Board is able to inspect and investigate, the Commission shall end that prohibition.”.

(b) ADDITIONAL DISCLOSURE.—

(1) DEFINITIONS.—In this section—

(A) the term “audit report” has the meaning given the term in section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a));

(B) the term “Commission” means the Securities and Exchange Commission;

1 (C) the term “covered form”—

2 (i) means—

3 (I) the form described in section
4 249.310 of title 17, Code of Federal
5 Regulations, or any successor regula-
6 tion; and

7 (II) the form described in section
8 249.220f of title 17, Code of Federal
9 Regulations, or any successor regula-
10 tion; and

11 (ii) includes a form that—

12 (I) is the equivalent of, or sub-
13 stantially similar to, the form de-
14 scribed in subclause (I) or (II) of
15 clause (i); and

16 (II) a foreign issuer files with the
17 Commission under the Securities Ex-
18 change Act of 1934 (15 U.S.C. 78a et
19 seq.) or rules issued under that Act;

20 (D) the terms “covered issuer” and “non-
21 inspection year” have the meanings given the
22 terms in subsection (i)(1) of section 104 of the
23 Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214),
24 as added by subsection (a) of this section; and

1 (E) the term “foreign issuer” has the
2 meaning given the term in section 240.3b–4 of
3 title 17, Code of Federal Regulations, or any
4 successor regulation.

5 (2) REQUIREMENT.—Each covered issuer that
6 is a foreign issuer and for which, during a non-in-
7 spection year with respect to the covered issuer, a
8 registered public accounting firm described in sub-
9 section (i)(2)(A) of section 104 of the Sarbanes-
10 Oxley Act of 2002 (15 U.S.C. 7214), as added by
11 subsection (a) of this section, has prepared an audit
12 report shall disclose in each covered form filed by
13 that issuer that covers such a non-inspection year—

14 (A) that, during the period covered by the
15 covered form, such a registered public account-
16 ing firm has prepared an audit report for the
17 issuer;

18 (B) the percentage of the shares of the
19 issuer owned by governmental entities in the
20 foreign jurisdiction in which the issuer is incor-
21 porated or otherwise organized;

22 (C) whether governmental entities in the
23 applicable foreign jurisdiction with respect to
24 that registered public accounting firm have a

1 controlling financial interest with respect to the
2 issuer;

3 (D) the name of each official of the Chi-
4 nese Communist Party who is a member of the
5 board of directors of—

6 (i) the issuer; or

7 (ii) the operating entity with respect
8 to the issuer; and

9 (E) whether the articles of incorporation of
10 the issuer (or equivalent organizing document)
11 contains any charter of the Chinese Communist
12 Party, including the text of any such charter.

13 (c) RULEMAKING.—Not later than 90 days after the
14 date of enactment of this Act, the Commission shall issue
15 rules to implement this section, and the amendments made
16 by this section, consistent with the Commission’s mandate,
17 including—

18 (1) the protection of investors; and

19 (2) maintaining fair, orderly, and efficient mar-
20 kets.

1 **SEC. 1799. INCREASED REALISM AND TRAINING EFFEC-**
2 **TIVENESS FOR AIRBORNE ANTI-SUBMARINE**
3 **WARFARE TRAINING AT OFFSHORE TRAINING**
4 **RANGES.**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 provide for greater training effectiveness for aircrews by
7 procuring contract services that will realistically simulate
8 real-world, manned submersible, diesel-powered vessels
9 that are very similar to third-world and near-peer adver-
10 saries.

11 (b) GOALS AND BEST PRACTICES.—In carrying out
12 subsection (a), the Secretary shall apply the following
13 goals and best practices:

14 (1) Provide for on-demand services available on
15 training range scheduling services within 3 days of
16 training exercises.

17 (2) Meet the demand for scalable, highly rel-
18 evant, and robust training assets for use by fixed
19 and rotary-wing Navy anti-submarine communities
20 on both coasts.

21 (3) Minimize the use of foreign naval vessels,
22 reserving them only for large, joint and allied exer-
23 cises.

24 (4) Ensure that such vessels are classed for use
25 on sea-based ranges and equipped for safe operation

1 with United States naval air, surface, and submarine
2 forces.

3 **SEC. 1800. REVIEW OF USE OF INNOVATIVE WOOD PROD-**
4 **UCT TECHNOLOGY.**

5 (a) IN GENERAL.—The Secretary of Defense, in col-
6 laboration with the Secretary of Agriculture, shall review
7 the potential to incorporate innovative wood product tech-
8 nologies (such as mass timber and cellulose nanomate-
9 rials) in constructing or renovating facilities owned or
10 managed by the Department of Defense.

11 (b) REPORT.—Not later than 180 days after the date
12 of enactment of this Act, the Secretary of Defense shall
13 submit to the Committee on Armed Services and the Com-
14 mittee on Agriculture of the House of Representatives and
15 the Committee on Armed Services and the Committee on
16 Agriculture, Nutrition, and Forestry of the Senate a re-
17 port that—

18 (1) includes the findings of the review required
19 under subsection (a); and

20 (2) identifies any barriers to incorporating inno-
21 vative wood product technologies (such as mass tim-
22 ber and cellulose nanomaterials) in constructing or
23 renovating facilities owned or managed by the De-
24 partment of Defense.

1 **SEC. 1801. STRATEGY TO INCREASE PARTICIPATION IN**
2 **INTERNATIONAL MILITARY EDUCATION AND**
3 **TRAINING PROGRAMS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of the enactment of this Act the Secretary of State,
6 in coordination with the Secretary of Defense, shall submit
7 to the appropriate congressional committees a plan to in-
8 crease the number of foreign female participants receiving
9 training under the International Military Education and
10 Training program authorized under chapter 5 of part II
11 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347
12 et seq.) and any other military exchange program offered
13 to foreign participants, with the goal of doubling such par-
14 ticipation over the 10-year period beginning on the date
15 of the enactment of this Act.

16 (b) INTERIM PROGRESS REPORTS.—Not later than
17 2 years after the date of the submission of the plan re-
18 quired by subsection (a), and every 2 years thereafter until
19 the end of the 10-year period beginning on the date of
20 the enactment of this Act, the Secretary of State, in co-
21 ordination with the Secretary of Defense, shall submit to
22 the appropriate congressional committees a report that in-
23 cludes the most recently available data on foreign female
24 participation in activities conducted under the Inter-
25 national Military Education and Training program and
26 any other military exchange programs and describes the

1 manner and extent to which the goal described in sub-
2 section (a) has been achieved as of the date of the submis-
3 sion of the report.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congres-
6 sional committees” means—

7 (1) the Committee on Armed Services and the
8 Committee on Foreign Affairs of the House of Rep-
9 resentatives; and

10 (2) the Committee on Armed Services and the
11 Committee on Foreign Relations of the Senate.

12 **SEC. 1802. ESTABLISHMENT OF OFFICE OF CYBER ENGAGE-**
13 **MENT OF THE DEPARTMENT OF VETERANS**
14 **AFFAIRS.**

15 (a) ESTABLISHMENT.—Chapter 3 of title 38, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 324. Office of Cyber Engagement**

19 “(a) ESTABLISHMENT.—There is established in the
20 Department an office to be known as the ‘Office of Cyber
21 Engagement’ (in this section referred to as the ‘Office’).

22 “(b) HEAD OF OFFICE.—(1) The head of the Office
23 shall be known as the ‘Director of Cyber Engagement’ (in
24 this section referred to as the ‘Director’).

1 “(2) The Director shall be responsible for the func-
2 tions of the Office and appointed by the Secretary in the
3 Senior Executive Service.

4 “(3) The Director shall report to the Deputy Sec-
5 retary or Secretary.

6 “(c) FUNCTIONS.—The functions of the Office are
7 the following:

8 “(1) To address cyber risks (including identity
9 theft) to veterans, their families, caregivers, and sur-
10 vivors.

11 “(2) To develop, promote, and disseminate in-
12 formation and best practices regarding such cyber
13 risks.

14 “(3) To coordinate with the Cybersecurity and
15 Infrastructure Agency of the Department of Home-
16 land Security and other Federal agencies.

17 “(4) Other functions determined by the Sec-
18 retary.

19 “(d) RESOURCES.—The Secretary shall ensure that
20 appropriate personnel, funding, and other resources are
21 provided to the Office to carry out its responsibilities.

22 “(e) INCLUSION OF INFORMATION ON OFFICE IN AN-
23 NUAL REPORT ON DEPARTMENT ACTIVITIES.—The Sec-
24 retary shall include in each annual Performance and Ac-
25 countability report submitted by the Secretary to Congress

1 a description of the activities of the Office during the fiscal
2 year covered by such report.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 the following:

“324. Office of Cyber Engagement.”.

6 (c) DEADLINE.—The Secretary of Veterans Affairs
7 shall establish the Office of Cyber Engagement under sec-
8 tion 324 of such title, as added by subsection (a), not later
9 than 90 days after the date of the enactment of this Act.

10 (d) REPORTING.—Not later than 180 days after the
11 date of the enactment of this Act and thrice semiannually
12 thereafter, the Secretary of Veterans Affairs shall submit
13 to the Committees on Veterans’ Affairs of the Senate and
14 House of Representatives a report regarding the progress
15 of the Office of Cyber Engagement established under sec-
16 tion 324 of such title, as added by subsection (a). Each
17 report shall include the following:

18 (1) The number of individuals assisted by the
19 Office of Cyber Engagement.

20 (2) The results of any assessments conducted
21 by the Office.

22 (3) Progress in convening the working group
23 described in subsection (c)(3) of such section.

24 (4) Other matters the Secretary determines ap-
25 propriate.

1 **SEC. 1803. CERTIFIED NOTICE AT COMPLETION OF AN AS-**
 2 **SESSMENT.**

3 (a) IN GENERAL.—Section 721(b)(3) of the Defense
 4 Production Act of 1950 (50 U.S.C. 4565(b)(3)) is amend-
 5 ed—

6 (1) in subparagraph (A)—

7 (A) in the heading, by adding “OR ASSESS-
 8 MENT” at the end; and

9 (B) by striking “subsection (b) that con-
 10 cludes action under this section” and inserting
 11 “this subsection that concludes action under
 12 this section, or upon the Committee making a
 13 notification under paragraph
 14 (1)(C)(v)(III)(aa)(DD)”; and

15 (2) in subparagraph (C)(i)—

16 (A) in subclause (I), by striking “and” at
 17 the end;

18 (B) in subclause (II), by striking the pe-
 19 riod at the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(III) whether the transaction is
 22 described under clause (i), (ii), (iii),
 23 (iv), or (v) of subsection (a)(4)(B).”.

24 (b) TECHNICAL CORRECTIONS.—

1 (1) IN GENERAL.—Section 1727(a) of the For-
2 eign Investment Risk Review Modernization Act of
3 2018 (Public Law 115–232) is amended—

4 (A) in paragraph (3), by striking
5 “(4)(C)(v)” and inserting “(4)(F)”; and

6 (B) in paragraph (4), by striking “sub-
7 paragraph (B)” and inserting “subparagraph
8 (C)”.

9 (2) EFFECTIVE DATE.—The amendments under
10 paragraph (1) shall take effect on the date of enact-
11 ment of the Foreign Investment Risk Review Mod-
12 ernization Act of 2018.

13 **SEC. 1804. DEPARTMENT OF HOMELAND SECURITY ACQUI-**
14 **SITION DOCUMENTATION.**

15 (a) IN GENERAL.—Title VII of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
17 adding at the end the following new section:

18 **“SEC. 711. ACQUISITION DOCUMENTATION.**

19 “(a) IN GENERAL.—For each major acquisition pro-
20 gram, the Secretary, acting through the Under Secretary
21 for Management, shall require the head of a relevant com-
22 ponent or office to—

23 “(1) maintain acquisition documentation that is
24 complete, accurate, timely, and valid, and that in-
25 cludes, at a minimum—

1 “(A) operational requirements that are
2 validated consistent with departmental policy
3 and changes to such requirements, as appropriate;
4

5 “(B) a complete lifecycle cost estimate
6 with supporting documentation;

7 “(C) verification of such lifecycle cost estimate
8 against independent cost estimates, and
9 reconciliation of any differences;

10 “(D) a cost-benefit analysis with supporting
11 documentation;

12 “(E) an integrated master schedule with
13 supporting documentation;

14 “(F) plans for conducting systems engineering
15 reviews and test and evaluation activities
16 throughout development to support production
17 and deployment decisions;

18 “(G) an acquisition plan that outlines the
19 procurement approach, including planned contracting
20 vehicles;

21 “(H) a logistics and support plan for operating
22 and maintaining deployed capabilities
23 until such capabilities are disposed of or retired;
24 and

1 “(I) an acquisition program baseline that
2 is traceable to the program’s operational re-
3 quirements under subparagraph (A), life-cycle
4 cost estimate under subparagraph (B), and in-
5 tegrated master schedule under subparagraph
6 (E).

7 “(2) prepare cost estimates and schedules for
8 major acquisition programs, as required under sub-
9 paragraphs (B) and (E), in a manner consistent
10 with best practices as identified by the Comptroller
11 General of the United States;

12 “(3) ensure any revisions to the acquisition doc-
13 umentation maintained pursuant to paragraph (1)
14 are reviewed and approved in accordance with de-
15 partmental policy; and

16 “(4) submit certain acquisition documentation
17 to the Secretary to produce for submission to Con-
18 gress an annual comprehensive report on the status
19 of departmental acquisitions.

20 “(b) WAIVER.—On a case-by-case basis with respect
21 to any major acquisition program under this section, the
22 Secretary may waive the requirement under paragraph (3)
23 of subsection (a) for a fiscal year if either—

24 “(1) such program has not—

1 “(A) entered the full rate production phase
2 in the acquisition lifecycle;

3 “(B) had a reasonable cost estimate estab-
4 lished; and

5 “(C) had a system configuration defined
6 fully; or

7 “(2) such program does not meet the definition
8 of capital asset, as such term is defined by the Di-
9 rector of the Office of Management and Budget.

10 “(c) CONGRESSIONAL OVERSIGHT.—At the same
11 time the President’s budget is submitted for a fiscal year
12 under section 1105(a) of title 31, United States Code, the
13 Secretary shall make information available, as applicable,
14 to the Committee on Homeland Security of the House of
15 Representatives and the Committee on Homeland Security
16 and Governmental Affairs of the Senate regarding the re-
17 quirement described in subsection (a) in the prior fiscal
18 year that includes the following specific information re-
19 garding each major acquisition program for which the Sec-
20 retary has issued a waiver under subsection (b):

21 “(1) The grounds for granting a waiver for
22 such program.

23 “(2) The projected cost of such program.

1 “(3) The proportion of a component’s or office’s
2 annual acquisition budget attributed to such pro-
3 gram, as available.

4 “(4) Information on the significance of such
5 program with respect to the component’s or office’s
6 operations and execution of its mission.

7 “(d) DEFINITIONS.—In this section:

8 “(1) ACQUISITION PROGRAM BASELINE.—The
9 term ‘acquisition program baseline’, with respect to
10 an acquisition program, means a summary of the
11 cost, schedule, and performance parameters, ex-
12 pressed in standard, measurable, quantitative terms,
13 which shall be met to accomplish the goals of such
14 program.

15 “(2) MAJOR ACQUISITION PROGRAM.—The term
16 ‘major acquisition program’ means a Department
17 acquisition program that is estimated by the Sec-
18 retary to require an eventual total expenditure of at
19 least \$300 million (based on fiscal year 2019 con-
20 stant dollars) over its lifecycle cost.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002 (6
23 U.S.C. 101 et seq.) is amended by adding after the item
24 related to section 710 the following new item:

 “Sec. 711. Acquisition documentation.”.

1 **SEC. 1805. LARGE-SCALE NON-INTRUSIVE INSPECTION**
2 **SCANNING PLAN.**

3 (a) DEFINITIONS.—In this section:

4 (1) LARGE-SCALE NON-INTRUSIVE INSPECTION
5 SYSTEM.—The term “large-scale, non-intrusive in-
6 spection system” means a technology, including x-
7 ray, gamma-ray, and passive imaging systems, capa-
8 ble of producing an image of the contents of a com-
9 mercial or passenger vehicle or freight rail car in 1
10 pass of such vehicle or car.

11 (2) SCANNING.—The term “scanning” means
12 utilizing nonintrusive imaging equipment, radiation
13 detection equipment, or both, to capture data, in-
14 cluding images of a commercial or passenger vehicle
15 or freight rail car.

16 (b) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Home-
18 land Security shall submit a plan to the Committee on
19 Homeland Security and Governmental Affairs of the Sen-
20 ate and the Committee on Homeland Security of the
21 House of Representatives for increasing to 100 percent
22 the rate of high-throughput scanning of commercial and
23 passenger vehicles and freight rail traffic entering the
24 United States at land ports of entry and rail-border cross-
25 ings along the border using large-scale non-intrusive in-

1 spection systems or similar technology to enhance border
2 security.

3 (c) BASELINE INFORMATION.—The plan under sub-
4 section (b) shall include, at a minimum, the following in-
5 formation regarding large-scale non-intrusive inspection
6 systems or similar technology operated by U.S. Customs
7 and Border Protection at land ports of entry and rail-bor-
8 der crossings as of the date of the enactment of this Act:

9 (1) An inventory of large-scale non-intrusive in-
10 spection systems or similar technology in use at each
11 land port of entry.

12 (2) For each system or technology identified in
13 the inventory under paragraph (1)—

14 (A) the scanning method of such system or
15 technology;

16 (B) the location of such system or tech-
17 nology at each land port of entry that specifies
18 whether in use in pre-primary, primary, or sec-
19 ondary inspection area, or some combination of
20 such areas;

21 (C) the percentage of commercial and pas-
22 senger vehicles and freight rail traffic scanned
23 by such system or technology;

1 (D) seizure data directly attributed to
2 scanned commercial and passenger vehicles and
3 freight rail traffic; and

4 (E) the number of personnel required to
5 operate each system or technology.

6 (3) Information regarding the continued use of
7 other technology and tactics used for scanning, such
8 as canines and human intelligence in conjunction
9 with large scale, nonintrusive inspection systems.

10 (d) ELEMENTS.—The plan under subsection (b) shall
11 include the following information:

12 (1) Benchmarks for achieving incremental
13 progress towards 100 percent high-throughput scan-
14 ning within the next 6 years of commercial and pas-
15 senger vehicles and freight rail traffic entering the
16 United States at land ports of entry and rail-border
17 crossings along the border with corresponding pro-
18 jected incremental improvements in scanning rates
19 by fiscal year and rationales for the specified time-
20 frames for each land port of entry.

21 (2) Estimated costs, together with an acquisi-
22 tion plan, for achieving the 100 percent high-
23 throughput scanning rate within the timeframes
24 specified in paragraph (1), including acquisition, op-
25 erations, and maintenance costs for large-scale, non-

1 intrusive inspection systems or similar technology,
2 and associated costs for any necessary infrastructure
3 enhancements or configuration changes at each port
4 of entry. Such acquisition plan shall promote, to the
5 extent practicable, opportunities for entities that
6 qualify as small business concerns (as defined under
7 section 3(a) of the Small Business Act (15 U.S.C.
8 632(a)).

9 (3) Any projected impacts, as identified by the
10 Commissioner of U.S. Customs and Border Protec-
11 tion, on the total number of commercial and pas-
12 senger vehicles and freight rail traffic entering at
13 land ports of entry and rail-border crossings where
14 such systems are in use, and average wait times at
15 peak and non-peak travel times, by lane type if ap-
16 plicable, as scanning rates are increased.

17 (4) Any projected impacts, as identified by the
18 Commissioner of U.S. Customs and Border Protec-
19 tion, on land ports of entry and rail-border crossings
20 border security operations as a result of implementa-
21 tion actions, including any changes to the number of
22 U.S. Customs and Border Protection officers or
23 their duties and assignments.

24 (e) ANNUAL REPORT.—Not later than 1 year after
25 the submission of the plan under subsection (b), and bien-

1 nially thereafter for the following 6 years, the Secretary
2 of Homeland Security shall submit a report to the Com-
3 mittee on Homeland Security and Governmental Affairs
4 of the Senate and the Committee on Homeland Security
5 of the House of Representatives that describes the
6 progress implementing the plan and includes—

7 (1) an inventory of large-scale, nonintrusive in-
8 spection systems or similar technology operated by
9 U.S. Customs and Border Protection at each land
10 port of entry;

11 (2) for each system or technology identified in
12 the inventory required under paragraph (1)—

13 (A) the scanning method of such system or
14 technology;

15 (B) the location of such system or tech-
16 nology at each land port of entry that specifies
17 whether in use in pre-primary, primary, or sec-
18 ondary inspection area, or some combination of
19 such areas;

20 (C) the percentage of commercial and pas-
21 senger vehicles and freight rail traffic scanned
22 by such system or technology; and

23 (D) seizure data directly attributed to
24 scanned commercial and passenger vehicles and
25 freight rail traffic;

1 (3) the total number of commercial and pas-
2 senger vehicles and freight rail traffic entering at
3 each land port of entry at which each system or
4 technology is in use, and information on average
5 wait times at peak and non-peak travel times, by
6 lane type if applicable;

7 (4) a description of the progress towards reach-
8 ing the benchmarks referred to in subsection (d)(1),
9 and an explanation if any of such benchmarks are
10 not achieved as planned;

11 (5) a comparison of actual costs (including in-
12 formation on any awards of associated contracts) to
13 estimated costs set forth in subsection (d)(2);

14 (6) any realized impacts, as identified by the
15 Commissioner of U.S. Customs and Border Protec-
16 tion, on land ports of entry and rail-border crossings
17 operations as a result of implementation actions, in-
18 cluding any changes to the number of U.S. Customs
19 and Border Protection officers or their duties and
20 assignments;

21 (7) any proposed changes to the plan and an
22 explanation for such changes, including changes
23 made in response to any Department of Homeland
24 Security research and development findings or

1 changes in terrorist or transnational criminal organi-
2 zations tactics, techniques, or procedures; and

3 (8) any challenges to implementing the plan or
4 meeting the benchmarks, and plans to mitigate any
5 such challenges.

6 **SEC. 1806. NATIONAL SUPPLY CHAIN DATABASE.**

7 (a) ESTABLISHMENT OF NATIONAL SUPPLY CHAIN
8 DATABASE.—Subject to the availability of funds as au-
9 thorized under subsection (3), the Director of the National
10 Institute of Standards and Technology (referred to in this
11 Act as the “NIST”) shall establish a National Supply
12 Chain Database that will assist the Nation in minimizing
13 disruptions in the supply chain by having an assessment
14 of United States manufacturers’ capabilities.

15 (b) CONNECTIONS WITH STATE MANUFACTURING
16 EXTENSION PARTNERSHIP.—

17 (1) IN GENERAL.—The infrastructure for the
18 National Supply Chain Database shall be created
19 through the Hollings Manufacturing Extension Part-
20 nership (MEP) program of the National Institute of
21 Standards and Technology by connecting the Hol-
22 lings Manufacturing Extension Partnerships Centers
23 through the National Supply Chain Database.

24 (2) NATIONAL VIEW.—The connection provided
25 through the National Supply Chain Database shall

1 provide a national view of the supply chain and en-
2 able the National Institute of Standards and Tech-
3 nology to understand whether there is a need for
4 some manufacturers to retool in some key areas to
5 meet the need of urgent products, such as defense
6 supplies, food, and medical devices, including per-
7 sonal protective equipment.

8 (3) INDIVIDUAL STATE DATABASES.—Each
9 State’s supply chain database maintained by the
10 NIST-recognized Manufacturing Extension Partner-
11 ship Center within the State shall be complementary
12 in design to the National Supply Chain Database.

13 (c) MAINTENANCE OF NATIONAL SUPPLY CHAIN
14 DATABASE.—The Hollings Manufacturing Extension
15 Partnership program or its designee shall maintain the
16 National Supply Chain Database as an integration of the
17 State level databases from each State’s Manufacturing
18 Extension Partnership Center and may be populated with
19 information from past, current, or potential Center clients.

20 (d) DATABASE CONTENT.—

21 (1) IN GENERAL.—The National Supply Chain
22 Database may—

23 (A) provide basic company information;

24 (B) provide an overview of capabilities, ac-
25 creditations, and products;

1 (C) contain proprietary information; and
 2 (D) include other items determined nec-
 3 essary by the Director of the NIST.

4 (2) SEARCHABLE DATABASE.—The National
 5 Supply Chain Database shall use the North Amer-
 6 ican Industry Classification System (NAICS) Codes
 7 as follows:

8 (A) Sector 31-33 – Manufacturing.

9 (B) Sector 54 – Professional, Scientific,
 10 and Technical Services.

11 (C) Sector 48-49 – Transportation and
 12 Warehousing.

13 (3) LEVELS.—The National Supply Chain
 14 Database shall be multi-leveled as follows:

15 (A) Level 1 shall have basic company in-
 16 formation and shall be available to the public.

17 (B) Level 2 shall have a deeper overview
 18 into capabilities, products, and accreditations
 19 and shall be available to all companies that con-
 20 tribute to the database and agree to terms of
 21 mutual disclosure.

22 (C) Level 3 shall hold proprietary informa-
 23 tion.

24 (4) EXEMPT FROM PUBLIC DISCLOSURE.—The
 25 National Supply Chain Database and any informa-

1 tion related to it not publicly released by the NIST
2 shall be exempt from public disclosure under section
3 552 of title 5, United States Code, and access to
4 non-public content shall be limited to the contrib-
5 uting company and Manufacturing Extension Part-
6 nership Center staff who sign an appropriate non-
7 disclosure agreement.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There
9 authorized to be appropriated to the Director of the NIST
10 \$10,000,000 for fiscal year 2021 to develop and launch
11 the National Supply Chain Database.

12 **SEC. 1807. COORDINATION WITH HOLLINGS MANUFAC-**
13 **TURING EXTENSION PARTNERSHIP CENTERS.**

14 Notwithstanding section 34(d)(2)(A)(iv) of the Na-
15 tional Institute for Standards and Technology Act (15
16 U.S.C. 278s(d)(2)(A)(iv)), each Manufacturing USA In-
17 stitute (established under subsection (d) of such Act)
18 shall, as appropriate, contract with a Hollings Manufac-
19 turing Extension Partnership Center (established under
20 section 25 of such Act) in each State in which such Insti-
21 tute provides services, either directly or through another
22 such Center, to provide defense industrial base-related
23 outreach, technical assistance, workforce development, and
24 technology transfer assistance to small and medium-sized
25 manufacturers. No Center shall charge in excess of its

1 standard rate for such services. Funds received by a Cen-
2 ter through such a contract shall not constitute financial
3 assistance under 25(e) of such Act.

4 **SEC. 1808. COVID-19 EMERGENCY MEDICAL SUPPLIES EN-**
5 **HANCEMENT.**

6 (a) DETERMINATION ON EMERGENCY SUPPLIES AND
7 RELATIONSHIP TO STATE AND LOCAL EFFORTS.—

8 (1) DETERMINATION.—For the purposes of sec-
9 tion 101 of the Defense Production Act of 1950 (50
10 U.S.C. 4511), the following materials shall be
11 deemed to be scarce and critical materials essential
12 to the national defense and otherwise meet the re-
13 quirements of section 101(b) of such Act during the
14 COVID-19 emergency period:

15 (A) Diagnostic tests, including serological
16 tests, for COVID-19 and the reagents and
17 other materials necessary for producing or con-
18 ducting such tests.

19 (B) Personal protective equipment, includ-
20 ing face shields, N-95 respirator masks, and
21 any other masks determined by the Secretary of
22 Health and Human Services to be needed to re-
23 spond to the COVID-19 pandemic, and the ma-
24 terials to produce such equipment.

1 (C) Medical ventilators, the components
2 necessary to make such ventilators, and medi-
3 cines needed to use a ventilator as a treatment
4 for any individual who is hospitalized for
5 COVID–19.

6 (D) Pharmaceuticals and any medicines
7 determined by the Food and Drug Administra-
8 tion or another Government agency to be effec-
9 tive in treating COVID–19 (including vaccines
10 for COVID–19) and any materials necessary to
11 produce or use such pharmaceuticals or medi-
12 cines (including self-injection syringes or other
13 delivery systems).

14 (E) Any other medical equipment or sup-
15 plies determined by the Secretary of Health and
16 Human Services or the Secretary of Homeland
17 Security to be scarce and critical materials es-
18 sential to the national defense for purposes of
19 section 101 of the Defense Production Act of
20 1950 (50 U.S.C. 4511).

21 (2) EXERCISE OF TITLE I AUTHORITIES IN RE-
22 LATION TO CONTRACTS BY STATE AND LOCAL GOV-
23 ERNMENTS.—In exercising authorities under title I
24 of the Defense Production Act of 1950 (50 U.S.C.
25 4511 et seq.) during the COVID–19 emergency pe-

1 riod, the President (and any officer or employee of
2 the United States to which authorities under such
3 title I have been delegated)—

4 (A) may exercise the prioritization or allo-
5 cation authority provided in such title I to ex-
6 clude any materials described in paragraph (1)
7 ordered by a State or local government that are
8 scheduled to be delivered within 15 days of the
9 time at which—

10 (i) the purchase order or contract by
11 the Federal Government for such materials
12 is made; or

13 (ii) the materials are otherwise allo-
14 cated by the Federal Government under
15 the authorities contained in such Act; and

16 (B) shall, within 24 hours of any exercise
17 of the prioritization or allocation authority pro-
18 vided in such title I—

19 (i) notify any State or local govern-
20 ment if the exercise of such authorities
21 would delay the receipt of such materials
22 ordered by such government; and

23 (ii) take such steps as may be nec-
24 essary to ensure that such materials or-

1 dered by such government are delivered in
2 the shortest possible period.

3 (3) UPDATE TO THE FEDERAL ACQUISITION
4 REGULATION.—Not later than 15 days after the
5 date of the enactment of this Act, the Federal Ac-
6 quisition Regulation shall be revised to reflect the
7 requirements of paragraph (2)(A).

8 (b) ENGAGEMENT WITH THE PRIVATE SECTOR.—

9 (1) SENSE OF CONGRESS.—The Congress—

10 (A) appreciates the willingness of private
11 companies not traditionally involved in pro-
12 ducing items for the health sector to volunteer
13 to use their expertise and supply chains to
14 produce essential medical supplies and equip-
15 ment;

16 (B) encourages other manufacturers to re-
17 view their existing capacity and to develop ca-
18 pacity to produce essential medical supplies,
19 medical equipment, and medical treatments to
20 address the COVID–19 emergency; and

21 (C) commends and expresses deep appre-
22 ciation to individual citizens who have been pro-
23 ducing personal protective equipment and other
24 materials for, in particular, use at hospitals in
25 their community.

1 (2) OUTREACH REPRESENTATIVE.—

2 (A) DESIGNATION.—Consistent with the
3 authorities in title VII of the Defense Produc-
4 tion Act of 1950 (50 U.S.C. 4551 et seq.), the
5 Administrator of the Federal Emergency Man-
6 agement Agency, in consultation with the Sec-
7 retary of Health and Human Services, shall
8 designate or shall appoint, pursuant to section
9 703 of such Act (50 U.S.C. 4553), an indi-
10 vidual to be known as the “Outreach Rep-
11 resentative”. Such individual shall—

12 (i) be appointed from among individ-
13 uals with substantial experience in the pri-
14 vate sector in the production of medical
15 supplies or equipment; and

16 (ii) act as the Government-wide single
17 point of contact during the COVID–19
18 emergency for outreach to manufacturing
19 companies and their suppliers who may be
20 interested in producing medical supplies or
21 equipment, including the materials de-
22 scribed under subsection (a).

23 (B) ENCOURAGING PARTNERSHIPS.—The
24 Outreach Representative shall seek to develop
25 partnerships between companies, in coordina-

tion with the Supply Chain Stabilization Task Force or any overall coordinator appointed by the President to oversee the response to the COVID–19 emergency, including through the exercise of the authorities under section 708 of the Defense Production Act of 1950 (50 U.S.C. 4558).

(c) ENHANCEMENT OF SUPPLY CHAIN PRODUCTION.—In exercising authority under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) with respect to materials described in subsection (a), the President shall seek to ensure that support is provided to companies that comprise the supply chains for reagents, components, raw materials, and other materials and items necessary to produce or use the materials described in subsection (a).

(d) OVERSIGHT OF CURRENT ACTIVITY AND NEEDS.—

(1) RESPONSE TO IMMEDIATE NEEDS.—

(A) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the President, in coordination with the National Response Coordination Center of the Federal Emergency Management Agency, the Administrator of the Defense Logistics Agency, the Sec-

1 retary of Health and Human Services, the Sec-
2 retary of Veterans Affairs, and heads of other
3 Federal agencies (as appropriate), shall submit
4 to the appropriate congressional committees a
5 report assessing the immediate needs described
6 in subparagraph (B) to combat the COVID-19
7 pandemic and the plan for meeting those imme-
8 diate needs.

9 (B) ASSESSMENT.—The report required by
10 this paragraph shall include—

11 (i) an assessment of the needs for
12 medical supplies or equipment necessary to
13 address the needs of the population of the
14 United States infected by the virus SARS-
15 CoV-2 that causes COVID-19 and to pre-
16 vent an increase in the incidence of
17 COVID-19 throughout the United States,
18 including diagnostic tests, serological tests,
19 medicines that have been approved by the
20 Food and Drug Administration to treat
21 COVID-19, and ventilators and medicines
22 needed to employ ventilators;

23 (ii) based on meaningful consultations
24 with relevant stakeholders, an identifica-
25 tion of the target rate of diagnostic testing

1 for each State and an assessment of the
2 need for personal protective equipment and
3 other supplies (including diagnostic tests)
4 required by—

5 (I) health professionals, health
6 workers, and hospital staff including
7 supplies needed for worst case sce-
8 narios for surges of COVID–19 infec-
9 tions and hospitalizations;

10 (II) workers in industries and
11 sectors described in the “Advisory
12 Memorandum on Identification of Es-
13 sential Critical Infrastructure Work-
14 ers during the COVID–19 Response”
15 issued by the Director of Cybersecu-
16 rity and Infrastructure Security Agen-
17 cy of the Department of Homeland
18 Security on April 17, 2020 (and any
19 expansion of industries and sectors in-
20 cluded in updates to such advisory
21 memorandum);

22 (III) students, teachers, and ad-
23 ministrators at primary and secondary
24 schools; and

1 (IV) other workers determined to
2 be essential based on such consulta-
3 tion;

4 (iii) an assessment of the quantities of
5 equipment and supplies in the Strategic
6 National Stockpile (established under sec-
7 tion 319F–2 of the Public Health Service
8 Act ((42 U.S.C. 247d–6b(a)(1))) as of the
9 date of the report, and the projected gap
10 between the quantities of equipment and
11 supplies identified as needed in the assess-
12 ment under clauses (i) and (ii) and the
13 quantities in the Strategic National Stock-
14 pile;

15 (iv) an identification of the industry
16 sectors and manufacturers most ready to
17 fulfill purchase orders for such equipment
18 and supplies (including manufacturers that
19 may be incentivized) through the exercise
20 of authority under section 303(e) of the
21 Defense Production Act of 1950 (50
22 U.S.C. 4533(e)) to modify, expand, or im-
23 prove production processes to manufacture
24 such equipment and supplies to respond

1 immediately to a need identified in clause
2 (i) or (ii);

3 (v) an identification of Government-
4 owned and privately-owned stockpiles of
5 such equipment and supplies not included
6 in the Strategic National Stockpile that
7 could be repaired or refurbished;

8 (vi) an identification of previously dis-
9 tributed critical supplies that can be redis-
10 tributed based on current need;

11 (vii) a description of any exercise of
12 the authorities described under paragraph
13 (1)(E) or (2)(A) of subsection (a); and

14 (viii) an identification of critical areas
15 of need, by county and by areas identified
16 by the Indian Health Service, in the
17 United States and the metrics and criteria
18 for identification as a critical area.

19 (C) PLAN.—The report required by this
20 paragraph shall include a plan for meeting the
21 immediate needs to combat the COVID–19 pan-
22 demic, including the needs described in sub-
23 paragraph (B). Such plan shall include—

24 (i) each contract the Federal Govern-
25 ment has entered into to meet such needs,

1 including the purpose of each contract, the
2 type and amount of equipment, supplies, or
3 services to be provided under the contract,
4 the entity performing such contract, and
5 the dollar amount of each contract;

6 (ii) each contract that the Federal
7 Government intends to enter into within
8 14 days after submission of such report,
9 including the information described in sub-
10 paragraph (B) for each such contract; and

11 (iii) whether any of the contracts de-
12 scribed in clause (i) or (ii) have or will
13 have a priority rating under the Defense
14 Production Act of 1950 (50 U.S.C. 4501
15 et seq.), including purchase orders pursu-
16 ant to Department of Defense Directive
17 4400.1 (or any successor directive), sub-
18 part A of part 101 of title 45, Code of
19 Federal Regulations, or any other applica-
20 ble authority.

21 (D) ADDITIONAL REQUIREMENTS.—The
22 report required by this paragraph, and each up-
23 date required by subparagraph (E), shall in-
24 clude—

1 (i) any requests for equipment and
2 supplies from State or local governments
3 and Indian Tribes, and an accompanying
4 list of the employers and unions consulted
5 in developing these requests;

6 (ii) any modeling or formulas used to
7 determine allocation of equipment and sup-
8 plies, and any related chain of command
9 issues on making final decisions on alloca-
10 tions;

11 (iii) the amount and destination of
12 equipment and supplies delivered;

13 (iv) an explanation of why any portion
14 of any contract described under subpara-
15 graph (C), whether to replenish the Stra-
16 tegic National Stockpile or otherwise, will
17 not be filled;

18 (v) of products procured under such
19 contract, the percentage of such products
20 that are used to replenish the Strategic
21 National Stockpile, that are targeted to
22 COVID–19 hotspots, and that are used for
23 the commercial market;

24 (vi) a description of the range of
25 prices for goods described in subsection

1 (a), or other medical supplies and equip-
2 ment that are subject to shortages, pur-
3 chased by the United States Government,
4 transported by the Government, or other-
5 wise known to the Government, which shall
6 also identify all such prices that exceed the
7 prevailing market prices of such goods
8 prior to March 1, 2020, and any actions
9 taken by the Government under section
10 102 of the Defense Production Act of 1950
11 or similar provisions of law to prevent
12 hoarding of such materials and charging of
13 such increased prices between March 1,
14 2020, and the date of the submission of
15 the first report required by this paragraph,
16 and, for all subsequent reports, within each
17 reporting period;

18 (vii) metrics, formulas, and criteria
19 used to determine COVID–19 hotspots or
20 areas of critical need for a State, county,
21 or an area identified by the Indian Health
22 Service;

23 (viii) production and procurement
24 benchmarks, where practicable; and

1 (ix) results of the consultation with
2 the relevant stakeholders required by sub-
3 paragraph (B)(ii).

4 (E) UPDATES.—The President, in coordi-
5 nation with the National Response Coordination
6 Center of the Federal Emergency Management
7 Agency, the Administrator of the Defense Lo-
8 gistics Agency, the Secretary of Health and
9 Human Services, the Secretary of Veterans Af-
10 fairs, and heads of other Federal agencies (as
11 appropriate), shall update such report every 14
12 days.

13 (F) PUBLIC AVAILABILITY.—The President
14 shall make the report required by this para-
15 graph and each update required by subpara-
16 graph (E) available to the public, including on
17 a Government website.

18 (2) RESPONSE TO LONGER-TERM NEEDS.—

19 (A) IN GENERAL.—Not later than 14 days
20 after the date of enactment of this Act, the
21 President, in coordination with the National
22 Response Coordination Center of the Federal
23 Emergency Management Agency, the Adminis-
24 trator of the Defense Logistics Agency, the Sec-
25 retary of Health and Human Services, the Sec-

1 retary of Veterans Affairs, and heads of other
2 Federal agencies (as appropriate), shall submit
3 to the appropriate congressional committees a
4 report containing an assessment of the needs
5 described in subparagraph (B) to combat the
6 COVID–19 pandemic and the plan for meeting
7 such needs during the 6-month period begin-
8 ning on the date of submission of the report.

9 (B) ASSESSMENT.—The report required by
10 this paragraph shall include—

11 (i) an assessment of the elements de-
12 scribe in clauses (i) through (v) and clause
13 (viii) of paragraph (1)(B);

14 (ii) an assessment of needs related to
15 COVID–19 vaccines;

16 (iii) an assessment of the manner in
17 which the Defense Production Act of 1950
18 could be exercised to increase services re-
19 lated to health surveillance to ensure that
20 the appropriate level of contact tracing re-
21 lated to detected infections is available
22 throughout the United States to prevent
23 future outbreaks of COVID–19 infections;
24 and

1 (iv) an assessment of any additional
2 services needed to address the COVID–19
3 pandemic.

4 (C) PLAN.—The report required by this
5 paragraph shall include a plan for meeting the
6 longer-term needs to combat the COVID–19
7 pandemic, including the needs described in sub-
8 paragraph (B). This plan shall include—

9 (i) a plan to exercise authorities under
10 the Defense Production Act of 1950 (50
11 U.S.C. 4501 et seq.) necessary to increase
12 the production of the medical equipment,
13 supplies, and services that are essential to
14 meeting the needs identified in subpara-
15 graph (B), including the number of N–95
16 respirator masks and other personal pro-
17 tective equipment needed, based on mean-
18 ingful consultations with relevant stake-
19 holders, by the private sector to resume
20 economic activity and by the public and
21 nonprofit sectors to significantly increase
22 their activities;

23 (ii) results of the consultations with
24 the relevant stakeholders required by
25 clause (i);

1 (iii) an estimate of the funding and
2 other measures necessary to rapidly ex-
3 pand manufacturing production capacity
4 for such equipment and supplies, includ-
5 ing—

6 (I) any efforts to expand, retool,
7 or reconfigure production lines;

8 (II) any efforts to establish new
9 production lines through the purchase
10 and installation of new equipment; or

11 (III) the issuance of additional
12 contracts, purchase orders, purchase
13 guarantees, or other similar measures;

14 (iv) each contract the Federal Govern-
15 ment has entered into to meet such needs
16 or expand such production, the purpose of
17 each contract, the type and amount of
18 equipment, supplies, or services to be pro-
19 vided under the contract, the entity per-
20 forming such contract, and the dollar
21 amount of each contract;

22 (v) each contract that the Federal
23 Government intends to enter into within
24 14 days after submission of such report,

1 including the information described in
2 clause (iv) for each such contract;

3 (vi) whether any of the contracts de-
4 scribed in clause (iv) or (v) have or will
5 have a priority rating under the Defense
6 Production Act of 1950 (50 U.S.C. 4501
7 et seq.), including purchase orders pursu-
8 ant to Department of Defense Directive
9 4400.1 (or any successor directive), sub-
10 part A of part 101 of title 45, Code of
11 Federal Regulations, or any other applica-
12 ble authority; and

13 (vii) the manner in which the Defense
14 Production Act of 1950 (50 U.S.C. 4501
15 et seq.) could be used to increase services
16 necessary to combat the COVID–19 pan-
17 demic, including services described in sub-
18 paragraph (B)(ii).

19 (D) UPDATES.—The President, in coordi-
20 nation with the National Response Coordination
21 Center of the Federal Emergency Management
22 Agency, the Administrator of the Defense Lo-
23 gistics Agency, the Secretary of Health and
24 Human Services, the Secretary of Veterans Af-
25 fairs, and heads of other Federal agencies (as

appropriate), shall update such report every 14 days.

(E) PUBLIC AVAILABILITY.—The President shall make the report required by this subsection and each update required by subparagraph (D) available to the public, including on a Government website.

(3) REPORT ON EXERCISING AUTHORITIES
UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

(A) IN GENERAL.—Not later than 14 days after the date of the enactment of this Act, the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of Defense, and the Secretary of Health and Human Services, shall submit to the appropriate congressional committees a report on the exercise of authorities under titles I, III, and VII of the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) prior to the date of such report.

(B) CONTENTS.—The report required under subparagraph (A) and each update required under subparagraph (C) shall include, with respect to each exercise of such authority—

1 (i) an explanation of the purpose of
2 the applicable contract, purchase order, or
3 other exercise of authority (including an
4 allocation of materials, services, and facili-
5 ties under section 101(a)(2) of the Defense
6 Production Act of 1950 (50 U.S.C.
7 4511(a)(2));

8 (ii) the cost of such exercise of au-
9 thority; and

10 (iii) if applicable—

11 (I) the amount of goods that
12 were purchased or allocated;

13 (II) an identification of the entity
14 awarded a contract or purchase order
15 or that was the subject of the exercise
16 of authority; and

17 (III) an identification of any en-
18 tity that had shipments delayed by the
19 exercise of any authority under the
20 Defense Production Act of 1950 (50
21 U.S.C. 4501 et seq.).

22 (C) UPDATES.—The President shall up-
23 date the report required under subparagraph
24 (A) every 14 days.

1 (D) PUBLIC AVAILABILITY.—The Presi-
2 dent shall make the report required by this sub-
3 section and each update required by subpara-
4 graph (C) available to the public, including on
5 a Government website.

6 (4) QUARTERLY REPORTING.—The President
7 shall submit to Congress, and make available to the
8 public (including on a Government website), a quar-
9 terly report detailing all expenditures made pursuant
10 to titles I, III, and VII of the Defense Production
11 Act of 1950 50 U.S.C. 4501 et seq.).

12 (5) EXERCISE OF LOAN AUTHORITIES.—

13 (A) IN GENERAL.—Any loan made pursu-
14 ant to section 302 or 303 of the Defense Pro-
15 duction Act of 1950, carried out by the Inter-
16 national Development Finance Corporation pur-
17 suant to the authorities delegated by Executive
18 Order No. 13922, shall be subject to the notifi-
19 cation requirements contained in section 1446
20 of the BUILD Act of 2018 (22 U.S.C. 9656).

21 (B) APPROPRIATE CONGRESSIONAL COM-
22 MITTEES.—For purposes of the notifications re-
23 quired by subparagraph (A), the term “appro-
24 priate congressional committees”, as used sec-
25 tion 1446 of the BUILD Act of 2018, shall be

1 deemed to include the Committee on Financial
2 Services of the House of Representatives and
3 the Committee on Banking, Housing and
4 Urban Development of the Senate.

5 (6) SUNSET.—The requirements of this sub-
6 section shall terminate on the later of—

7 (A) December 31, 2021; or

8 (B) the end of the COVID–19 emergency
9 period.

10 (e) ENHANCEMENTS TO THE DEFENSE PRODUCTION
11 ACT OF 1950.—

12 (1) HEALTH EMERGENCY AUTHORITY.—Section
13 107 of the Defense Production Act of 1950 (50
14 U.S.C. 4517) is amended by adding at the end the
15 following:

16 “(c) HEALTH EMERGENCY AUTHORITY.—With re-
17 spect to a public health emergency declaration by the Sec-
18 retary of Health and Human Services under section 319
19 of the Public Health Service Act, or preparations for such
20 a health emergency, the Secretary of Health and Human
21 Services and the Administrator of the Federal Emergency
22 Management Agency are authorized to carry out the au-
23 thorities provided under this section to the same extent
24 as the President.”.

1 (2) EMPHASIS ON BUSINESS CONCERNS OWNED
2 BY WOMEN, MINORITIES, VETERANS, AND NATIVE
3 AMERICANS.—Section 108 of the Defense Produc-
4 tion Act of 1950 (50 U.S.C. 4518) is amended—

5 (A) in the heading, by striking “**MOD-**
6 **ERNIZATION OF SMALL BUSINESS SUP-**
7 **PLIERS**” and inserting “**SMALL BUSINESS**
8 **PARTICIPATION AND FAIR INCLUSION**”;

9 (B) by amending subsection (a) to read as
10 follows:

11 “(a) PARTICIPATION AND INCLUSION.—

12 “(1) IN GENERAL.—In providing any assistance
13 under this Act, the President shall accord a strong
14 preference for subcontractors and suppliers that
15 are—

16 “(A) small business concerns; or

17 “(B) businesses of any size owned by
18 women, minorities, veterans, and the disabled.

19 “(2) SPECIAL CONSIDERATION.—To the max-
20 imum extent practicable, the President shall accord
21 the preference described under paragraph (1) to
22 small business concerns and businesses described in
23 paragraph (1)(B) that are located in areas of high
24 unemployment or areas that have demonstrated a

1 continuing pattern of economic decline, as identified
2 by the Secretary of Labor.”; and

3 (C) by adding at the end the following:

4 “(c) MINORITY DEFINED.—In this section, the term
5 ‘minority’—

6 “(1) has the meaning given the term in section
7 308(b) of the Financial Institutions Reform, Recov-
8 ery, and Enforcement Act of 1989; and

9 “(2) includes any indigenous person in the
10 United States, including any territories of the
11 United States.”.

12 (3) ADDITIONAL INFORMATION IN ANNUAL RE-
13 PORT.—Section 304(f)(3) of the Defense Production
14 Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by
15 striking “year.” and inserting “year, including the
16 percentage of contracts awarded using Fund
17 amounts to each of the groups described in section
18 108(a)(1)(B) (and, with respect to minorities,
19 disaggregated by ethnic group), and the percentage
20 of the total amount expended during such fiscal year
21 on such contracts.”.

22 (4) DEFINITION OF NATIONAL DEFENSE.—Sec-
23 tion 702(14) of the Defense Production Act of 1950
24 is amended by striking “and critical infrastructure
25 protection and restoration” and inserting “, critical

1 infrastructure protection and restoration, and health
2 emergency preparedness and response activities”.

3 (f) SECURING ESSENTIAL MEDICAL MATERIALS.—

4 (1) STATEMENT OF POLICY.—Section 2(b) of
5 the Defense Production Act of 1950 (50 U.S.C.
6 4502) is amended—

7 (A) by redesignating paragraphs (3)
8 through (8) as paragraphs (4) through (9), re-
9 spectively; and

10 (B) by inserting after paragraph (2) the
11 following:

12 “(3) authorities under this Act should be used
13 when appropriate to ensure the availability of med-
14 ical materials essential to national defense, including
15 through measures designed to secure the drug sup-
16 ply chain, and taking into consideration the impor-
17 tance of United States competitiveness, scientific
18 leadership and cooperation, and innovative capac-
19 ity;”.

20 (2) STRENGTHENING DOMESTIC CAPABILITY.—
21 Section 107 of the Defense Production Act of 1950
22 (50 U.S.C. 4517) is amended—

23 (A) in subsection (a), by inserting “(in-
24 cluding medical materials)” after “materials”;
25 and

1 (B) in subsection (b)(1), by inserting “(in-
2 cluding medical materials such as drugs to di-
3 agnose, cure, mitigate, treat, or prevent disease
4 that essential to national defense)” after “es-
5 sential materials”.

6 (3) STRATEGY ON SECURING SUPPLY CHAINS
7 FOR MEDICAL ARTICLES.—Title I of the Defense
8 Production Act of 1950 (50 U.S.C. 4511 et seq.) is
9 amended by adding at the end the following:

10 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
11 **MEDICAL MATERIALS.**

12 “(a) IN GENERAL.—Not later than 180 days after
13 the date of the enactment of this section, the President,
14 in consultation with the Secretary of Health and Human
15 Services, the Secretary of Commerce, the Secretary of
16 Homeland Security, and the Secretary of Defense, shall
17 transmit a strategy to the appropriate Members of Con-
18 gress that includes the following:

19 “(1) A detailed plan to use the authorities
20 under this title and title III, or any other provision
21 of law, to ensure the supply of medical materials (in-
22 cluding drugs to diagnose, cure, mitigate, treat, or
23 prevent disease) essential to national defense, to the
24 extent necessary for the purposes of this Act.

1 “(2) An analysis of vulnerabilities to existing
2 supply chains for such medical articles, and rec-
3 ommendations to address the vulnerabilities.

4 “(3) Measures to be undertaken by the Presi-
5 dent to diversify such supply chains, as appropriate
6 and as required for national defense; and

7 “(4) A discussion of—

8 “(A) any significant effects resulting from
9 the plan and measures described in this sub-
10 section on the production, cost, or distribution
11 of vaccines or any other drugs (as defined
12 under section 201 of the Federal Food, Drug,
13 and Cosmetic Act (21 U.S.C. 321));

14 “(B) a timeline to ensure that essential
15 components of the supply chain for medical ma-
16 terials are not under the exclusive control of a
17 foreign government in a manner that the Presi-
18 dent determines could threaten the national de-
19 fense of the United States; and

20 “(C) efforts to mitigate any risks resulting
21 from the plan and measures described in this
22 subsection to United States competitiveness,
23 scientific leadership, and innovative capacity,
24 including efforts to cooperate and proactively
25 engage with United States allies.

1 “(b) PROGRESS REPORT.—Following submission of
2 the strategy under subsection (a), the President shall sub-
3 mit to the appropriate Members of Congress an annual
4 progress report evaluating the implementation of the
5 strategy, and may include updates to the strategy as ap-
6 propriate. The strategy and progress reports shall be sub-
7 mitted in unclassified form but may contain a classified
8 annex.

9 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
10 term ‘appropriate Members of Congress’ means the
11 Speaker, majority leader, and minority leader of the
12 House of Representatives, the majority leader and minor-
13 ity leader of the Senate, the Chairman and Ranking Mem-
14 ber of the Committees on Armed Services and Financial
15 Services of the House of Representatives, and the Chair-
16 man and Ranking Member of the Committees on Armed
17 Services and Banking, Housing, and Urban Affairs of the
18 Senate.”.

19 (g) GAO REPORT.—

20 (1) IN GENERAL.—Not later than 270 days
21 after the date of the enactment of this Act, and an-
22 nually thereafter, the Comptroller General of the
23 United States shall submit to the appropriate con-
24 gressional committees a report on ensuring that the
25 United States Government has access to the medical

1 supplies and equipment necessary to respond to fu-
2 ture pandemics and public health emergencies, in-
3 cluding recommendations with respect to how to en-
4 sure that the United States supply chain for diag-
5 nostic tests (including serological tests), personal
6 protective equipment, vaccines, and therapies is bet-
7 ter equipped to respond to emergencies, including
8 through the use of funds in the Defense Production
9 Act Fund under section 304 of the Defense Produc-
10 tion Act of 1950 (50 U.S.C. 4534) to address short-
11 ages in that supply chain.

12 (2) REVIEW OF ASSESSMENT AND PLAN.—

13 (A) IN GENERAL.—Not later than 30 days
14 after each of the submission of the reports de-
15 scribed in paragraphs (1) and (2) of subsection
16 (d), the Comptroller General of the United
17 States shall submit to the appropriate congres-
18 sional committees an assessment of such re-
19 ports, including identifying any gaps and pro-
20 viding any recommendations regarding the sub-
21 ject matter in such reports.

22 (B) MONTHLY REVIEW.—Not later than a
23 month after the submission of the assessment
24 under subparagraph (A), and monthly there-
25 after, the Comptroller General shall issue a re-

1 port to the appropriate congressional commit-
2 tees with respect to any updates to the reports
3 described in paragraph (1) and (2) of sub-
4 section (d) that were issued during the previous
5 1-month period, containing an assessment of
6 such updates, including identifying any gaps
7 and providing any recommendations regarding
8 the subject matter in such updates.

9 (h) DEFINITIONS.—In this section:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means the Committees on Appropriations,
13 Armed Services, Energy and Commerce, Financial
14 Services, Homeland Security, and Veterans’ Affairs
15 of the House of Representatives and the Committees
16 on Appropriations, Armed Services, Banking, Hous-
17 ing, and Urban Affairs, Health, Education, Labor,
18 and Pensions, Homeland Security and Governmental
19 Affairs, and Veterans’ Affairs of the Senate.

20 (2) COVID–19 EMERGENCY PERIOD.—The
21 term “COVID–19 emergency period” means the pe-
22 riod beginning on the date of enactment of this Act
23 and ending after the end of the incident period for
24 the emergency declared on March 13, 2020, by the
25 President under Section 501 of the Robert T. Staf-

1 ford Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 4121 et seq.) relating to the Coronavirus
3 Disease 2019 (COVID–19) pandemic.

4 (3) RELEVANT STAKEHOLDER.—The term “rel-
5 evant stakeholder” means—

6 (A) representative private sector entities;

7 (B) representatives of the nonprofit sector;

8 (C) representatives of primary and sec-
9 ondary school systems; and

10 (D) representatives of labor organizations
11 representing workers, including unions that rep-
12 resent health workers, manufacturers, teachers,
13 other public sector employees, and service sec-
14 tor workers.

15 (4) STATE.—The term “State” means each of
16 the several States, the District of Columbia, the
17 Commonwealth of Puerto Rico, and any territory or
18 possession of the United States.

19 **SEC. 1809. PROHIBITION ON PROVISION OF GRANT FUNDS**
20 **TO ENTITIES THAT HAVE VIOLATED INTEL-**
21 **LECTUAL PROPERTY RIGHTS OF UNITED**
22 **STATES ENTITIES.**

23 (a) AMENDMENT.—Section 47110 of title 49, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 “(j) PROHIBITION ON PROVISION OF GRANT FUNDS
2 TO ENTITIES THAT HAVE VIOLATED INTELLECTUAL
3 PROPERTY RIGHTS OF UNITED STATES ENTITIES.—

4 “(1) IN GENERAL.—Beginning on the date that
5 is 30 days after the date of the enactment of this
6 subsection, amounts provided as project grants
7 under this subchapter may not be used to enter into
8 a contract described in paragraph (2) with any enti-
9 ty on the list required by paragraph (3).

10 “(2) CONTRACT DESCRIBED.—A contract de-
11 scribed in this paragraph is a contract or other
12 agreement for the procurement of infrastructure or
13 equipment for a passenger boarding bridge at an
14 airport.

15 “(3) LIST REQUIRED.—

16 “(A) IN GENERAL.—Not later than 30
17 days after the date of the enactment of this sec-
18 tion, and thereafter as required by subpara-
19 graphs (B) and (C), the Administrator of the
20 Federal Aviation Administration shall, based on
21 information provided by the United States
22 Trade Representative and the Attorney General,
23 make available to the public a list of entities
24 that—

1 “(i)(I) are owned or controlled by, or
2 receive subsidies from, the government of a
3 country—

4 “(aa) identified by the Trade
5 Representative under subsection
6 (a)(1) of section 182 of the Trade Act
7 of 1974 (19 U.S.C. 2242) in the most
8 recent report required by that section;
9 and

10 “(bb) subject to monitoring by
11 the Trade Representative under sec-
12 tion 306 of the Trade Act of 1974 (19
13 U.S.C. 2416); and

14 “(II) have been determined by a Fed-
15 eral court to have misappropriated intellec-
16 tual property or trade secrets from an enti-
17 ty organized under the laws of the United
18 States or any jurisdiction within the
19 United States; or

20 “(ii) own or control, are owned or
21 controlled by, are under common owner-
22 ship or control with, or are successors to,
23 an entity described in clause (i).

24 “(B) UPDATES TO LIST.—The Adminis-
25 trator shall update the list required by subpara-

graph (A), based on information provided by the Trade Representative and the Attorney General—

“(i) not less frequently than every 90 days during the 180-day period following the initial publication of the list under subparagraph (A); and

“(ii) not less frequently than annually during the 5-year period following the 180-day period described in clause (i).

“(C) CONTINUATION OF REQUIREMENT TO UPDATE LIST.—

“(i) IN GENERAL.—Not later than the end of the 5-year period described in subparagraph (B)(ii), the Administrator shall make a determination with respect to whether continuing to update the list required by subparagraph (A) is necessary to carry out this subsection.

“(ii) EFFECT OF DETERMINATION THAT UPDATES ARE NECESSARY.—If the Administrator determines under clause (i) that continuing to update the list required by subparagraph (A) is necessary, the Administrator shall continue to update the

list, based on information provided by the Trade Representative and the Attorney General, not less frequently than annually.

“(iii) EFFECT OF DETERMINATION THAT UPDATES ARE NOT NECESSARY.—If the Administrator determines under clause (i) that continuing to update the list required by subparagraph (A) is not necessary, the Administrator shall, not later than 90 days after making the determination, submit to Congress a report on the determination and the reasons for the termination.”.

(b) SUNSET.—The amendment made by subsection (a) shall not have any force or effect on and after September 30, 2023.

SEC. 1810. DISCLOSURE OF IMPORTS FROM THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) IN GENERAL.—The Secretary of Defense shall issue rules to require each company that produces or imports manufactured goods sold in the military commissary and exchange systems to file an annual report with the Secretary to disclose—

(1) whether any of such goods were—

1 (A) imported, directly or indirectly, from
2 an entity that manufactures goods, including
3 electronics, food products, textiles, shoes, and
4 teas, that originated in the XUAR; or

5 (B) manufactured with materials that
6 originated or are sourced in the XUAR; and

7 (2) with respect to any goods or materials de-
8 scribed under subparagraph (A) or (B) of paragraph
9 (1)—

10 (A) whether the goods or materials origi-
11 nated in forced labor camps; and

12 (B) whether the company or any affiliate
13 of the company intends to continue with such
14 importation.

15 (b) GAO REPORT.—The Comptroller General of the
16 United States shall periodically evaluate and report to
17 Congress on the effectiveness of the disclosures required
18 under subsection (a).

19 (c) DEFINITIONS.—In this section:

20 (1) FORCED LABOR CAMP.—The term “forced
21 labor camp” means—

22 (A) any entity engaged in the “pairing as-
23 sistance” program which subsidizes the estab-
24 lishment of manufacturing facilities in XUAR;

1 (B) any entity using convict labor, forced
2 labor, or indentured labor described under sec-
3 tion 307 of the Tariff Act of 1930 (19 U.S.C.
4 1307); and

5 (C) any other entity that the Secretary of
6 Defense determines is appropriate.

7 (2) XUAR.—The term “XUAR” means the
8 Xinjiang Uyghur Autonomous Region.

9 **SEC. 1811. TED STEVENS CENTER FOR ARCTIC SECURITY**
10 **STUDIES.**

11 (a) PLAN REQUIRED.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, the Secretary
14 of Defense, in coordination with the Secretary of
15 State, shall submit to the congressional defense com-
16 mittees a plan to establish a Department of Defense
17 Regional Center for Security Studies for the Arctic.

18 (2) ELEMENTS.—The plan required by para-
19 graph (1) shall include the following:

20 (A) A description of the benefits of estab-
21 lishing such a center, including the manner in
22 which the establishment of such a center would
23 benefit United States and Department interests
24 in the Arctic region.

1 (B) A description of the mission and pur-
2 pose of such a center, including specific policy
3 guidance from the Office of the Secretary of
4 Defense.

5 (C) An analysis of suitable reporting rela-
6 tionships with the applicable combatant com-
7 mands.

8 (D) An assessment of suitable locations for
9 such a center that are—

10 (i) in proximity to other academic in-
11 stitutions that study security implications
12 with respect to the Arctic region;

13 (ii) in proximity to the designated
14 lead for Arctic affairs of the United States
15 Northern Command;

16 (iii) in proximity to a central hub of
17 assigned Arctic-focused Armed Forces so
18 as to suitably advance relevant professional
19 development of skills unique to the Arctic
20 region; and

21 (iv) in a State located outside the con-
22 tiguous United States.

23 (E) A description of the establishment and
24 operational costs of such a center, including
25 for—

1 (i) military construction for required
2 facilities;

3 (ii) facility renovation;

4 (iii) personnel costs for faculty and
5 staff; and

6 (iv) other costs the Secretary con-
7 siders appropriate.

8 (F) An evaluation of the existing infra-
9 structure, resources, and personnel available at
10 military installations and at universities and
11 other academic institutions hat could reduce the
12 costs described in accordance with subpara-
13 graph (E).

14 (G) An examination of partnership oppor-
15 tunities with United States allies and partners
16 for potential collaboration and burden sharing.

17 (H) A description of potential courses and
18 programs that such a center could carry out,
19 including—

20 (i) core, specialized, and advanced
21 courses;

22 (ii) potential planning workshops;

23 (iii) seminars;

24 (iv) confidence-building initiatives;

25 and

1 (v) academic research.

2 (I) A description of any modification to
3 title 10, United States Code, necessary for the
4 effective operation of such a center.

5 (3) FORM.—The plan required by paragraph
6 (1) shall be submitted in unclassified form, but may
7 include a classified annex.

8 (b) ESTABLISHMENT.—

9 (1) IN GENERAL.—Not earlier than 30 days
10 after the submittal of the plan required by sub-
11 section (a), and subject to the availability of appro-
12 priations, the Secretary of Defense may establish
13 and administer a Department of Defense Regional
14 Center for Security Studies for the Arctic, to be
15 known as the “Ted Stevens Center for Arctic Secu-
16 rity Studies”, for the purpose described in section
17 342(a) of title 10, United States Code.

18 (2) LOCATION.—The Ted Stevens Center for
19 Arctic Security Studies may be located—

20 (A) in proximity to other academic institu-
21 tions that study security implications with re-
22 spect to the Arctic region;

23 (B) in proximity to the designated lead for
24 Arctic affairs of the United States Northern
25 Command; and

1 (C) in proximity to a central hub of as-
2 signed Arctic-focused Armed Forces so as to
3 suitably advance relevant professional develop-
4 ment of skills unique to the Arctic region.

5 **SEC. 1812. PAYMENTS FOR PRIVATE EDUCATION LOAN**
6 **BORROWERS, AS A RESULT OF COVID-19.**

7 (a) RELIEF FOR COVERED BORROWERS AS A RESULT
8 OF THE COVID-19 NATIONAL EMERGENCY.—

9 (1) STUDENT LOAN RELIEF AS A RESULT OF
10 THE COVID-19 NATIONAL EMERGENCY.—The Sec-
11 retary of the Treasury shall carry out a program
12 under which the Secretary shall make payments, on
13 behalf of a covered borrower, with respect to the pri-
14 vate education loans of such borrower.

15 (2) PAYMENT AMOUNT.—Payments made under
16 paragraph (1) with respect to a covered borrower
17 shall be in an amount equal to the lesser of—

18 (A) the total amount of each private edu-
19 cation loan of the borrower; or

20 (B) \$10,000.

21 (3) NOTIFICATION OF BORROWERS.—Not later
22 than 15 days following the date of enactment of this
23 subsection, the Secretary shall notify each covered
24 borrower of—

1 (A) the requirements to make payments
2 under this section; and

3 (B) the opportunity for such borrower to
4 make an election under paragraph (4)(A) with
5 respect to the application of such payments to
6 the private education loans of such borrower.

7 (4) DISTRIBUTION OF FUNDING.—

8 (A) ELECTION BY BORROWER.—Not later
9 than 45 days after a notice is sent under para-
10 graph (3), a covered borrower may elect to
11 apply the payments made under this subsection
12 with respect to such borrower under paragraph
13 (1) to any private education loan of the bor-
14 rower.

15 (B) AUTOMATIC PAYMENT.—

16 (i) IN GENERAL.—In the case of a
17 covered borrower who does not make an
18 election under subparagraph (A) before the
19 date described in such subparagraph, the
20 Secretary shall apply the amount deter-
21 mined with respect to such borrower under
22 paragraph (1) in order of the private edu-
23 cation loan of the borrower with the high-
24 est interest rate.

1 (ii) EQUAL INTEREST RATES.—In
2 case of two or more private education loans
3 described in clause (i) with equal interest
4 rates, the Secretary shall apply the amount
5 determined with respect to such borrower
6 under paragraph (1) first to the loan with
7 the highest principal.

8 (5) DATA TO IMPLEMENT.—Holders and
9 servicers of private education loans made to covered
10 borrowers shall report, to the satisfaction of the Sec-
11 retary, the information necessary to calculate the
12 amount to be paid under this subsection.

13 (6) RATABLE REDUCTION.—To the extent that
14 amounts appropriated to carry out this section are
15 insufficient to fully comply with the payments re-
16 quired under paragraph (2), the Secretary shall dis-
17 tribute available funds by ratably reducing the
18 amounts required to be paid under such paragraph.

19 (b) ADDITIONAL PROTECTIONS FOR COVERED BOR-
20 ROWERS.—

21 (1) LOAN MODIFICATION AFTER PAYMENT.—
22 Each private education loan holder who receives a
23 payment pursuant to subsection (a) shall, before the
24 first payment due on the private education loan
25 after the receipt of such payment (and taking into

1 account any suspension of payments that may be re-
2 quired under any other provision of law), modify the
3 loan, based on the payment made under subsection
4 (a), to lower monthly payments due on the loan.
5 Such modification may take the form of a re-amorti-
6 zation, a lowering of the applicable interest rate, or
7 any other modification that would lower such pay-
8 ments.

9 (2) REPAYMENT PLAN AND FORGIVENESS
10 TERMS.—Each private education loan holder who re-
11 ceives a payment pursuant to subsection (a) shall
12 modify all private education loan contracts with re-
13 spect to covered borrowers that it holds to provide
14 for the same repayment plan and forgiveness terms
15 available to Direct Loans borrowers under section
16 685.209(c) of title 34, Code of Federal Regulations,
17 in effect as of January 1, 2020.

18 (3) TREATMENT OF STATE STATUTES OF LIM-
19 TATION.—For a covered borrower who has defaulted
20 on a private education loan under the terms of the
21 promissory note prior to any loan payment made
22 under subsection (a), no payment made under such
23 subsection shall be considered an event that impacts
24 the calculation of the applicable State statutes of
25 limitation.

1 (4) PROHIBITION ON PRESSURING BOR-
2 ROWERS.—

3 (A) IN GENERAL.—A private education
4 loan debt collector or creditor may not pressure
5 a covered borrower to elect to apply any amount
6 received pursuant to subsection (a) to any pri-
7 vate education loan.

8 (B) VIOLATIONS.—A violation of this para-
9 graph is deemed—

10 (i) an unfair, deceptive, or abusive act
11 or practice under Federal law in connec-
12 tion with any transaction with a consumer
13 for a consumer financial product or service
14 under section 1031 of the Consumer Fi-
15 nancial Protection Act of 2010 (12 U.S.C.
16 5531); and

17 (ii) with respect to a violation by a
18 debt collector, an unfair or unconscionable
19 means to collect or attempt to collect any
20 debt under section 808 of the Federal
21 Debt Collection Practices Act (15 U.S.C.
22 1692f).

23 (C) PRESSURE DEFINED.—In this para-
24 graph, the term “pressure” means any commu-
25 nication, recommendation, or other similar com-

1 munication, other than providing basic informa-
2 tion about a borrower’s options, urging a bor-
3 rower to make an election described under sub-
4 section (a).

5 (c) DEFINITIONS.—In this section:

6 (1) COVERED BORROWER.—The term “covered
7 borrower” means a borrower of a private education
8 loan.

9 (2) FAIR DEBT COLLECTION PRACTICES ACT
10 TERMS.—The terms “creditor” and “debt collector”
11 have the meaning given those terms, respectively,
12 under section 803 of the Fair Debt Collection Prac-
13 tices Act (15 U.S.C. 1692a).

14 (3) PRIVATE EDUCATION LOAN.—The term
15 “private education loan” has the meaning given the
16 term in section 140 of the Truth in Lending Act (15
17 U.S.C. 1650).

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of the Treasury.

20 **Subtitle F—Semiconductor**
21 **Manufacturing Incentives**

22 **SEC. 1821. SEMICONDUCTOR INCENTIVE GRANTS.**

23 (a) DEFINITIONS.—In this section—

24 (1) the term “appropriate committees of Con-
25 gress” means—

1 (A) the Select Committee on Intelligence,
2 the Committee on Commerce, Science, and
3 Transportation, the Committee on Foreign Re-
4 lations, the Committee on Armed Services, the
5 Committee on Appropriations, the Committee
6 on Banking, Housing, and Urban Affairs, and
7 the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate; and

9 (B) the Permanent Select Committee on
10 Intelligence, the Committee on Energy and
11 Commerce, the Committee on Foreign Affairs,
12 the Committee on Armed Services, the Com-
13 mittee on Science, Space, and Technology, the
14 Committee on Appropriations, the Committee
15 on Financial Services, and the Committee on
16 Homeland Security of the House of Representa-
17 tives;

18 (2) the term “covered entity” means a private
19 entity, a consortium of private entities, or a consor-
20 tium of public and private entities with a dem-
21 onstrated ability to construct, expand, or modernize
22 a facility relating to the fabrication, assembly, test-
23 ing, advanced packaging, or advanced research and
24 development of semiconductors;

1 (3) the term “covered incentive” means an in-
2 centive offered by a governmental entity to a covered
3 entity for the purposes of constructing within the ju-
4 risdiction of the governmental entity, or expanding
5 or modernizing an existing facility within that juris-
6 diction, a facility described in paragraph (2);

7 (4) the term “governmental entity” means a
8 State or local government;

9 (5) the term “Secretary” means the Secretary
10 of Commerce; and

11 (6) the term “semiconductor” has the meaning
12 given the term by the Secretary.

13 (b) GRANT PROGRAM.—

14 (1) IN GENERAL.—The Secretary shall establish
15 in the Department of Commerce a program that, in
16 accordance with the requirements of this section,
17 provides grants to covered entities to incentivize in-
18 vestment of semiconductor fabrication facilities, or
19 assembly, testing, advanced packaging, or advanced
20 research and development of semiconductors in the
21 United States.

22 (2) PROCEDURE.—

23 (A) IN GENERAL.—A covered entity shall
24 submit to the Secretary an application that de-

1 scribes the project for which the covered entity
2 is seeking a grant under this section.

3 (B) ELIGIBILITY.—In order for a covered
4 entity to qualify for a grant under this section,
5 the covered entity shall demonstrate to the Sec-
6 retary, in the application submitted by the cov-
7 ered entity under subparagraph (A), that—

8 (i) the covered entity has a docu-
9 mented interest in constructing, expanding,
10 or modernizing a facility described in sub-
11 section (a)(2); and

12 (ii) with respect to the project de-
13 scribed in clause (i), the covered entity
14 has—

15 (I) been offered a covered incen-
16 tive;

17 (II) made commitments to work-
18 er and community investment, includ-
19 ing through—

20 (aa) training and education
21 benefits paid by the covered enti-
22 ty; and

23 (bb) programs to expand
24 employment opportunity for eco-

1 nominically disadvantaged individ-
2 uals; and

3 (III) secured commitments from
4 regional educational and training enti-
5 ties and institutions of higher edu-
6 cation to provide workforce training,
7 including programming for training
8 and job placement of economically dis-
9 advantaged individuals.

10 (C) CONSIDERATIONS FOR REVIEW.—With
11 respect to the review by the Secretary of an ap-
12 plication submitted by a covered entity under
13 subparagraph (A)—

14 (i) the Secretary may not approve the
15 application unless the Secretary—

16 (I) confirms that the covered en-
17 tity has satisfied the eligibility criteria
18 under subparagraph (B);

19 (II) determines that the project
20 to which the application relates is in
21 the interest of the United States; and

22 (III) has notified the appropriate
23 committees of congress 15 days before
24 making any commitment to provide a

1 grant to any covered entity that ex-
2 ceeds \$10,000,000; and

3 (ii) the Secretary may consider wheth-
4 er—

5 (I) the covered entity has pre-
6 viously received a grant made under
7 this subsection;

8 (II) the governmental entity of-
9 fering the applicable covered incentive
10 has benefitted from a grant previously
11 made under this subsection; and

12 (III) to the extent practicable,
13 the covered entity is considered a
14 small business concern, as defined
15 under section 3 of the Small Business
16 Act (15 U.S.C. 632), notwithstanding
17 section 121.103 of title 13, Code of
18 Federal Regulations.

19 (3) AMOUNT.—The Secretary shall not award
20 more than \$3,000,000,000 to a covered entity under
21 this subsection.

22 (4) USE OF FUNDS.—A covered entity that re-
23 ceives a grant under this subsection may only use
24 the grant amounts to—

1 (A) finance the construction, expansion, or
2 modernization of a facility described in sub-
3 section (a)(2), as documented in the application
4 submitted by the covered entity under para-
5 graph (2)(A), or for similar uses in state of
6 practice and legacy facilities, as determined
7 necessary by the Secretary for purposes relating
8 to the national security and economic competi-
9 tiveness of the United States;

10 (B) support workforce development for the
11 facility described in subparagraph (A); or

12 (C) support site development for the facil-
13 ity described in subparagraph (A).

14 (5) CLAWBACK.—

15 (A) The Secretary shall recover the full
16 amount with interest of a grant provided to a
17 covered entity under this subsection if—

18 (i) as of the date that is 5 years after
19 the date on which the Secretary makes the
20 grant, the project to which the grant re-
21 lates has not been completed, except that
22 the Secretary may issue a waiver with re-
23 spect to the requirement under this sub-
24 paragraph if the Secretary determines that

1 issuing such a waiver is appropriate and in
2 the interests of the United States; or

3 (ii) during the applicable term with
4 respect to the grant, the covered entity en-
5 gages in any joint research or technology
6 licensing effort—

7 (I) with the Government of the
8 People’s Republic of China, the Gov-
9 ernment of the Russian Federation,
10 the Government of Iran, the Govern-
11 ment of North Korea, or other foreign
12 entity of concern; and

13 (II) that relates to a sensitive
14 technology or product, as determined
15 by the Secretary; and

16 (B) the Secretary shall recover up to the
17 full amount with interest of a grant provided to
18 a covered entity if the Secretary determines
19 that commitments required under paragraph
20 (2) have not been fully implemented, except
21 that the Secretary may issue a waiver with re-
22 spect to the requirement under this subpara-
23 graph if the Secretary determines that issuing
24 such a waiver is appropriate and in the inter-
25 ests of the United States.

1 (c) CONSULTATION AND COORDINATION RE-
2 QUIRED.—In carrying out the program established under
3 subsection (b), the Secretary shall consult and coordinate
4 with the Secretary of State and the Secretary of Defense.

5 (d) INSPECTOR GENERAL REVIEWS.—The Inspector
6 General of the Department of Commerce shall—

7 (1) not later than 2 years after the date of en-
8 actment of this Act, and biennially thereafter until
9 the date that is 10 years after that date of enact-
10 ment, conduct a review of the program established
11 under subsection (b), which shall include, at a min-
12 imum—

13 (A) a determination of the number of in-
14 stances in which grants were provided under
15 that subsection during the period covered by
16 the review in violation of a requirement of this
17 section;

18 (B) an evaluation of how—

19 (i) the program is being carried out,
20 including how recipients of grants are
21 being selected under the program; and

22 (ii) other Federal programs are lever-
23 aged for manufacturing, research, and
24 training to complement the grants awarded
25 under the program; and

1 (C) a description of the outcomes of
2 projects supported by grants made under the
3 program, including a description of—

4 (i) facilities described in subsection
5 (a)(2) that were constructed, expanded, or
6 modernized as a result of grants made
7 under the program;

8 (ii) research and development carried
9 out with grants made under the program;
10 and

11 (iii) workforce training programs car-
12 ried out with grants made under the pro-
13 gram, including efforts to hire individuals
14 from disadvantaged populations; and

15 (2) submit to the appropriate committees of
16 Congress the results of each review conducted under
17 paragraph (1).

18 **SEC. 1822. DEPARTMENT OF COMMERCE STUDY ON STATUS**
19 **OF SEMICONDUCTORS TECHNOLOGIES IN**
20 **THE UNITED STATES INDUSTRIAL BASE.**

21 (a) IN GENERAL.—Commencing not later than 120
22 days after the date of the enactment of this Act, the Sec-
23 retary of Commerce and the Secretary of Homeland Secu-
24 rity, in consultation with the Secretary of Defense and the
25 heads of other appropriate Federal departments and agen-

1 cies, shall undertake a review, which shall include a sur-
2 vey, using authorities in section 705 of the Defense Pro-
3 duction Act (50 U.S.C. 4555), to assess the capabilities
4 of the United States industrial base to support the na-
5 tional defense in light of the global nature of the supply
6 chain and significant interdependencies between the
7 United States industrial base and the industrial base of
8 foreign countries with respect to the manufacture, design,
9 and end use of semiconductors.

10 (b) RESPONSE TO SURVEY.—The Secretary shall en-
11 sure compliance with the survey from among all relevant
12 potential respondents, including the following:

13 (1) Corporations, partnerships, associations, or
14 any other organized groups domiciled and with sub-
15 stantial operations in the United States.

16 (2) Corporations, partnerships, associations, or
17 any other organized groups domiciled in the United
18 States with operations outside the United States.

19 (3) Foreign domiciled corporations, partner-
20 ships, associations, or any other organized groups
21 with substantial operations or business presence in,
22 or substantial revenues derived from, the United
23 States.

24 (c) INFORMATION REQUESTED.—The information
25 sought from a responding entity pursuant to the survey

1 required by subsection (a) shall include, at minimum, in-
2 formation on the following with respect to the manufac-
3 ture, design, or end use of semiconductors by such entity:

4 (1) An identification of the geographic scope of
5 operations.

6 (2) Information on relevant cost structures.

7 (3) An identification of types of semiconductors
8 development, manufacture, assembly, test, and pack-
9 aging equipment in operation at such entity.

10 (4) An identification of all relevant intellectual
11 property, raw materials, and semi-finished goods and
12 components sourced domestically and abroad by
13 such entity.

14 (5) Specifications of the semiconductors manu-
15 factured or designed by such entity, descriptions of
16 the end-uses of such semiconductors, and a descrip-
17 tion of any technical support provided to end-users
18 of such semiconductors by such entity.

19 (6) Information on domestic and export market
20 sales by such entity.

21 (7) Information on the financial performance,
22 including income and expenditures, of such entity.

23 (8) A list of all foreign and domestic subsidies,
24 and any other financial incentives, received by such
25 entity in each market in which such entity operates.

1 (9) A list of regulatory or other informational
2 requests about the entities' operations, sales, or
3 other proprietary information by the Government of
4 the People's Republic of China, entities under its di-
5 rection or officials of the CCP, a description of the
6 nature of the request, and the type of information
7 provided.

8 (10) Information on any joint ventures, tech-
9 nology licensing agreements, and cooperative re-
10 search or production arrangements of such entity.

11 (11) A description of efforts by such entity to
12 evaluate and control supply chain risks it faces.

13 (12) A list and description of any sales, licens-
14 ing agreements, or partnerships between such entity
15 and the People's Liberation Army or People's Armed
16 Police, including any business relationships with en-
17 tities through which such sales, licensing agree-
18 ments, or partnerships may occur.

19 (d) REPORT.—

20 (1) IN GENERAL.—The Secretary of Commerce
21 shall, in consultation with the Secretary of Defense,
22 the Secretary of Homeland Security, and the heads
23 of other appropriate Federal departments and agen-
24 cies, submit to Congress a report on the results of

1 the review required by subsection (a). The report
2 shall include the following:

3 (A) An assessment of the results of the
4 survey.

5 (B) A list of critical technology areas im-
6 pacted by potential disruptions in production of
7 semiconductors, and a detailed description and
8 assessment of the impact of such potential dis-
9 ruptions on such areas.

10 (C) A description and assessment of gaps
11 and vulnerabilities in the semiconductors supply
12 chain and the national industrial supply base.

13 (2) FORM.—The report required by paragraph
14 (1) may be submitted appropriate committees of
15 Congress in classified form.

16 **SEC. 1823. FUNDING FOR DEVELOPMENT AND ADOPTION**
17 **OF SECURE SEMICONDUCTOR AND SECURE**
18 **SEMICONDUCTOR SUPPLY CHAINS.**

19 (a) MULTILATERAL SEMICONDUCTOR SECURITY
20 FUND.—

21 (1) ESTABLISHMENT OF FUND.—There is es-
22 tablished in the Treasury of the United States a
23 trust fund, to be known as the “Multilateral Semi-
24 conductor Security Fund” (in this section referred

1 to as the “Fund”), consisting of any appropriated
2 funds credited to the Fund.

3 (2) PURPOSE.—The purpose of the Fund shall
4 be to work with and support a variety of stake-
5 holders, including governments, businesses, aca-
6 demia, and civil society, and allies or partner nations
7 who are members of the Fund and are critical to the
8 global semiconductor supply chain in order to build
9 safe and secure semiconductor supply chains outside
10 of and devoid of entities from countries subject to a
11 United States embargo. Considerations for building
12 safe and secure semiconductor supply chains include,
13 but are not limited to—

14 (A) relevant semiconductor designs;

15 (B) chemicals and materials relevant to the
16 semiconductor industry;

17 (C) semiconductor design tools;

18 (D) semiconductor manufacturing equip-
19 ment; and

20 (E) basic and applied semiconductor re-
21 search capability.

22 (3) RESTRICTION OF USE OF FUNDS.—

23 (A) AVAILABILITY CONTINGENT ON INTER-
24 NATIONAL AGREEMENT.—Amounts in the Fund
25 shall be available to the Secretary of State, sub-

1 ject to appropriation, on and after the date on
2 which the Secretary enters into an agreement
3 with at least 5 other governments of countries
4 that are allies or partners of the United States
5 that are critical to the global semiconductor
6 supply chain to participate in the common fund-
7 ing mechanism under subsection (b)(1) and the
8 commitments described in paragraph (2) of that
9 subsection.

10 (B) LIMITATION.—At no point during fis-
11 cal years 2021 through 2030 shall a United
12 States contribution cause the cumulative total
13 of United States contributions to exceed 33 per-
14 cent of the total contributions to the Fund from
15 all sources.

16 (C) NOTIFICATION.—The Secretary of
17 State shall notify the appropriate congressional
18 committees not later than 15 days in advance
19 of making a contribution to the Fund, includ-
20 ing—

- 21 (i) the amount of the proposed con-
22 tribution;
23 (ii) the total of funds contributed by
24 other donors; and

1 (iii) the national interests served by
2 United States participation in the Fund.

3 (D) WITHHOLDINGS.—

4 (i) SUPPORT FOR ACTS OF INTER-
5 NATIONAL TERRORISM.—If at any time the
6 Secretary of State determines that the
7 Fund has provided assistance to a country,
8 the government of which the Secretary of
9 State has determined, for purposes of sec-
10 tion 620A of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2371) has repeatedly pro-
12 vided support for acts of international ter-
13 rorism, the United States shall imme-
14 diately withhold contributions to the Fund
15 and cease participating in Fund activities.

16 (ii) SUPPORT FOR EMBARGOED COUN-
17 TRIES.—If at any time the Secretary of
18 State determines that the Fund, or any in-
19 vestments made by the fund, has sup-
20 ported the semiconductor supply chain of
21 or an entity with a substantial nexus to the
22 semiconductor supply chain of a country
23 under a United States embargo, the
24 United States shall immediately withhold
25 contributions and no longer make any con-

1 tributions until it certifies that non-market
2 economies do not stand to benefit from in-
3 vestments made from the Fund.

4 (iii) EXCESSIVE SALARIES.—If at any
5 time during any of the fiscal years 2021
6 through 2025, the Secretary of State de-
7 termines that the salary of any individual
8 employed by the Fund exceeds the salary
9 of the Vice President of the United States
10 for that fiscal year, then the United States
11 should withhold from its contribution for
12 the next fiscal year an amount equal to the
13 aggregate amount by which the salary of
14 each such individual exceeds the salary of
15 the Vice President of the United States.

16 (4) ENSURING PERMANENT MEMBER STATUS.—

17 If at any time the Secretary of State certifies that
18 the United States does not have a permanent rep-
19 resentative to the Board of Trustees as established
20 in paragraph (6), the Secretary shall withhold con-
21 tributions to the Fund until the Secretary certifies
22 that the United States is given a permanent seat.

23 (5) COMPOSITION.—

24 (A) IN GENERAL.—The Fund should be
25 governed by a Board of Trustees, to be com-

posed of representatives of participating allies and partners that are donors or participants in the Fund. The Board of Trustees should include—

(i) 5 permanent member countries, who qualify based upon meeting an established initial contribution threshold, whose contributions should cumulatively be not less than 50 percent of total contributions, and who should hold veto power over programs and projects; and

(ii) 5 term members, as appropriate, who are selected by the permanent members on the basis of their commitment to building a free secure semiconductor supply chain.

(B) QUALIFICATIONS.—Individuals appointed to the Board shall have demonstrated knowledge and experience in the fields of semiconductors, semiconductor manufacturing, and supply chain management.

(C) UNITED STATES REPRESENTATION.—

(i) IN GENERAL.—

(I) FOUNDING PERMANENT MEMBER.—The Secretary of State shall

1 seek to establish the United States as
2 a founding permanent member of the
3 Fund.

4 (II) COORDINATOR OF UNITED
5 STATES GOVERNMENT ACTIVITIES TO
6 ADVANCE SEMICONDUCTOR SUPPLY
7 CHAIN SECURITY.—The Secretary of
8 State shall appoint an individual
9 qualified as according to subpara-
10 graph (B) of this subsection to rep-
11 resent the United States on the Board
12 of Trustees.

13 (ii) EFFECTIVE AND TERMINATION
14 DATES.—

15 (I) EFFECTIVE DATE.—This
16 paragraph shall take effect upon the
17 date the Secretary of State, in coordi-
18 nation with the Secretary of the
19 Treasury, certifies and transmits to
20 Congress an agreement establishing
21 the Fund.

22 (II) TERMINATION DATE.—The
23 membership established pursuant to
24 clause (i) shall terminate upon the
25 date of termination of the Fund.

1 (D) REMOVAL PROCEDURES.—The Fund
2 shall establish procedures for the removal of
3 member donors of the Board who do not abide
4 by the Fund’s core objectives as defined in
5 paragraph (4) of this section.

6 (6) AVAILABILITY OF AMOUNTS.—

7 (A) IN GENERAL.—Amounts in the Fund
8 shall remain available through the end of the
9 10th fiscal year beginning after the date of the
10 enactment of this Act.

11 (B) REMAINDER TO TREASURY.—Any
12 amounts remaining in the Fund after the end
13 of the fiscal year described in subparagraph (A)
14 shall be deposited in the general fund of the
15 Treasury.

16 (b) COMMON FUNDING MECHANISM FOR DEVELOP-
17 MENT AND ADOPTION OF SECURE SEMICONDUCTOR AND
18 SECURE SEMICONDUCTOR SUPPLY CHAINS.—

19 (1) IN GENERAL.—The Secretary of State, in
20 consultation with the Secretary of Commerce, Sec-
21 retary of Energy, the Secretary of Defense, the Sec-
22 retary of Homeland Security, the Secretary of the
23 Treasury, and the Director of National Intelligence,
24 shall seek to establish a common funding mecha-
25 nism, in coordination with the governments of coun-

1 tries that are Members of the Fund, that uses
2 amounts from the Fund, and amounts committed by
3 such governments, to support those efforts described
4 in subsection (a).

5 (2) MUTUAL COMMITMENTS.—The Secretary of
6 State, in consultation with the United States Trade
7 Representative, the Secretary of Treasury, and the
8 Secretary of Commerce, shall seek to negotiate a set
9 of mutual commitments with the governments of
10 countries that are Members of the Fund upon which
11 to condition any expenditure of funds pursuant to
12 the common funding mechanism described in para-
13 graph (1). Such commitments shall, at a min-
14 imum—

15 (A) develop common policies for the protec-
16 tion of basic and applied research in both aca-
17 demic and commercial settings;

18 (B) develop common reporting require-
19 ments for researchers participating in talents
20 programs of countries subject to a United
21 States arms embargo;

22 (C) establish substantially similar if not
23 identical export controls licensing requirements
24 for all segments of the semiconductor supply
25 chain;

1 (D) establish substantially similar if not
2 identical policies for inbound investment from
3 entities with a substantial nexus to countries
4 subject to an embargo in all segments of the
5 semiconductor supply chain;

6 (E) establish harmonized treatment of
7 semiconductors and verification processes for
8 the importation of semiconductors or items in-
9 corporating semiconductors from embargoed
10 countries;

11 (F) establish common policies on pro-
12 tecting knowledge, know-how, and personnel
13 from migrating to embargoed countries or tak-
14 ing employment with entities with a substantial
15 nexus to these countries;

16 (G) develop common policies, including dis-
17 closure requirements and restrictions, on out-
18 bound investments, including index funds, into
19 entities that support or contribute to the devel-
20 opment of the semiconductor industry in coun-
21 tries subject to an embargo;

22 (H) establish transparency requirements
23 for any subsidies or other financial benefits (in-
24 cluding revenue foregone) provided to semicon-

1 ductor firms located in or outside such coun-
2 tries;

3 (I) establish consistent policies with re-
4 spect to countries that—

5 (i) are not participating in the com-
6 mon funding mechanism; and

7 (ii) do not meet transparency require-
8 ments established under subparagraph
9 (H);

10 (J) promote harmonized treatment of
11 semiconductor and verification processes for
12 items being exported to a country considered a
13 national security risk by a country participating
14 in the common funding mechanism;

15 (K) establish a consistent policies and com-
16 mon external policies to address nonmarket
17 economies as the behavior of such countries
18 pertains to semiconductor; and

19 (L) align policies on supply chain integrity
20 and semiconductor security.

21 (3) ANNUAL REPORT TO CONGRESS.—Not later
22 than 1 year after the date of the enactment of this
23 Act, and annually thereafter for each fiscal year dur-
24 ing which amounts in the Fund are available under
25 subsection (a), the Secretary of State shall submit to

1 Congress a report on the status of the implementa-
2 tion of this section that includes a description of—

3 (A) any commitments made by the govern-
4 ments of countries that are partners of the
5 United States to providing funding for the com-
6 mon funding mechanism described in subsection
7 (b)(1) and the specific amount so committed;

8 (B) the criteria established for expenditure
9 of funds through the common funding mecha-
10 nism;

11 (C) how, and to whom, amounts have been
12 expended from the Fund;

13 (D) amounts remaining in the Fund;

14 (E) the progress of the Secretary of State
15 toward entering into an agreement with the
16 governments of countries that are partners of
17 the United States to participate in the common
18 funding mechanism and the commitments de-
19 scribed in subsection (b)(2); and

20 (F) any additional authorities needed to
21 enhance the effectiveness of the Fund in achiev-
22 ing the security goals of the United States.

23 (4) GAO REPORT ON TRUST FUND EFFECTIVE-
24 NESS.—Not later than 2 years after the date that
25 the Fund is formally established, the Comptroller

1 General of the United States shall submit to the ap-
2 propriate congressional committees a report evalu-
3 ating the effectiveness of the Fund, including—

4 (A) the effectiveness of the programs,
5 projects, and activities supported by the Fund;
6 and

7 (B) an assessment of the merits of contin-
8 ued United States participation in the Fund.

9 **SEC. 1824. ADVANCED SEMICONDUCTOR RESEARCH AND**
10 **DESIGN.**

11 (a) APPROPRIATE COMMITTEES OF CONGRESS.—In
12 this section, the term “appropriate committees of Con-
13 gress” means—

14 (1) the Committee on Intelligence, the Com-
15 mittee on Commerce, Science, and Transportation,
16 the Committee on Foreign Relations, the Committee
17 on Armed Services, the Committee on Energy and
18 Natural Resources, the Committee on Appropria-
19 tions, the Committee on Banking, Housing, and
20 Urban Affairs, the Committee on Health, Education,
21 Labor, and Pensions and the Committee on Home-
22 land Security and Governmental Affairs of the Sen-
23 ate; and

24 (2) the Permanent Select Committee on Intel-
25 ligence, the Committee on Energy and Commerce,

1 the Committee on Foreign Affairs, the Committee
2 on Armed Services, the Committee on Science,
3 Space, and Technology, the Committee on Financial
4 Services, the Committee on Education and Labor
5 and the Committee on Homeland Security of the
6 House of Representatives.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the leadership of the United States in semicon-
9 ductor technology and innovation is critical to the eco-
10 nomic growth and national security of the United States.

11 (c) SUBCOMMITTEE ON SEMICONDUCTOR LEADER-
12 SHIP.—

13 (1) ESTABLISHMENT REQUIRED.—The Presi-
14 dent shall establish in the National Science and
15 Technology Council a subcommittee on matters re-
16 lating to leadership of the United States in semicon-
17 ductor technology and innovation.

18 (2) DUTIES.—The duties of the subcommittee
19 established under paragraph (1) are as follows:

20 (A) NATIONAL STRATEGY ON SEMICON-
21 DUCTOR RESEARCH.—

22 (i) DEVELOPMENT.—In coordination
23 with the Secretary of Defense, the Sec-
24 retary of Energy, the Secretary of State,
25 the Secretary of Commerce, the Secretary

1 of Homeland Security, the Secretary of
2 Labor, the Director of the National
3 Science Foundation, and the Director of
4 the National Institute of Standards and
5 Technology and in consultation with the
6 semiconductor industry and academia, de-
7 velop a national strategy on semiconductor
8 research, development, manufacturing, and
9 supply chain security, including guidance
10 for the funding of research, and strength-
11 ening of the domestic semiconductors
12 workforce.

13 (ii) REPORTING AND UPDATES.—Not
14 less frequently than once every 5 years, to
15 update the strategy developed under clause
16 (i) and to submit the revised strategy to
17 the appropriate committees of Congress.

18 (iii) IMPLEMENTATION.—In coordina-
19 tion with the Secretary of Defense, the
20 Secretary of Energy, the Secretary of
21 State, the Secretary of Commerce, the Sec-
22 retary of Homeland Security, the Director
23 of the National Science Foundation, and
24 the Director of the National Institute of
25 Standards and Technology, on an annual

1 basis coordinate and recommend each
2 agency's semiconductor related research
3 and development programs and budgets to
4 ensure consistency with the National Semi-
5 conductor Strategy.

6 (B) FOSTERING COORDINATION OF RE-
7 SEARCH AND DEVELOPMENT.—To foster the co-
8 ordination of semiconductor research and devel-
9 opment.

10 (3) SUNSET.—The subcommittee established
11 under paragraph (1) shall terminate on the date
12 that is 10 years after the date of enactment of this
13 Act.

14 (d) INDUSTRIAL ADVISORY COMMITTEE.—The Presi-
15 dent shall establish a standing subcommittee of the Presi-
16 dent's Council of Advisors on Science and Technology to
17 advise the United States Government on matters relating
18 to semiconductors policy.

19 (e) NATIONAL SEMICONDUCTOR TECHNOLOGY CEN-
20 TER.—

21 (1) ESTABLISHMENT.—The Secretary of Com-
22 merce shall establish a national semiconductor tech-
23 nology center to conduct research and prototyping of
24 advanced semiconductor technology to strengthen
25 the economic competitiveness and security of the do-

1 mestic supply chain, which will be operated as a
2 public private-sector consortium with participation
3 from the private sector, the Department of Defense,
4 the Department of Energy, the Department of
5 Homeland Security, the National Science Founda-
6 tion, and the National Institute of Standards and
7 Technology.

8 (2) FUNCTIONS.—The functions of the center
9 established under paragraph (1) shall be as follows:

10 (A) To conduct advanced semiconductor
11 manufacturing, design research, and proto-
12 typing that strengthens the entire domestic eco-
13 system and is aligned with the National Strat-
14 egy on Semiconductor Research.

15 (B) To establish a National Advanced
16 Packaging Manufacturing Program led by the
17 National Institute of Standards and Tech-
18 nology, in coordination with the Center, to
19 strengthen semiconductor advanced test, assem-
20 bly, and packaging capability in the domestic
21 ecosystem, and which shall coordinate with the
22 Manufacturing USA institute established under
23 paragraph (4).

24 (C) To establish an investment fund, in
25 partnership with the private sector, to support

1 startups in the domestic semiconductor eco-
2 system.

3 (D) To establish a Semiconductor Manu-
4 facturing Program through the Director of the
5 National Institute of Standards and Technology
6 to enable advances and breakthroughs in meas-
7 urement science, standards, material character-
8 ization, instrumentation, testing, and manufac-
9 turing capabilities that will accelerate the un-
10 derlying research and development for metrol-
11 ogy of next generation semiconductors and en-
12 sure the competitiveness and leadership of the
13 United States within this sector.

14 (E) To work with the Secretary of Labor,
15 the private sector, educational institutions, and
16 workforce training entities to develop workforce
17 training programs and apprenticeships in ad-
18 vanced semiconductor packaging capabilities.

19 (3) COMPONENTS.—The fund established under
20 paragraph (2)(C) shall cover the following:

21 (A) Advanced metrology and characteriza-
22 tion for manufacturing of microchips using 3
23 nanometer transistor processes or more ad-
24 vanced processes.

1 (B) Metrology for security and supply
2 chain verification.

3 (4) CREATION OF A MANUFACTURING USA IN-
4 STITUTE.—The fund established under paragraph
5 (2)(C) may also cover the creation of a Manufac-
6 turing USA institute described in section 34(d) of
7 the National Institute of Standards and Technology
8 Act (15 U.S.C. 278s(d)) that is focused on semicon-
9 ductor manufacturing. Such institute may emphasize
10 the following:

11 (A) Research to support the virtualization
12 and automation of maintenance of semicon-
13 ductor machinery.

14 (B) Development of new advanced test, as-
15 sembly and packaging capabilities.

16 (C) Developing and deploying educational
17 and skills training curricula needed to support
18 the industry sector and ensure the United
19 States can build and maintain a trusted and
20 predictable talent pipeline.

21 (f) AUTHORIZATIONS OF APPROPRIATIONS.—

22 (1) NATIONAL SEMICONDUCTOR TECHNOLOGY
23 CENTER.—

1 (A) IN GENERAL.—There is authorized to
2 be appropriated to carry out subsection (e),
3 \$914,000,000 for fiscal year 2021—

4 (i) of which, \$300,000,000 shall be
5 available to carry out subsection (e)(2)(A);

6 (ii) of which, \$500,000,000 shall be
7 available to carry out subsection (e)(2)(B);

8 (iii) of which, \$50,000,000 shall be
9 available to carry out subsection (e)(2)(C);

10 (iv) of which, \$50,000,000 shall be
11 available to carry out subsection
12 (e)(2)(D)—

13 (I) of which, \$2,000,000 shall be
14 available for each of fiscal year 2021
15 to carry out subsection (e)(3)(A);

16 (II) of which, \$2,000,000 shall be
17 available for fiscal years 2021 o carry
18 out subsection (e)(3)(B); and

19 (III) of which, \$5,000,000 shall
20 be available for fiscal year 2021 to
21 carry out subsection (e)(4); and

22 (v) of which, \$14,000,000 shall be
23 available to carry out subsection (e)(2)(E).

24 (2) SEMICONDUCTOR RESEARCH AT NATIONAL
25 SCIENCE FOUNDATION.—There is authorized to be

1 appropriated to carry out programs at the National
2 Science Foundation on semiconductor research in
3 alignment with the National Strategy on Semicon-
4 ductor Research, \$300,000,000 for fiscal year 2021.

5 (3) SEMICONDUCTORS RESEARCH AT THE NA-
6 TIONAL INSTITUTE OF STANDARDS AND TECH-
7 NOLOGY.—There is authorized to be appropriated to
8 carry out semiconductors research at the National
9 Institute of Standards and Technology \$50,000,000
10 for fiscal year 2021.

11 (g) SUPPLEMENT, NOT SUPPLANT.—The amounts
12 authorized to be appropriated under paragraphs (1)
13 through (3) of subsection (f) shall supplement and not
14 supplant amounts already appropriated to carry out the
15 purposes described in such paragraphs.

16 (h) DOMESTIC PRODUCTION REQUIREMENTS.—The
17 head of any executive agency receiving funding under this
18 section shall develop policies to require domestic produc-
19 tion, to the extent possible, for any intellectual property
20 resulting from semiconductors research and development
21 conducted as a result of these funds and domestic control
22 requirements to protect any such intellectual property
23 from foreign adversaries.

1 **SEC. 1825. PROHIBITION RELATING TO FOREIGN ENTITIES**
2 **OF CONCERN.**

3 (a) DEFINITION.—

4 (1) In this subtitle, the term “foreign entity”
5 means—

6 (A) any person—

7 (i) controlled by, or is subject to the
8 jurisdiction or direction of a foreign gov-
9 ernment;

10 (ii) who acts as an agent, representa-
11 tive, is an employee of, or acts in any other
12 capacity at the order, request, or under the
13 direction or control, of a foreign govern-
14 ment;

15 (iii) whose activities are directly or in-
16 directly supervised, directed, controlled, fi-
17 nanced, or subsidized in whole or in major-
18 ity part by an interest as described in sub-
19 paragraph (B) of this subsection;

20 (iv) who directly or indirectly through
21 any contract, arrangement, understanding,
22 relationship, or otherwise, owns 25 percent
23 or more of the equity interests of an inter-
24 est as described in subparagraph (B) of
25 this subsection, or has significant responsi-

1 bility to control, manage, or such an inter-
2 est;

3 (v) who is a citizen or resident, wher-
4 ever located, of a nation-state controlled by
5 a foreign government; or

6 (B) any organization, corporation, partner-
7 ship or association—

8 (i) organized under the laws of a na-
9 tion-state controlled by a foreign govern-
10 ment; or

11 (ii) wherever organized or doing busi-
12 ness, that is owned or controlled by a for-
13 eign government.

14 (2) In this subtitle, the term “foreign entity of
15 concern” means any foreign entity (as defined by
16 paragraph (1) of this section)—

17 (A) designated as a foreign terrorist orga-
18 nization by the Secretary of State under section
19 1189 of title 8;

20 (B) included on the list of specially des-
21 ignated nationals and blocked persons main-
22 tained by the Office of Foreign Assets Control
23 of the Department of the Treasury; or

24 (C) alleged by the Attorney General to
25 have been involved in activities for which a con-

viction was obtained under any of the following statutes:

(i) Espionage Act (18 U.S.C. 792 et seq.).

(ii) Section 951 or 1030 of title 18.

(iii) Economic Espionage Act (18 U.S.C. 1831 et seq.).

(iv) Arms Export Control Act (22 U.S.C. 2778).

(v) Section 2274, 2275, 2276, 2277, 2278, or 2284 of title 42.

(vi) Export Control Reform Act (50 U.S.C. 4801 et seq.).

(vii) International Economic Emergency Powers Act (50 U.S.C. 1701 et seq.).

(b) LIMITATION.—None of the funds appropriated pursuant to an authorization in this subtitle may be provided to a grantee that is determined to be a foreign entity of concern (as defined by this subtitle).

Subtitle G—Biliteracy Education Seal and Teaching Act

SEC. 1831. SHORT TITLE.

This subtitle may be cited as the “Biliteracy Education Seal and Teaching Act” or the “BEST Act”.

1 **SEC. 1832. FINDINGS.**

2 Congress finds the following:

3 (1) The people of the United States celebrate
4 cultural and linguistic diversity and seek to prepare
5 students with skills to succeed in the 21st century.

6 (2) It is fitting to commend the dedication of
7 students who have achieved proficiency in multiple
8 languages and to encourage their peers to follow in
9 their footsteps.

10 (3) The congressionally requested Commission
11 on Language Learning, in its 2017 report “Amer-
12 ica’s Languages: Investing in Language Education
13 for the 21st Century”, notes the pressing national
14 need for more people of the United States who are
15 proficient in two or more languages for national se-
16 curity, economic growth, and the fulfillment of the
17 potential of all people of the United States.

18 (4) The Commission on Language Learning
19 also notes the extensive cognitive, educational, and
20 employment benefits deriving from biliteracy.

21 (5) Biliteracy in general correlates with higher
22 graduation rates, higher grade point averages, high-
23 er rates of matriculation into higher education, and
24 higher earnings for all students, regardless of back-
25 ground.

1 (6) The study of America's languages in ele-
2 mentary and secondary schools should be encouraged
3 because it contributes to a student's cognitive devel-
4 opment and to the national economy and security.

5 (7) Recognition of student achievement in lan-
6 guage proficiency will enable institutions of higher
7 education and employers to readily recognize and ac-
8 knowledge the valuable expertise of bilingual stu-
9 dents in academia and the workplace.

10 (8) States such as Utah, Arizona, Washington,
11 and New Mexico have developed innovative testing
12 methods for languages, including Native American
13 languages, where no formal proficiency test currently
14 exists.

15 (9) The use of proficiency in a government-rec-
16 ognized official Native American language as the
17 base language for a Seal of Biliteracy, with pro-
18 ficiency in any additional partner language dem-
19 onstrated through tested proficiency, has been suc-
20 cessfully demonstrated in Hawaii.

21 (10) Students in every State and every school
22 should be able to benefit from a Seal of Biliteracy
23 program.

24 **SEC. 1833. DEFINITIONS.**

25 In this subtitle:

1 (1) ESEA DEFINITIONS.—The terms “English
2 learner”, “secondary school”, and “State” have the
3 meanings given those terms in section 8101 of the
4 Elementary and Secondary Education Act of 1965
5 (20 U.S.C. 7801).

6 (2) NATIVE AMERICAN LANGUAGES.—The term
7 “Native American languages” has the meaning given
8 the term in section 103 of the Native American Lan-
9 guages Act (25 U.S.C. 2902).

10 (3) SEAL OF BILITERACY PROGRAM.—The term
11 “Seal of Biliteracy program” means any program
12 described in section 1834(a) that is established or
13 improved, and carried out, with funds received under
14 this subtitle.

15 (4) SECOND LANGUAGE.—The term “second
16 language” means any language other than English
17 (or a Native American language, pursuant to section
18 1834(a)(2)), including Braille, American Sign Lan-
19 guage, or a Classical language.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of Education.

22 **SEC. 1834. GRANTS FOR STATE SEAL OF BILITERACY PRO-**
23 **GRAMS.**

24 (a) ESTABLISHMENT OF PROGRAM.—

1 (1) IN GENERAL.—From amounts made avail-
2 able under subsection (f), the Secretary shall award
3 grants, on a competitive basis, to States to enable
4 the States to establish or improve, and carry out,
5 Seal of Biliteracy programs to recognize student
6 proficiency in speaking, reading, and writing in both
7 English and a second language.

8 (2) INCLUSION OF NATIVE AMERICAN LAN-
9 GUAGES.—Notwithstanding paragraph (1), each Seal
10 of Biliteracy program shall contain provisions allow-
11 ing the use of Native American languages, including
12 allowing speakers of any Native American language
13 recognized as official by any American government,
14 including any Tribal government, to use equivalent
15 proficiency in speaking, reading, and writing in the
16 Native American language in lieu of proficiency in
17 speaking, reading, and writing in English.

18 (3) DURATION.—A grant awarded under this
19 section shall be for a period of 2 years, and may be
20 renewed at the discretion of the Secretary.

21 (4) RENEWAL.—At the end of a grant term, a
22 State that receives a grant under this section may
23 reapply for a grant under this section.

24 (5) LIMITATIONS.—A State shall not receive
25 more than 1 grant under this section at any time.

1 (6) RETURN OF UNSPENT GRANT FUNDS.—

2 Each State that receives a grant under this section
3 shall return any unspent grant funds not later than
4 6 months after the date on which the term for the
5 grant ends.

6 (b) GRANT APPLICATION.—A State that desires a
7 grant under this section shall submit an application to the
8 Secretary at such time, in such manner, and containing
9 such information and assurances as the Secretary may re-
10 quire, including—

11 (1) a description of the criteria a student must
12 meet to demonstrate the proficiency in speaking,
13 reading, and writing in both languages necessary for
14 the State Seal of Biliteracy program;

15 (2) a detailed description of the State’s plan—

16 (A) to ensure that English learners and
17 former English learners are included in the
18 State Seal of Biliteracy program;

19 (B) to ensure that—

20 (i) all languages, including Native
21 American languages, can be tested for the
22 State Seal of Biliteracy program; and

23 (ii) Native American language speak-
24 ers and learners are included in the State
25 Seal of Biliteracy program, including stu-

1 dents at tribally controlled schools and at
2 schools funded by the Bureau of Indian
3 Education; and

4 (C) to reach students, including eligible
5 students described in subsection (c)(2) and
6 English learners, their parents, and schools
7 with information regarding the State Seal of
8 Biliteracy program;

9 (3) an assurance that a student who meets the
10 requirements under paragraph (1) and subsection
11 (c) receives—

12 (A) a permanent seal or other marker on
13 the student's secondary school diploma or its
14 equivalent; and

15 (B) documentation of proficiency on the
16 student's official academic transcript; and

17 (4) an assurance that a student is not charged
18 a fee for providing information under subsection
19 (c)(1).

20 (c) STUDENT PARTICIPATION IN A SEAL OF
21 BILITERACY PROGRAM.—

22 (1) IN GENERAL.—To participate in a Seal of
23 Biliteracy program, a student shall provide informa-
24 tion to the State that serves the student at such
25 time, in such manner, and including such informa-

1 tion and assurances as the State may require, in-
2 cluding an assurance that the student has met the
3 criteria established by the State under subsection
4 (b)(1).

5 (2) STUDENT ELIGIBILITY FOR PARTICIPA-
6 TION.—A student who gained proficiency in a second
7 language outside of school may apply under para-
8 graph (1) to participate in a Seal of Biliteracy pro-
9 gram.

10 (d) USE OF FUNDS.—Grant funds made available
11 under this section shall be used for—

12 (1) the administrative costs of establishing or
13 improving, and carrying out, a Seal of Biliteracy
14 program that meets the requirements of subsection
15 (b); and

16 (2) public outreach and education about the
17 Seal of Biliteracy program.

18 (e) REPORT.—Not later than 18 months after receiv-
19 ing a grant under this section, a State shall issue a report
20 to the Secretary describing the implementation of the Seal
21 of Biliteracy program for which the State received the
22 grant.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 \$10,000,000 for each of fiscal years 2021 through 2025.

1 **Subtitle H—Accountability for**
2 **World Bank Loans to China**

3 **SEC. 1841. SHORT TITLE.**

4 This subtitle may be cited as the “Accountability for
5 World Bank Loans to China Act of 2019”.

6 **SEC. 1842. FINDINGS.**

7 The Congress finds as follows:

8 (1) Possessing more than \$3,000,000,000,000
9 in foreign exchange reserves, the People’s Republic
10 of China has devoted state resources to establish the
11 Asian Infrastructure Investment Bank, the New De-
12 velopment Bank, and activities under the Belt and
13 Road Initiative, potentially creating rivals to the
14 multilateral development banks led by the United
15 States and its allies.

16 (2) The International Bank for Reconstruction
17 and Development (IBRD), the World Bank’s pri-
18 mary financing institution for middle-income coun-
19 tries, ceases to finance (“graduates”) countries that
20 are able to sustain long-term development without
21 recourse to Bank resources.

22 (3) The IBRD examines a country’s potential
23 graduation when the country reaches the Graduation
24 Discussion Income (GDI), which amounts to a Gross
25 National Income (GNI) per capita of \$6,975.

1 (4) The World Bank calculates China's GNI
2 per capita as equivalent to \$9,470.

3 (5) According to the Center for Global Develop-
4 ment, China has received \$7,800,000,000 in IBRD
5 commitments since crossing the GDI threshold in
6 2016.

7 **SEC. 1843. UNITED STATES SUPPORT FOR GRADUATION OF**
8 **CHINA FROM WORLD BANK ASSISTANCE.**

9 (a) IN GENERAL.—The United States Governor of
10 the International Bank for Reconstruction and Develop-
11 ment (IBRD) shall instruct the United States Executive
12 Director at the IBRD that it is the policy of the United
13 States to—

14 (1) pursue the expeditious graduation of the
15 People's Republic of China from assistance by the
16 IBRD, consistent with the lending criteria of the
17 IBRD; and

18 (2) until the graduation of China from IBRD
19 assistance, prioritize projects in China that con-
20 tribute to global public goods, to the extent prac-
21 ticable.

22 (b) SUNSET.—Subsection (a) shall have no force or
23 effect on or after the earlier of—

24 (1) the date that is 7 years after the date of the
25 enactment of this Act; or

1 (2) the date that the Secretary of the Treasury
2 reports to the Committee on Financial Services of
3 the House of Representatives and the Committee on
4 Foreign Relations of the Senate that termination of
5 subsection (a) is important to the national interest
6 of the United States, with a detailed explanation of
7 the reasons therefor.

8 **SEC. 1844. ACCOUNTABILITY FOR WORLD BANK LOANS TO**
9 **THE PEOPLE’S REPUBLIC OF CHINA.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the United States Gov-
12 ernor of the International Bank for Reconstruction and
13 Development (in this section referred to as the “IBRD”)
14 shall submit the report described in subsection (b) to the
15 Committee on Financial Services of the House of Rep-
16 resentatives and the Committee on Foreign Relations of
17 the Senate.

18 (b) REPORT DESCRIBED.—The report described in
19 this subsection shall include the following:

20 (1) A detailed description of the efforts of the
21 United States Governor of the IBRD to enforce the
22 timely graduation of countries from the IBRD, with
23 a particular focus on the efforts with regard to the
24 People’s Republic of China.

1 (2) If the People’s Republic of China is a mem-
2 ber country of the IBRD, an explanation of any eco-
3 nomic or political factors that have prevented the
4 graduation of the People’s Republic of China from
5 the IBRD.

6 (3) A discussion of any effects resulting from
7 fungibility and IBRD lending to China, including
8 the potential for IBRD lending to allow for funding
9 by the government of the People’s Republic of China
10 of activities that may be inconsistent with the na-
11 tional interest of the United States.

12 (4) An action plan to help ensure that the Peo-
13 ple’s Republic of China graduates from the IBRD
14 within 2 years after submission of the report, con-
15 sistent with the lending eligibility criteria of the
16 IBRD.

17 (c) WAIVER OF REQUIREMENT THAT REPORT IN-
18 CLUDE ACTION PLAN.—The Secretary of the Treasury
19 may waive the requirement of subsection (b)(4) on report-
20 ing to the Committee on Financial Services of the House
21 of Representatives and the Committee on Foreign Rela-
22 tions of the Senate that the waiver is important to the
23 national interest of the United States, with a detailed ex-
24 planation of the reasons therefor.

1 **SEC. 1845. ENSURING DEBT TRANSPARENCY WITH RE-**
2 **SPECT TO THE BELT AND ROAD INITIATIVE.**

3 Within 180 days after the date of the enactment of
4 this Act, the Secretary of the Treasury shall, in consulta-
5 tion with the Secretary of State, submit to the Committee
6 on Financial Services and the Committee on Foreign Af-
7 fairs of the House of Representatives and the Committee
8 on Foreign Relations of the Senate a report (which should
9 be submitted in unclassified form but may include a classi-
10 fied annex) that includes the following:

11 (1) An assessment of the level of indebtedness
12 of countries receiving assistance through the Belt
13 and Road Initiative that are also beneficiary coun-
14 tries of the international financial institutions, in-
15 cluding the level and nature of indebtedness to the
16 People's Republic of China or an entity owned or
17 controlled by the government of the People's Repub-
18 lic of China.

19 (2) An analysis of debt management assistance
20 provided by the World Bank, the International Mon-
21 etary Fund, and the Office of Technical Assistance
22 of the Department of the Treasury to borrowing
23 countries of the Belt and Road Initiative of the Peo-
24 ple's Republic of China (or any comparable initiative
25 or successor initiative of China).

1 (3) An assessment of the effectiveness of
2 United States efforts, including bilateral efforts and
3 multilateral efforts, at the World Bank, the Inter-
4 national Monetary Fund, other international finan-
5 cial institutions and international organizations to
6 promote debt transparency.

7 **Subtitle I—Employment Fairness**
8 **for Taiwan**

9 **SEC. 1851. SHORT TITLE.**

10 This subtitle may be cited as the “Employment Fair-
11 ness for Taiwan Act of 2020”.

12 **SEC. 1852. SENSE OF THE CONGRESS.**

13 It is the sense of the Congress that—

14 (1) Taiwan is responsible for remarkable
15 achievements in economic and democratic develop-
16 ment, with its per capita gross domestic product ris-
17 ing in purchasing power parity terms from \$3,470 in
18 1980 to more than \$55,000 in 2018;

19 (2) the experience of Taiwan in creating a vi-
20 brant and advanced economy under democratic gov-
21 ernance and the rule of law can inform the work of
22 the international financial institutions, including
23 through the contributions and insights of Taiwan
24 nationals; and

1 (3) Taiwan nationals who seek employment at
2 the international financial institutions should not be
3 held at a disadvantage in hiring because the eco-
4 nomic success of Taiwan has rendered it ineligible
5 for financial assistance from such institutions.

6 **SEC. 1853. FAIRNESS FOR TAIWAN NATIONALS REGARDING**
7 **EMPLOYMENT AT INTERNATIONAL FINAN-**
8 **CIAL INSTITUTIONS.**

9 (a) IN GENERAL.—The Secretary of the Treasury
10 shall instruct the United States Executive Director at each
11 international financial institution to use the voice and vote
12 of the United States to seek to ensure that Taiwan nation-
13 als are not discriminated against in any employment deci-
14 sion by the institution, including employment through con-
15 sulting or part-time opportunities, on the basis of—

16 (1) whether they are citizens or nationals of, or
17 holders of a passport issued by, a member country
18 of, or a state or other jurisdiction that receives as-
19 sistance from, the international financial institution;
20 or

21 (2) any other consideration that, in the deter-
22 mination of the Secretary, unfairly disadvantages
23 Taiwan nationals with respect to employment at the
24 institution.

1 (b) INTERNATIONAL FINANCIAL INSTITUTION DE-
2 FINED.—In this section, the term “international financial
3 institution” has the meaning given the term in section
4 1701(c)(2) of the International Financial Institutions Act.

5 (c) WAIVER AUTHORITY.—The Secretary of the
6 Treasury may waive subsection (a) for not more than 1
7 year at a time after reporting to the Committee on Finan-
8 cial Services of the House of Representatives and the
9 Committee on Foreign Relations of the Senate that pro-
10 viding the waiver—

11 (1) will substantially promote the objective of
12 equitable treatment for Taiwan nationals at the
13 international financial institutions; or

14 (2) is in the national interest of the United
15 States, with a detailed explanation of the reasons
16 therefor.

17 (d) PROGRESS REPORT.—The Chairman of the Na-
18 tional Advisory Council on International Monetary and Fi-
19 nancial Policies shall submit to the committees specified
20 in subsection (c) an annual report, in writing, that de-
21 scribes the progress made toward advancing the policy de-
22 scribed in subsection (a), and a summary of employment
23 trends with respect to Taiwan nationals at the inter-
24 national financial institutions.

1 (e) SUNSET.—The preceding provisions of this sec-
2 tion shall have no force or effect beginning with the earlier
3 of—

4 (1) the date that is 7 years after the date of the
5 enactment of this Act; or

6 (2) the date that the Secretary of the Treasury
7 reports to the committees specified in subsection (c)
8 that each international financial institution has
9 adopted the policy described in subsection (a).

10 **DIVISION B—MILITARY CON-**
11 **STRUCTION AUTHORIZA-**
12 **TIONS**

13 **SEC. 2001. SHORT TITLE.**

14 This division may be cited as the “Military Construc-
15 tion Authorization Act for Fiscal Year 2021”.

16 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
17 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
18 **LAW.**

19 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
20 YEARS.—Except as provided in subsection (b), all author-
21 izations contained in titles XXI through XXVII and title
22 XXIX for military construction projects, land acquisition,
23 family housing projects and facilities, and contributions to
24 the North Atlantic Treaty Organization Security Invest-

1 ment Program (and authorizations of appropriations
2 therefor) shall expire on the later of—

3 (1) October 1, 2023; or

4 (2) the date of the enactment of an Act author-
5 izing funds for military construction for fiscal year
6 2024.

7 (b) EXCEPTION.—Subsection (a) shall not apply to
8 authorizations for military construction projects, land ac-
9 quisition, family housing projects and facilities, and con-
10 tributions to the North Atlantic Treaty Organization Se-
11 curity Investment Program (and authorizations of appro-
12 priations therefor), for which appropriated funds have
13 been obligated before the later of—

14 (1) October 1, 2023; or

15 (2) the date of the enactment of an Act author-
16 izing funds for fiscal year 2024 for military con-
17 struction projects, land acquisition, family housing
18 projects and facilities, or contributions to the North
19 Atlantic Treaty Organization Security Investment
20 Program.

21 **SEC. 2003. EFFECTIVE DATE.**

22 Titles XXI through XXVII and title XXIX shall take
23 effect on the later of—

24 (1) October 1, 2020; or

25 (2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
Alaska	Fort Wainwright	\$91,500,000
Arizona	Yuma Proving Ground	\$14,000,000
Colorado	Fort Carson	\$28,000,000
Georgia	Fort Gillem	\$71,000,000
	Fort Gordon	\$80,000,000
	Fort Shafter	\$26,000,000
Hawaii	Schofield Barracks	\$39,000,000
	Wheeler Army Air Field	\$89,000,000
Louisiana	Fort Polk	\$25,000,000
Oklahoma	McAlester Army Ammunition Plant	\$35,000,000
Virginia	Humphreys Engineer Center	\$51,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition

1 and supporting facilities) at the installations, and in the
 2 amounts, set forth in the following table:

Army: Family Housing

State/Country	Installation	Units	Amount
Italy	Vicenza	Family Housing New Construction	\$84,100,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	\$32,000,000

3 (b) PLANNING AND DESIGN.—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2103(a) and available for military family housing
 6 functions as specified in the funding table in section 4601,
 7 the Secretary of the Army may carry out architectural and
 8 engineering services and construction design activities
 9 with respect to the construction or improvement of family
 10 housing units in an amount not to exceed \$3,300,000.

11 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 13 are hereby authorized to be appropriated for fiscal years
 14 beginning after September 30, 2020, for military con-
 15 struction, land acquisition, and military family housing
 16 functions of the Department of the Army as specified in
 17 the funding table in section 4601.

18 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 19 PROJECTS.—Notwithstanding the cost variations author-
 20 ized by section 2853 of title 10, United States Code, and
 21 any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2101 of this Act
2 may not exceed the total amount authorized to be appro-
3 priated under subsection (a), as specified in the funding
4 table in section 4601.

5 **SEC. 2104. LIMITATION ON MILITARY CONSTRUCTION**
6 **PROJECT AT KWAJALEIN ATOLL.**

7 The Secretary of the Army may not commence the
8 military construction project authorized by section
9 2101(b) at Kwajalein Atoll, as specified in the funding
10 table in section 4601, and none of the funds authorized
11 to be appropriated by this Act for that military construc-
12 tion project may be obligated or expended, until the Sec-
13 retary submits to Committees on Armed Services of the
14 House of Representatives and the Senate a design plan
15 for the project that ensures that, upon completion of the
16 project, the project will be resilient to 15 inches of sea
17 level rise and periods of complete inundation and wave-
18 overwash predicted during the 10-year period beginning
19 on the date of the enactment of this Act.

20 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2017 PROJECT.**

22 In the case of the authorization contained in the table
23 in section 2102(a) of the National Defense Authorization
24 Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat.
25 2689) for Camp Walker, Korea, for family housing new

1 construction, as specified in the funding table in section
 2 4601 of such Act (130 Stat. 2883), the Secretary of the
 3 Army may construct an elevated walkway between two ex-
 4 isting parking garages to connect children's playgrounds.

5 **TITLE XXII—NAVY MILITARY** 6 **CONSTRUCTION**

7 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 8 **ACQUISITION PROJECTS.**

9 (a) INSIDE THE UNITED STATES.—Using amounts
 10 appropriated pursuant to the authorization of appropria-
 11 tions in section 2203(a) and available for military con-
 12 struction projects inside the United States as specified in
 13 the funding table in section 4601, the Secretary of the
 14 Navy may acquire real property and carry out military
 15 construction projects for the installations or locations in-
 16 side the United States, and in the amounts, set forth in
 17 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station Yuma	\$99,600,000
California	Marine Corps Base Camp Pendleton	\$68,530,000
	Naval Air Station Lemoore	\$187,220,000
	Naval Base San Diego	\$128,500,000
	Marine Corps Air Ground Combat Center Twentynine Palms	\$76,500,000
Guam	Andersen Air Force Base	\$21,280,000
	Joint Region Marianas	\$546,550,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$114,900,000
Maine	Portsmouth Naval Shipyard	\$715,000,000
Nevada	Fallon Range Training Complex	\$29,040,000
Virginia	Naval Station Norfolk	\$30,400,000

18 (b) OUTSIDE THE UNITED STATES.—Using amounts
 19 appropriated pursuant to the authorization of appropria-

tions in section 2203(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain Island	Naval Support Activity Bahrain	\$68,340,000
Greece	Naval Support Activity Souda Bay	\$50,180,000
Spain	Naval Station Rota	\$60,110,000

SEC. 2202. FAMILY HOUSING AND IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

(a) FAMILY HOUSING.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$5,854,000.

(b) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military family housing functions as specified

1 in the funding table in section 4601, the Secretary of the
2 Navy may improve existing military family housing units
3 in an amount not to exceed \$37,043,000.

4 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated for fiscal years
7 beginning after September 30, 2020, for military con-
8 struction, land acquisition, and military family housing
9 functions of the Department of the Navy, as specified in
10 the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2201 of this Act
16 may not exceed the total amount authorized to be appro-
17 priated under subsection (a), as specified in the funding
18 table in section 4601.

19 **TITLE XXIII—AIR FORCE**
20 **MILITARY CONSTRUCTION**

21 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
22 **LAND ACQUISITION PROJECTS.**

23 (a) INSIDE THE UNITED STATES.—Using amounts
24 appropriated pursuant to the authorization of appropria-
25 tions in section 2303(a) and available for military con-

1 struction projects inside the United States as specified in
 2 the funding table in section 4601, the Secretary of the
 3 Air Force may acquire real property and carry out mili-
 4 tary construction projects for the installations or locations
 5 inside the United States, and in the amounts, set forth
 6 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
California	Edwards Air Force Base	\$40,000,000
Guam	Joint Region Marianas	\$56,000,000
New Jersey	Joint Base McGuire-Dix- Lakehurst	\$22,000,000
Texas	Joint Base San Antonio	\$19,500,000
Virginia	Joint Base Langley-Eustis	\$19,500,000

7 (b) OUTSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2303(a) and available for military con-
 10 struction projects outside the United States as specified
 11 in the funding table in section 4601, the Secretary of the
 12 Air Force may acquire real property and carry out mili-
 13 tary construction projects for the installation or location
 14 outside the United States, and in the amount, set forth
 15 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	\$26,000,000

1 **SEC. 2302. FAMILY HOUSING AND IMPROVEMENTS TO MILI-**
2 **TARY FAMILY HOUSING UNITS.**

3 (a) FAMILY HOUSING.—Using amounts appropriated
4 pursuant to the authorization of appropriations in section
5 2303(a) and available for military family housing func-
6 tions as specified in the funding table in section 4601, the
7 Secretary of the Air Force may carry out architectural and
8 engineering services and construction design activities
9 with respect to the construction or improvement of family
10 housing units in an amount not to exceed \$2,969,000.

11 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
12 UNITS.—Subject to section 2825 of title 10, United States
13 Code, and using amounts appropriated pursuant to the
14 authorization of appropriations in section 2303(a) and
15 available for military family housing functions as specified
16 in the funding table in section 4601, the Secretary of the
17 Air Force may improve existing military family housing
18 units in an amount not to exceed \$94,245,000.

19 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
20 **FORCE.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
22 are hereby authorized to be appropriated for fiscal years
23 beginning after September 30, 2020, for military con-
24 struction, land acquisition, and military family housing
25 functions of the Department of the Air Force, as specified
26 in the funding table in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
2 PROJECTS.—Notwithstanding the cost variations author-
3 ized by section 2853 of title 10, United States Code, and
4 any other cost variation authorized by law, the total cost
5 of all projects carried out under section 2301 may not ex-
6 ceed the total amount authorized to be appropriated under
7 subsection (a), as specified in the funding table in section
8 4601.

9 **SEC. 2304. MODIFICATION OF AUTHORITY TO CARRY OUT**
10 **CERTAIN FISCAL YEAR 2018 PROJECT.**

11 (a) MODIFICATION OF PROJECT AUTHORITY.—In the
12 case of the authorization contained in the table in section
13 2301(b) of the National Defense Authorization Act for
14 Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1826)
15 for Royal Air Force Lakenheath, United Kingdom, for
16 construction of a 2,384 square-meter Consolidated Corro-
17 sion Control Facility, as specified in the funding table in
18 section 4601 of such Act (131 Stat. 2004), the Secretary
19 of the Air Force may construct a 2,700 square-meter Con-
20 solidated Corrosion Control and Wash Rack Facility.

21 (b) MODIFICATION OF PROJECT AMOUNTS.—

22 (1) DIVISION B TABLE.—The authorization
23 table in section 2301(b) of the National Defense Au-
24 thorization Act for Fiscal Year 2018 (Public Law
25 115–91; 131 Stat. 1826) is amended in the item re-

1 lating to Royal Air Force Lakenheath, United King-
2 dom, by striking “\$136,992,000” and inserting
3 “\$172,292,000” to reflect the project modification
4 made by subsection (a).

5 (2) DIVISION D TABLE.—The funding table in
6 section 4601 of the National Defense Authorization
7 Act for Fiscal Year 2018 (Public Law 115–91; 131
8 Stat. 2004) is amended in the item relating to Royal
9 Air Force Lakenheath, Consolidated Corrosion Con-
10 trol Facility, by striking “\$20,000” in the Con-
11 ference Authorized column and inserting “\$55,300”
12 to reflect the project modification made by sub-
13 section (a).

14 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **CERTAIN FISCAL YEAR 2019 PROJECTS.**

16 (a) EIELSON AIR FORCE BASE, ALASKA.—In the
17 case of the authorization contained in the table in section
18 2301(a) of the National Defense Authorization Act for
19 Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246)
20 for Eielson Air Force Base, Alaska, for construction of
21 a F–35 CATM Range, as specified in the funding table
22 in section 4601 of such Act (132 Stat. 2404), the Sec-
23 retary of the Air Force may construct a 426 square-meter
24 outdoor range with covered and heated firing lines.

25 (b) BARKSDALE AIR FORCE BASE, LOUISIANA.—

(1) MODIFICATION OF PROJECT AUTHORITY.—

In the case of the authorization contained in table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2246) for Barksdale Air Force Base, Louisiana, for construction of an Entrance Road and Gate Complex the Secretary of the Air Force may construct a 190 square meter visitor control center, 44 square meter gate house, 124 square meter privately owned vehicle inspection facility, 338 square meter truck inspection facility and a 45 square meter gatehouse.

(2) PROJECT CONDITIONS.—The military con-

struction project referred to in paragraph (1) shall be carried out consistent with the Unified Facilities Criteria relating to Entry Control Facilities and applicable construction guidelines of the Department of the Air Force. Construction in a flood plain is authorized, subject to the condition that the Secretary of the Air Force include appropriate mitigation measures.

(3) MODIFICATION OF PROJECT AMOUNTS.—

(A) DIVISION B TABLE.—The authoriza-

tion table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2019

(Public Law 115–232; 132 Stat. 2246) is amended in the item relating to Barksdale Air Force Base, Louisiana, by striking “\$12,250,000” and inserting “\$48,000,000” to reflect the project modification made by paragraph (1).

(B) DIVISION D TABLE.—The funding table in section 4601 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2404) is amended in the item relating to Barksdale Air Force Base, Louisiana, by striking “\$12,250” in the Conference Authorized column and inserting “\$48,000” to reflect the project modification made by paragraph (1).

(c) ROYAL AIR FORCE LAKENHEATH, UNITED KINGDOM.—In the case of the authorization contained in the table in section 2301(b) of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2247) for Royal Air Force Lakenheath, United Kingdom, for construction of a 485 square-meter F–35A ADAL Conventional Munitions MX, as specified in the funding table of section 4601 of such Act (132 Stat. 2405), the Secretary of the Air Force may construct a 1,206 square-meter maintenance facility for such purpose.

1 (d) FORCE PROTECTION AND SAFETY.—The funding
2 table in section 4601 of the National Defense Authoriza-
3 tion Act for Fiscal Year 2019 (Public Law 115–232; 132
4 Stat. 2406) is amended in the item relating to Force Pro-
5 tection and Safety under Military Construction, Air Force,
6 by striking “\$35,000” in the Conference Authorized col-
7 umn and inserting “\$50,000” to reflect amounts appro-
8 priated for such purpose.

9 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
10 **CERTAIN FISCAL YEAR 2020 PROJECTS.**

11 (a) TYNDALL AIR FORCE BASE, FLORIDA.—In the
12 case of the authorizations contained in the table in section
13 2912(a) of the National Defense Authorization Act for
14 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913)
15 for Tyndall Air Force Base, Florida—

16 (1) for construction of an Auxiliary Ground
17 Equipment Facility, as specified in the funding table
18 in section 4603 of such Act (133 Stat. 2103), the
19 Secretary of the Air Force may construct up to
20 4,770 square meters of aircraft support equipment
21 storage;

22 (2) for construction of Dorm Complex Phase 1,
23 as specified in such funding table, the Secretary of
24 the Air Force may construct up to 18,770 square
25 meters of visiting quarters;

1 (3) for construction of Lodging Facilities Phase
2 1, as specified in such funding table, the Secretary
3 of the Air Force may construct up to 12,471 meters
4 of visiting quarters.

5 (4) for construction of an Operations Group/
6 Maintenance Group HQ at the installation, as speci-
7 fied in such funding table, the Secretary of the Air
8 Force may construct up to 3,420 square meters of
9 headquarters;

10 (5) for construction of Ops/Aircraft Mainte-
11 nance Unit/Hangar number 2 and Ops/Aircraft
12 Maintenance Unit/Hangar number 3, as specified in
13 such funding table, the Secretary of the Air Force
14 may construct 2,127 square meters of squadron op-
15 erations and 2,875 square meters of aircraft mainte-
16 nance unit for each project;

17 (6) for construction of a Security Forces Mobil-
18 ity Storage Facility, as specified in such funding
19 table, the Secretary of the Air Force may construct
20 up to 930 square meters of equipment storage; and

21 (7) for construction of Site Development, Utili-
22 ties, and Demolition Phase 2, as specified in such
23 funding table, the Secretary of the Air Force may
24 construct up to 7,000 meters of storm water piping,

1 box culverts, underground detention, and grading for
2 surface detention.

3 (b) OFFUTT AIR FORCE BASE, NEBRASKA.—In the
4 case of the authorizations contained in the table in section
5 2912(a) of the National Defense Authorization Act for
6 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1913)
7 for Offutt Air Force Base, Nebraska—

8 (1) for construction of an Emergency Power
9 Microgrid, as specified in the funding table in sec-
10 tion 4603 of such Act (133 Stat. 2104), the Sec-
11 retary of the Air Force may construct seven 2.5-
12 megawatt diesel engine generators, seven diesel ex-
13 haust fluid systems, 15-kV switchgear, two import/
14 export inter-ties, five import-only inter-ties, and 800
15 square meters of switchgear facility;

16 (2) for construction of a Flightline Hangars
17 Campus, as specified in such funding table, the Sec-
18 retary of the Air Force may construct 445 square
19 meter of petroleum operations center, 268 square
20 meters of de-icing liquid storage, and 173 square
21 meters of warehouse; and

22 (3) for construction of a Lake Campus, as spec-
23 ified in such funding table, the Secretary of the Air
24 Force may construct 240 square meters of recre-
25 ation complex and 270 square meters of storage;

1 (4) for construction of a Logistics Readiness
2 Squadron Campus, as specified in such funding
3 table, the Secretary of the Air Force may construct
4 2,536 square meters of warehouse; and

5 (5) for construction of a Security Campus, as
6 specified in such funding table, the Secretary of the
7 Air Force may construct 4,218 square meters of op-
8 erations center and 1,343 square meters of military
9 working dog kennel.

10 (c) JOINT BASE LANGLEY-EUSTIS, VIRGINIA.—In
11 the case of the authorization contained in the table in sec-
12 tion 2912(a) of the National Defense Authorization Act
13 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
14 1913) for Joint Base Langley-Eustis, Virginia, for con-
15 struction of a Dormitory at the installation, as specified
16 in the funding table in section 4603 of such Act (133 Stat.
17 2104), the Secretary of the Air Force may construct up
18 to 6,720 square meters of dormitory.

19 **SEC. 2307. TECHNICAL CORRECTIONS RELATED TO AU-**
20 **THORITY TO CARRY OUT CERTAIN FISCAL**
21 **YEAR 2020 FAMILY HOUSING PROJECTS.**

22 (a) AUTHORIZATION OF OMITTED SPANGDAHLEM
23 AIR BASE FAMILY HOUSING PROJECT.—Using amounts
24 appropriated pursuant to the authorization of appropria-
25 tions in section 2304(a) of the National Defense Author-

1 ization Act for Fiscal Year 2020 (Public Law 116–92; 133
2 Stat. 1869) and available for military family housing func-
3 tions, the Secretary of the Air Force may carry out the
4 military family housing project at Spangdahlem Air Base,
5 Germany, as specified in the funding table in section 4601
6 of such Act (133 Stat. 2099).

7 (b) CORRECTION OF AMOUNT AUTHORIZED FOR
8 FAMILY HOUSING IMPROVEMENTS.—Section 2303 of the
9 National Defense Authorization Act for Fiscal Year 2020
10 (Public Law 116–92; 133 Stat. 1869) is amended by strik-
11 ing “\$53,584,000” and inserting “\$46,638,000” to reflect
12 the amount specified in the funding table in section 4601
13 of such Act (133 Stat. 2099) for Construction Improve-
14 ments under Family Housing Construction, Air Force.

15 **TITLE XXIV—DEFENSE AGEN-**
16 **CIES MILITARY CONSTRU-**
17 **CTION**

18 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
19 **TION AND LAND ACQUISITION PROJECTS.**

20 (a) INSIDE THE UNITED STATES.—Using amounts
21 appropriated pursuant to the authorization of appropria-
22 tions in section 2403(a) and available for military con-
23 struction projects inside the United States as specified in
24 the funding table in section 4601, the Secretary of De-
25 fense may acquire real property and carry out military

1 construction projects for the installations or locations in-
 2 side the United States, and in the amounts, set forth in
 3 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$18,000,000
Alaska	Fort Greely	\$48,000,000
Arizona	Fort Huachuca	\$33,728,000
	Marine Corps Air Station Yuma	\$49,500,000
California	Beale Air Force Base	\$22,800,000
Colorado	Fort Carson	\$15,600,000
CONUS Unspecified	CONUS Unspecified	\$14,400,000
Florida	Hurlburt Field	\$83,120,000
Kentucky	Fort Knox	\$69,310,000
New Mexico	Kirtland Air Force Base	\$46,600,000
North Carolina	Fort Bragg	\$113,800,000
Ohio	Wright-Patterson Air Force Base	\$23,500,000
Texas	Fort Hood	\$32,700,000
Virginia	Joint Expeditionary Base Little Creek- Story	\$112,500,000
Washington	Joint Base Lewis-McChord	\$21,800,000
	Navy Fuel Depot Manchester	\$82,000,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2403(a) and available for military con-
 7 struction projects outside the United States as specified
 8 in the funding table in section 4601, the Secretary of De-
 9 fense may acquire real property and carry out military
 10 construction projects for the installation or location out-
 11 side the United States, and in the amount, set forth in
 12 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Japan	Defense Fuel Support Point Tsurumi	\$49,500,000

1 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**
2 **SERVATION INVESTMENT PROGRAM**
3 **PROJECTS.**

4 (a) INSIDE THE UNITED STATES.—Using amounts
5 appropriated pursuant to the authorization of appropria-
6 tions in section 2403(a) and available for energy conserva-
7 tion projects as specified in the funding table in section
8 4601, the Secretary of Defense may carry out energy con-
9 servation projects under chapter 173 of title 10, United
10 States Code, for the installations or locations inside the
11 United States, and in the amounts, set forth in the fol-
12 lowing table:

ERCIP Projects: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$24,000,000
Arkansas	Ebbing Air National Guard Base	\$2,600,000
California	Marine Corps Air Ground Combat Center Twentynine Palms	\$11,646,000
	Military Ocean Terminal Concord	\$29,000,000
	Naval Support Activity Monterey	\$10,540,000
	Naval Air Weapons Station China Lake	\$8,950,000
District of Co- lumbia	Joint Base Anacostia-Bolling	\$44,313,000
Georgia	Fort Benning	\$17,000,000
Maryland	Naval Support Activity Bethesda	\$13,840,000
	Naval Support Activity South Potomac	\$18,460,000
Missouri	Whiteman Air Force Base	\$17,310,000
Nevada	Creech Air Force Base	\$32,000,000
North Carolina ...	Fort Bragg	\$6,100,000
Ohio	Wright-Patterson Air Force Base	\$35,000,000
Tennessee	Memphis Air National Guard Base	\$4,780,000
Virginia	Naval Medical Center Portsmouth	\$611,000
	Surface Combat Systems Center Wallops Is- land	\$9,100,000

13 (b) OUTSIDE THE UNITED STATES.—Using amounts
14 appropriated pursuant to the authorization of appropria-
15 tions in section 2403(a) and available for energy conserva-
16 tion projects as specified in the funding table in section

1 4601, the Secretary of Defense may carry out energy con-
 2 servation projects under chapter 173 of title 10, United
 3 States Code, for the installation or location outside the
 4 United States, and in the amount, set forth in the fol-
 5 lowing table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Italy	Naval Support Activity Naples	\$3,490,000

6 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
 7 **FENSE AGENCIES.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 9 are hereby authorized to be appropriated for fiscal years
 10 beginning after September 30, 2020, for military con-
 11 struction, land acquisition, and military family housing
 12 functions of the Department of Defense (other than the
 13 military departments), as specified in the funding table
 14 in section 4601.

15 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 16 PROJECTS.—Notwithstanding the cost variations author-
 17 ized by section 2853 of title 10, United States Code, and
 18 any other cost variation authorized by law, the total cost
 19 of all projects carried out under section 2401 of this Act
 20 may not exceed the total amount authorized to be appro-
 21 priated under subsection (a), as specified in the funding
 22 table in section 4601.

1 **SEC. 2404. MILITARY CONSTRUCTION INFRASTRUCTURE**
2 **AND WEAPON SYSTEM SYNCHRONIZATION**
3 **FOR GROUND BASED STRATEGIC DETER-**
4 **RENT.**

5 (a) AUTHORIZATION FOR PLANNING AND DESIGN.—

6 Of the amounts authorized to be appropriated for re-
7 search, development, test, and evaluation, Air Force, for
8 fiscal year 2021, for the Ground Based Strategic Deter-
9 rent, as specified in the funding table in section 4201, the
10 Secretary of the Air Force may use not more than
11 \$15,000,000 for the purpose of obtaining or carrying out
12 necessary planning and construction design in connection
13 with military construction projects and other infrastruc-
14 ture projects necessary to support the development and
15 fielding of the Ground Based Strategic Deterrent weapon
16 system.

17 (b) AIR FORCE PROJECT MANAGEMENT AND SUPER-
18 VISION.—Each contract entered into by the United States
19 for a military construction project or other infrastructure
20 project in connection with the development and fielding
21 of the Ground Based Strategic Deterrence weapon system
22 shall be carried out under the direction and supervision
23 of the Secretary of the Air Force. The Secretary may uti-
24 lize and consult with the Air Force Civil Engineer Center,
25 the Army Corps of Engineers, and the Naval Facilities
26 Engineering Command for subject matter expertise, con-

1 tracting capacity, and other support as determined to be
2 necessary by the Secretary to carry out this section.

3 (c) USE OF SINGLE PRIME CONTRACTOR.—The Sec-
4 retary of the Air Force may award contracts for planning
5 and construction design and for military construction
6 projects and other infrastructure projects authorized by
7 law in connection with the development and fielding of the
8 Ground Based Strategic Deterrent weapon system to a
9 single prime contractor if the Secretary determines that
10 awarding the contracts to a single prime contractor—

11 (1) is in the best interest of the Government;

12 and

13 (2) is necessary to ensure the proper synchroni-
14 zation and execution of work related to the develop-
15 ment and fielding of the Ground Based Strategic
16 Deterrent weapon system and its associated military
17 construction projects and other infrastructure
18 projects.

19 (d) EXCEPTIONS TO CURRENT LAW.—The Secretary
20 of the Air Force may carry out this section without regard
21 to the following provisions of law:

22 (1) Section 2304 of title 10, United States
23 Code.

24 (2) Section 2807(a) of such title.

25 (3) Section 2851(a) of such title.

1 (e) EXPIRATION OF AUTHORITY.—The authorities
2 provided by this section shall expire upon the earlier of
3 the following:

4 (1) The date that is 15 years after the date of
5 the enactment of this Act.

6 (2) The date on which the Secretary of the Air
7 Force submits to the congressional defense commit-
8 tees a certification that the fielding of the Ground
9 Based Strategic Deterrent weapon system is com-
10 plete.

11 (f) REPORT REQUIRED.—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary of
13 the Air Force shall submit to the congressional defense
14 committees a report describing the plans to synchronize
15 the development and fielding of the Ground Based Stra-
16 tegic Deterrent weapon system and its associated military
17 construction projects and other infrastructure projects.
18 The report shall contain, at minimum, the following ele-
19 ments:

20 (1) A description of the estimated total cost,
21 scope of work, location, and schedule for the plan-
22 ning and design, military construction, and other in-
23 frastructure investments necessary to support the
24 development and fielding of the Ground Based Stra-
25 tegic Deterrent weapon system.

1 (2) A recommendation regarding the methods
2 by which a programmatic military construction au-
3 thorization, authorization of appropriations, and ap-
4 propriation, on an installation-by-installation basis,
5 could be used to support the synchronized develop-
6 ment and fielding of the Ground Based Strategic
7 Deterrent and its associated military construction
8 projects and other infrastructure projects.

9 (3) Identification of the specific provisions of
10 law, if any, that the Secretary determines may ad-
11 versely impact or delay the development and fielding
12 of the Ground Based Strategic Deterrent weapon
13 system and its associated construction projects, as-
14 suming, as described in paragraph (2), the use of a
15 programmatic military construction authorization on
16 an installation-by-installation basis.

17 (4) A plan to ensure sufficient capability and
18 capacity to cover civilian and military Manning for
19 oversight and contract management related to the
20 development and fielding of the Ground Based Stra-
21 tegic Deterrent weapon system and its associated
22 construction projects.

1 **TITLE XXV—INTERNATIONAL**
2 **PROGRAMS**
3 **Subtitle A—North Atlantic Treaty**
4 **Organization Security Invest-**
5 **ment Program**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 The Secretary of Defense may make contributions for
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program as provided in section 2806 of title 10,
11 United States Code, in an amount not to exceed the sum
12 of the amount authorized to be appropriated for this pur-
13 pose in section 2502 and the amount collected from the
14 North Atlantic Treaty Organization as a result of con-
15 struction previously financed by the United States.

16 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

17 (a) AUTHORIZATION.—Funds are hereby authorized
18 to be appropriated for fiscal years beginning after Sep-
19 tember 30, 2020, for contributions by the Secretary of De-
20 fense under section 2806 of title 10, United States Code,
21 for the share of the United States of the cost of projects
22 for the North Atlantic Treaty Organization Security In-
23 vestment Program authorized by section 2501 as specified
24 in the funding table in section 4601.

(b) AUTHORITY TO CARRY OUT PROJECT AND RECOGNIZE NATO AUTHORIZATION AMOUNTS AS BUDGETARY RESOURCES FOR PROJECT EXECUTION.—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may carry out the project and recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations in the Republic of Korea, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Carroll	Site Development	\$49,000,000
Army	Camp Humphreys	Attack Reconnaissance Battalion Hangar	\$99,000,000
Army	Camp Humphreys	Hot Refuel Point	\$35,000,000
Navy	COMROKFLT Naval Base, Busan	Maritime Operations Center	\$26,000,000
Air Force ...	Daegu Air Base	AGE Facility and Parking Apron	\$14,000,000
Air Force ...	Kunsan Air Base	Backup Generator Plant	\$19,000,000

Republic of Korea Funded Construction Projects—Continued

Component	Installation or Location	Project	Amount
Air Force ...	Osan Air Base ...	Aircraft Corrosion Control Facility (Phase 3)	\$12,000,000
Air Force ...	Osan Air Base ...	Child Development Center	\$20,000,000
Air Force ...	Osan Air Base ...	Munitions Storage Area Delta (Phase 1)	\$84,000,000
Defense-Wide	Camp Humphreys	Elementary School	\$58,000,000

1 **SEC. 2512. STATE OF QATAR FUNDED CONSTRUCTION**
2 **PROJECTS.**

3 Pursuant to agreement with the State of Qatar for
4 required in-kind contributions, the Secretary of Defense
5 may accept military construction projects for Al Udeid Air
6 Base in the State of Qatar, and in the amounts, set forth
7 in the following table:

State of Qatar Funded Construction Projects

Component	Installation	Project	Amount
Air Force ...	Al Udeid	Billet (A12)	\$63,000,000
		Billet (BI2)	\$63,000,000
		Billet (D 1 0)	\$77,000,000
		Billet (009)	\$77,000,000
		Billet (007)	\$77,000,000
		Armory/Mount	\$7,200,000
		Billet (A06)	\$77,000,000
		Dining Facility	\$14,600,000
		Billet (BOS)	\$77,000,000
		Billet (B04)	\$77,000,000
		Billet (A04)	\$77,000,000
		Billet (AOS)	\$77,000,000
		Dining Facility	\$14,600,000
		MSG (Base Operations Support Facility)	\$9,300,000
		ITN (Communications Facility)	\$3,500,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON- STRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the author-
ization of appropriations in section 2606 and available for
the National Guard and Reserve as specified in the fund-
ing table in section 4601, the Secretary of the Army may
acquire real property and carry out military construction
projects for the Army National Guard locations inside the
United States, and in the amounts, set forth in the fol-
lowing table:

Army National Guard

State	Location	Amount
Arizona	National Guard Armory Tucson	\$18,100,000
Colorado	Peterson Air Force Base	\$15,000,000
Indiana	Army Aviation Support Facility Shelbyville	\$12,000,000
Kentucky	Boone National Guard Center Frankfort	\$15,000,000
Mississippi	National Guard Armory Brandon	\$10,400,000
Nebraska	National Guard Armory North Platte	\$9,300,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$15,000,000
Ohio	Beightler Armory Columbus	\$15,000,000
Oregon	Hermiston National Guard Armory	\$25,035,000
Puerto Rico	Fort Allen	\$37,000,000
South Carolina	Joint Base Charleston	\$15,000,000
Tennessee	National Guard Armory McMinnville	\$11,200,000
Texas	National Guard Readiness Center Fort Worth	\$13,800,000
Utah	National Guard Armory Nephi	\$12,000,000
Virgin Islands	LTC Lionel A. Jackson Armory St. Croix ..	\$39,400,000
Wisconsin	National Guard Armory Appleton	\$11,600,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the author-
ization of appropriations in section 2606 and available for

the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
Florida	Reserve Center Gainesville	\$36,000,000
Massachusetts	Devens Reserve Forces Training Area	\$8,700,000
North Carolina	Reserve Center Asheville	\$24,000,000
Wisconsin	Fort McCoy	\$14,600,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out the military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Maryland	Reserve Training Center, Camp Fretterd Reisterstown	\$39,500,000
Utah	Hill Air Force Base	\$25,010,000

1 SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

3 Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Alabama	Montgomery Regional Airport Air National Guard Base	\$11,600,000
Guam	Joint Region Marianas	\$20,000,000
Maryland	Joint Base Andrews	\$9,400,000
Texas	Joint Base San Antonio	\$10,800,000

11 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

13 Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve location inside the United States, and in the amount, set forth in the following table:

Air Force Reserve

State	Location	Amount
Texas	Naval Air Station Joint Reserve Base Fort Worth	\$14,200,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2020, for the
5 costs of acquisition, architectural and engineering services,
6 and construction of facilities for the Guard and Reserve
7 Forces, and for contributions therefor, under chapter
8 1803 of title 10, United States Code (including the cost
9 of acquisition of land for those facilities), as specified in
10 the funding table in section 4601.

11 **SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT**
12 **CERTAIN FISCAL YEAR 2020 PROJECT.**

13 In the case of the authorization contained in the table
14 in section 2601 of the National Defense Authorization Act
15 for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
16 1875) for Anniston Army Depot, Alabama, for construc-
17 tion of an Enlisted Transient Barracks, as specified in the
18 funding table in section 4601 of such Act (133 Stat.
19 2096), the Secretary of the Army may carry out the
20 project at Fort McClellan, Alabama.

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
6 **TIES FUNDED THROUGH DEPARTMENT OF**
7 **DEFENSE BASE CLOSURE ACCOUNT.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2020, for base
10 realignment and closure activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101–510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account established by section
16 2906 of such Act (as amended by section 2711 of the Mili-
17 tary Construction Authorization Act for Fiscal Year 2013
18 (division B of Public Law 112–239; 126 Stat. 2140)), as
19 specified in the funding table in section 4601.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **Subtitle A—Military Construction**
5 **Program Changes**

6 **SEC. 2801. MODIFICATION AND CLARIFICATION OF CON-**
7 **STRUCTION AUTHORITY IN THE EVENT OF A**
8 **DECLARATION OF WAR OR NATIONAL EMER-**
9 **GENCY.**

10 (a) LIMITATION ON AMOUNT OF FUNDS AVAILABLE
11 FOR NATIONAL EMERGENCY.—Section 2808 of title 10,
12 United States Code, is amended—

13 (1) by redesignating subsections (b) and (c) as
14 subsections (e) and (f), respectively; and

15 (2) by inserting after subsection (a) the fol-
16 lowing new subsection:

17 “(c) LIMITATION ON AMOUNT OF FUNDS AVAILABLE
18 FOR NATIONAL EMERGENCY.—(1) Except as provided in
19 paragraph (2), in the event of a declaration by the Presi-
20 dent of a national emergency in which the construction
21 authority described in subsection (a) is used, the total cost
22 of all military construction projects undertaken using that
23 authority during the national emergency may not exceed
24 \$500,000,000.

1 “(2) In the event of a national emergency declaration
2 in which the construction authority described in subsection
3 (a) will be used only within the United States, the total
4 cost of all military construction projects undertaken using
5 that authority during the national emergency may not ex-
6 ceed \$100,000,000.”.

7 (b) ADDITIONAL CONDITIONS ON SOURCE OF
8 FUNDS.—Section 2808(a) of title 10, United States Code,
9 is amended by striking the second sentence and inserting
10 the following new subsection:

11 “(b) CONDITIONS ON SOURCES OF FUNDS.—A mili-
12 tary construction project to be undertaken using the con-
13 struction authority described in subsection (a) may be un-
14 dertaken only within the total amount of funds that have
15 been appropriated for military construction, including
16 funds appropriated for family housing, that—

17 “(1) remain unobligated as of the date on
18 which the first contract would be entered into in
19 connection with that military construction project
20 undertaken using such authority; and

21 “(2) are available because the military construc-
22 tion project for which the funds were appropriated—

23 “(A) has been canceled; or

24 “(B) has reduced costs as a result of
25 project modifications or other cost savings.”.

1 (c) WAIVER OF OTHER PROVISIONS OF LAW.—Sec-
2 tion 2808 of title 10, United States Code, is amended by
3 inserting after subsection (c), as added by subsection (a),
4 the following new subsection:

5 “(d) WAIVER OF OTHER PROVISIONS OF LAW IN
6 EVENT OF NATIONAL EMERGENCY.—In the event of a
7 declaration by the President of a national emergency in
8 which the construction authority described in subsection
9 (a) is used, the authority provided by such subsection to
10 waive or disregard another provision of law that would
11 otherwise apply to a military construction project author-
12 ized by this section may be used only if—

13 “(1) such other provision of law does not pro-
14 vide a means by which compliance with the require-
15 ments of the law may be waived, modified, or exped-
16 ited; and

17 “(2) the Secretary of Defense determines that
18 the nature of the national emergency necessitates
19 the noncompliance with the requirements of the
20 law.”.

21 (d) ADDITIONAL NOTIFICATION REQUIREMENTS.—
22 Subsection (e) of section 2808 of title 10, United States
23 Code, as redesignated by subsection (a)(1), is amended—

1 (1) by striking “of the decision” and all that
2 follows through the end of the subsection and insert-
3 ing the following: “of the following:

4 “(A) The reasons for the decision to use the
5 construction authority described in subsection (a),
6 including, in the event of a declaration by the Presi-
7 dent of a national emergency, the reasons why use
8 of the armed forces is required in response to the
9 declared national emergency.

10 “(B) The construction projects to be under-
11 taken using the construction authority described in
12 subsection (a), including, in the event of a declara-
13 tion by the President of a national emergency, an
14 explanation of how each construction project directly
15 supports the immediate security, logistical, or short-
16 term housing and ancillary supporting facility needs
17 of the members of the armed forces used in the na-
18 tional emergency.

19 “(C) The estimated cost of the construction
20 projects to be undertaken using the construction au-
21 thority described in subsection (a), including the
22 cost of any real estate action pertaining to the con-
23 struction projects, and certification of compliance
24 with the funding conditions imposed by subsections
25 (b) and (c).

1 “(D) Any determination made pursuant to sub-
2 section (d)(2) to waive or disregard another provi-
3 sion of law to undertake any construction project
4 using the construction authority described in sub-
5 section (a).

6 “(E) The military construction projects, includ-
7 ing any military family housing and ancillary sup-
8 porting facility projects, whose cancellation, modi-
9 fication, or other cost savings result in funds being
10 available to undertake construction projects using
11 the construction authority described in subsection
12 (a) and the possible impact of the cancellation or
13 modification of such military construction projects
14 on military readiness and the quality of life of mem-
15 bers of the armed forces and their dependents.”; and

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

18 “(2) In the event of a declaration by the President
19 of a national emergency in which the construction author-
20 ity described in subsection (a) is used, a construction
21 project to be undertaken using such construction authority
22 may be carried out only after the end of the five-day pe-
23 riod beginning on the date the notification required by
24 paragraph (1) is received by the appropriate committees
25 of Congress.”.

1 (e) CLERICAL AMENDMENTS.—Section 2808 of title
2 10, United States Code, is further amended—

3 (1) in subsection (a), by inserting “CONSTRUC-
4 TION AUTHORIZED.—” after “(a)”;

5 (2) in subsection (e), as redesignated by sub-
6 section (a)(1), by inserting “NOTIFICATION RE-
7 QUIREMENT.—(1)” after “(e)”; and

8 (3) in subsection (f), as redesignated by sub-
9 section (a)(1), by inserting “TERMINATION OF AU-
10 THORITY.—” after “(f)”.

11 (f) EXCEPTION FOR PANDEMIC MITIGATION AND RE-
12 SPONSE PROJECTS.—Subsections (b), (c), (d) of section
13 2808 of title 10, United States Code, as added by this
14 section, shall not apply to a military construction project
15 commenced under the authority of subsection (a) of such
16 section 2808 during the emergency period described in
17 section 1135(g)(1)(B) of the Social Security Act (42
18 U.S.C. 1320b–5(g)(1)(B)) if the Secretary of Defense de-
19 termines that the military construction project will directly
20 support pandemic mitigation and response efforts of
21 health care providers or support members of the Armed
22 Forces directly participating in such pandemic mitigation
23 and response efforts. Subsection (e) of section 2808 of
24 title 10, United States Code, as redesignated by subsection

1 (a)(1) and amended by subsection (d) of this section, shall
2 still apply to any such military construction project.

3 **SEC. 2802. EXTENSION OF SUNSET FOR ANNUAL LOCALITY**
4 **ADJUSTMENT OF DOLLAR THRESHOLDS AP-**
5 **PLICABLE TO UNSPECIFIED MINOR MILITARY**
6 **CONSTRUCTION AUTHORITIES.**

7 Section 2805(f)(3) of title 10, United States Code,
8 is amended by striking “2022” and inserting “2027”.

9 **SEC. 2803. MODIFICATION OF REPORTING REQUIREMENT**
10 **REGARDING COST INCREASES ASSOCIATED**
11 **WITH CERTAIN MILITARY CONSTRUCTION**
12 **PROJECTS AND MILITARY FAMILY HOUSING**
13 **PROJECTS.**

14 (a) **ELIMINATION OF SUBMISSION TO COMPTROLLER**
15 **GENERAL.**—Section 2853(f) of title 10, United States
16 Code, is amended—

17 (1) in paragraphs (1) and (3), by striking “and
18 the Comptroller General of the United States”; and

19 (2) by striking paragraph (6).

20 (b) **SYNCHRONIZATION OF NOTIFICATION REQUIRE-**
21 **MENTS.**—Section 2853(c)(1) of title 10, United States
22 Code, is amended by inserting after “cost increase” in the
23 matter preceding subparagraph (A) the following: “(sub-
24 ject to subsection (f))”.

1 **SEC. 2804. EXPANSION OF DEPARTMENT OF DEFENSE LAND**
2 **EXCHANGE AUTHORITY.**

3 (a) **ADDITIONAL PURPOSES AUTHORIZED.**—Para-
4 graph (1) of section 2869(a) of title 10, United States
5 Code, is amended by striking “the real property, to trans-
6 fer” and all that follows through the end of the paragraph
7 and inserting the following: “the real property—

8 “(A) to transfer to the United States all right,
9 title, and interest of the person in and to a parcel
10 of real property, including any improvements there-
11 on under the person’s control;

12 “(B) to carry out a land acquisition, including
13 the acquisition of all right, title, and interest or a
14 lesser interest in real property under an agreement
15 entered into under section 2684a of this title to limit
16 encroachments and other constraints on military
17 training, testing, and operations; or

18 “(C) to provide installation-support services (as
19 defined in 2679(e) of this title), a replacement facil-
20 ity, or improvements to an existing facility, as
21 agreed upon between the Secretary concerned and
22 the person.”.

23 (b) **REQUIREMENTS FOR ACCEPTANCE OF REPLACE-**
24 **MENT FACILITIES.**—Section 2869(a) of title 10, United
25 States Code, is further amended by adding at the end the
26 following new paragraph:

1 “(3) The Secretary concerned may agree to accept
2 a replacement facility or improvements to an existing facil-
3 ity under paragraph (1)(C) only if the Secretary concerned
4 determines that the replacement facility or improve-
5 ments—

6 “(A) are completed and usable, fully functional,
7 and ready for occupancy;

8 “(B) satisfy all operational requirements; and

9 “(C) meet all Federal, State, and local require-
10 ments applicable to the facility relating to health,
11 safety, and the environment.”.

12 (c) FAIR MARKET VALUE REQUIREMENT.—Section
13 2869(b)(1) of title 10, United States Code, is amended—

14 (1) in the first sentence, by striking “of the
15 land to be” and inserting “of the real property, in-
16 stallation-support services, replacement facility, or
17 improvements to an existing facility”; and

18 (2) in the second sentence, by striking “of the
19 land is less than the fair market value of the real
20 property to be conveyed” and inserting “of the real
21 property conveyed by the Secretary concerned ex-
22 ceeds the fair market value of the real property, in-
23 stallation-support services, replacement facility, or
24 improvements received by the Secretary”.

1 (d) RELATION TO OTHER MILITARY CONSTRUCTION
2 REQUIREMENTS.—Section 2869 of title 10, United States
3 Code, is amended by adding at the end the following new
4 subsection:

5 “(h) RELATION TO OTHER MILITARY CONSTRUCTION
6 REQUIREMENTS.—The acquisition of real property or an
7 interest therein, a replacement facility, or improvements
8 to an existing facility using the authority provided by this
9 section shall not be treated as a military construction
10 project for which an authorization is required by section
11 2802 of this title.”.

12 (e) DELAYED IMPLEMENTATION OF AMEND-
13 MENTS.—The amendments made by this section shall take
14 effect on the date of the enactment of this Act, but the
15 Secretary concerned (as defined in section 2801(c)(5) of
16 title 10, United States Code) may not enter into any real
17 estate transaction authorized by such amendments until
18 after the date on which the Secretary of Defense issues
19 final regulations providing for the implementation of such
20 amendments by the Department of Defense.

1 **SEC. 2805. CONGRESSIONAL PROJECT AUTHORIZATION RE-**
2 **QUIRED FOR MILITARY CONSTRUCTION**
3 **PROJECTS FOR ENERGY RESILIENCE, EN-**
4 **ERGY SECURITY, AND ENERGY CONSERVA-**
5 **TION.**

6 (a) REPLACEMENT OF NOTICE AND WAIT AUTHOR-
7 ITY.—Section 2914 of title 10, United States Code, is
8 amended to read as follows:

9 **“§ 2914. Military construction projects for energy re-**
10 **silience, energy security, and energy con-**
11 **servation**

12 “(a) PROJECT AUTHORIZATION REQUIRED.—The
13 Secretary of Defense may carry out such military con-
14 struction projects for energy resilience, energy security,
15 and energy conservation as are authorized by law, using
16 funds appropriated or otherwise made available for that
17 purpose.

18 “(b) SUBMISSION OF PROJECT PROPOSALS.—(1) As
19 part of the Department of Defense Form 1391 submitted
20 to the appropriate committees of Congress for a military
21 construction project covered by subsection (a), the Sec-
22 retary of Defense shall include the following information:

23 “(A) The project title.

24 “(B) The location of the project.

25 “(C) A brief description of the scope of work.

1 “(D) The original project cost estimate and the
2 current working cost estimate, if different.

3 “(E) Such other information as the Secretary
4 considers appropriate.

5 “(2) In the case of a military construction project for
6 energy conservation, the Secretary also shall include the
7 following information:

8 “(A) The original expected savings-to-invest-
9 ment ratio and simple payback estimates and meas-
10 urement and verification cost estimate.

11 “(B) The most current expected savings-to-in-
12 vestment ratio and simple payback estimates and
13 measurement and verification plan and costs.

14 “(C) A brief description of the measurement
15 and verification plan and planned funding source.

16 “(3) In the case of a military construction project for
17 energy resilience or energy security, the Secretary also
18 shall include the rationale for how the project would en-
19 hance mission assurance, support mission critical func-
20 tions, and address known vulnerabilities.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of subchapter I of chapter 173 of title
23 10, United States Code, is amended by striking the item
24 relating to section 2914 and inserting the following new
25 item:

“2914. Military construction projects for energy resilience, energy security, and energy conservation.”.

1 **SEC. 2806. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED**
2 **AUTHORITY TO USE OPERATION AND MAIN-**
3 **TENANCE FUNDS FOR CONSTRUCTION**
4 **PROJECTS IN CERTAIN AREAS OUTSIDE THE**
5 **UNITED STATES.**

6 (a) EXTENSION OF AUTHORITY.—Subsection (h) of
7 section 2808 of the Military Construction Authorization
8 Act for Fiscal Year 2004 (division B of Public Law 108–
9 136; 117 Stat. 1723), as most recently amended by sec-
10 tion 2807(a) of the Military Construction Authorization
11 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
12 2264), is further amended—

13 (1) in paragraph (1), by striking “December
14 31, 2020” and inserting “December 31, 2021”; and

15 (2) paragraph (2), by striking “fiscal year
16 2021” and inserting “fiscal year 2022”.

17 (b) CONTINUATION OF LIMITATION ON USE OF AU-
18 THORITY.—Subsection (c) of section 2808 of the Military
19 Construction Authorization Act for Fiscal Year 2004 (di-
20 vision B of Public Law 108–136; 117 Stat. 1723), as most
21 recently amended by section 2807(b) of the Military Con-
22 struction Authorization Act for Fiscal Year 2019 (Public
23 Law 115–232; 132 Stat. 2264), is further amended—

1 (1) by striking “either” and inserting “each”;
2 and

3 (2) by inserting after the first paragraph (2)
4 the following new subparagraph:

5 “(C) The period beginning October 1, 2020,
6 and ending on the earlier of December 31, 2021, or
7 the date of the enactment of an Act authorizing
8 funds for military activities of the Department of
9 Defense for fiscal year 2022.”.

10 (c) TECHNICAL CORRECTIONS.—Subsection (c) of
11 section 2808 of the Military Construction Authorization
12 Act for Fiscal Year 2004 (division B of Public Law 108–
13 136; 117 Stat. 1723), as most recently amended by sec-
14 tion 2807(b) of the Military Construction Authorization
15 Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
16 2264) and subsection (b) of this section, is further amend-
17 ed—

18 (1) by redesignating the second paragraph (1)
19 as subparagraph (A); and

20 (2) by redesignating the first paragraph (2) as
21 subparagraph (B).

1 **SEC. 2807. PILOT PROGRAM TO SUPPORT COMBATANT**
2 **COMMAND MILITARY CONSTRUCTION PRIOR-**
3 **ITIES.**

4 (a) PILOT PROGRAM.—The Secretary of Defense
5 shall conduct a pilot program to evaluate the usefulness
6 of reserving a portion of the military construction funds
7 of the military departments to help the combatant com-
8 mands satisfy their military construction priorities in a
9 timely manner.

10 (b) LOCATION.—The Secretary of Defense shall con-
11 duct the pilot program for the benefit of the United States
12 Indo-Pacific Command in the area of responsibility of the
13 United States Indo-Pacific Command.

14 (c) REQUIRED INVESTMENT.—For each fiscal year
15 during which the pilot program is conducted, the Sec-
16 retary of Defense shall reserve to carry out military con-
17 struction projects under the pilot program an amount
18 equal to 10 percent of the total amount authorized to be
19 appropriated for military construction projects by titles
20 XXI, XXII, and XXIII of the Military Construction Au-
21 thorization Act for that fiscal year.

22 (d) COMMENCEMENT AND DURATION.—

23 (1) COMMENCEMENT.—The Secretary of De-
24 fense shall commence the pilot program no later
25 than October 1, 2023. The Secretary may commence
26 the pilot program as early as October 1, 2022, if the

1 Secretary determines that compliance with the res-
2 ervation of funds requirement under subsection (c)
3 is practicable beginning with fiscal year 2023.

4 (2) DURATION.—The pilot program shall be in
5 effect for the fiscal year in which the Secretary com-
6 mences the pilot program, as described in paragraph
7 (1), and the subsequent 2 fiscal years. Any construc-
8 tion commenced under the pilot program before the
9 expiration date may continue to completion.

10 (e) PROGRESS REPORT.—Not later than February 15
11 of the final fiscal year of the pilot program, the Secretary
12 of Defense shall submit to the congressional defense com-
13 mittees a report evaluating the success of the pilot pro-
14 gram in improving the timeliness of the United States
15 Indo-Pacific Command in achieving its military construc-
16 tion priorities. The Secretary shall include in the report—

17 (1) an evaluation of the likely positive and neg-
18 ative impacts were the pilot program extended or
19 made permanent and, if extended or made perma-
20 nent, the likely positive and negative impacts of ex-
21 pansion to cover all or additional combatant com-
22 mands; and

23 (2) the recommendations of the Secretary re-
24 garding whether the pilot program should be ex-
25 tended or made permanent and expanded.

1 **SEC. 2808. BIENNIAL REPORT REGARDING MILITARY IN-**
2 **STALLATIONS SUPPORTED BY DISASTER RE-**
3 **LIEF APPROPRIATIONS.**

4 (a) REPORT REQUIRED.—Biannually through Sep-
5 tember 30, 2025, both the Secretary of the Air Force and
6 the Secretary of the Navy shall submit to the relevant con-
7 gressional committees a report regarding the obligation
8 and expenditure at military installations under the juris-
9 diction of the Secretary concerned of appropriations made
10 available to the Secretary concerned in title V of the Mili-
11 tary Construction, Veterans Affairs, and Related Agencies
12 Appropriations Act, 2020 (division F of Public Law 116–
13 94).

14 (b) ELEMENTS OF REPORT.—Each report under sub-
15 section (a) shall include for the period covered by the re-
16 port the following elements:

17 (1) The timeline for award of contracts for each
18 military construction project to be funded with ap-
19 propriations referred to in subsection (a).

20 (2) The status, including obligations and ex-
21 penditures, of each contract already awarded for
22 such military construction projects.

23 (3) An assessment of the contracting capacity
24 of the communities in the vicinity of such military
25 installations to support such contracts.

1 (4) The expectations that such local commu-
2 nities will be required to address.

3 (c) PUBLIC AVAILABILITY OF REPORT.—The infor-
4 mation in each report specific to a particular military in-
5 stallation shall be made available online using a public
6 forum commonly used in the locality in which the installa-
7 tion is located.

8 (d) EARLY TERMINATION.—Notwithstanding the
9 date specified in subsection (a), the Secretary of the Air
10 Force and the Secretary of the Navy may terminate the
11 reporting requirement applicable to the Secretary con-
12 cerned under such subsection effective on the date on
13 which the Secretary concerned certifies to the relevant
14 congressional committees that at least 90 percent of the
15 appropriations referred to in such subsection and made
16 available to the Secretary concerned have been expended.

17 (e) RELEVANT CONGRESSIONAL COMMITTEES DE-
18 FINED.—In this section, the term “relevant congressional
19 committees” means—

20 (1) the Committee on Armed Services and the
21 Subcommittee on Military Construction, Veterans
22 Affairs, and Related Agencies of the Committee on
23 Appropriations of the House of Representatives; and

(2) the Committee on Armed Services and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Senate.

Subtitle B—Military Family Housing Reforms

SEC. 2811. EXPENDITURE PRIORITIES IN USING DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.

(a) IN GENERAL.—Section 2883(d)(1) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) The Secretary of Defense shall require that eligible entities receiving amounts from the Department of Defense Family Housing Improvement Fund prioritize the use of such amounts for expenditures related to operating expenses, debt payments, and asset recapitalization before other program management-incentive fee expenditures.”.

(b) EFFECTIVE DATE.—The requirements set forth in subparagraph (B) of section 2883(d)(1) of title 10, United States Code, as added by subsection (a), shall apply to appropriate legal documents entered into or renewed on or after the date of the enactment of this Act between the Secretary of a military department and a

1 landlord regarding privatized military housing. In this
2 subsection, the terms “landlord” and “privatized military
3 housing” have the meanings given those terms in section
4 3001(a) of the Military Construction Authorization Act
5 for Fiscal Year 2020 (division B of Public Law 116–92;
6 133 Stat. 1916; 10 U.S.C. 2821 note).

7 **SEC. 2812. PROMULGATION OF GUIDANCE TO FACILITATE**
8 **RETURN OF MILITARY FAMILIES DISPLACED**
9 **FROM PRIVATIZED MILITARY HOUSING.**

10 (a) **GUIDANCE REQUIRED.**—The Secretary of De-
11 fense shall promulgate guidance for commanders of mili-
12 tary installations and installation housing management of-
13 fices to facilitate and manage the return of tenants who
14 are displaced from privatized military housing—

15 (1) as a result of an environmental hazard or
16 other damage adversely affecting the habitability of
17 the privatized military housing; or

18 (2) during remediation or repair activities in re-
19 sponse to the hazard or damages.

20 (b) **AVAILABILITY OF REIMBURSEMENT.**—As part of
21 the guidance, the Secretary of Defense shall identify situa-
22 tions in which a tenant of privatized military housing
23 should be reimbursed for losses to personal property of
24 the tenant that are not covered by insurance and are in-

1 curred by the tenant in the situations described in sub-
2 section (a).

3 (c) CONSULTATION.—The Secretary of Defense shall
4 promulgate the guidance in consultation with the Secre-
5 taries of the military departments, the Chief Housing Offi-
6 cer, landlords, and other interested persons.

7 (d) IMPLEMENTATION.—The Secretaries of the mili-
8 tary departments shall be responsible for ensuring the im-
9 plementation of the guidance at military installations
10 under the jurisdiction of the Secretary concerned.

11 (e) DEFINITIONS.—In this section, the terms “land-
12 lord”, “privatized military housing”, and “tenant” have
13 the meanings given those terms in section 3001(a) of the
14 Military Construction Authorization Act for Fiscal Year
15 2020 (division B of Public Law 116–92; 133 Stat. 1916;
16 10 U.S.C. 2821 note).

17 **SEC. 2813. PROMULGATION OF GUIDANCE ON MOLD MITI-**
18 **GATION IN PRIVATIZED MILITARY HOUSING.**

19 (a) GUIDANCE REQUIRED.—The Secretary of De-
20 fense shall establish a working group to promulgate guid-
21 ance regarding best practices for mold mitigation in
22 privatized military housing and for making the determina-
23 tion regarding when the presence of mold in a unit of
24 home privatized military housing is an emergency situa-
25 tion requiring the relocation of the residents of the unit.

1 (b) MEMBERS.—The working groups shall include
2 the Surgeon Generals of the Armed Forces and such other
3 subject-matter experts as the Secretary considers appro-
4 priate.

5 **SEC. 2814. EXPANSION OF UNIFORM CODE OF BASIC**
6 **STANDARDS FOR PRIVATIZED MILITARY**
7 **HOUSING AND HAZARD AND HABITABILITY**
8 **INSPECTION AND ASSESSMENT REQUIRE-**
9 **MENTS TO GOVERNMENT-OWNED AND GOV-**
10 **ERNMENT-CONTROLLED MILITARY FAMILY**
11 **HOUSING.**

12 (a) UNIFORM CODE OF BASIC STANDARDS FOR MILI-
13 TARY HOUSING.—The Secretary of Defense shall expand
14 the uniform code of basic housing standards for safety,
15 comfort, and habitability for privatized military housing
16 established pursuant to section 3051(a) of the Military
17 Construction Authorization Act for Fiscal Year 2020 (di-
18 vision B of Public Law 116–92; 133 Stat. 1941; 10 U.S.C.
19 2871 note) to include Government-owned and Govern-
20 ment-controlled military family housing located inside or
21 outside the United States and occupied by members of the
22 Armed Forces.

23 (b) INSPECTION AND ASSESSMENT PLAN.—The Sec-
24 retary of Defense shall expand the Department of Defense
25 housing inspection and assessment plan prepared pursu-

1 ant to section 3051(b) of the Military Construction Au-
2 thorization Act for Fiscal Year 2020 (division B of Public
3 Law 116–92; 133 Stat. 1941; 10 U.S.C. 2871 note) to
4 include Government-owned and Government-controlled
5 military family housing located inside or outside the
6 United States and occupied by members of the Armed
7 Forces and commence inspections and assessments of such
8 military family housing pursuant to the plan.

9 **SEC. 2815. ESTABLISHMENT OF EXCEPTIONAL FAMILY**
10 **MEMBER PROGRAM HOUSING LIAISON.**

11 (a) ESTABLISHMENT.—Not later than September 30,
12 2021, each Secretary of a military department shall ap-
13 point at least one Exceptional Family Member Program
14 housing liaison for that military department.

15 (b) DUTIES.—The duties of a Exceptional Family
16 Member Program housing liaison are to assist military
17 families enrolled in that Program, and who are
18 disproportionally housed in facilities under the Military
19 Housing Privatization Initiative, in obtaining cost-effective
20 services needed by such families.

1 **SEC. 2816. DEPARTMENT OF DEFENSE REPORT ON CRI-**
2 **TERIA AND METRICS USED TO EVALUATE**
3 **PERFORMANCE OF LANDLORDS OF**
4 **PRIVATIZED MILITARY HOUSING THAT RE-**
5 **CEIVE INCENTIVE FEES.**

6 (a) **REPORT REQUIRED.**—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the Committees on Armed Serv-
9 ices of the Senate and the House of Representatives a re-
10 port—

11 (1) describing the criteria and metrics currently
12 used by the Department of Defense to analyze the
13 performance of landlords that receive incentive fees;

14 (2) evaluating the effectiveness of such criteria
15 and metrics in accurately judging the performance
16 of such landlords; and

17 (3) containing such recommendations as the
18 Secretary considers appropriate to revise such cri-
19 teria and metrics to better evaluate the performance
20 of such landlords.

21 (b) **PREPARATION OF REPORT.**—To prepare the re-
22 port required by subsection (a), the Secretary of Defense
23 first shall solicit the views of the Secretaries of the mili-
24 tary departments.

25 (c) **DEFINITIONS.**—In this section, the terms “incen-
26 tive fees” and “landlord” have the meanings given those

1 terms in paragraphs (9) and (10) of section 2871 of title
2 10, United States Code.

3 **SEC. 2817. REPORT ON DEPARTMENT OF DEFENSE EF-**
4 **FORTS REGARDING OVERSIGHT AND ROLE IN**
5 **MANAGEMENT OF PRIVATIZED MILITARY**
6 **HOUSING.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Secretary of Defense shall submit
9 to the Committees on Armed Services of the Senate and
10 the House of Representatives a report on the progress
11 made by the Department of Defense in implementing the
12 recommendations contained in the report of the Comp-
13 troller General regarding military housing entitled “DOD
14 Needs to Strengthen Oversight and Clarify Its Role in the
15 Management of Privatized Housing” and dated March
16 2020 (GAO–20–281).

17 **SEC. 2818. IMPROVED DEPARTMENT OF DEFENSE AND**
18 **LANDLORD RESPONSE TO IDENTIFICATION**
19 **AND REMEDIATION OF SEVERE ENVIRON-**
20 **MENTAL HEALTH HAZARDS IN MILITARY**
21 **HOUSING.**

22 (a) DEFINITIONS.—In this section:

23 (1) The terms “landlord”, “privatized military
24 housing”, and “tenant” have the meanings given
25 those terms in section 3001(a) of the Military Con-

1 construction Authorization Act for Fiscal Year 2020
2 (division B of Public Law 116–92; 133 Stat. 1916;
3 10 U.S.C. 2821 note).

4 (2) The term “severe environmental health haz-
5 ard” means asbestos, radon, lead, and such other
6 hazardous substances as the Secretary of Defense
7 may designate.

8 (b) GUIDANCE REQUIRED.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this section, the
11 Secretary of Defense shall issue guidance regarding
12 hazard assessments conducted under section 3052(b)
13 of the Military Construction Authorization Act for
14 Fiscal Year 2020 (division B of Public Law 116–92;
15 10 U.S.C. 2821 note) subsection (b) and under the
16 process developed under section 3053(a) of such Act
17 (10 U.S.C. 2821 note) to improve Department of
18 Defense and landlord identification and resolution of
19 severe environmental health hazards in housing
20 under the jurisdiction of the Department of Defense
21 (including privatized military housing).

22 (2) TESTING AND INSPECTION REQUIRE-
23 MENTS.—The guidance issued under this subsection
24 shall specifically require, on an annual basis or at

1 more frequent intervals as the Secretary considers
2 appropriate, the following:

3 (A) Testing in housing under the jurisdic-
4 tion of the Department of Defense (including
5 privatized military housing) for known severe
6 environmental health hazards.

7 (B) Inspections of such housing to deter-
8 mine the efficacy of mitigation or encapsulation
9 measures regarding severe environmental health
10 hazards. Such inspections shall be performed by
11 qualified home inspectors (as described in sec-
12 tion 3051(d) of the Military Construction Au-
13 thorization Act for Fiscal Year 2020 (division
14 B of Public Law 116–92; 10 U.S.C. 2821 note)
15 and adhere to recognized industry practices and
16 standards.

17 (3) ADDITIONAL REQUIREMENT FOR LEAD EN-
18 CAPSULATION.—The guidance issued under this sub-
19 section shall specifically require that testing of the
20 integrity of lead encapsulation will be performed on
21 an emergency basis at the request of the affected
22 tenant.

23 (4) PROMPT NOTIFICATION REQUIREMENT.—
24 The results of testing and inspections described in
25 paragraphs (2) and (3) shall be shared with the ten-

1 ant of the affected housing within 48 hours after re-
2 ceipt of the results by the housing management of-
3 fice of the military installation for which the housing
4 is provided, the installation commander, or the land-
5 lord, whichever occurs first.

6 (5) ALTERNATIVE HOUSING.—The Secretary of
7 the military department concerned shall provide al-
8 ternative housing to affected tenants until any dis-
9 crepancies are resolved, as provided in the depart-
10 ment's displaced tenants policy.

11 (c) ADDITIONAL PROTECTIONS FOR CERTAIN MEM-
12 BERS.—Members of the Armed Forces assigned to a mili-
13 tary installation who are required to reside in on-installation housing (including privatized military housing on the
14 installation) because of the members' essential status shall
15 be provided the following information before occupying the
16 housing (and, in the case of privatized military housing,
17 signing lease documents):

18 (1) The most recent results of testing and in-
19 spections described in paragraphs (2) and (3) of
20 subsection (b) regarding the housing.

21 (2) If any of the tests and inspections were
22 positive, information on the mitigation or encapsula-
23 tion measures in place in the housing.
24

1 (3) Information on required maintenance of
2 mitigation measures.

3 **SEC. 2819. INCLUSION OF ASSESSMENT OF PERFORMANCE**
4 **METRICS IN ANNUAL PUBLICATION ON USE**
5 **OF INCENTIVE FEES FOR PRIVATIZED MILI-**
6 **TARY HOUSING PROJECTS.**

7 (a) REQUIRED INCLUSION OF ASSESSMENT OF PER-
8 FORMANCE METRICS.—Section 2891c(b)(1) of title 10,
9 United States Code, is amended by striking “, on a pub-
10 licly accessible website, information” and inserting the fol-
11 lowing: “the following on a publicly accessible website:

12 “(A) For each contract for the provision or
13 management of housing units:

14 “(i) An assessment of indicators under-
15 lying the performance metrics under such con-
16 tract to ensure such indicators adequately
17 measure the condition and quality of each hous-
18 ing unit covered by the contract, including the
19 following:

20 “(I) Tenant satisfaction.

21 “(II) Maintenance management.

22 “(III) Project safety.

23 “(IV) Financial management.

“(ii) A detailed description of each indicator assessed under subparagraph (A), including an indication of the following:

“(I) The limitations of available survey data.

“(II) How tenant satisfaction and maintenance management is calculated.

“(III) Whether relevant data is missing.

“(B) Information”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—Section 2891c(b)(2) of title 10, United States Code, is amended—

(A) by striking “paragraph (1)” and inserting “paragraph (1)(B)”; and

(B) by striking “each contract” and inserting “each contract for the provision or management of housing units”.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 2891c of title 10, United States Code, is amended to read as follows:

1 **“§ 2891c. Transparency regarding finances and per-**
 2 **formance metrics”.**

3 (B) SUBSECTION HEADING.—Section
 4 2891c(b) of title 10, United States Code, is
 5 amended in the subsection heading by striking
 6 “AVAILABILITY OF INFORMATION ON USE OF
 7 INCENTIVE FEES” and inserting “PUBLIC
 8 AVAILABILITY OF CERTAIN INFORMATION”.

9 (C) TABLE OF SECTIONS.—The table of
 10 sections at the beginning of subchapter V of
 11 chapter 169 of title 10, United States Code, is
 12 amended by striking the item relating to section
 13 2891c and inserting the following new item:

“2891c. Transparency regarding finances and performance metrics.”.

14 **Subtitle C—Real Property and** 15 **Facilities Administration**

16 **SEC. 2821. CODIFICATION OF REPORTING REQUIREMENTS** 17 **REGARDING UNITED STATES OVERSEAS MILI-** 18 **TARY ENDURING LOCATIONS AND CONTIN-** 19 **GENCY LOCATIONS.**

20 (a) INCLUSION OF INFORMATION IN EXISTING AN-
 21 NUAL REPORT.—Section 2687a(a) of title 10, United
 22 States Code, is amended—

23 (1) in the subsection heading, by striking
 24 “MASTER PLANS” and inserting “OVERSEAS MILI-
 25 TARY LOCATIONS”;

1 (2) in paragraph (1), by striking subparagraph
2 (B) and inserting the following new subparagraph:

3 “(B) overseas military locations, whether such a
4 location is designated as an enduring location or
5 contingency location.”; and

6 (3) by striking paragraph (2) and inserting the
7 following new paragraphs:

8 “(2) To satisfy the reporting requirement specified
9 in paragraph (1)(B), a report under paragraph (1) shall
10 contain the following:

11 “(A) A description of the strategic goal and
12 operational requirements supported by each overseas
13 military location.

14 “(B) A summary of the terms of agreements
15 for each overseas military location, including—

16 “(i) the type of implementing agreement;

17 “(ii) any annual lease or access costs to
18 the United States under the agreement; and

19 “(iii) any limitation on United States mili-
20 tary presence, activities, or operations at the
21 overseas military location.

22 “(C) A list of all infrastructure investments
23 made at each overseas military location during the
24 previous fiscal year, delineated by project location,
25 project title or description, cost of project, any

1 amount paid by a host nation to cover all or part of
2 the project cost, and authority used to undertake the
3 project.

4 “(D) A list of all infrastructure requirements
5 for each overseas military location anticipated dur-
6 ing the fiscal year in which the report is submitted
7 and the next four fiscal years, delineated as de-
8 scribed in subparagraph (C).

9 “(E) A list of any overseas military locations
10 newly established during the previous fiscal year.

11 “(F) A description of any plans to transition an
12 existing contingency overseas military location to an
13 enduring overseas military location or to upgrade or
14 downgrade the designation of an existing enduring
15 or contingency overseas military location during the
16 fiscal year in which the report is submitted or the
17 next four fiscal years.

18 “(G) A list of any overseas military locations
19 that, during the previous fiscal year, were trans-
20 ferred to the control of security forces of the host
21 country or another military force, closed, or for any
22 other reason no longer used by the armed forces, in-
23 cluding a summary of any costs associated with the
24 transfer or closure of the overseas military location.

1 “(H) A summary of the impact that the estab-
2 lishment or maintenance of each overseas military
3 location has on security commitments undertaken by
4 the United States pursuant to any international se-
5 curity treaty or the current security environments in
6 the combatant commands, including United States
7 participation in theater security cooperation activi-
8 ties and bilateral partnership, exchanges, and train-
9 ing exercises.

10 “(I) A summary of any force protection risks
11 identified for each overseas military location, the ac-
12 tions proposed to mitigate such risks, and the
13 resourcing and implementation plan to implement
14 the mitigation actions.

15 “(J) An assessment of force protection meas-
16 ures by host nations for each overseas military loca-
17 tion and recommendations to mitigate any potential
18 risks identified.

19 “(K) Such other such matters related to over-
20 seas military locations as the Secretary of Defense
21 considers appropriate.

22 “(3)(A) In this subsection, the term ‘overseas mili-
23 tary location’ covers both enduring locations and contin-
24 gency locations established outside the United States.

1 “(B) An enduring location is primarily characterized
2 either by the presence of permanently assigned United
3 States forces with robust infrastructure and quality of life
4 amenities to support that presence, by the sustained pres-
5 ence of allocated United States forces with infrastructure
6 and quality of life amenities consistent with that presence,
7 or by the periodic presence of allocated United States
8 forces with little or no permanent United States military
9 presence or controlled infrastructure. Enduring locations
10 include main operating bases, forward operating sites, and
11 cooperative security locations.

12 “(C) A contingency location refers to a location out-
13 side of the United States that is not covered by subpara-
14 graph (B), but that is used by United States forces to
15 support and sustain operations during named and
16 unnamed contingency operations or other operations as di-
17 rected by appropriate authority and is categorized by mis-
18 sion life-cycle requirements as initial, temporary, or semi-
19 permanent.

20 “(4) The Secretary of Defense shall prepare the re-
21 port under paragraph (1) in coordination with the Under
22 Secretary of Defense for Policy and the Under Secretary
23 of Defense for Acquisition and Sustainment.

1 “(5) A report under paragraph (1) shall be submitted
2 in unclassified form, but may contain a classified annex
3 as necessary.”.

4 (b) CONFORMING AND CLERICAL AMENDMENTS.—

5 (1) CONFORMING AMENDMENTS.—Section
6 2687a(e)(2) of title 10, United States Code, is
7 amended by striking “host nation” both places it ap-
8 pears and inserting “host country”.

9 (2) SECTION HEADING.—The heading of section
10 2687a of title 10, United States Code, is amended
11 to read as follows:

12 **“§ 2687a. Overseas base closures and realignments**
13 **and status of United States overseas mili-**
14 **tary locations”.**

15 (3) TABLE OF SECTIONS.—The table of sections
16 at the beginning of chapter 159 of title 10, United
17 States Code, is amended by striking the item relat-
18 ing to section 2687a and inserting the following new
19 item:

“2687a. Overseas base closures and realignments and status of United States
overseas military locations.”.

20 (c) REPEAL OF SUPERCEDED REPORTING REQUIRE-
21 MENT.—Section 2816 of the Military Construction Au-
22 thorization Act for Fiscal Year 2016 (division B of Public
23 Law 114–92; 129 Stat. 1176) is repealed.

1 **SEC. 2822. LIMITATIONS ON RENEWAL OF UTILITY PRIVAT-**
2 **IZATION CONTRACTS.**

3 (a) CONTRACT RENEWAL AUTHORITY.—Section
4 2688(d)(2) of title 10, United States Code, is amended—

5 (1) by inserting “(A)” after “(2)”; and

6 (2) by inserting after the first sentence the fol-
7 lowing new subparagraph:

8 “(B) A longer-term contract entered into under the
9 authority of subparagraph (A) may be renewed in the
10 manner provided in such subparagraph, except that such
11 a contract renewal may only be awarded during the final
12 five years of the existing contract term.”.

13 (b) CONFORMING AMENDMENTS.—Section
14 2688(d)(2) of title 10, United States Code, is further
15 amended—

16 (1) by striking “The determination of cost ef-
17 fectiveness” and inserting the following:

18 “(C) A determination of cost effectiveness under this
19 paragraph”; and

20 (2) by striking “the contract” and inserting
21 “the contract or contract renewal”.

1 **SEC. 2823. VESTING EXERCISE OF DISCRETION WITH SERV-**
2 **ICE SECRETARIES REGARDING ENTERING**
3 **INTO LONGER-TERM CONTRACTS FOR UTIL-**
4 **ITY SERVICES.**

5 Section 2688(d)(2) of title 10, United States Code,
6 as amended by section 2822, is further amended—

7 (1) by striking “The Secretary of Defense, or
8 the designee of the Secretary,” and inserting “The
9 Secretary concerned”; and

10 (2) by striking “if the Secretary” and inserting
11 “if the Secretary concerned”.

12 **SEC. 2824. USE OF ON-SITE ENERGY PRODUCTION TO PRO-**
13 **MOTE MILITARY INSTALLATION ENERGY RE-**
14 **SILIENCE AND ENERGY SECURITY.**

15 (a) PROMOTION OF ON-SITE ENERGY SECURITY AND
16 ENERGY RESILIENCE.—Section 2911 of title 10, United
17 States Code, is amended by adding at the end the fol-
18 lowing new subsection:

19 “(h) PROMOTION OF ON-SITE ENERGY SECURITY
20 AND ENERGY RESILIENCE.—(1) Consistent with the en-
21 ergy security and resilience goals of the Department of
22 Defense and the energy performance master plan referred
23 to in this section, the Secretary concerned shall consider,
24 when feasible, projects for the production of installation
25 energy that benefits military readiness and promotes in-

1 stallation energy security and energy resilience in the fol-
2 lowing manner:

3 “(A) Location of the energy-production infra-
4 structure on the military installation that will con-
5 sume the energy.

6 “(B) Incorporation of energy resilience features,
7 such as microgrids, to ensure that energy remains
8 available to the installation even when the installa-
9 tion is not connected to energy sources located off
10 the installation.

11 “(C) Reduction in periodic refueling needs from
12 sources off the installation to not more than once
13 every two years.

14 “(3) In this subsection, the term ‘microgrid’ means
15 an integrated energy system consisting of interconnected
16 loads and energy resources that, if necessary, can be re-
17 moved from the local utility grid and function as an inte-
18 grated, stand-alone system.”.

19 (b) EVALUATION OF FEASIBILITY OF EXPANDING
20 USE OF ON-SITE ENERGY PRODUCTION.—

21 (1) PROJECTS AUTHORIZED.—Subsection (h) of
22 section 2911 of title 10, United States Code, as
23 added by subsection (a), is amended by inserting
24 after paragraph (1) the following new paragraph:

1 “(2)(A) Using amounts made available for military
2 construction projects under section 2914 of this title, the
3 Secretary of Defense shall carry out at least four projects
4 to promote installation energy security and energy resil-
5 ience in the manner described in paragraph (1).

6 “(B) At least one project shall be designed to develop
7 technology that demonstrates the ability to connect an ex-
8 isting on-site energy generation facility that uses solar
9 power with one or more installation facilities performing
10 critical missions in a manner that allows the generation
11 facility to continue to provide electrical power to these fa-
12 cilities even if the installation is disconnected from the
13 commercial power supply.

14 “(C) At least one project shall be designed to develop
15 technology that demonstrates that one or more installation
16 facilities performing critical missions can be isolated, for
17 purposes of electrical power supply, from the remainder
18 of the installation and from the commercial power supply
19 in a manner that allows an on-site energy generation facil-
20 ity that uses a renewable energy source, other than solar
21 energy, to provide the necessary power exclusively to these
22 facilities.

23 “(D) At least two projects shall be designed to de-
24 velop technology that demonstrates the ability to store suf-
25 ficient electrical energy from an on-site energy generation

1 facility that uses a renewable energy source to provide the
2 electrical energy required to continue operation of installa-
3 tion facilities performing critical missions during night-
4 time operations.

5 “(E) The Secretary of Defense may not select as the
6 site of a project under this paragraph a military installa-
7 tion that already has the ability to satisfy any of the
8 project requirements described in subparagraph (B), (C),
9 or (D).

10 “(F) The authority of the Secretary of Defense to
11 commence a project under this paragraph expires on Sep-
12 tember 30, 2025.”.

13 (2) BRIEFING.—Not later than March 1, 2021,
14 the Secretary of Defense shall brief the congres-
15 sional defense committees regarding the plan to
16 carry out the on-site energy production projects au-
17 thorized by paragraph (2) of section 2911 of title
18 10, United States Code, as added by paragraph (1).

19 **SEC. 2825. AVAILABILITY OF ENERGY RESILIENCE AND**
20 **CONSERVATION INVESTMENT PROGRAM**
21 **FUNDS FOR CERTAIN ACTIVITIES RELATED**
22 **TO PRIVATIZED UTILITY SYSTEMS.**

23 Section 2914(a) of title 10, United States Code, is
24 amended—

1 (1) by inserting “(1)” before “The Secretary of
2 Defense”; and

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

5 “(2) For purposes of this section, a military construc-
6 tion project is deemed to include activities related to utility
7 systems authorized under subsections (h), (j), and (k) of
8 section 2688 or section 2913 of this title, notwithstanding
9 that the United States does not own the utility system,
10 and energy-related activities included as a separate re-
11 quirement in an energy savings performance contract (as
12 defined in section 804(3) of the National Energy Con-
13 servation Policy Act (42 U.S.C. 8287c(3))).”.

14 **SEC. 2826. IMPROVING WATER MANAGEMENT AND SECU-**
15 **RITY ON MILITARY INSTALLATIONS.**

16 (a) RISK-BASED APPROACH TO INSTALLATION
17 WATER MANAGEMENT AND SECURITY.—

18 (1) GENERAL REQUIREMENT.—The Secretary
19 concerned shall adopt a risk-based approach to
20 water management and security for each military in-
21 stallation under the jurisdiction of the Secretary.

22 (2) IMPLEMENTATION PRIORITIES.—The Sec-
23 retary concerned shall begin implementation of para-
24 graph (1) by prioritizing those military installations

1 under the jurisdiction of the Secretary that the Sec-
2 retary determines—

3 (A) are experiencing the greatest risks to
4 sustainable water management and security;
5 and

6 (B) face the most severe existing or poten-
7 tial adverse impacts to mission assurance as a
8 result of such risks.

9 (3) DETERMINATION METHOD.—Determina-
10 tions under paragraph (2) shall be made on the
11 basis of the water management and security assess-
12 ments made by the Secretary concerned under sub-
13 section (b).

14 (b) WATER MANAGEMENT AND SECURITY ASSESS-
15 MENTS.—

16 (1) ASSESSMENT METHODOLOGY.—The Secre-
17 taries concerned, acting jointly, shall develop a
18 methodology to assess risks to sustainable water
19 management and security and mission assurance.

20 (2) ELEMENTS.—Required elements of the as-
21 sessment methodology shall include the following:

22 (A) An evaluation of the water sources and
23 supply connections for a military installation,
24 including water flow rate and extent of competi-
25 tion for the water sources.

1 (B) An evaluation of the age, condition,
2 and jurisdictional control of water infrastruc-
3 ture serving the military installation.

4 (C) An evaluation of the military installa-
5 tion's water-security risks related to drought-
6 prone climates, impacts of defense water usage
7 on regional water demands, water quality, and
8 legal issues, such as water rights disputes.

9 (D) An evaluation of the resiliency of the
10 military installation's water supply and the
11 overall health of the aquifer basin of which the
12 water supply is a part, including the robustness
13 of the resource, redundancy, and ability to re-
14 cover from disruption.

15 (E) An evaluation of existing water meter-
16 ing and consumption at the military installa-
17 tion, considered at a minimum—

18 (i) by type of installation activity,
19 such as training, maintenance, medical,
20 housing, and grounds maintenance and
21 landscaping; and

22 (ii) by fluctuations in consumption,
23 including peak consumption by quarter.

24 (c) EVALUATION OF INSTALLATIONS FOR POTENTIAL
25 NET ZERO WATER USAGE.—

1 (1) EVALUATION REQUIRED.—The Secretary
2 concerned shall conduct an evaluation of each mili-
3 tary installation under the jurisdiction of the Sec-
4 retary to determine the potential for the military in-
5 stallation, or at a minimum certain installation ac-
6 tivities, to achieve net zero water usage.

7 (2) ELEMENTS.—Required elements of each
8 evaluation shall include the following:

9 (A) An evaluation of alternative water
10 sources to offset use of freshwater, including
11 water recycling and harvested rainwater for use
12 as non-potable water.

13 (B) An evaluation of the practicality of im-
14 plementing Department of Energy guidelines
15 for net zero water usage, when practicable to
16 minimize water consumption and wastewater
17 discharge in buildings scheduled for renovation.

18 (C) An evaluation of the practicality of im-
19 plementing net zero water usage technology into
20 new construction in water-constrained areas, as
21 determined by water management and security
22 assessments conducted under subsection (b).

23 (d) IMPROVED LANDSCAPING MANAGEMENT PRAC-
24 TICES.—

1 (1) LANDSCAPING MANAGEMENT.—The Sec-
2 retary concerned shall implement, to the maximum
3 extent practicable, at each military installation
4 under the jurisdiction of the Secretary landscaping
5 management practices to increase water resilience
6 and ensure greater quantities of water availability
7 for operational, training, and maintenance require-
8 ments.

9 (2) ARID OR SEMI-ARID CLIMATES.—For mili-
10 tary installations located in arid or semi-arid cli-
11 mates, landscaping management practices shall in-
12 clude the use of xeriscaping.

13 (3) NON-ARID CLIMATES.—For military instal-
14 lations located in arid or non-arid climates, land-
15 scaping management practices shall include the use
16 of plants common to the region in which the installa-
17 tion is located and native grasses and plants.

18 (4) POLLINATOR CONSERVATION REFERENCE
19 GUIDE.—The Secretary concerned shall follow the
20 recommendations of the Department of Defense Pol-
21 linator Conservation Reference Guide (September
22 2018) to the maximum extent practicable in order to
23 reduce operation and maintenance costs related to
24 landscaping management, while improving area
25 management. Consistent with such guide, in the

1 preparation of a military installation landscaping
2 plan, the Secretary concerned should consider the
3 following:

4 (A) Adding native flowering plants to
5 sunny open areas and removing overhanging
6 tree limbs above open patches within forested
7 areas or dense shrub.

8 (B) Removing or controlling invasive
9 plants to improve pollinator habitat.

10 (C) Preserving known and potential polli-
11 nator nesting and overwintering sites.

12 (D) Eliminating or minimizing pesticide
13 use in pollinator habitat areas.

14 (E) Mowing in late fall or winter after
15 plants have bloomed and set seed, adjusting
16 timing to avoid vulnerable life stages of special
17 status pollinators.

18 (F) Mowing mid-day when adult polli-
19 nators can avoid mowing equipment.

20 (e) IMPLEMENTATION REPORT.—

21 (1) REPORT REQUIRED.—Not later than 1 year
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense, in coordination with the other
24 Secretaries concerned, shall submit to the Commit-
25 tees on Armed Services of the Senate and the House

1 of Representatives a report on the progress made in
2 implementing this section.

3 (2) REPORT ELEMENTS.—The report shall in-
4 clude the following:

5 (A) The methodology developed under sub-
6 section (b) to conduct water management and
7 security assessments.

8 (B) A list of the military installations that
9 have been assessed using such methodology and
10 a description of the findings.

11 (C) A list of planned assessments for the
12 one-year period beginning on the date of the
13 submission of the report.

14 (D) An evaluation of the progress made on
15 implementation of xeriscaping and other region-
16 ally appropriate landscaping practices at mili-
17 tary installations.

18 (f) DEFINITIONS.—In this section:

19 (1) The term “net zero water usage”, with re-
20 spect to a military installation or installation activ-
21 ity, means a situation in which the combination of
22 limitations on the consumption of water resources
23 and the return of water to an original water source
24 by the installation or activity is sufficient to prevent
25 any reduction in the water resources of the area in

1 both quantity and quality over a reasonable period
2 of time.

3 (2) The terms “Secretary concerned” and “Sec-
4 retary” mean the Secretary of a military department
5 and the Secretary of Defense with respect to the
6 Pentagon Reservation.

7 (3) The term “xeriscaping” means landscape
8 design that emphasizes low water use and drought-
9 tolerant plants that require little or no supplemental
10 irrigation.

11 **SEC. 2827. PILOT PROGRAM TO TEST USE OF EMERGENCY**
12 **DIESEL GENERATORS IN A MICROGRID CON-**
13 **FIGURATION AT CERTAIN MILITARY INSTAL-**
14 **LATIONS.**

15 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
16 of Defense may conduct a pilot program (to be known as
17 the Emergency Diesel Generator Microgrid Program) to
18 evaluate the feasibility and cost effectiveness of connecting
19 existing diesel generators at a military installation selected
20 pursuant to subsection (c) to create and support one or
21 more microgrid configurations at the installation capable
22 of providing full-scale electrical power for the defense crit-
23 ical facilities located at the installation during an emer-
24 gency involving the loss of external electric power supply

1 caused by an extreme weather condition, manmade inten-
2 tional infrastructure damage, or other circumstances.

3 (b) GOAL OF PILOT PROGRAM.—The goals of the
4 Emergency Diesel Generator Microgrid Program are—

5 (1) to test assumptions about lower operating
6 and maintenance costs, parts interchangeability,
7 lower emissions, lower fuel usage, increased resil-
8 iency, increased reliability, and reduced need for
9 emergency diesel generators; and

10 (2) to establish design criteria that could be
11 used to build and sustain emergency diesel generator
12 microgrids at other military installations.

13 (c) PILOT PROGRAM LOCATIONS.—As the locations
14 to conduct the Emergency Diesel Generator Microgrid
15 Program, the Secretary of Defense shall select two major
16 military installations located in different geographical re-
17 gions of the United States that the Secretary deter-
18 mines—

19 (1) are defense critical electric infrastructure
20 sites or contain, or are served by, defense critical
21 electric infrastructure;

22 (2) contain more than one defense critical func-
23 tion for national defense purposes and the mission
24 assurance of such critical defense facilities are para-

1 mount to maintaining national defense and force
2 projection capabilities at all times; and

3 (3) face unique electric energy supply, delivery,
4 and distribution challenges that, based on the geo-
5 graphic location of the installations and the overall
6 physical size of the installations, adversely impact
7 rapid electric infrastructure restoration after an
8 interruption.

9 (d) SPECIFICATIONS OF DIESEL GENERATORS AND
10 MICROGRID.—

11 (1) GENERATOR SPECIFICATIONS.—The Sec-
12 retary of Defense shall use existing diesel generators
13 that are sized $\geq 750\text{kW}$ output.

14 (2) MICROGRID SPECIFICATIONS.—The Sec-
15 retary of Defense shall create the microgrid using
16 commercially available and proven designs and tech-
17 nologies. The existing diesel generators used for the
18 microgrid should be spaced within 1.0 to 1.5 mile of
19 each other and, using a dedicated underground elec-
20 tric cable network, be tied into a microgrid configu-
21 ration sufficient to supply mission critical facilities
22 within the service area of the microgrid. A selected
23 military installation may contain more than one such
24 microgrid under the Emergency Diesel Generator
25 Microgrid Program.

1 (e) PROGRAM AUTHORITIES.—The Secretary of De-
2 fense may use the authority under section 2914 of title
3 10, United States Code (known as the Energy Resilience
4 and Conservation Investment Program) and energy sav-
5 ings performance contracts to conduct the Emergency
6 Diesel Generator Microgrid Program.

7 (f) DEFINITIONS.—For purposes of the Emergency
8 Diesel Generator Microgrid Program:

9 (1) The term “defense critical electric infra-
10 structure” has the meaning given that term in sec-
11 tion 215A of the Federal Power Act (16 U.S.C.
12 824o–1).

13 (2) The term “energy savings performance con-
14 tract” has the meaning given that term in section
15 804(3) of the National Energy Conservation Policy
16 Act (42 U.S.C. 8287c(3)).

17 (3) The term “existing diesel generators”
18 means diesel generators located, as of the date of
19 the enactment of this Act, at a major military instal-
20 lation selected as a location for the Emergency Die-
21 sel Generator Microgrid Program and intended for
22 emergency use.

23 (4) The term “major military installation” has
24 the meaning given that term in section 2864 of title
25 10, United States Code.

1 **SEC. 2828. IMPROVED ELECTRICAL METERING OF DEPART-**
2 **MENT OF DEFENSE INFRASTRUCTURE SUP-**
3 **PORTING CRITICAL MISSIONS.**

4 (a) **OPTIONS TO IMPROVE ELECTRICAL METER-**
5 **ING.**—The Secretary of Defense and the Secretaries of the
6 military departments shall improve the metering of elec-
7 trical energy usage of covered defense structures to accu-
8 rately determine energy consumption by such a structure
9 to increase energy efficiency and improve energy resil-
10 ience, using any combination of the options specified in
11 subsection (b) or such other methods as the Secretary con-
12 cerned considers practicable.

13 (b) **METERING OPTIONS.**—Electrical energy usage
14 options to be considered for a covered defense structure
15 include the following:

16 (1) Installation of a smart meter at the electric
17 power supply cable entry point of the covered de-
18 fense structure, with remote data storage and re-
19 trieval capability using cellular communication, to
20 provide historical energy usage data on an hourly
21 basis to accurately determine the optimum cost ef-
22 fective energy efficiency and energy resilience meas-
23 ures for the covered defense structure.

24 (2) Use of an energy usage audit firm to indi-
25 vidually meter the covered defense structure using
26 clamp-on meters and data storage to provide year—

1 long electric energy load profile data, particularly in
2 the case of a covered defense structure located in cli-
3 mates with highly variable use based on weather or
4 temperature changes to accurately identify electric
5 energy usage demand for both peak and off peak pe-
6 riods for a covered defense structure.

7 (3) Manual collection and calculation of the
8 connected load via nameplate data survey of all the
9 connected electrical devices for the covered defense
10 structure and comparing it to the designed max-
11 imum rating of the incoming electric supply to deter-
12 mine the maximum electrical load for the covered de-
13 fense structure.

14 (c) CONSIDERATION OF PARTNERSHIPS.—The Sec-
15 retary of Defense and the Secretaries of the military de-
16 partments shall consider the use of arrangements (known
17 as public-private partnerships) with appropriate entities
18 outside the Government to reduce the cost of carrying out
19 this section.

20 (d) DEFINITIONS.—In this section:

21 (1) The term “covered defense structure”
22 means any infrastructure under the jurisdiction of
23 the Department of Defense inside the United States
24 that the Secretary of Defense or the Secretary of the
25 military department concerned determines—

1 (A) is used to support a critical mission of
2 the Department; and

3 (B) is located at a military installation
4 with base-wide resilient power.

5 (2) The term “energy resilience” has the mean-
6 ing given that term in section 101(e)(6) of title 10,
7 United States Code.

8 (e) IMPLEMENTATION REPORT.—As part of the De-
9 partment of Defense energy management report to be sub-
10 mitted under section 2925 of title 10, United States Code,
11 during fiscal year 2022, the Secretary of Defense shall in-
12 clude information on the progress being made to comply
13 with the requirements of this section.

14 **SEC. 2829. RENAMING CERTAIN MILITARY INSTALLATIONS**
15 **AND OTHER DEFENSE PROPERTY.**

16 (a) DEFINITIONS.—In this section:

17 (1) The term “advisory panel” means an advi-
18 sory panel established by the Secretary concerned to
19 assist the Secretary concerned in the renaming proc-
20 ess required by this section.

21 (2) The term “covered defense property” means
22 any real property, including any building, structure,
23 or other improvement to real property thereon,
24 under the jurisdiction of the Secretary concerned
25 that is named after any person who served in the po-

1 litical or military leadership of any armed rebellion
2 against the United States.

3 (3) The term “covered military installation”
4 means a military installation or reserve component
5 facility that is named after any person who served
6 in the political or military leadership of any armed
7 rebellion against the United States.

8 (4) The term “identification report” means the
9 initial report required by subsection (c) that identi-
10 fies covered military installations and covered de-
11 fense property.

12 (5) The term “military installation” has the
13 meaning given that term in section 2801(c) of title
14 10, United States Code.

15 (6) The term “other improvement” includes any
16 library, classroom, parade ground or athletic field,
17 training range, roadway, or similar physical feature.

18 (7) The term “process report” means the report
19 required by subsection (d) that describes the renam-
20 ing process to be used by the Secretary concerned.

21 (8) The term “renaming report” means the
22 final report required by subsection (f) that provides
23 new names for covered military installations and
24 covered defense property.

1 (9) The term “reserve component facility” has
2 the meaning given the term “facility” in section
3 18232 of title 10, United States Code, and covers
4 those facilities for which title is vested in the United
5 States or for which the Secretary of Defense contrib-
6 uted funds under section 18233(a) of such title or
7 former section 2233 of such title.

8 (10) The term “Secretary concerned” means
9 the Secretary of a military department and includes
10 the Secretary of Defense with respect to matters
11 concerning the Defense Agencies.

12 (b) RENAMING REQUIRED; DEADLINE.—Not later
13 than 1 year after the date of the enactment of this Act,
14 the Secretary concerned shall—

15 (1) complete the renaming process required by
16 this section; and

17 (2) commence the renaming of each covered
18 military installation and covered defense property
19 identified in the renaming report pursuant to the
20 guidance issued by the Secretary concerned under
21 subsection (f).

22 (c) IDENTIFICATION REPORT; DEADLINE.—Not later
23 than 60 days after the date of the enactment of this Act,
24 each Secretary concerned shall submit to the congressional
25 defense committees a report that identifies each covered

1 military installation and all covered defense property
2 under the jurisdiction of the Secretary concerned that the
3 Secretary concerned determines satisfies the definitions
4 given those terms in subsection (a).

5 (d) PROCESS REPORT; DEADLINE.—

6 (1) REPORT REQUIRED.—Not later than 90
7 days after the date of the enactment of this Act,
8 each Secretary concerned shall submit to the con-
9 gressional defense committees a report describing
10 the process by which the Secretary concerned will re-
11 name each covered military installation and covered
12 defense property identified in the renaming report
13 prepared by the Secretary concerned.

14 (2) REPORT ELEMENTS.—At minimum, the
15 process report shall contain the following elements:

16 (A) A detailed description of the process to
17 be used by the Secretary concerned to develop
18 a list of potential names for renaming covered
19 military installations and covered defense prop-
20 erty.

21 (B) An explanation regarding whether or
22 not the Secretary concerned established, or will
23 establish, an advisory panel to support the re-
24 view process and make recommendations to the
25 Secretary concerned. If the Secretary concerned

1 has established, or will establish, an advisory
2 panel, the report shall include the names and
3 positions of the individuals who will serve on
4 the advisory panel that represent:

5 (i) Military leadership from covered
6 military installations.

7 (ii) Military leadership from military
8 installations containing covered defense
9 property.

10 (iii) State leaders and leaders of the
11 locality in which a covered military instal-
12 lation or covered defense property is lo-
13 cated.

14 (iv) Representatives from military mu-
15 seums, military historians, or relevant his-
16 torians from the impacted States and local-
17 ities with relevant expertise.

18 (v) Community civil rights leaders.

19 (C) The criteria the Secretary concerned
20 will use to inform the renaming process.

21 (D) A description of the process for ac-
22 cepting and considering public comments from
23 members of the Armed Forces, veterans, and
24 members of the local community on potential

1 names for renaming covered military installa-
2 tions and covered defense property.

3 (E) A timeline for the renaming process
4 consistent with the deadline specified in sub-
5 section (b).

6 (e) CONGRESSIONAL GUIDANCE ON RENAMING CRI-
7 TERIA.—

8 (1) PREFERENCES.—As part of the renaming
9 process established by the Secretary concerned and
10 described in the process report required by sub-
11 section (c), the Secretary concerned shall give a
12 preference for renaming covered military installa-
13 tions and covered defense property after either—

14 (A) a battlefield victory by the Armed
15 Forces consistent with current Department of
16 Defense naming conventions; or

17 (B) a deceased member of the Armed
18 Forces (other than the limited exception de-
19 scribed in clause (iv)) who satisfies one of more
20 of the following:

21 (i) Was a recipient of the Congres-
22 sional Medal of Honor.

23 (ii) Was recognized for heroism in
24 combat or for other significant contribu-
25 tions to the United States.

1 (iii) Was a member of a minority
2 group who overcame prejudice and adver-
3 sity to perform distinguished military serv-
4 ice.

5 (iv) Is a deceased woman who over-
6 came prejudice and adversity to perform
7 distinguished military service on behalf of
8 the United States, including a woman who
9 performed such distinguished military serv-
10 ice (whether temporary service, auxiliary
11 service, or other qualifying military service)
12 before 1948 when women were allowed to
13 officially join the Armed Forces.

14 (v) Has links to the community or
15 State where the military installation or
16 covered property is located.

17 (vi) Served at the covered military in-
18 stallation, in a unit of the Armed Forces
19 based at the covered installation; or at the
20 military installation containing the covered
21 defense property.

22 (2) OTHER CONSIDERATIONS.—

23 (A) JUNIOR SERVICEMEMBERS.—Junior
24 members of the Armed Forces should be fa-

vored in the renaming process over general officers or flag officers.

(B) BRANCH CONSIDERATION.—A deceased member of the Armed Forces whose name is selected in the renaming process should have served in the same Armed Force as the majority of the members of the Armed Forces stationed at the covered military installation renamed in honor of the deceased member or at which the renamed covered defense property is located.

(C) CONFLICT CONSIDERATION.—The names selected in the renaming process should recognize and reflect significant battles or contingency operations since 1917 or the contributions of members of the Armed Forces who served in wars and contingency operations since 1917.

(D) PERSONAL CONDUCT.—A deceased member of the Armed Forces whose name is selected in the renaming process should be a person whose personal conduct reflects the current values of the Armed Forces and its members.

(f) RENAMING REPORT; DEADLINE.—

1 (1) REPORT REQUIRED.—Upon completing the
2 renaming process identified in the process report,
3 but not later than 30 days before the deadline speci-
4 fied in subsection (b), each Secretary concerned shall
5 submit to the congressional defense committees a
6 final report containing the list of the new names
7 chosen for each covered military installation and cov-
8 ered defense property identified in the identification
9 report prepared by the Secretary concerned.

10 (2) REPORT ELEMENTS.—At minimum, the re-
11 naming report shall contain an explanation of the
12 reasons for the selection of each new name chosen
13 for covered military installations and covered defense
14 property.

15 (3) PUBLIC AVAILABILITY.—The Secretary con-
16 cerned shall make the renaming report publicly
17 available as soon as practicable after submission of
18 the renaming report.

19 (4) GUIDANCE FOR ACTUAL RENAMING.—Not
20 later than 30 days after submission of the renaming
21 report, the Secretary concerned shall issue guidance
22 to promptly affect the name changes contained in
23 the renaming report.

24 (g) SAVINGS CLAUSE.—Nothing in this section or the
25 renaming process required by this section shall be con-

1 strued to have any effect on grave markers or cemeteries
2 that may exist on real property under the jurisdiction of
3 the Department of Defense.

4 **Subtitle D—Land Conveyances**

5 **SEC. 2831. LAND CONVEYANCE, CAMP NAVAJO, ARIZONA.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of
7 the Army may convey, without consideration, to the State
8 of Arizona Department of Emergency and Military Affairs
9 (in this section referred to as the “State”) all right, title,
10 and interest of the United States in and to a parcel of
11 real property, including any improvements thereon, con-
12 sisting of not more than 3,000 acres at Camp Navajo, Ari-
13 zona, for the purpose of permitting the State to use the
14 property—

15 (1) for training the Arizona Army National
16 Guard and Air National Guard; and

17 (2) for defense industrial base economic devel-
18 opment purposes that are compatible with the envi-
19 ronmental security and primary National Guard
20 training purpose of Camp Navajo.

21 (b) CONDITION OF CONVEYANCE.—

22 (1) USE OF REVENUES.—The authority of the
23 Secretary of the Army to make the conveyance de-
24 scribed in subsection (a) is subject to the condition
25 that the State agree that all revenues generated

1 from the use of the property conveyed under such
2 subsection will be used to support the training re-
3 quirements of the Arizona Army National Guard
4 and Air National Guard, including necessary infra-
5 structure maintenance and capital improvements.

6 (2) AUDIT.—The United States Property and
7 Fiscal Office for Arizona shall—

8 (A) conduct periodic audits of all revenues
9 generated by uses of the conveyed property and
10 the use of such revenues; and

11 (B) provide the audit results to the Chief
12 of the National Guard Bureau.

13 (c) REVERSIONARY INTEREST.—

14 (1) INTEREST RETAINED.—If the Secretary of
15 the Army determines at any time that the property
16 conveyed under subsection (a) is not being used in
17 accordance with the purposes of the conveyance
18 specified in such subsection, or that the State has
19 not complied with the condition imposed by sub-
20 section (b), all right, title, and interest in and to the
21 conveyed property, including any improvements
22 thereon, shall, at the option of the Secretary, revert
23 to and become the property of the United States,
24 and the United States shall have the right of imme-
25 diate entry onto the Property.

1 (2) DETERMINATION.—A determination by the
2 Secretary under this subsection shall be made on the
3 record after an opportunity for a hearing.

4 (d) ALTERNATIVE CONSIDERATION OPTION.—

5 (1) CONSIDERATION OPTION.—In lieu of exer-
6 cising the reversionary interest retained under sub-
7 section (c), the Secretary of the Army may accept an
8 offer by the State to pay to the United States an
9 amount equal to the fair market value of the prop-
10 erty conveyed under subsection (a), excluding the
11 value of any improvements on the conveyed property
12 constructed without Federal funds after the date of
13 the conveyance is completed, as determined by the
14 Secretary.

15 (2) TREATMENT OF CONSIDERATION RE-
16 CEIVED.—Consideration received by the Secretary
17 under paragraph (1) shall be deposited in the special
18 account in the Treasury established for the Sec-
19 retary under subsection (e) of section 2667 of title
20 10, United States Code, and shall be available to the
21 Secretary for the same uses and subject to the same
22 limitations as provided in that section.

23 (e) PAYMENT OF COSTS OF CONVEYANCE.—

24 (1) PAYMENT REQUIRED.—The Secretary of
25 the Army shall require the State to cover costs to be

1 incurred by the Secretary, or to reimburse the Sec-
2 retary for such costs incurred by the Secretary, to
3 carry out the conveyance under subsection (a), in-
4 cluding survey costs, costs for environmental docu-
5 mentation related to the conveyance, and any other
6 administrative costs related to the conveyance. If
7 amounts are collected from the State in advance of
8 the Secretary incurring the actual costs, and the
9 amount collected exceeds the costs actually incurred
10 by the Secretary to carry out the conveyance, the
11 Secretary shall refund the excess amount to the
12 State.

13 (2) TREATMENT OF AMOUNTS RECEIVED.—
14 Amounts received as reimbursement under para-
15 graph (1) shall be credited to the fund or account
16 that was used to cover those costs incurred by the
17 Secretary in carrying out the conveyance or, if the
18 period of availability for obligations for that appro-
19 priation has expired, to the fund or account cur-
20 rently available to the Secretary for the same pur-
21 pose. Amounts so credited shall be merged with
22 amounts in such fund or account, and shall be avail-
23 able for the same purposes, and subject to the same
24 conditions and limitations, as amounts in such fund
25 or account.

1 (f) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the property to be conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary of the Army.

5 (g) SAVINGS PROVISION.—Nothing in this section
6 shall be construed to alleviate, alter, or affect the responsi-
7 bility of the United States for cleanup and remediation
8 of the property to be conveyed under subsection (a) in ac-
9 cordance with the Defense Environmental Restoration
10 Program under section 2701 of title 10, United States
11 Code, and the Comprehensive Environmental Response,
12 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
13 et seq.).

14 (h) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary of the Army may require such additional terms
16 and conditions in connection with the conveyance under
17 subsection (a) as the Secretary considers appropriate to
18 protect the interests of the United States. These addi-
19 tional terms may include a requirement for the State to
20 consult with the Secretary of the Navy regarding use of
21 the conveyed property.

1 **SEC. 2832. MODIFICATION OF LAND EXCHANGE INVOLVING**
2 **NAVAL INDUSTRIAL RESERVE ORDNANCE**
3 **PLANT, SUNNYVALE, CALIFORNIA.**

4 (a) ELEMENTS OF EXCHANGE.—Section 2841(a) of
5 the Military Construction Authorization Act for Fiscal
6 Year 2018 (division B of Public Law 115–91; 131 Stat.
7 1860) is amended by striking paragraphs (1) and (2) and
8 inserting the following new paragraphs:

9 “(1) real property, including improvements
10 thereon, located in Titusville, Florida, that will re-
11 place the NIROP and meet the readiness require-
12 ments of the Department of the Navy, as determined
13 by the Secretary; and

14 “(2) reimbursement for the costs of relocation
15 of contractor and Government personnel and equip-
16 ment from the NIROP to the replacement facilities,
17 to the extent specified in the land exchange agree-
18 ment contemplated in subsection (b).”.

19 (b) ELEMENTS OF LAND EXCHANGE AGREEMENT.—
20 Section 2841(b)(1) of the Military Construction Author-
21 ization Act for Fiscal Year 2018 (division B of Public Law
22 115–91; 131 Stat. 1860) is amended by inserting after
23 “identifies” the following: “the costs of relocation to be
24 reimbursed by the Exchange Entity,”.

25 (c) VALUATION OF PROPERTIES AND COMPENSA-
26 TION.—Section 2841 of the Military Construction Author-

1 ization Act for Fiscal Year 2018 (division B of Public Law
2 115–91; 131 Stat. 1860) is amended—

3 (1) by striking subsection (c);

4 (2) by redesignating subsections (d) through (i)
5 as subsections (e) through (j), respectively; and

6 (3) by inserting after subsection (b) the fol-
7 lowing new subsections:

8 “(c) VALUATION.—The Secretary shall determine the
9 fair market value of the properties, including improve-
10 ments thereon, to be exchanged by the Secretary and the
11 Exchange Entity under subsection (a).

12 “(d) COMPENSATION.—

13 “(1) COMPENSATION REQUIRED.—The Ex-
14 change Entity shall provide compensation under the
15 land exchange agreement described in subsection (b)
16 that is equal to or exceeds the fair market value of
17 the NIROP, as determined under subsection (c).

18 “(2) IN-KIND CONSIDERATION.—As part of the
19 compensation under the land exchange agreement,
20 the Secretary and the Exchange Entity may agree
21 for the Exchange Entity to provide the following
22 forms of in-kind consideration at any property or fa-
23 cility under the control of the Secretary:

1 “(A) Alteration, repair, improvement, or
2 restoration (including environmental restora-
3 tion) of property.

4 “(B) Use of facilities by the Secretary.

5 “(C) Provision of real property mainte-
6 nance services.

7 “(D) Provision of or payment of utility
8 services.

9 “(E) Provision of such other services relat-
10 ing to activities that will occur on the property
11 as the Secretary considers appropriate.

12 “(3) DEPOSIT.—The Secretary shall deposit
13 any cash payments received under the land exchange
14 agreement, other than cash payments accepted
15 under section 2695 of title 10, United States Code,
16 in the account in the Treasury established pursuant
17 to section 572(b) of title 40, United States Code.

18 “(4) USE OF PROCEEDS.—Proceeds deposited
19 pursuant to paragraph (3) in the account referred to
20 in such paragraph shall be available to the Secretary
21 in such amounts as provided in appropriations Acts
22 for the following activities:

23 “(A) Maintenance, protection, alternation,
24 repair, improvement, or restoration (including

1 environmental restoration) of property or facili-
2 ties.

3 “(B) Payment of utilities services.

4 “(C) Real property maintenance services.”.

5 (d) TREATMENT OF CERTAIN AMOUNTS RE-
6 CEIVED.—Subsection (f) of section 2841 of the Military
7 Construction Authorization Act for Fiscal Year 2018 (di-
8 vision B of Public Law 115–91; 131 Stat. 1861), as redes-
9 ignated by subsection (c)(2) of this section, is amended
10 by striking “(a), (c)(2), and (d)” and inserting “(a) and
11 (e)”.

12 (e) SUNSET.—Subsection (j) of section 2841 of the
13 Military Construction Authorization Act for Fiscal Year
14 2018 (division B of Public Law 115–91; 131 Stat. 1861),
15 as redesignated by subsection (c)(2) of this section, is
16 amended by striking “October 1, 2023” and inserting
17 “October 1, 2026, if the Secretary and the Exchange Enti-
18 ty have not entered into a land exchange agreement de-
19 scribed in subsection (b) before that date”.

20 **SEC. 2833. LAND CONVEYANCE, SHARPE ARMY DEPOT,**
21 **LATHROP, CALIFORNIA.**

22 (a) CONVEYANCE AUTHORIZED.—If the Secretary of
23 the Army determines that no department or agency of the
24 Federal Government will accept the transfer of a parcel
25 of real property consisting of approximately 525 acres at

1 Sharpe Army Depot in Lathrop, California, the Secretary
2 may convey to the Port of Stockton, California, all right,
3 title, and interest of the United States in and to the prop-
4 erty, including any improvements thereon, for the purpose
5 of permitting the Port of Stockton to use the property for
6 the development or operation of a port facility.

7 (b) MODIFICATION OF PARCEL AUTHORIZED FOR
8 CONVEYANCE.—If a department or agency of the Federal
9 Government will accept the transfer of a portion of the
10 parcel of real property described in subsection (a), the
11 Secretary shall modify the conveyance authorized by such
12 subsection to exclude the portion of the parcel to be ac-
13 cepted by that department or agency.

14 (c) CONSIDERATION.—

15 (1) PUBLIC BENEFIT CONVEYANCE.—The Sec-
16 retary of the Army may assign the property for con-
17 veyance under subsection (a) as a public benefit con-
18 veyance without monetary consideration to the Fed-
19 eral Government if the Port of Stockton satisfies the
20 conveyance requirements specified in section 554 of
21 title 40, United States Code.

22 (2) FAIR MARKET VALUE.—If the Port of
23 Stockton fails to qualify for a public benefit convey-
24 ance under paragraph (1) and still desires to acquire
25 the real property described in subsection (a), the

1 Port of Stockton shall pay to the United States an
2 amount equal to the fair market value of the prop-
3 erty to be conveyed. The Secretary shall determine
4 the fair market value of the property using an inde-
5 pendent appraisal based on the highest and best use
6 of the property.

7 (d) DESCRIPTION OF PROPERTY.—The exact acreage
8 and legal description of the real property to be conveyed
9 under subsection (a) shall be determined by a survey satis-
10 factory to the Secretary of the Army. The cost of the sur-
11 vey shall be borne by the Port of Stockton.

12 (e) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary of the Army may require such additional terms
14 and conditions in connection with the conveyance under
15 subsection (a) as the Secretary considers appropriate to
16 protect the interests of the United States.

17 (f) SUNSET.—If the real property authorized for con-
18 veyance by subsection (a) is not conveyed within 1 year
19 after the date of the enactment of this Act, the Secretary
20 of the Army may report the property excess for disposal
21 in accordance with existing law.

22 **SEC. 2834. LAND EXCHANGE, SAN BERNARDINO COUNTY,**
23 **CALIFORNIA.**

24 (a) DEFINITIONS.—In this section:

1 (1) COUNTY.—The term “County” means the
2 County of San Bernardino, California.

3 (2) FEDERAL LAND.—The term “Federal land”
4 means the approximately 73 acres of Federal land
5 generally depicted as “Federal Land Proposed for
6 Exchange” on the map titled “Big Bear Land Ex-
7 change” and dated August 6, 2018.

8 (3) NON-FEDERAL LAND.—The term “non-Fed-
9 eral land” means the approximately 71 acres of land
10 owned by the County generally depicted as “Non-
11 Federal Land Proposed for Exchange” on the map
12 referred to in paragraph (2).

13 (b) EXCHANGE AUTHORIZED.—Subject to valid exist-
14 ing rights and the terms of this section, no later than 1
15 year after the date that the portion of the Pacific Crest
16 National Scenic Trail is relocated in accordance with sub-
17 section (i), if the County offers to convey the non-Federal
18 land to the United States, the Secretary of Agriculture
19 shall—

20 (1) convey to the County all right, title, and in-
21 terest of the United States in and to the Federal
22 land; and

23 (2) accept from the County a conveyance of all
24 right, title, and interest of the County in and to the
25 non-Federal land.

1 (c) EQUAL VALUE AND CASH EQUALIZATION.—

2 (1) EQUAL VALUE EXCHANGE.—The land ex-
3 change under this section shall be for equal value,
4 or the values shall be equalized by a cash payment
5 as provided for under this subsection or an adjust-
6 ment in acreage. At the option of the County, any
7 excess value of the non-Federal lands may be consid-
8 ered a gift to the United States.

9 (2) CASH EQUALIZATION PAYMENT.—The
10 County may equalize the values of the lands to be
11 exchanged under this section by cash payment with-
12 out regard to any statutory limit on the amount of
13 such a cash equalization payment.

14 (3) DEPOSIT AND USE OF FUNDS RECEIVED
15 FROM COUNTY.—Any cash equalization payment re-
16 ceived by the Secretary of Agriculture under this
17 subsection shall be deposited in the fund established
18 under Public Law 90–171 (16 U.S.C. 484a; com-
19 monly known as the Sisk Act). The funds so depos-
20 ited shall remain available to the Secretary of Agri-
21 culture, until expended, for the acquisition of lands,
22 waters, and interests in land for the San Bernardino
23 National Forest.

1 (d) APPRAISAL.—The Secretary of Agriculture shall
2 complete an appraisal of the land to be exchanged under
3 this section in accordance with—

4 (1) the Uniform Appraisal Standards for Fed-
5 eral Land Acquisitions; and

6 (2) the Uniform Standards of Professional Ap-
7 praisal Practice.

8 (e) TITLE APPROVAL.—Title to the land to be ex-
9 changed under this section shall be in a format acceptable
10 to the Secretary of Agriculture and the County.

11 (f) SURVEY OF NON-FEDERAL LANDS.—Before com-
12 pleting the exchange under this section, the Secretary of
13 Agriculture shall inspect the non-Federal lands to ensure
14 that the land meets Federal standards, including haz-
15 ardous materials and land line surveys.

16 (g) COSTS OF CONVEYANCE.—As a condition of the
17 conveyance of the Federal land under this section, any
18 costs related to the exchange under this section shall be
19 paid by the County.

20 (h) MANAGEMENT OF ACQUIRED LANDS.—The Sec-
21 retary of Agriculture shall manage the non-Federal land
22 acquired under this section in accordance with the Act of
23 March 1, 1911 (16 U.S.C. 480 et seq.; commonly known
24 as the Weeks Act), and other laws and regulations per-
25 taining to National Forest System lands.

1 (i) PACIFIC CREST NATIONAL SCENIC TRAIL RELO-
2 CATION.—No later than 3 years after the date of enact-
3 ment of this Act, the Secretary of Agriculture, in accord-
4 ance with applicable laws, shall relocate the portion of the
5 Pacific Crest National Scenic Trail located on the Federal
6 land—

7 (1) to adjacent National Forest System land;

8 (2) to land owned by the County, subject to
9 County approval;

10 (3) to land within the Federal land, subject to
11 County approval; or

12 (4) in a manner that combines two or more of
13 the options described in paragraphs (1), (2), and
14 (3).

15 (j) MAP AND LEGAL DESCRIPTIONS.—As soon as
16 practicable after the date of the enactment of this Act,
17 the Secretary of Agriculture shall finalize a map and legal
18 descriptions of all land to be conveyed under this section.
19 The Secretary may correct any minor errors in the map
20 or in the legal descriptions. The map and legal descrip-
21 tions shall be on file and available for public inspection
22 in appropriate offices of the Forest Service.

1 **SEC. 2835. LAND CONVEYANCE, OVER-THE-HORIZON**
2 **BACKSCATTER RADAR SYSTEM RECEIVING**
3 **STATION, MODOC COUNTY, CALIFORNIA.**

4 (a) CONVEYANCE REQUIRED.—

5 (1) IN GENERAL.—As soon as practicable after
6 receiving a request from Modoc County, California
7 (in this section referred to as the “County”) regard-
8 ing the conveyance required by this section, but sub-
9 ject to paragraph (2), the Secretary of Agriculture
10 shall convey to the County all right, title, and inter-
11 est of the United States in and to a parcel of Na-
12 tional Forest System land, including improvements
13 thereon, consisting of approximately 927 acres in
14 Modoc National Forest in the State of California
15 and containing an obsolete Over-the-Horizon
16 Backscatter Radar System receiving station estab-
17 lished on the parcel pursuant to a memorandum of
18 agreement between the Department of the Air Force
19 and Forest Service dated May 18 and 23, 1987.

20 (2) APPLICABLE LAW AND NATIONAL SECURITY
21 DETERMINATION.—The Secretary of Agriculture
22 shall carry out the conveyance under subsection (a)
23 in accordance with this section and all other applica-
24 ble law, including the condition that the conveyance
25 not take place until the Secretary, in consultation
26 with the Secretary of the Air Force, determines that

1 the conveyance will not harm the national security
2 interests of the United States.

3 (b) PURPOSE OF CONVEYANCE.—The purpose of the
4 conveyance under subsection (a) is to preserve and utilize
5 the improvements constructed on the parcel of National
6 Forest System land described in such subsection and to
7 permit the County to use the conveyed property, including
8 improvements thereon, for the development of renewable
9 energy, including solar and biomass cogeneration.

10 (c) CONSIDERATION.—

11 (1) IN GENERAL.—As consideration for the con-
12 veyance under subsection (a), the County shall pay
13 to the Secretary of Agriculture an amount that is
14 not less than the fair market value of the parcel of
15 land to be conveyed, as determined in accordance
16 with the Uniform Appraisal Standards for Federal
17 Land Acquisition and the Uniform Standards of
18 Professional Appraisal Practice.

19 (2) TREATMENT OF CASH CONSIDERATION.—
20 The Secretary shall deposit the payment received
21 under paragraph (1) in the account in the Treasury
22 established by Public Law 90–171 (commonly known
23 as the Sisk Act; 16 U.S.C. 484a). The amount de-
24 posited shall be available to the Secretary, in such
25 amounts as may be provided in advance in appro-

1 priation Acts, to pay any necessary and incidental
2 costs incurred by the Secretary in connection with
3 the improvement, maintenance, reconstruction, or
4 construction of a facility or improvement for the Na-
5 tional Forest System located in the State of Cali-
6 fornia.

7 (d) RESERVATION OF EASEMENT RELATED TO CON-
8 TINUED USE OF WATER WELLS.—The conveyance re-
9 quired by subsection (a) shall be conditioned on the res-
10 ervation of an easement by the Secretary of Agriculture,
11 subject to such terms and conditions as the Secretary
12 deems appropriate, necessary to provide access for use au-
13 thorized by the Secretary of the four water wells in exist-
14 ence on the date of the enactment of this Act and associ-
15 ated water conveyance infrastructure on the parcel of Na-
16 tional Forest System lands to be conveyed.

17 (e) WITHDRAWAL.—The National Forest System
18 land described in subsection (a) is withdrawn from the op-
19 eration of the mining and mineral leasing laws of the
20 United States.

21 (f) PAYMENT OF COSTS OF CONVEYANCE.—

22 (1) PAYMENT REQUIRED.—The Secretary of
23 Agriculture shall require the County to cover costs
24 (except costs for environmental remediation of the
25 property) to be incurred by the Secretary, or to re-

1 imburse the Secretary for such costs incurred by the
2 Secretary, to carry out the conveyance under sub-
3 section (a), including survey costs, costs for environ-
4 mental documentation, and any other administrative
5 costs related to the conveyance. If amounts are col-
6 lected from the County in advance of the Secretary
7 incurring the actual costs, and the amount collected
8 exceeds the costs actually incurred by the Secretary
9 to carry out the conveyance, the Secretary shall re-
10 fund the excess amount to the County.

11 (2) TREATMENT OF AMOUNTS RECEIVED.—
12 Amounts received as reimbursement under para-
13 graph (1) shall be credited to the fund or account
14 that was used to cover those costs incurred by the
15 Secretary of Agriculture in carrying out the convey-
16 ance. Amounts so credited shall be merged with
17 amounts in such fund or account, and shall be avail-
18 able for the same purposes, and subject to the same
19 conditions and limitations, as amounts in such fund
20 or account.

21 (g) ENVIRONMENTAL REMEDIATION.—

22 (1) IN GENERAL.—To expedite the conveyance
23 of the parcel of National Forest System land de-
24 scribed in subsection (a), including improvements
25 thereon, environmental remediation of the land by

1 the Department of the Air Force shall be limited to
2 the removal of the perimeter wooden fence, which
3 was treated with an arsenic-based weatherproof
4 coating, and treatment of soil affected by leaching of
5 such chemical.

6 (2) POTENTIAL FUTURE ENVIRONMENTAL RE-
7 MEDIATION RESPONSIBILITIES.—Notwithstanding
8 the conveyance of the parcel of National Forest Sys-
9 tem land described in subsection (a), the Secretary
10 of the Air Force shall be responsible for the remedi-
11 ation of any environmental contamination, discov-
12 ered post-conveyance, that is attributed to Air Force
13 occupancy of and operations on the parcel pre-con-
14 veyance.

15 (h) COMPLIANCE WITH ENVIRONMENTAL LAWS.—
16 Notwithstanding the requirements of section 120(h) of the
17 Comprehensive Environmental Response, Compensation,
18 and Liability Act of 1980 (42 U.S.C. 9620(h)), the Sec-
19 retary of Agriculture shall not be required to provide any
20 of the covenants and warranties otherwise required under
21 such section in connection with the conveyance of the
22 property under subsection (a).

23 (i) DESCRIPTION OF PROPERTY.—The exact acreage
24 and legal description of the property to be conveyed under

1 subsection (a) shall be determined by a survey satisfactory
2 to the Secretary of Agriculture.

3 **SEC. 2836. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
4 **NAVAL SUPPORT ACTIVITY PANAMA CITY,**
5 **FLORIDA, PARCEL.**

6 (a) TRANSFER TO THE SECRETARY OF THE NAVY.—
7 Administrative jurisdiction over the parcel of Federal land
8 consisting of approximately 1.23 acres located within
9 Naval Support Activity Panama City, Florida, and used
10 by the Department of the Navy pursuant to Executive
11 Order No. 10355 of May 26, 1952, and Public Land
12 Order Number 952 of April 6, 1954, is transferred from
13 the Secretary of the Interior to the Secretary of the Navy.

14 (b) LAND SURVEY.—The exact acreage and legal de-
15 scription of the Federal land transferred by subsection (a)
16 shall be determined by a survey satisfactory to the Sec-
17 retary of the Navy and the Secretary of the Interior.

18 (c) CONSIDERATION AND REIMBURSEMENT.—

19 (1) NO CONSIDERATION.—The transfer made
20 by subsection (a) shall be without consideration.

21 (2) REIMBURSEMENT.—The Secretary of the
22 Navy shall reimburse the Secretary of the Interior
23 for any costs incurred by the Secretary of the Inte-
24 rior under subsection (b) in conducting the survey

1 and preparing the legal description of the Federal
2 land transferred by subsection (a).

3 (d) STATUS OF LAND AFTER TRANSFER.—Upon
4 transfer of the Federal land by subsection (a), the land
5 shall cease to be public land and shall be treated as prop-
6 erty (as defined in section 102(9) of title 40, United
7 States Code) under the administrative jurisdiction of the
8 Secretary of the Navy.

9 **SEC. 2837. LAND CONVEYANCE, MILAN ARMY AMMUNITION**
10 **PLANT, TENNESSEE.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of
12 the Army may convey to the City of Milan, Tennessee (in
13 this section referred to as the “City”), all right, title, and
14 interest of the United States in and to parcels of real
15 property, including any improvements thereon, at Milan
16 Army Ammunition Plant, Tennessee, consisting of ap-
17 proximately 292 acres and commonly referred to as Par-
18 cels A, B and C.

19 (b) CONSIDERATION.—

20 (1) CONSIDERATION REQUIRED.—As consider-
21 ation for the conveyance under subsection (a), the
22 City shall provide consideration an amount equiva-
23 lent to the fair market value of the property con-
24 veyed under such subsection, as determined by an
25 appraisal approved by the Secretary of the Army.

1 The consideration may be in the form of cash pay-
2 ment, in-kind consideration, or a combination there-
3 of, provided at such time as the Secretary may re-
4 quire.

5 (2) IN-KIND CONSIDERATION.—In-kind consid-
6 eration provided by the City under paragraph (1)
7 may include the acquisition, construction, provision,
8 improvement, maintenance, repair, or restoration
9 (including environmental restoration), or combina-
10 tion thereof, of any facility, real property, or infra-
11 structure under the jurisdiction of the Secretary.

12 (c) PAYMENT OF COSTS OF CONVEYANCE.—

13 (1) PAYMENT REQUIRED.—The Secretary of
14 the Army shall require the City to pay costs to be
15 incurred by the Secretary, or to reimburse the Sec-
16 retary for such costs incurred by the Secretary, to
17 carry out the conveyance under subsection (a), in-
18 cluding survey costs, appraisal costs, costs for envi-
19 ronmental documentation related to the conveyance,
20 and any other administrative costs related to the
21 conveyance.

22 (2) TREATMENT OF AMOUNTS RECEIVED.—
23 Amounts received as reimbursement under para-
24 graph (1) shall be credited to the fund or account
25 that was used to pay the costs incurred by the Sec-

1 retary in carrying out the conveyance under sub-
2 section (a) or, if the period of availability of obliga-
3 tions for that appropriation has expired, to the ap-
4 propriations of fund that is currently available to the
5 Secretary for the same purpose. Amounts so credited
6 shall be merged with amounts in such fund or ac-
7 count and shall be available for the same purposes,
8 and subject to the same conditions and limitations,
9 as amounts in such fund or account.

10 (d) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of the property to be conveyed under
12 subsection (a) shall be determined by a survey satisfactory
13 to the Secretary of the Army.

14 (e) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary of the Army may require such additional terms
16 and conditions in connection with the conveyance under
17 subsection (a) as the Secretary considers appropriate to
18 protect the interests of the United States.

19 **Subtitle E—Military Land**

20 **Withdrawals**

21 **SEC. 2841. RENEWAL OF LAND WITHDRAWAL AND RES-**
22 **ERVATION TO BENEFIT NAVAL AIR FACILITY,**
23 **EL CENTRO, CALIFORNIA.**

24 Section 2925 of the El Centro Naval Air Facility
25 Ranges Withdrawal Act (subtitle B of title XXIX of Public

1 Law 104–201; 110 Stat. 2816) is amended by striking
2 “25 years after the date of the enactment of this subtitle”
3 and inserting “on November 6, 2046”.

4 **SEC. 2842. RENEWAL OF FALLON RANGE TRAINING COM-**
5 **PLEX LAND WITHDRAWAL AND RESERVA-**
6 **TION.**

7 Notwithstanding section 3015 of the Military Lands
8 Withdrawal Act of 1999 (title XXX of Public Law 106–
9 65; 113 Stat. 892), the withdrawal and reservation of
10 lands (known as the Fallon Range Training Complex)
11 made by section 3011(a) of such Act (113 Stat. 885) shall
12 terminate on November 6, 2046.

13 **SEC. 2843. RENEWAL OF NEVADA TEST AND TRAINING**
14 **RANGE LAND WITHDRAWAL AND RESERVA-**
15 **TION.**

16 Notwithstanding section 3015 of the Military Lands
17 Withdrawal Act of 1999 (title XXX of Public Law 106–
18 65; 113 Stat. 892), the withdrawal and reservation of
19 lands (known as the Nevada Test and Training Range)
20 made by section 3011(b) of such Act (113 Stat. 886) shall
21 terminate on November 6, 2046.

22 **SEC. 2844. ADDITIONAL REQUIREMENTS REGARDING NE-**
23 **VADA TEST AND TRAINING RANGE.**

24 (a) DEFINITIONS.—In this section:

1 (1) The term “affected Indian tribe” means an
2 Indian tribe that has historical connections to—

3 (A) the land withdrawn and reserved as
4 the Nevada Test and Training Range; or

5 (B) the land included as part of the Desert
6 National Wildlife Refuge.

7 (2) The term “current memorandum of under-
8 standing” means the memorandum of understanding
9 referred to in section 3011(b)(5)(E) of the Military
10 Lands Withdrawal Act of 1999 (title XXX of Public
11 Law 106–65; 113 Stat. 888) as in effect on the date
12 of the enactment of this Act.

13 (3) The term “heavy force” means a military
14 unit with armored motorized equipment, such as
15 tanks, motorized artillery, and armored personnel
16 carriers.

17 (4) The term “large force” means a military
18 unit designated as a battalion or larger organiza-
19 tional unit.

20 (5) The term “Nevada Test and Training
21 Range” means the land known as the Nevada Test
22 and Training Range withdrawn and reserved by sec-
23 tion 3011(b) of the Military Lands Withdrawal Act
24 of 1999 (title XXX of Public Law 106–65; 113 Stat.
25 886).

1 (6) The term “overlapping lands” means land
2 withdrawn and reserved as the Nevada Test and
3 Training Range that also is included as part of the
4 Desert National Wildlife Refuge. This land is com-
5 monly referred to as the Joint-Use Area.

6 (7) The term “revised memorandum of under-
7 standing” means the current memorandum of under-
8 standing revised as required by subsection (c)(1)
9 and other provisions of this section.

10 (8) The term “Secretaries” means the Sec-
11 retary of the Air Force and the Secretary of the In-
12 terior acting jointly.

13 (9) The term “small force” means a military
14 force of squad, platoon, or equivalent or smaller size.

15 (b) IMPROVED COORDINATION AND MANAGEMENT
16 OF OVERLAPPING LANDS.—The Secretaries shall coordi-
17 nate the management of the overlapping lands for military
18 use and wildlife refuge purposes consistent with their re-
19 spective jurisdictional authorities described in paragraphs
20 (3) and (5) of section 3011(b) of the Military Lands With-
21 drawal Act of 1999 (title XXX of Public Law 106–65;
22 113 Stat. 887).

23 (c) REVISION AND EXTENSION OF CURRENT MEMO-
24 RANDUM OF UNDERSTANDING.—

1 (1) REVISION REQUIRED.—Not later than 2
2 years after the date of the enactment of this Act, the
3 Secretaries shall revise the current memorandum of
4 understanding to facilitate the management of the
5 overlapping lands—

6 (A) for the purposes for which the Desert
7 National Wildlife Refuge was established; and

8 (B) to support military training needs con-
9 sistent with the uses described under section
10 3011(b)(1) of the Military Lands Withdrawal
11 Act of 1999 (title XXX of Public Law 106–65;
12 113 Stat. 886), as modified by subsection (f).

13 (2) RELATION TO CURRENT LAW.—Upon com-
14 pletion of the revision process, the revised memo-
15 randum of understanding shall supersede the cur-
16 rent memorandum of understanding. Subject to
17 paragraph (1) and subsection (d), clauses (i), (ii),
18 (iii), and (iv) of section 3011(b)(5)(E) of the Mili-
19 tary Lands Withdrawal Act of 1999 (title XXX of
20 Public Law 106–65; 113 Stat. 888) shall apply to
21 the revised memorandum of understanding in the
22 same manner as such clauses applied to the current
23 memorandum of understanding.

24 (d) ELEMENTS OF REVISED MEMORANDUM OF UN-
25 DERSTANDING.—

1 (1) IN GENERAL.—The revised memorandum of
2 understanding shall include, at a minimum, provi-
3 sions to address the following:

4 (A) The proper management and protec-
5 tion of the natural and cultural resources of the
6 overlapping lands.

7 (B) The sustainable use by the public of
8 such resources to the extent consistent with ex-
9 isting laws and regulations, including applicable
10 environmental laws.

11 (C) The use of the overlapping lands for
12 the military training needs for which the lands
13 are withdrawn and reserved and for wildlife
14 conservation purposes for which the Desert Na-
15 tional Wildlife Refuge was established, con-
16 sistent with their respective jurisdictional au-
17 thorities.

18 (2) CONSULTATION.—The Secretaries shall pre-
19 pare the revised memorandum of understanding in
20 consultation with the following:

21 (A) The resource consultative committee.

22 (B) Affected Indian tribes.

23 (3) TRIBAL ISSUES.—The revised memorandum
24 of understanding shall include provisions to address

1 the manner in which the Secretary of the Air Force
2 will accomplish the following:

3 (A) Meet the United States trust respon-
4 sibilities with respect to affected Indian tribes,
5 tribal lands, and rights reserved by treaty or
6 Federal law affected by the withdrawal and res-
7 ervation of the overlapping lands.

8 (B) Guarantee reasonable access to, and
9 use by members of affected Indian tribes of
10 high priority cultural sites throughout the Ne-
11 vada Test and Training Range, including the
12 overlapping lands, consistent with the reserva-
13 tion of the lands for military use.

14 (C) Protect identified cultural and archae-
15 ological sites throughout the Nevada Test and
16 Training Range, including the overlapping
17 lands, and, in the event of an inadvertent
18 ground disturbance of such a site, implement
19 appropriate response activities to once again fa-
20 cilitate historic and subsistence use of the site
21 by members of affected Indian tribes.

22 (D) Provide for timely consultation with
23 affected Indian tribes as required by paragraph
24 (2).

1 (4) GUARANTEEING DEPARTMENT OF THE IN-
2 TERIOR ACCESS.—The revised memorandum of un-
3 derstanding shall guarantee that the Secretary of
4 the Interior, acting through the United States Fish
5 and Wildlife Service, has access to the overlapping
6 lands for not less than 54 days during each calendar
7 year to carry out the management responsibilities of
8 the United States Fish and Wildlife Service regard-
9 ing the Desert National Wildlife Refuge.

10 (5) ELEMENTS OF USFWS ACCESS.—The
11 United States Fish and Wildlife Service may carry
12 out more than one management responsibility on the
13 overlapping lands on an access day guaranteed by
14 paragraph (4). Recognized United States Fish and
15 Wildlife Service management responsibilities include
16 the following:

17 (A) The installation or maintenance of
18 wildlife water development projects, for which
19 at least 15 access days guaranteed by para-
20 graph (4) shall be annually allotted during
21 spring or winter months.

22 (B) The conduct of annual desert bighorn
23 sheep surveys.

24 (C) The management of the annual desert
25 bighorn sheep hunt in accordance with the Na-

1 tional Wildlife Refuge System Administration
2 Act of 1966 (16 U.S.C. 668dd–668ee), for
3 which at least 16 access days guaranteed by
4 paragraph (4) shall be allotted.

5 (D) The conduct of annual biological sur-
6 veys for the Agassiz’s desert tortoise and other
7 federally protected species, State-listed and at-
8 risk species, migratory birds, golden eagle nests
9 and rare plants, for which at least 30 access
10 days guaranteed by paragraph (4) shall be an-
11 nually allotted during spring or summer
12 months.

13 (E) The conduct of annual invasive species
14 surveys and treatment, for which at least 15 ac-
15 cess days guaranteed by paragraph (4) shall be
16 annually allotted during spring or summer
17 months.

18 (F) The conduct of annual contaminant
19 surveys of soil, springs, groundwater and vege-
20 tation, for which at least 10 access days guar-
21 anteed by paragraph (4) shall be annually allot-
22 ted during spring or summer months.

23 (G) The regular installation and mainte-
24 nance of climate monitoring systems.

1 (H) Such additional access opportunities,
2 as needed, for wildlife research, including Glob-
3 al Positioning System collaring of desert big-
4 horn sheep, bighorn sheep disease monitoring,
5 investigation of wildlife mortalities, and deploy-
6 ing, maintaining, and retrieving output from
7 wildlife camera traps.

8 (6) HUNTING, FISHING, AND TRAPPING.—The
9 revised memorandum of understanding shall con-
10 tinue to require that any hunting, fishing, and trap-
11 ping on the overlapping lands is conducted in ac-
12 cordance with section 3020 of the Military Lands
13 Withdrawal Act of 1999 (title XXX of Public Law
14 106–65; 113 Stat. 896).

15 (7) OTHER REQUIRED MATTERS.—The revised
16 memorandum of understanding also shall include
17 provisions regarding the following:

18 (A) The identification of current test and
19 target impact areas and related buffer or safety
20 zones, to the extent consistent with military
21 purposes.

22 (B) The design and construction of all
23 gates, fences, and barriers in the overlapping
24 lands, to be constructed after the date of the
25 enactment of this Act, in a manner to allow

1 wildlife access, to the extent practicable and
2 consistent with military security, safety, and
3 sound wildlife management use.

4 (C) The incorporation of any existing man-
5 agement plans pertaining to the overlapping
6 lands to the extent that the Secretaries, upon
7 review of such plans, determine that incorpora-
8 tion into the revised memorandum of under-
9 standing is appropriate.

10 (D) Procedures to ensure periodic reviews
11 of the revised memorandum of understanding
12 are conducted by the Secretaries, and that the
13 State of Nevada, affected Indian tribes, and the
14 public are provided a meaningful opportunity to
15 comment upon any proposed substantial revi-
16 sions.

17 (e) RESOURCE CONSULTATIVE COMMITTEE.—

18 (1) ESTABLISHMENT REQUIRED.—Pursuant to
19 the revised memorandum of understanding, the Sec-
20 retaries shall establish a resource consultative com-
21 mittee comprised of members, designated at the dis-
22 cretion of the Secretaries, from the following:

23 (A) Interested Federal agencies.

24 (B) At least one elected official (or other
25 authorized representative) from the State of

1 Nevada generally and at least one representa-
2 tive from the Nevada Department of Wildlife.

3 (C) At least one elected official (or other
4 authorized representative) from each local and
5 tribal government impacted by the Nevada Test
6 and Training Range.

7 (D) At least one representative of an inter-
8 ested conservation organization.

9 (E) At least one representative of a sports-
10 men's organization.

11 (F) At least one member of the general
12 public familiar with the overlapping lands and
13 resources thereon.

14 (2) PURPOSE.—The resource consultative com-
15 mittee shall be established solely for the purpose of
16 exchanging views, information, and advice relating
17 to the management of the natural and cultural re-
18 sources of the Nevada Test and Training Range.

19 (3) OPERATIONAL BASIS.—The resource con-
20 sultative committee shall operate in accordance with
21 the terms set forth in the revised memorandum of
22 understanding, which shall specify the Federal agen-
23 cies and elected officers or representatives of State,
24 local, and tribal governments to be invited to partici-
25 pate. The memorandum of understanding shall es-

1 tablish procedures for creating a forum for exchang-
2 ing views, information, and advice relating to the
3 management of natural and cultural resources on
4 the lands concerned, procedures for rotating the
5 chair of the committee, and procedures for sched-
6 uling regular meetings.

7 (4) COORDINATOR.—The Secretaries shall ap-
8 point an individual to serve as coordinator of the re-
9 source consultative committee. The duties of the co-
10 ordinator shall be specified in the revised memo-
11 randum of understanding. The coordinator shall not
12 be a member of the committee.

13 (f) AUTHORIZED AND PROHIBITED ACTIVITIES.—

14 (1) ADDITIONAL AUTHORIZED ACTIVITIES.—
15 Additional military activities on the overlapping
16 lands are authorized to be conducted, in a manner
17 consistent with the National Wildlife Refuge System
18 Administration Act of 1966 (16 U.S.C. 668dd et
19 seq.), as follows:

20 (A) Emergency response.

21 (B) Establishment and use of existing or
22 new electronic tracking and communications
23 sites.

24 (C) Continued use of roads in existence as
25 of the date of the enactment of this Act and

1 maintenance of such a road consistent with the
2 types of purposes for which the road has been
3 used as of that date.

4 (D) Small force readiness training by Air
5 Force, Joint, or Coalition forces.

6 (2) PROHIBITED ACTIVITIES.—Military activi-
7 ties on the overlapping lands are prohibited for the
8 following purposes:

9 (A) Large force or heavy force activities.

10 (B) Designation of new weapon impact
11 areas.

12 (C) Any ground disturbance activity not
13 authorized by paragraphs (1) and (2) of sub-
14 section (c).

15 (3) RULES OF CONSTRUCTION.—Nothing in
16 this subsection shall be construed to preclude the
17 following regarding the overlapping lands:

18 (A) Low-level overflights of military air-
19 craft, except that low-level flights of military
20 aircraft over the United States Fish and Wild-
21 life Service Corn Creek field station and visitor
22 center are prohibited.

23 (B) The designation of new units of special
24 use airspace.

1 (C) The use or establishment of military
2 flight training routes.

3 (g) TRIBAL LIAISON POSITIONS.—

4 (1) ACCESS COORDINATOR.—The Secretary of
5 the Air Force shall create a tribal liaison position for
6 the Nevada Test and Training Range, to be held by
7 a member of an affected Indian tribe, who will help
8 coordinate access to cultural and archaeological sites
9 throughout the Nevada Test and Training Range
10 and accompany members of Indian tribes accessing
11 such sites.

12 (2) CULTURAL RESOURCES LIAISON.—The Sec-
13 retary of the Air Force shall create a tribal liaison
14 position for the Nevada Test and Training Range, to
15 be held by a member of an affected Indian tribe,
16 who will serve as a tribal cultural resources liaison
17 to ensure that—

18 (A) appropriate steps are being taken to
19 protect cultural and archaeological sites
20 throughout the Nevada Test and Training
21 Range; and

22 (B) the management plan for the Nevada
23 Test and Training Range is being followed.

24 (h) FISH AND WILDLIFE LIAISON.—The Secretaries
25 shall create a Fish and Wildlife Service liaison position

1 for the Nevada Test and Training Range, to be held by
2 a Fish and Wildlife Service official designated by the Di-
3 rector of the United States Fish and Wildlife Service, who
4 will serve as a liaison to ensure that—

5 (1) appropriate steps are being taken to protect
6 Fish and Wildlife Service managed resources
7 throughout the Nevada Test and Training Range;
8 and

9 (2) the management plan for the Nevada Test
10 and Training Range is being followed.

11 **SEC. 2845. SPECIFIED DURATION OF WHITE SANDS MISSILE**
12 **RANGE LAND WITHDRAWAL AND RESERVA-**
13 **TION AND ESTABLISHMENT OF SPECIAL RES-**
14 **ERVATION AREA FOR NORTHERN AND WEST-**
15 **ERN EXTENSION AREAS.**

16 (a) DURATION OF LAND WITHDRAWAL AND RES-
17 ERVATION.—The withdrawal and reservation of lands
18 (known as the White Sands Missile Range) made by sec-
19 tion 2951 of the Military Land Withdrawals Act of 2013
20 (title XXIX of Public Law 113–66; 127 Stat. 1039), and
21 the special reservation area established by this section,
22 shall terminate on October 1, 2046.

23 (b) SPECIAL RESERVATION AREA.—

24 (1) ESTABLISHMENT.—There is hereby estab-
25 lished a special reservation area consisting of the ap-

1 proximately 341,415 acres of public land (including
2 interests in land) in Socorro and Torrance Counties,
3 New Mexico, and the approximately 352,115 acres
4 of public land (including interests in land) in Sierra,
5 Socorro, and Doña Ana Counties, New Mexico, de-
6 picted as Northern Call-Up Area and Western Call-
7 Up Area, respectively, on the maps entitled “WSMR
8 Northern Call-Up Area” and “WSMR Western Call-
9 Up Area”, both dated August 16, 2016. These lands
10 include approximately 10,775 acres under the ad-
11 ministrative jurisdiction of the Secretary of the
12 Army.

13 (2) RESERVATION GENERALLY.—The special
14 reservation area, excluding the portion of the special
15 reservation area under the administrative jurisdic-
16 tion of the Secretary of the Army, is reserved for use
17 by the Secretary of the Army for military purposes
18 consisting of overflight research, development, test,
19 and evaluation and training.

20 (3) ARMY LANDS.—The portion of the special
21 reservation area under the administrative jurisdic-
22 tion of the Secretary of the Army is reserved for use
23 by the Secretary of the Army for military purposes
24 as determined by the Secretary of the Army.

1 (c) EXCEPTION FROM SPECIAL RESERVATION.—The
2 Secretary of the Army may permit, on a case-by-case basis
3 and consistent with section 44718 of title 49, United
4 States Code, the erection in the special reservation area
5 established by subsection (b) of a structure that extends
6 higher than 50 feet in height above the surface estate.

7 (d) MAPS AND LEGAL DESCRIPTIONS.—Section 3012
8 of the Military Land Withdrawals Act of 2013 (title XXIX
9 of Public Law 113–66; 127 Stat. 1026) shall apply with
10 respect to the maps referred to in subsection (a) and the
11 preparation of legal descriptions of the special reservation
12 area established by subsection (b), except that the ref-
13 erence to the date of the enactment of that Act shall be
14 deemed to refer to the date of the enactment of this Act.

15 (e) RULES OF CONSTRUCTION.—The establishment
16 of the special reservation area by subsection (b) shall not
17 be construed—

18 (1) to alter the terms, operation, or duration of
19 any agreement entered into by the Secretary of the
20 Army or the Secretary of the Interior involving any
21 portion of the lands included in the special reserva-
22 tion area, and the Secretaries shall continue to com-
23 ply with the terms of any such agreement; or

24 (2) to vest in the Secretary of the Army or the
25 Secretary of the Interior any authority vested in the

1 Secretary of Transportation or the Administrator of
2 the Federal Aviation Administration.

3 **SEC. 2846. GRAND CANYON CENTENNIAL PROTECTION ACT.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Grand Canyon Centennial Protection Act”.

6 (b) WITHDRAWAL OF CERTAIN FEDERAL LAND IN
7 THE STATE OF ARIZONA.—

8 (1) DEFINITION OF MAP.—In this section, the
9 term “Map” means the map prepared by the Bureau
10 of Land Management entitled “Grand Canyon Cen-
11 tennial Protection Act” and dated July 11, 2019.

12 (2) WITHDRAWAL.—Subject to valid existing
13 rights, the approximately 1,006,545 acres of Federal
14 land in the State of Arizona, generally depicted on
15 the Map as “Federal Mineral Estate to be With-
16 drawn”, including any land or interest in land that
17 is acquired by the United States after the date of
18 the enactment of this section, are hereby withdrawn
19 from—

20 (A) all forms of entry, appropriation, and
21 disposal under the public land laws;

22 (B) location, entry, and patent under the
23 mining laws; and

24 (C) operation of the mineral leasing, min-
25 eral materials, and geothermal leasing laws.

1 (3) AVAILABILITY OF MAP.—The Map shall be
2 kept on file and made available for public inspection
3 in the appropriate offices of the Forest Service and
4 the Bureau of Land Management.

5 **Subtitle F—Asia-Pacific and Indo-**
6 **Pacific Issues**

7 **SEC. 2851. CHANGE TO BIENNIAL REPORTING REQUIRE-**
8 **MENT FOR INTERAGENCY COORDINATION**
9 **GROUP OF INSPECTORS GENERAL FOR GUAM**
10 **REALIGNMENT.**

11 Section 2835(e)(1) of the Military Construction Au-
12 thorization Act for Fiscal Year 2010 (division B of Public
13 Law 111–84; 10 U.S.C. 2687 note) is amended—

14 (1) in the paragraph heading, by striking “AN-
15 NUAL” and inserting “BIENNIAL”; and

16 (2) in the matter preceding subparagraph (A)—

17 (A) by striking “February 1 of each year”
18 and inserting “February 1, 2022, and every
19 second February 1 thereafter”;

20 (B) by striking “fiscal year” and inserting
21 “2 fiscal years”;

22 (C) by striking “such year” and inserting
23 “such years”; and

24 (D) by striking “the year” and inserting
25 “the years”.

1 **SEC. 2852. ADDITIONAL EXCEPTION TO RESTRICTION ON**
2 **DEVELOPMENT OF PUBLIC INFRASTRUC-**
3 **TURE IN CONNECTION WITH REALIGNMENT**
4 **OF MARINE CORPS FORCES IN ASIA-PACIFIC**
5 **REGION.**

6 Notwithstanding section 2821(b) of the Military Con-
7 struction Authorization Act for Fiscal Year 2015 (division
8 B of Public Law 113–291; 10 U.S.C. 2687 note), the Sec-
9 retary of Defense may proceed with the public infrastruc-
10 ture project on Guam intended to provide a new public
11 health laboratory, as identified in the report prepared by
12 the Secretary of Defense under section 2822(d)(2) of the
13 Military Construction Authorization Act for Fiscal Year
14 2014 (division B of Public Law 113–66; 127 Stat. 1017)
15 and entitled “Economic Adjustment Committee Imple-
16 mentation Plan Supporting the Preferred Alternative for
17 the Relocation of Marine Corps Forces to Guam”, subject
18 to the availability of funds for the project.

19 **SEC. 2853. DEVELOPMENT OF MASTER PLAN FOR INFRA-**
20 **STRUCTURE TO SUPPORT ROTATIONAL**
21 **ARMED FORCES IN AUSTRALIA.**

22 (a) **MASTER PLAN REQUIRED.**—The Secretary of
23 Defense shall develop a master plan for the construction
24 of infrastructure required to support the rotational pres-
25 ence of units and members the United States Armed
26 Forces in the Northern Territory of the Commonwealth

1 of Australia (in this section referred to as the “Northern
2 Territory”).

3 (b) MASTER PLAN ELEMENTS.—The master plan
4 shall include the following:

5 (1) A list and description of the scope, cost, and
6 schedule for each military construction, repair, or
7 other infrastructure project carried out at installa-
8 tions or training areas in the Northern Territory
9 since October 1, 2011.

10 (2) A list and description of the scope, cost, and
11 schedule for each military construction, repair, or
12 other infrastructure project anticipated to be nec-
13 essary at installations or training areas in the
14 Northern Territory during the 10-year period begin-
15 ning on the date of the enactment of this Act.

16 (3) The site plans for each installation and
17 training area in the Northern Territory.

18 (4) For each project included in the master
19 plan pursuant to paragraph (1) or (2), an expla-
20 nation of—

21 (A) whether the proponent of the project
22 was the Secretary of a military department, a
23 combat support agency, a combatant command,
24 or the Commonwealth of Australia; and

1 (B) the funding source, or anticipated re-
2 source sponsor, for the project, including
3 whether the project is funded by the United
4 States, by the Commonwealth of Australia, or
5 jointly by both countries.

6 (5) Such other issues as determined by the Sec-
7 retary of Defense to be appropriate.

8 (c) COORDINATION.—The Secretary of Defense shall
9 coordinate with the Commander of United States Indo-
10 Pacific Command and the Secretaries of the military de-
11 partments to develop the master plan.

12 (d) REPORT REQUIREMENT.—Not later than 180
13 days after the date of the enactment of this Act, the Sec-
14 retary of Defense shall submit to the congressional defense
15 committees a report containing a copy of the master plan.
16 The report shall be submitted in unclassified form, but
17 may include a classified annex.

18 **SEC. 2854. STUDY AND STRATEGY REGARDING BULK FUELS**
19 **MANAGEMENT IN UNITED STATES INDO-PA-**
20 **CIFIC COMMAND AREA OF RESPONSIBILITY.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) The ordering and delivery of bulk fuels is
24 organizationally bifurcated to the detriment of the
25 Department of Defense.

1 (2) Legacy bulk fuel management will not meet
2 the accelerated pace of operations required to sup-
3 port the National Defense Strategy and the empha-
4 sis on disaggregated operations.

5 (3) The number of United States flagged
6 tanking vessels continues to decline, which has re-
7 sulted in an excessive reliance on foreign flagged
8 tanking vessels to be available to support the Na-
9 tional Defense Strategy.

10 (4) A foreign flagged tanking vessel support
11 strategy induces excessive risk to support United
12 States disaggregated operations in a highly con-
13 tested environment.

14 (5) The inadequacies of the legacy bulk fuel
15 management strategy is particularly acute in the
16 United States Indo-Pacific Command Area of Re-
17 sponsibility.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that a single organizational element should be re-
20 sponsible for the bulk fuel management and delivery
21 throughout the United States Indo-Pacific Command Area
22 of Responsibility.

23 (c) STUDY AND STRATEGY REQUIRED.—The Sec-
24 retary of the Navy shall—

1 (1) conduct a study of current and projected
2 bulk fuel management strategies in the United
3 States Indo-Pacific Command Area of Responsi-
4 bility; and

5 (2) prepare a proposed bulk fuel management
6 strategy that optimally supports bulk fuel manage-
7 ment in the United States Indo-Pacific Command
8 Area of Responsibility.

9 (d) ELEMENTS OF STUDY.—The study required by
10 subsection (c) shall include the following elements:

11 (1) A description of current organizational re-
12 sponsibility of bulk fuel management in the United
13 States Indo-Pacific Command Area of Responsibility
14 from ordering, storage, strategic transportation, and
15 tactical transportation to the last tactical mile.

16 (2) A description of legacy bulk fuel manage-
17 ment assets that can be used to support the United
18 States Indo-Pacific Command.

19 (3) Options for congressional consideration to
20 better align organizational responsibility through the
21 entirety of the bulk fuel management system in the
22 United States Indo-Pacific Command Area of Re-
23 sponsibility, as proposed in the bulk fuel manage-
24 ment strategy prepared pursuant to paragraph (2)
25 of such subsection.

1 (e) COORDINATION.—The Secretary of the Navy shall
2 conduct the study and prepare the bulk fuel management
3 strategy required by subsection (c) in coordination with
4 subject-matter experts of the United States Indo-Pacific
5 Command, the United States Transportation Command,
6 and the Defense Logistics Agency.

7 (f) REPORT REQUIRED.—Not later than 1 year after
8 the date of the enactment of this Act, the Secretary of
9 the Navy shall submit to the congressional defense com-
10 mittees a report containing the results of the study re-
11 quired by subsection (c) and the bulk fuel management
12 strategy required by such subsection.

13 (g) PROHIBITION ON CERTAIN CONSTRUCTION
14 PENDING REPORT.—None of the funds authorized to be
15 appropriated by this Act or otherwise made available for
16 fiscal year 2021 for the Navy for construction related to
17 additional bulk fuel storage in the United States Indo-Pa-
18 cific Command Area of Responsibility may be obligated
19 or expended until the report required by subsection (f) is
20 submitted to the congressional defense committees.

21 **SEC. 2855. DEPARTMENT OF DEFENSE REPORT ON EASE-**
22 **MENTS AND LEASED LANDS IN HAWAII.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) Lands throughout the State of Hawai‘i cur-
25 rently owned and leased by the Department of De-

1 fense or in which the Department of Defense other-
2 wise has a real property interest are critical to main-
3 taining the readiness of the Armed Forces now sta-
4 tioned or to be stationed in Hawai'i and throughout
5 the Indo-Pacific region and elsewhere.

6 (2) Securing long-term continued utilization of
7 those lands by the Armed Forces is thus critical to
8 the national defense.

9 (3) As a result of various factors, including
10 complex land ownership and utilization issues and
11 competing actual and potential uses, the inter-
12 dependency of the various military components, and
13 the necessity of maintaining public support for the
14 presence and operations of the Armed Forces, the
15 realization of the congressional and Department of
16 Defense goals of ensuring the continuity of critical
17 land and facilities infrastructure requires a sus-
18 tained, dedicated, funded, top-level effort to coordi-
19 nate realization of these goals across the Armed
20 Forces, between the Department of Defense and
21 other agencies of the Federal Government, and be-
22 tween the Department of Defense and the State of
23 Hawai'i and its civilian sector.

24 (4) The end result of this effort must account
25 for military and civilian concerns and for the chang-

1 ing missions and needs of all components of the
2 Armed Forces stationed or otherwise operating out
3 of the State of Hawai‘i as the Department of De-
4 fense adjusts to meet the objectives outlined in the
5 National Defense Strategy.

6 (b) REPORT REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Under
8 Secretary of Defense for Acquisition and Sustainment
9 shall submit to the congressional defense committee a re-
10 port describing the progress being made by the Depart-
11 ment of Defense to renew Department of Defense land
12 leases and easements in the State of Hawai‘i that encom-
13 pass one acre or more and will expire before January 1,
14 2030. The report shall include the following:

15 (1) The location, size, and expiration date of
16 each lease and easement.

17 (2) Major milestones and expected timelines for
18 maintaining access to the land covered by each lease
19 and easement.

20 (3) Actions completed over the preceding 2
21 years for each lease and easement.

22 (4) Department-wide and service-specific au-
23 thorities governing each lease and easement exten-
24 sion.

1 (5) A summary of coordination efforts between
2 the Secretary of Defense and the Secretaries of the
3 military departments.

4 (6) The status of efforts to develop an inven-
5 tory of military land in Hawai‘i, to include current
6 possible future uses, that would assist in land nego-
7 tiations with the State of Hawai‘i.

8 (7) The risks and potential solutions to ensure
9 the renewability of required and critical leases and
10 easements.

11 **Subtitle G—Other Matters**

12 **SEC. 2861. DEFENSE COMMUNITY INFRASTRUCTURE PRO-** 13 **GRAM.**

14 (a) PRIORITIZATION OF COMMUNITY INFRASTRUC-
15 TURE PROJECTS.—Section 2391(d)(1) of title 10, United
16 States Code, is amended—

17 (1) by inserting “(A)” after “(1)”;

18 (2) by striking “, if the Secretary determines
19 that such assistance will enhance the military value,
20 resilience, or military family quality of life at such
21 military installation”; and

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

24 “(B) The Secretary shall establish criteria for the se-
25 lection of community infrastructure projects to receive as-

1 sistance under this subsection, including selection of com-
2 munity infrastructure projects in the following order of
3 priority:

4 “(i) Projects that will enhance military installa-
5 tion resilience.

6 “(ii) Projects that will enhance military value at
7 a military installation.

8 “(iii) Projects that will enhance military family
9 quality of life at a military installation.”.

10 (b) COST-SHARING REQUIREMENTS.—Paragraph (2)
11 of section 2391(d) of title 10, United States Code, is
12 amended to read as follows:

13 “(2)(A) The criteria established for the selection of
14 community infrastructure projects to receive assistance
15 under this subsection shall include a requirement that, ex-
16 cept as provided in subparagraph (B), the State or local
17 government agree to contribute not less than 30 percent
18 of the funding for the community infrastructure project.

19 “(B) If a proposed community infrastructure project
20 will be carried out in a rural area or the Secretary of De-
21 fense determines that a proposed community infrastruc-
22 ture project is advantageous for reasons related to na-
23 tional security, the Secretary—

24 “(i) shall not penalize a State or local govern-
25 ment for offering to make a contribution of 30 per-

1 cent or less of the funding for the community infra-
2 structure project; and

3 “(ii) may reduce the requirement for a State or
4 local government contribution to 30 percent or less
5 or waive the cost-sharing requirement entirely.”.

6 (c) SPECIFIED DURATION OF PROGRAM.—Section
7 2391(d)(4) of title 10, United States Code, is amended
8 by striking “upon the expiration of the 10-year period
9 which begins on the date of the enactment of the National
10 Defense Authorization Act for Fiscal Year 2019” and in-
11 serting “on September 30, 2028”.

12 (d) CLARIFICATION OF MILITARY FAMILY QUALITY
13 OF LIFE CRITERIA.—Section 2391(e)(4) of title 10,
14 United States Code, is amended by adding at the end the
15 following new subparagraph:

16 “(C) For the purposes of determining whether
17 proposed community infrastructure will enhance
18 quality of life, the Secretary of Defense shall con-
19 sider the impact of the community infrastructure on
20 alleviating installation commuter workforce issues
21 and the benefit of schools or other local infrastruc-
22 ture located off of a military installation that will
23 support members of the armed forces and their de-
24 pendents residing in the community.”.

1 **SEC. 2862. PILOT PROGRAM ON REDUCTION OF EFFECTS**
2 **OF MILITARY AVIATION NOISE ON CERTAIN**
3 **COVERED PROPERTY.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 carry out a 5-year pilot program under which the com-
6 mander of a military installation may provide funds for
7 the purpose of installing noise insulation on covered prop-
8 erty impacted by military aviation noise from aircraft uti-
9 lizing the installation.

10 (b) COST SHARING REQUIREMENT.—To be eligible to
11 receive funds under the pilot program, a recipient shall
12 enter into an agreement with the commander to cover at
13 least 50 percent of the cost to acquire and install the noise
14 insulation for the covered property.

15 (c) NOISE REDUCTION THRESHOLD.—To be eligible
16 to receive funds under the pilot program, the commander
17 must determine that, if noise insulation is installed as re-
18 quested, noise at the covered property would be reduced
19 by at least five dB.

20 (d) OTHER FUNDING LIMITATIONS.—Funds pro-
21 vided under the pilot program shall be used for the instal-
22 lation of noise insulation for covered property—

23 (1) located within a Department of Defense
24 noise contour between 65 dB day-night average
25 sound level and 75 dB day-night average sound level
26 as validated on a National Environmental Policy

1 Act-compliant assessment within the past three
2 years; and

3 (2) where interior noise has been measured at
4 45 dB day-night average sound level by the installa-
5 tion.

6 (e) GOALS AND BEST PRACTICES.—In carrying out
7 the pilot program, a commander shall pursue the following
8 goals and use the following best practices:

9 (1) Minimize cost in order to maximize the
10 quantity of covered property served.

11 (2) Focus efforts on covered property newly im-
12 pacted by increased noise levels.

13 (f) COVERED PROPERTY DEFINED.—For purposes of
14 the pilot program, the term “covered property” means the
15 following:

16 (1) A private residence.

17 (2) A hospital.

18 (3) A daycare facility.

19 (4) A school.

20 (5) A facility whose primary purpose is serving
21 senior citizens.

22 (g) CONDITION ON COMMENCEMENT.—Commence-
23 ment of the pilot program shall be subject to the avail-
24 ability of appropriations for the program.

1 **SEC. 2863. DEPARTMENT OF DEFENSE POLICY FOR REGU-**
2 **LATION OF DANGEROUS DOGS IN MILITARY**
3 **COMMUNITIES.**

4 (a) **POLICY REQUIRED.**—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense, through the Veterinary Service Activity of the
7 Department of Defense, shall establish a standardized pol-
8 icy applicable across all military communities for the regu-
9 lation of dangerous dogs that is—

10 (1) breed-neutral; and

11 (2) consistent with advice from professional vet-
12 erinary and animal behavior experts in regard to ef-
13 fective regulation of dangerous dogs.

14 (b) **REGULATIONS.**—

15 (1) **IN GENERAL.**—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary shall prescribe regulations implementing the
18 policy established under subsection (a).

19 (2) **BEST PRACTICES.**—The regulations pre-
20 scribed under paragraph (1) shall include strategies,
21 for implementation within all military communities,
22 for the prevention of dog bites that are consistent
23 with the following best practices:

24 (A) Enforcement of comprehensive,
25 nonbreed-specific regulations relating to dan-
26 gerous dogs, with emphasis on identification of

1 dangerous dog behavior and chronically irre-
2 sponsible owners.

3 (B) Enforcement of animal control regula-
4 tions, such as leash laws and stray animal con-
5 trol policies.

6 (C) Promotion and communication of re-
7 sources for pet spaying and neutering.

8 (D) Investment in community education
9 initiatives, such as teaching criteria for pet se-
10 lection, pet care best practices, owner respon-
11 sibilities, and safe and appropriate interaction
12 with dogs.

13 (c) DEFINITIONS.—In this section:

14 (1) The term “dangerous dog” means a dog
15 that—

16 (A) has attacked a person or another ani-
17 mal without justification, causing injury or
18 death to the person or animal; or

19 (B) exhibits behavior that reasonably sug-
20 gests the likely risk of such an attack.

21 (2) The term “military communities” means—

22 (A) all installations of the Department;
23 and

(B) all military housing, including privatized military housing under subchapter IV of chapter 169 of title 10, United States Code.

SEC. 2864. RESPONSIBILITY OF NAVY FOR MILITARY CONSTRUCTION REQUIREMENTS FOR CERTAIN FLEET READINESS CENTERS.

The Navy shall be responsible for programming, requesting, and executing any military construction requirements related to any Fleet Readiness Center that is a tenant command at a Marine Corps installation.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installation outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Location	Amount
Spain	Rota	\$59,230,000

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects

1 for the installations outside the United States, and in the
 2 amounts, set forth in the following table:

Air Force: Outside the United States

Country	Location	Amount
Germany	Ramstein	\$36,345,000
	Spangdahlem Air Base	\$25,824,000
Romania	Campia Turzii	\$130,500,000

3 **SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
 5 fiscal years beginning after September 30, 2020, for the
 6 military construction projects outside the United States
 7 authorized by this title as specified in the funding table
 8 in section 4602.

9 **DIVISION C—DEPARTMENT OF**
 10 **ENERGY NATIONAL SECURITY**
 11 **AUTHORIZATIONS AND**
 12 **OTHER AUTHORIZATIONS**
 13 **TITLE XXI—DEPARTMENT OF EN-**
 14 **ERGY NATIONAL SECURITY**
 15 **PROGRAMS**

16 **Subtitle A—National Security**
 17 **Programs and Authorizations**

18 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 19 **TION.**

20 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
 21 are hereby authorized to be appropriated to the Depart-
 22 ment of Energy for fiscal year 2021 for the activities of

1 the National Nuclear Security Administration in carrying
2 out programs as specified in the funding table in section
3 4701.

4 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
5 From funds referred to in subsection (a) that are available
6 for carrying out plant projects, the Secretary of Energy
7 may carry out new plant projects for the National Nuclear
8 Security Administration as follows:

9 Project 21–D–510, High Explosive Synthesis,
10 Formulation, and Production facility, Pantex Plant,
11 Amarillo, Texas, \$177,395,000.

12 Project 21–D–511, Savannah River Plutonium
13 Processing Facility, Savannah River Site, Aiken,
14 South Carolina, \$241,896,000.

15 Project 21–D–512, Plutonium Pit Production
16 Project, Los Alamos National Laboratory, Los Ala-
17 mos, New Mexico, \$116,900,000 for planning and
18 design and \$79,100,000 for construction.

19 Project 21–D–530, Steam and Condensate Up-
20 grade, Knolls Atomic Power Laboratory, Schenec-
21 tady, New York, \$50,200,000.

22 General Purpose Project, TA–15 Dual-Axis Ra-
23 diographic Hydrodynamic Test facility, Hydro Vessel
24 Repair facility, Los Alamos National Laboratory,
25 Los Alamos, New Mexico, \$16,491,000.

1 General Purpose Project, U1a.03 Test Bed Fa-
2 cility Improvements, Nevada National Security Site,
3 Mercury, Nevada, \$16,000,000.

4 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated to the Depart-
7 ment of Energy for fiscal year 2021 for defense environ-
8 mental cleanup activities in carrying out programs as
9 specified in the funding table in section 4701.

10 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
11 From funds referred to in subsection (a) that are available
12 for carrying out plant projects, the Secretary of Energy
13 may carry out, for defense environmental cleanup activi-
14 ties, the following new plant projects:

15 Project 21–D–401, Hoisting Capability Project,
16 Waste Isolation Pilot Plant, Carlsbad, New Mexico,
17 \$10,000,000.

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 Funds are hereby authorized to be appropriated to
20 the Department of Energy for fiscal year 2021 for other
21 defense activities in carrying out programs as specified in
22 the funding table in section 4701.

1 **SEC. 3104. NUCLEAR ENERGY.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 2021 for nuclear
4 energy as specified in the funding table in section 4701.

5 **Subtitle B—Program Authoriza-**
6 **tions, Restrictions, Limitations,**
7 **and Other Matters**

8 **SEC. 3111. NUCLEAR WARHEAD ACQUISITION PROCESSES.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) in its 25th year, the science-based Stockpile
12 Stewardship Program established under section
13 4201 of the Atomic Energy Defense Act (50 U.S.C.
14 2521) has succeeded in providing the United States
15 with a credible nuclear deterrent in the absence of
16 nuclear explosive testing;

17 (2) maintaining global moratoria on nuclear ex-
18 plosive testing is in the national security interest of
19 the United States;

20 (3) a robust, second-to-none science and tech-
21 nology enterprise is required to maintain and certify
22 the nuclear weapons stockpile of the United States;
23 and

24 (4) the National Nuclear Security Administra-
25 tion must continue to improve program management

1 and execution of the major acquisition programs of
2 the Administration.

3 (b) REQUIREMENTS.—

4 (1) PHASES.—Subtitle A of title XLII of the
5 Atomic Energy Defense Act (50 U.S.C. 4201 et
6 seq.) is amended by adding at the end the following
7 new section:

8 **“SEC. 4223. REQUIREMENTS FOR CERTAIN JOINT NUCLEAR**
9 **WEAPONS LIFE CYCLE PHASES.**

10 “(a) DESIGN AND ENGINEERING REQUIREMENTS.—
11 The Administrator shall ensure the following:

12 “(1) The national security laboratories engage
13 in peer review of proposed designs of nuclear weap-
14 ons.

15 “(2) The nuclear weapons production facilities
16 are involved early and often during the design and
17 engineering process of nuclear weapons in order to
18 take into account how such design and engineering
19 will affect the production of the nuclear weapons.

20 “(b) REQUIREMENTS AFTER PHASE 1.—After the
21 Administrator completes phase 1 of the joint nuclear
22 weapons life cycle for a nuclear weapon, the Nuclear
23 Weapons Council shall submit to the congressional defense
24 committees a report containing the following:

1 “(1) A description of the potential military
2 characteristics of the nuclear weapon.

3 “(2) A description of the stockpile-to-target se-
4 quence requirements of the nuclear weapon.

5 “(3) A description of any other requirements of
6 the Administration or the Department of Energy
7 that will affect the nuclear weapon, including the
8 first product unit date, the initial operational capa-
9 bility date, the final operational capability date, or
10 requirements relating to increased safety and surety.

11 “(4) Initial assessments of the effect to the nu-
12 clear security enterprise workforce and any required
13 new or recapitalized major facilities or capabilities
14 relating to the nuclear weapon.

15 “(c) REQUIREMENTS ENTERING INTO PHASE 2.—
16 Not later than 15 days after the date on which the Nu-
17 clear Weapons Council approves a nuclear weapon for
18 phase 2 of the joint nuclear weapons life cycle, the Admin-
19 istrator shall submit to the congressional defense commit-
20 tees a plan to implement an independent peer-review proc-
21 ess, a board of experts, or both, with respect to the non-
22 nuclear weapon component and subsystem design and en-
23 gineering aspects of such nuclear weapon. The Adminis-
24 trator shall ensure that such process—

1 “(1) uses all relevant capabilities of the Federal
2 Government, the defense industrial base, and aca-
3 demia, and other capabilities that the Administrator
4 determines necessary; and

5 “(2) informs the entire development life cycle of
6 such nuclear weapon.

7 “(d) REQUIREMENTS ENTERING INTO PHASE 3.—

8 “(1) INDEPENDENT COST ASSESSMENT.—Be-
9 fore the Nuclear Weapons Council approves a nu-
10 clear weapon for phase 3 of the joint nuclear weap-
11 ons life cycle, the Administrator shall ensure that an
12 independent cost assessment is conducted for phase
13 3 that includes assigning a percentage of confidence
14 level with respect to the Administrator being able to
15 carry out phase 3 within the estimated schedule and
16 cost objectives.

17 “(2) CERTIFICATIONS AND REPORTS.—Not
18 later than 15 days after the date on which the Nu-
19 clear Weapons Council approves a nuclear weapon
20 for phase 3 of the joint nuclear weapons life cycle—

21 “(A) the Administrator shall certify to the
22 congressional defense committees that—

23 “(i) the joint nuclear weapons life
24 cycle process for phases 1 through 5 of the
25 nuclear weapon has equal or greater rigor

1 as the life extension process under each
2 part of phase 6; and

3 “(ii) the level of design and tech-
4 nology maturity of the proposed design of
5 the nuclear weapon can be carried out
6 within the estimated schedule and cost ob-
7 jectives specified in the cost assessment
8 under paragraph (1); and

9 “(B) the Commander of the United States
10 Strategic Command shall submit to the con-
11 gressional defense committees a report con-
12 taining—

13 “(i) the specific warhead requirements
14 for the delivery system of the nuclear
15 weapon, including such planned require-
16 ments during the 15-year period following
17 the date of the report; and

18 “(ii) an identification of the tail num-
19 bers of the warheads for that delivery sys-
20 tem that may require life extensions, be re-
21 tired, or be altered during such period, and
22 a description of the considerations for de-
23 ciding on such actions.

24 “(e) WAIVERS.—Subsections (b) through (d) may be
25 waived during a period of war declared by Congress after

1 the date of the enactment of the National Defense Author-
2 ization Act for Fiscal Year 2021.

3 “(f) JOINT NUCLEAR WEAPONS LIFE CYCLE DE-
4 FINED.—In this section, the term ‘joint nuclear weapons
5 life cycle’ has the meaning given that term in section
6 4220.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents for the Atomic Energy Defense Act is amended
9 by inserting after the item relating to section 4222
10 the following new item:

“Sec. 4223. Requirements for certain joint nuclear weapons life cycle phases.”.

11 (c) SELECTED ACQUISITION REPORTS AND INDE-
12 PENDENT COST ESTIMATES.—Section 4217(b)(1) of such
13 Act (50 U.S.C. 2537(b)(1)) is amended—

14 (1) in subparagraph (A)—

15 (A) in clause (i), by striking “phase 6.2A”
16 and inserting “phase 2A and phase 6.2A”;

17 (B) in clause (ii), by striking “phase 6.3”
18 and inserting “phase 3 and phase 6.3”;

19 (C) in clause (iii)—

20 (i) by striking “phase 6.4” and insert-
21 ing “phase 4 and phase 6.4”; and

22 (ii) by striking “phase 6.5” and in-
23 serting “phase 5 and phase 6.5”; and

24 (2) in subparagraph (B), by striking “phase
25 6.2” and inserting “phase 2 and phase 6.2”.

1 (d) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, the Director for Cost Esti-
3 mating and Program Evaluation of the National Nuclear
4 Security Administration shall submit to the congressional
5 defense committees a report containing recommendations
6 to strengthen governance, program execution, and pro-
7 gram management controls with respect to the process of
8 the joint nuclear weapons life cycle (as defined in section
9 4220 of the Atomic Energy Defense Act (50 U.S.C.
10 2538b).

11 **SEC. 3112. UNCostED AND UNOBLIGATED AMOUNTS OF NA-**
12 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
13 **TION.**

14 Section 3251(b) of the National Nuclear Security Ad-
15 ministration Act (50 U.S.C. 2451(b)) is amended by add-
16 ing at the end the following new paragraph:

17 “(3) In the budget justification materials for each of
18 fiscal years 2022 through 2026 submitted to Congress in
19 support of each such budget, the Administrator shall in-
20 clude a detailed description of the uncOSTed and unobli-
21 gated amounts that the Administrator maintains, listed by
22 the year for which the amounts were appropriated, includ-
23 ing—

24 “(A) the gross uncOSTed and unobligated
25 amounts for each individual program element (using

1 thresholds specified in the report submitted by the
2 Secretary of Energy to Congress titled ‘Report on
3 Uncosted Balances for Fiscal Year Ended Sep-
4 tember 30, 2014’); and

5 “(B) an explanation for why the uncosted and
6 unobligated amounts have not been expended.”.

7 **SEC. 3113. EXTENSION OF LIMITATION RELATING TO RE-**
8 **CLASSIFICATION OF HIGH-LEVEL WASTE.**

9 Section 3121 of the National Defense Authorization
10 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
11 1953) is amended by striking “fiscal year 2020” and in-
12 serting “fiscal year 2020 or fiscal year 2021”.

13 **SEC. 3114. EXTENSION OF PILOT PROGRAM ON UNAVAIL-**
14 **ABILITY FOR OVERHEAD COSTS OF AMOUNTS**
15 **SPECIFIED FOR LABORATORY-DIRECTED RE-**
16 **SEARCH AND DEVELOPMENT.**

17 Section 3119 of the National Defense Authorization
18 Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C.
19 2791 note) is amended—

20 (1) in subsection (c)(2), by striking “four” and
21 inserting “five”; and

22 (2) in subsection (d), by striking “February 15,
23 2020” and inserting “December 31, 2020”.

24 **SEC. 3115. PLUTONIUM PIT PRODUCTION.**

25 (a) INDEPENDENT COST ESTIMATE.—

1 (1) REQUIREMENT.—The Secretary of Energy
2 shall conduct an independent cost estimate of the
3 Savannah River Plutonium Processing Facility
4 project in accordance with Department of Energy
5 Directive 413.3b, as in effect on the date of the en-
6 actment of this Act.

7 (2) CONFIDENCE LEVEL.—The assessment
8 under paragraph (1) shall assign a percentage of
9 confidence level with respect to the Secretary being
10 able to carry out the Facility project within the esti-
11 mated schedule and cost objectives.

12 (3) SUBMISSION.—The Secretary shall submit
13 to the congressional defense committees the inde-
14 pendent cost estimate under paragraph (1).

15 (b) CONDITIONAL REPORTS AND CERTIFICATIONS.—

16 (1) LOW CONFIDENCE.—If the assessment
17 under subsection (a) assigns a confidence level below
18 90 percent pursuant to paragraph (2) of such sub-
19 section—

20 (A) the Secretary shall submit to the con-
21 gressional defense committees the report de-
22 scribed in paragraph (2); and

23 (B) the Commander of the United States
24 Strategic Command shall certify to such com-
25 mittees that either—

1 (i) the requirement to produce not
2 less than 80 war reserve plutonium pits
3 during 2030 pursuant to section 4219 of
4 the Atomic Energy Defense Act (50 U.S.C.
5 2538a) cannot be extended by up to five
6 years without causing a grave threat to the
7 national security of the United States, tak-
8 ing into account options for temporarily
9 surging the production of such pits at Los
10 Alamos National Laboratory and other
11 mitigation strategies available to the Com-
12 mander; or

13 (ii) such requirement can be so ex-
14 tended without causing a grave threat to
15 the national security of the United States.

16 (2) REPORT.—The report described in this
17 paragraph is a report by the Secretary that contains
18 either of the following:

19 (A) A certification by the Secretary, with-
20 out delegation, that, notwithstanding the con-
21 fidence level contained in the assessment under
22 subsection (a), the Secretary has a confidence
23 level of 90 percent or greater with respect to
24 being able to carry out the Facility project

1 within the estimated schedule and cost objec-
2 tives.

3 (B) If the Secretary cannot make the cer-
4 tification under subparagraph (A), a plan by
5 the Secretary to achieve such a confidence level
6 of 90 percent or greater, including with respect
7 to changing the costs, schedule, and scope of
8 the Facility project.

9 **SEC. 3116. PROGRAM FOR RESEARCH AND DEVELOPMENT**
10 **OF ADVANCED NAVAL NUCLEAR FUEL SYS-**
11 **TEM BASED ON LOW-ENRICHED URANIUM.**

12 (a) ESTABLISHMENT.—Not later than 60 days after
13 the date of the enactment of this Act, the Administrator
14 for Nuclear Security shall establish a program to assess
15 the viability of using low-enriched uranium in naval nu-
16 clear propulsion reactors, including such reactors located
17 on aircraft carriers and submarines, that meet the require-
18 ments of the Navy.

19 (b) ACTIVITIES.—In carrying out the program under
20 subsection (a), the Administrator shall carry out activities
21 to develop an advanced naval nuclear fuel system based
22 on low-enriched uranium, including activities relating to—

23 (1) down-blending of high-enriched uranium
24 into low-enriched uranium;

1 (2) manufacturing of candidate advanced low-
2 enriched uranium fuels;

3 (3) irradiation tests and post-irradiation exam-
4 ination of these fuels; and

5 (4) modification or procurement of equipment
6 and infrastructure relating to such activities.

7 (c) REPORT.—Not later than 120 days after the date
8 of the enactment of this Act, the Administrator shall sub-
9 mit to the congressional defense committees a plan out-
10 lining the activities the Administrator will carry out under
11 the program established under subsection (a), including
12 the funding requirements associated with developing a
13 low-enriched uranium fuel.

14 **SEC. 3117. INDEPENDENT STUDY ON EFFECTS OF USE OF**
15 **NUCLEAR WEAPONS.**

16 (a) STUDY.—The Administrator for Nuclear Security
17 shall seek to enter into an agreement with the National
18 Academies of Sciences, Engineering, and Medicine under
19 which the National Academies conduct a study on the at-
20 mospheric effects of nuclear explosions.

21 (b) MATTERS INCLUDED.—The study under sub-
22 section (a) shall include the following:

23 (1) An evaluation of the non-fallout atmos-
24 pheric effects of likely and plausible scenarios for
25 nuclear war, ranging from relatively small, regional

1 exchanges to large exchanges associated with nuclear
2 war between major powers.

3 (2) An examination of the effects evaluated
4 under paragraph (1) by—

5 (A) the yield, type, and number of nuclear
6 weapons;

7 (B) the types and locations of targets;

8 (C) the time distribution of the explosions;

9 (D) the atmospheric conditions; and

10 (E) other factors that may have a signifi-
11 cant impact on the effects.

12 (3) An assessment of current models of nuclear
13 explosions, including with respect to—

14 (A) the fires such explosions may cause;

15 (B) the atmospheric transport of the gases
16 from such explosions;

17 (C) the radioactive material from such ex-
18 plosions; and

19 (D) the soot and other debris from such
20 explosions and fires, the atmospheric effects of
21 such soot and debris, and the consequences of
22 such effects, including the consequences relating
23 to extreme weather, air pollution, stratospheric
24 ozone, agriculture, and marine and terrestrial
25 ecosystems.

1 (4) Identification of the capabilities and limita-
2 tions of the models described in paragraph (3) for
3 assessing the impacts of nuclear war, including—

4 (A) an evaluation of the relevant uncer-
5 tainties;

6 (B) a highlight of the key data gaps; and

7 (C) recommendations for how such models
8 can be improved to inform decision making.

9 (c) REPORT.—

10 (1) IN GENERAL.—Not later than 18 months
11 after the date of the enactment of this Act, the Na-
12 tional Academies shall submit to the Administrator
13 for National Security and the congressional defense
14 committees a report on the study under subsection
15 (a).

16 (2) FORM.—The report under paragraph (1)
17 shall be submitted in unclassified form, but may in-
18 clude a classified annex.

19 (d) INFORMATION.—The Secretary of Defense shall
20 provide to the National Academies the information of the
21 Department of Defense necessary for the National Acad-
22 emies to conduct the study under subsection (a), including
23 information relating to relevant scenarios described in sub-
24 section (b).

1 **SEC. 3118. REPORTS ON DIVERSITY OF CERTAIN CON-**
2 **TRACTOR EMPLOYEES OF NATIONAL NU-**
3 **CLEAR SECURITY ADMINISTRATION.**

4 (a) ANNUAL REPORTS.—Not later than December
5 31, 2020, and each year thereafter through 2022, the Ad-
6 ministrator for Nuclear Security shall submit to the con-
7 gressional defense committees a report on the diversity of
8 contractor employees of the National Nuclear Security Ad-
9 ministration.

10 (b) MATTERS INCLUDED.—Subject to subsection (c),
11 each report under subsection (a) shall include, for each
12 covered element of the Administration, the following:

13 (1) With respect to the fiscal year covered by
14 the report and the previous fiscal year, demographic
15 data of—

16 (A) the contractor employees of the cov-
17 ered element;

18 (B) the contractor employees hired at the
19 covered element during each such year; and

20 (C) the contractor employees of the cov-
21 ered element who voluntarily separated during
22 each such year.

23 (2) To the extent practical, a breakdown of the
24 data under subparagraph (A) by each position in the
25 Standard Occupational Classification System by the
26 Bureau of Labor Statistics.

1 (3) A description of the plan to increase diver-
2 sity at the covered element, and how such plan re-
3 sponds to any trends identified with respect to the
4 data under paragraph (1).

5 (4) An identification of the official of the cov-
6 ered element responsible for implementing such plan
7 and a description of how the person determines
8 whether the covered element is meeting the goals of
9 the plan.

10 (5) A description of the training resources re-
11 lating to diversity, equality, and inclusion are avail-
12 able to contractor employees of the covered element
13 with hiring authority, and an identification of how
14 many such contractor employees have been trained.

15 (c) DATA.—The Administrator shall carry out this
16 section using data that is—

17 (1) otherwise available to the Administrator and
18 to the management and operating contractors of the
19 nuclear security enterprise;

20 (2) collected in accordance with applicable laws
21 and regulations of the Equal Employment Oppor-
22 tunity Commission, regulations of the Office of Fed-
23 eral Contract Compliance Programs of the Depart-
24 ment of Labor, and applicable provisions of Federal
25 law on privacy; and

1 (3) obtained from relevant elements of the Fed-
2 eral Government pursuant to a memorandum of un-
3 derstanding specifying the terms and conditions for
4 the sharing of such data, including by identifying—

5 (A) the statutory authority governing such
6 sharing;

7 (B) the minimum amount of data needed
8 to be shared;

9 (C) the exact data to be shared;

10 (D) the method of securely sharing such
11 data; and

12 (E) the limitations on the use and discolo-
13 sure of such data.

14 (d) PUBLICATION.—The Administrator shall make
15 publicly available on the internet website of the Depart-
16 ment of Energy each report under subsection (a), subject
17 to the regulations and Federal law specified in subsection
18 (c)(2).

19 (e) GAO REVIEW.—Not later than 1 year after the
20 date on which the Administrator submits the first report
21 under subsection (a), the Comptroller General of the
22 United States shall submit to the congressional defense
23 committees a review of—

1 (1) the diversity of contractor employees with
2 respect to both the hiring and retention of such em-
3 ployees;

4 (2) the demographic composition of such em-
5 ployees; and

6 (3) the issues relating to diversity that such re-
7 port identifies and the steps taken by the Adminis-
8 trator to address such issues.

9 (f) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) National Nuclear Security Administration is
12 undertaking the largest and most complex workload
13 since the end of the Cold War;

14 (2) ensuring that the nuclear security enter-
15 prise hires, trains, and retains a diverse and highly
16 educated workforce is a national security priority of
17 the United States;

18 (3) more than 5,000 employees were hired at
19 the laboratories, plants, and sites of the National
20 Nuclear Security Administration during fiscal year
21 2019; and

22 (4) the National Nuclear Security Administra-
23 tion has taken important actions to hire and retain
24 the best and brightest workforce and is encouraged

1 to continue to build upon these efforts, particularly
2 as its aging workforce continues to retire.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “contractor employee” means an
5 employee of a management and operating contractor
6 of the nuclear security enterprise.

7 (2) The term “covered element” means each
8 national security laboratory and nuclear weapons
9 production facility (as such terms are defined in sec-
10 tion 3281 of the National Nuclear Security Adminis-
11 tration Act (50 U.S.C. 2471)).

12 (3) The term “nuclear security enterprise” has
13 the meaning that term in section 3281 of the Na-
14 tional Nuclear Security Administration Act (50
15 U.S.C. 2471)).

16 **SEC. 3119. FINDINGS, PURPOSE, AND APOLOGY RELATING**
17 **TO FALLOUT EMITTED DURING THE GOVERN-**
18 **MENT’S ATMOSPHERIC NUCLEAR TESTS.**

19 Section 2(a)(1) of the Radiation Exposure Com-
20 pensation Act (Public Law 101–426; 42 U.S.C. 2210
21 note) is amended by inserting “, including individuals in
22 New Mexico, Idaho, Colorado, Arizona, Utah, Texas, Wyo-
23 ming, Oregon, Washington, South Dakota, North Dakota,
24 Nevada, Guam, and the Northern Mariana Islands,” after
25 “tests exposed individuals”.

1 **SEC. 3120. SENSE OF CONGRESS REGARDING URANIUM**
2 **MINING AND NUCLEAR TESTING.**

3 It is the sense of Congress that the United States
4 should compensate and recognize all of the miners, work-
5 ers, downwinders, and others suffering from the effects
6 of uranium mining and nuclear testing carried out during
7 the Cold War.

8 **SEC. 3121. PROHIBITION ON USE OF FUNDS FOR NUCLEAR**
9 **WEAPONS TEST EXPLOSIONS.**

10 (a) IN GENERAL.—None of the funds authorized to
11 be appropriated by this Act or otherwise made available
12 for fiscal year 2021, or authorized to be appropriated or
13 otherwise made available for any fiscal year before fiscal
14 year 2021 and available for obligation as of the date of
15 the enactment of this Act, may be obligated or expended
16 to conduct or make preparations for any explosive nuclear
17 weapons test that produces any yield.

18 (b) RULE OF CONSTRUCTION.—Nothing in sub-
19 section (a) shall be construed to apply to nuclear stockpile
20 stewardship activities that are consistent with the zero-
21 yield standard and other requirements under law.

22 **SEC. 3122. SENSE OF CONGRESS ON THE ENERGY EMPLOY-**
23 **EES OCCUPATIONAL ILLNESS COMPENSA-**
24 **TION PROGRAM.**

25 It is the sense of Congress that—

1 (1) the Energy Employees Occupational Illness
2 Compensation Program Act (EEOICPA) was en-
3 acted as part of the Fiscal Year 2001 Defense Au-
4 thorization Act (Public Law 106–398) to ensure
5 fairness and equity to the civilian men and women
6 who, since the commencement of the Manhattan
7 Project, have performed duties uniquely related to
8 the nuclear weapons production and testing pro-
9 grams of the Department of Energy (DOE) and its
10 predecessor agencies and were made ill from expo-
11 sure to toxic substances related to such work;

12 (2) as part of EEOICPA, Congress provided for
13 a system of efficient, uniform, and adequate com-
14 pensation and health care to assist the defense nu-
15 clear workers who were employed by the DOE, its
16 contractors, and certain private vendors;

17 (3) as part of reforms to this program enacted
18 as part of the Fiscal Year 2005 Defense Authoriza-
19 tion Act (Public Law 108–375), Congress created
20 the Office of the Ombudsman for the Energy Em-
21 ployees Occupational Illness Compensation Program
22 (although such Office is within the Department of
23 Labor, the Office of the Ombudsman is independent
24 of the other officers and employees of the Depart-

1 ment of Labor engaged in activities related to the
2 administration of the provisions of EEOICPA);

3 (4) the Office of the Ombudsman provides guid-
4 ance and assistance to claimants navigating the
5 claims application process and prepares an annual
6 report to Congress with—

7 (A) the number and types of complaints,
8 grievances, and requests for assistance received
9 by the Ombudsman during the preceding year;
10 and

11 (B) an assessment of the most common
12 difficulties encountered by claimants and poten-
13 tial claimants during the preceding year;

14 (5) claimants rely on the Office of the Ombuds-
15 man in the Department of Labor to provide impar-
16 tial advice and guidance in navigating what can be
17 a challenging claims process, and its operations
18 should be continued;

19 (6) Congress has reauthorized the Office of the
20 Ombudsman on a bipartisan basis as part of the Na-
21 tional Defense Authorization Act on multiple occa-
22 sions, including most recently in the Fiscal Year
23 2020 Defense Authorization Act (Public Law 116–
24 48); and

1 (7) the Office of the Ombudsman is critical to
2 the successful implementation of EEOICPA.

3 **TITLE XXXII—DEFENSE NU-**
4 **CLEAR FACILITIES SAFETY**
5 **BOARD**

6 **SEC. 3201. AUTHORIZATION.**

7 There are authorized to be appropriated for fiscal
8 year 2021, \$28,836,000 for the operation of the Defense
9 Nuclear Facilities Safety Board under chapter 21 of the
10 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

11 **TITLE XXXIV—NAVAL**
12 **PETROLEUM RESERVES**

13 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) AMOUNT.—There are hereby authorized to be ap-
15 propriated to the Secretary of Energy \$13,006,000 for fis-
16 cal year 2021 for the purpose of carrying out activities
17 under chapter 869 of title 10, United States Code, relating
18 to the naval petroleum reserves.

19 (b) PERIOD OF AVAILABILITY.—Funds appropriated
20 pursuant to the authorization of appropriations in sub-
21 section (a) shall remain available until expended.

**TITLE XXXV—MARITIME
MATTERS**

**Subtitle A—Maritime
Administration**

**SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINIS-
TRATION.**

(a) FISCAL YEAR 2021 AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2021, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$81,944,000, of which—

(A) \$76,444,000 shall be for Academy operations; and

(B) \$5,500,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$37,700,000, of which—

(A) \$2,400,000 shall remain available until September 30, 2021, for the Student Incentive Program; and

1 (B) \$30,500,000 shall remain available
2 until expended for maintenance and repair of
3 State maritime academy training vessels.

4 (3) For expenses necessary to support the Na-
5 tional Security Multi-Mission Vessel Program,
6 \$388,815,000, which shall remain available until ex-
7 pended.

8 (4) For expenses necessary to support Maritime
9 Administration operations and programs,
10 \$55,853,000.

11 (5) For expenses necessary to dispose of vessels
12 in the National Defense Reserve Fleet, \$4,200,000,
13 which shall remain available until expended.

14 (6) For expenses necessary to maintain and
15 preserve a United States flag merchant marine to
16 serve the national security needs of the United
17 States under chapter 531 of title 46, United States
18 Code, \$494,008,000.

19 (7) For expenses necessary for the loan guar-
20 antee program authorized under chapter 537 of title
21 46, United States Code, \$33,000,000, of which—

22 (A) \$30,000,000 may be used for the cost
23 (as defined in section 502(5) of the Federal
24 Credit Reform Act of 1990 (2 U.S.C. 661a(5)))
25 of loan guarantees under the program; and

1 (B) \$3,000,000 may be used for adminis-
2 trative expenses relating to loan guarantee com-
3 mitments under the program.

4 (8) For expenses necessary to provide small
5 shipyards and maritime communities grants under
6 section 54101 of title 46, United States Code,
7 \$20,000,000.

8 (b) AMOUNT OF FISCAL YEAR 2021 CONTRACTOR
9 PAYMENTS UNDER OPERATING AGREEMENTS.—Section
10 53106(a)(1)(B) of title 46, United States Code, is amend-
11 ed by striking “\$5,233,463” and inserting “\$8,233,463”.

12 (c) CONFORMING AMENDMENT.—Section 53111(2)
13 of title 46, United States Code, is amended by striking
14 “\$314,007,780” and inserting “\$494,008,000”.

15 **SEC. 3502. SENSE OF CONGRESS REGARDING ROLE OF DO-**
16 **MESTIC MARITIME INDUSTRY IN NATIONAL**
17 **SECURITY.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

20 (1) The United States domestic maritime indus-
21 try, with a fleet of nearly 40,000 vessels, supports
22 nearly 650,000 American jobs and provides more
23 than \$150,000,000 in annual economic output.

24 (2) The vessel innovations of the domestic
25 trades that transformed worldwide maritime com-

1 merce include the development of container ships,
2 self-unloading vessels, articulated tug-barges, trailer
3 barges, chemical parcel tankers, railroad-on-barge
4 carfloats, and river flotilla towing systems.

5 (3) The domestic fleet is essential to national
6 security is needed to crew United States Govern-
7 ment-owned and other sealift vessels to protect the
8 Nation.

9 (4) The Department of Defense and the entire
10 national security infrastructure of the United States
11 benefits from a robust commercial shipyard and ship
12 repair industry, which helps provide both economic
13 and military sealift support.

14 (5) The Department of Defense depends on the
15 United States domestic trades' fleet of container
16 ships, roll-on/roll-off ships, product tankers, and
17 other vessels to assist with the flow of military car-
18 goes during both peace time and war time.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) United States coastwise trade laws promote
22 a strong domestic trade maritime industry, which
23 supports the national security and economic vitality
24 of the United States and the efficient operation of
25 the United States transportation system; and

1 (2) a strong commercial maritime industry
2 makes the United States more secure.

3 **SEC. 3503. NONAPPLICABILITY OF REQUIREMENT RELAT-**
4 **ING TO MINIMUM NUMBER OF OPERATING**
5 **DAYS FOR VESSELS OPERATING UNDER MSP**
6 **OPERATING AGREEMENTS.**

7 Notwithstanding part 296 of title 46, Code of Federal
8 Regulations, until December 31, 2020, or upon the written
9 determination of the Secretary of Transportation until
10 June 31, 2021, the operator of a vessel operating such
11 vessel under an MSP Operating Agreement (as such term
12 is defined in section 296.2 of title 46, Code of Federal
13 Regulations)—

14 (1) shall not be required to comply with any re-
15 quirement with respect to operating days (as such
16 term is defined in such section) contained in such
17 agreement; and

18 (2) shall maintain such vessel in a state of
19 operational readiness, including through the employ-
20 ment of the vessel's crew complement, until the ap-
21 plicable date.

22 **SEC. 3504. IMPROVEMENTS TO PROCESS FOR WAIVING**
23 **NAVIGATION AND VESSEL-INSPECTION LAWS.**

24 (a) IMPROVEMENTS TO WAIVER PROCESS.—Section
25 501 of title 46, United States Code, is amended—

1 (1) in subsection (a), by adding “to address an
2 immediate adverse effect on military operations”
3 after “national defense”;

4 (2) in subsection (b)—

5 (A) by redesignating paragraphs (2) and
6 (3) as paragraphs (3) and (4), respectively;

7 (B) by inserting after paragraph (1) the
8 following new paragraph:

9 “(2) DURATION OF WAIVER.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graphs (B) and (C), a waiver issued under this
12 subsection shall be for a period of not more
13 than 10 days.

14 “(B) WAIVER EXTENSION.—Upon the ter-
15 mination of the period of a waiver issued under
16 this subsection, the head of an agency may ex-
17 tend the waiver for an additional period of not
18 more than 10 days, if the Maritime Adminis-
19 trator makes the determinations referred to in
20 paragraph (1).

21 “(C) AGGREGATE DURATION.—The aggre-
22 gate duration of the period of all waivers and
23 extensions of waivers under this subsection with
24 respect to any one set of events shall not exceed
25 45 days.”; and

1 (C) in paragraph (4), as so redesignated—

2 (i) in subparagraph (B)(ii), by strik-
3 ing “paragraph (2)(A)” and inserting
4 “paragraph (3)(A)”; and

5 (ii) by adding at the end the following
6 new subparagraph:

7 “(C) NOTIFICATION REQUIRED FOR EX-
8 TENSIONS.—For purposes of this paragraph, an
9 extension requested or issued under paragraph
10 (2)(B) shall be treated in the same manner as
11 a waiver requested or issued under this sec-
12 tion.”;

13 (3) by redesignating subsection (c) as sub-
14 section (d); and

15 (4) by inserting after subsection (b) the fol-
16 lowing new subsection:

17 “(c) REPORT.—

18 “(1) IN GENERAL.—Not later than 10 days
19 after the date of the conclusion of the voyage of a
20 vessel that, during such voyage, operated under a
21 waiver issued under this section, the owner or oper-
22 ator of the vessel shall submit to the Maritime Ad-
23 ministrator a report that includes—

24 “(A) the name and flag of the vessel;

25 “(B) the dates of the voyage;

1 “(C) any relevant ports of call; and

2 “(D) any other information the Maritime
3 Administrator determines necessary.

4 “(2) PUBLICATION.—Not later than 48 hours
5 after receiving a report under paragraph (1), the
6 Maritime Administrator shall publish such report on
7 an appropriate website of the Department of Trans-
8 portation.”.

9 (b) APPLICABILITY.—The amendments made by this
10 section shall apply with respect to waivers issued after the
11 date of the enactment of this Act.

12 **SEC. 3505. MARITIME TRANSPORTATION SYSTEM EMER-**
13 **GENCY RELIEF PROGRAM.**

14 (a) IN GENERAL.—Chapter 503 of title 46, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 50308. Maritime transportation system emergency**
18 **relief program**

19 “(a) DEFINITIONS.—In this section the following
20 definitions shall apply:

21 “(1) ELIGIBLE STATE ENTITY.—The term ‘eli-
22 gible State entity’ means a port authority, or a
23 State-owned or -operated vessel and facilities associ-
24 ated with the operation of such vessel, in any State.

1 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means a public or private entity that is created
3 or organized in the United States or under the laws
4 of the United States, with significant operations in
5 and a majority of its employees based in the United
6 States, that is engaged in—

7 “(A) vessel construction, transportation by
8 water, or support activities for transportation
9 by water with an assigned North American In-
10 dustry Classification System code beginning
11 with 3366, 483, or 4883; or

12 “(B) as determined by the Secretary of
13 Transportation—

14 “(i) construction related to activities
15 described in subparagraph (A); or

16 “(ii) maritime education and training.

17 “(3) ELIGIBLE OPERATING COSTS.—The term
18 ‘eligible operating costs’ means costs relating to—

19 “(A) emergency response;

20 “(B) cleaning;

21 “(C) sanitization;

22 “(D) janitorial services;

23 “(E) staffing;

24 “(F) workforce retention;

25 “(G) paid leave;

1 “(H) procurement and use of protective
2 health equipment, testing, and training for em-
3 ployees and contractors;

4 “(I) debt service payments;

5 “(J) infrastructure repair projects; and

6 “(K) other maritime transportation system
7 operations;

8 “(4) EMERGENCY.—The term ‘emergency’
9 means a natural disaster affecting a wide area (such
10 as a flood, hurricane, tidal wave, earthquake, severe
11 storm, or landslide) or a catastrophic failure from
12 any external cause, that impacts the United States
13 maritime transportation system and as a result of
14 which—

15 “(A) the Governor of a State has declared
16 an emergency and the Maritime Administrator,
17 in consultation with the Administrator of the
18 Federal Emergency Management Administra-
19 tion, has concurred in the declaration;

20 “(B) the President has declared a major
21 disaster under section 401 of the Robert T.
22 Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5170);

1 “(C) national emergency declared by the
2 President under the National Emergencies Act
3 (50 U.S.C. 1601 et seq.) is in effect; or

4 “(D) a public health emergency declared
5 pursuant to section 319 of the Public Health
6 Service Act (42 U.S.C. 247d) is in effect.

7 “(b) GENERAL AUTHORITY.—The Maritime Admin-
8 istrator may—

9 “(1) make grants to eligible State entities for
10 eligible operating costs; and

11 “(2) make grants and enter into contracts and
12 other agreements with eligible entities for—

13 “(A) the costs of capital projects to pro-
14 tect, repair, reconstruct, or replace equipment
15 and facilities of the United States maritime
16 transportation system that the Maritime Ad-
17 ministrator determines is in danger of suffering
18 serious physical damage, or has suffered serious
19 physical damage, as a result of an emergency;
20 and

21 “(B) eligible operating costs of United
22 States maritime transportation equipment and
23 facilities in an area directly affected by an
24 emergency during—

1 “(i) the 1-year period beginning on
2 the date of a declaration described in sub-
3 sections (a)(4)(A) and (a)(4)(B); and

4 “(ii) an additional 1-year period be-
5 ginning 1 year after the date of a declara-
6 tion described in subsections (a)(4)(A) and
7 (a)(4)(B), if the Maritime Administrator,
8 in consultation with the Administrator of
9 the Federal Emergency Management Ad-
10 ministration, determines there is a compel-
11 ling need arising out of the emergency for
12 which the declaration is made.

13 “(c) ALLOCATION.—The Maritime Administrator
14 shall determine an appropriate method for the equitable
15 allocation and distribution of funds under this section to
16 eligible State entities and eligible entities.

17 “(d) APPLICATIONS.—An applicant for assistance
18 under this section shall submit an application for such as-
19 sistance to the Maritime Administrator at such time, in
20 such manner, and containing such information and assur-
21 ances as the Maritime Administrator may require.

22 “(e) COORDINATION OF EMERGENCY FUNDS.—

23 “(1) USE OF FUNDS.—Funds appropriated to
24 carry out this section shall be in addition to any
25 other funds available under this chapter.

1 “(2) NO EFFECT ON OTHER GOVERNMENT AC-
2 TIVITY.—The provision of funds under this section
3 shall not affect the ability of any other agency of the
4 Government, including the Federal Emergency Man-
5 agement Agency, or a State agency, a local govern-
6 mental entity, organization, or person, to provide
7 any other funds otherwise authorized by law.

8 “(f) GRANT REQUIREMENTS.—A grant awarded
9 under this section that is made to address an emergency
10 defined under subsection (a)(4)(B) shall be—

11 “(1) subject to the terms and conditions the
12 Maritime Administrator determines are necessary;
13 and

14 “(2) made only for expenses that are not reim-
15 bursed under the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 5121 et
17 seq.) or any Federal, State, or local assistance pro-
18 gram.

19 “(g) FEDERAL SHARE OF COSTS.—The Federal
20 share payable of the costs for which a grant is made under
21 this section shall be 100 percent.

22 “(h) ADMINISTRATIVE COSTS.—Of the amounts
23 available to carry out this section, not more than one-half
24 of one percent may be used for administration of this sec-
25 tion.

1 “(i) QUALITY ASSURANCE.—The Maritime Adminis-
 2 trator shall institute adequate policies, procedures, and in-
 3 ternal controls to prevent waste, fraud, abuse, and pro-
 4 gram mismanagement for the distribution of funds under
 5 this section.

6 “(j) REPORTS.—The Maritime Administrator shall
 7 annually report to the Congress regarding financial assist-
 8 ance provided under this section, including a description
 9 of such assistance.”.

10 (b) CLERICAL AMENDMENT.—The analysis for such
 11 chapter is amended by adding at the end the following:

“50308. Port development; maritime transportation system emergency relief
 program.”.

12 (c) INCLUSION OF COVID–19 PANDEMIC PUBLIC
 13 HEALTH EMERGENCY.—For purposes of section 50308 of
 14 title 46, United States Code, as amended by subsection
 15 (a), the public health emergency declared pursuant to sec-
 16 tion 319 of the Public Health Service Act (42 U.S.C.
 17 247d) resulting from the COVID–19 pandemic shall be
 18 treated as an emergency.

19 **SEC. 3506. CENTERS OF EXCELLENCE FOR DOMESTIC MARI-**
 20 **TIME WORKFORCE TRAINING AND EDU-**
 21 **CATION: TECHNICAL AMENDMENTS.**

22 (a) REDESIGNATION AND TRANSFER OF SECTION.—
 23 Section 54102 of title 46, United States Code, is redesi-

1 nated as section 51706 of such title and transferred to
2 appear after section 51705 of such title.

3 (b) CLERICAL AMENDMENTS.—Title 46, United
4 States Code, is amended—

5 (1) in the analysis for chapter 541, by striking
6 the item relating to section 54102; and

7 (2) in the analysis for chapter 517, by striking
8 the item relating to section 51705 and inserting the
9 following:

“51705. Training for use of force against piracy.

“51706. Center of excellence for domestic maritime workforce training and education.”.

10 **SEC. 3507. MERCHANT MARINER EDUCATION LOAN PRO-**
11 **GRAM.**

12 (a) IN GENERAL.—Chapter 517 of title 46, United
13 States Code, as amended by this Act, is further amended
14 by adding at the end the following:

15 **“§ 51707. Merchant mariner career training loan pro-**
16 **gram**

17 “(a) ESTABLISHMENT.—The Secretary of Transpor-
18 tation shall establish the Elijah E. Cummings Merchant
19 Mariner Career Training Loan Program (in this section
20 referred to as the ‘program’) in accordance with the re-
21 quirements of this section.

22 “(b) PURPOSE.—The purpose of the program shall
23 be to make merchant mariner career training loans avail-
24 able to eligible students to provide for the training of

1 United States merchant mariners, including those working
2 to receive a Standards of Training, Certification and
3 Watchkeeping endorsement under subchapter B of chapter
4 I of title 46, Code of Federal Regulations.

5 “(c) ADMINISTRATION.—The program shall be car-
6 ried out by the Secretary, acting through the Adminis-
7 trator of the Maritime Administration.

8 “(d) DUTIES.—The Secretary shall—

9 “(1) allocate, on an annual basis, the award of
10 loans under the program based on the needs of stu-
11 dents;

12 “(2) develop an application process and eligi-
13 bility criteria for the award of loans under the pro-
14 gram;

15 “(3) approve applications for loans under the
16 program based on the eligibility criteria and alloca-
17 tions made under paragraph (1); and

18 “(4) designate maritime training institutions at
19 which loans made under the program may be used.

20 “(e) DESIGNATION OF MARITIME TRAINING INSTITU-
21 TIONS.—

22 “(1) IN GENERAL.—In designating maritime
23 training institutions under subsection (d)(4), the
24 Secretary—

1 “(A) may include Federal, State, and com-
2 mercial training institutions and nonprofit
3 training organizations, including centers of ex-
4 cellence designated under section 51706;

5 “(B) shall designate institutions based on
6 geographic diversity and scope of classes of-
7 fered;

8 “(C) shall ensure that designated institu-
9 tions have the ability to administer the pro-
10 gram; and

11 “(D) shall ensure that designated institu-
12 tions meet requirements to provide training in-
13 struction for appropriate Coast Guard-approved
14 training instruction.

15 “(2) EXCLUSIONS.—The Secretary—

16 “(A) may exclude from participation in the
17 program a maritime training institution that
18 has had severe performance deficiencies, includ-
19 ing deficiencies demonstrated by audits or pro-
20 gram reviews conducted during the 5 calendar
21 years immediately preceding the present year;

22 “(B) shall exclude from participation in
23 the program a maritime training institution
24 that has delinquent or outstanding debts to the
25 United States, unless such debts are being re-

1 paid under or in accordance with a repayment
2 arrangement satisfactory to the United States,
3 or the Secretary in the Secretary's discretion
4 determines that the existence or amount of any
5 such debts has not been finally determined by
6 the appropriate Federal agency;

7 “(C) may exclude from participation in the
8 program a maritime training institution that
9 has failed to comply with quality standards es-
10 tablished by the Department of Labor, the
11 Coast Guard, or a State; and

12 “(D) may establish such other criteria as
13 the Secretary determines will protect the finan-
14 cial interest of the United States and promote
15 the purposes of this section.

16 “(f) STATE MARITIME ACADEMIES.—

17 “(1) USE OF FUNDS FOR LOANS TO STUDENTS
18 ATTENDING STATE MARITIME ACADEMIES.—The
19 Secretary may obligate not more than 50 percent of
20 the amounts appropriated to carry out this section
21 for a fiscal year for loans to undergraduate students
22 attending State maritime academies receiving assist-
23 ance under chapter 515 of this title.

24 “(2) ACADEMIC STANDARDS FOR STUDENTS.—
25 Students at State maritime academies receiving

1 loans under the program shall maintain satisfactory
2 progress toward the completion of their course of
3 study as evidenced by the maintenance of a cumu-
4 lative C average, or its equivalent, or academic
5 standing consistent with the requirements for grad-
6 uation, as determined by the institution.

7 “(g) LOAN AMOUNTS AND USE.—

8 “(1) MAXIMUM AMOUNTS.—

9 “(A) IN GENERAL.—The Secretary may
10 not make loans to a student under the program
11 in an amount that exceeds \$30,000 in a cal-
12 endar year or \$120,000 in the aggregate.

13 “(B) ADJUSTMENT FOR INFLATION.—The
14 Secretary shall, every 5 years for the life of a
15 loan under the program, adjust the maximum
16 amounts described in subparagraph (A) in ac-
17 cordance with any change in the Consumer
18 Price Index for All Urban Consumers published
19 by the Bureau of Labor Statistics of the De-
20 partment of Labor that occurs since the pre-
21 vious adjustment.

22 “(2) USE OF LOAN PROCEEDS.—A student who
23 receives a loan under the program may use the pro-
24 ceeds of the loan only for postsecondary expenses in-
25 curred at an institution designated by the Secretary

1 under subsection (d)(4) for books, tuition, required
2 fees, travel to and from training facilities, and room
3 and board.

4 “(h) STUDENT ELIGIBILITY.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 to be eligible to receive a loan under the program,
7 a student shall—

8 “(A) be eligible to hold a license or mer-
9 chant mariner document issued by the Coast
10 Guard;

11 “(B) provide to the Secretary such infor-
12 mation as the Secretary may require, including
13 all current Coast Guard documents, certifi-
14 cations, proof of United States citizenship or
15 permanent legal status, and a statement of in-
16 tent to enter a maritime career;

17 “(C) meet the enrollment requirements of
18 a maritime training institution designated by
19 the Secretary under subsection (d)(4); and

20 “(D) sign an agreement to—

21 “(i) complete a course of instruction
22 at such a maritime training institution;
23 and

24 “(ii) maintain a license or document
25 and work under the authority of the license

1 or document and any associated endorse-
2 ments for at least 18 months following the
3 date of graduation from the maritime pro-
4 gram for which the loan proceeds will be
5 used.

6 “(2) LIMITATION.—An undergraduate student
7 at the United States Merchant Marine Academy
8 shall not be eligible for a loan under the program.

9 “(i) ADMINISTRATION OF LOANS.—

10 “(1) CONTENTS OF LOAN AGREEMENTS.—Any
11 agreement between the Secretary and a student bor-
12 rower for a loan under the program shall—

13 “(A) be evidenced by a note or other writ-
14 ten instrument that provides for the repayment
15 of the principal amount of the loan and any
16 origination fee, together with interest thereon,
17 in equal installments (or, if the student bor-
18 rower so requests, in graduated periodic install-
19 ments determined in accordance with such
20 schedules as may be approved by the Secretary)
21 payable quarterly, bimonthly, or monthly, at the
22 option of the student borrower, over a period
23 beginning 9 months from the date on which the
24 student borrower completes study or discon-
25 tinues attendance at the maritime program for

1 which the loans are used at the institution ap-
2 proved by the Secretary and not exceeding 10
3 years;

4 “(B) include provision for acceleration of
5 repayment of the whole, or any part, of such
6 loan, at the option of the student borrower;

7 “(C) provide the loan without security and
8 without endorsement;

9 “(D) provide that the liability to repay the
10 loan shall be canceled upon the death of the
11 student borrower, or if the student borrower be-
12 comes permanently and totally disabled, as de-
13 termined in accordance with regulations to be
14 issued by the Secretary;

15 “(E) contain a notice of the system of dis-
16 closure of information concerning default on
17 such loan to credit bureau organizations; and

18 “(F) include provisions for deferral of re-
19 payment, as determined by the Secretary.

20 “(2) RATE OF INTEREST.—A student borrower
21 who receives a loan under the program shall be obli-
22 gated to repay the loan amount to the Secretary, to-
23 gether with interest beginning in the period referred
24 to in paragraph (1)(A), at a rate of interest deter-
25 mined by the Secretary, in consultation with the

1 Secretary of Education, in accordance with section
2 455 of the Higher Education Act of 1965 (20
3 U.S.C. 1087e).

4 “(3) DISCLOSURE REQUIRED PRIOR TO DIS-
5 BURSEMENT.—

6 “(A) IN GENERAL.—The Secretary shall at
7 or prior to the time the Secretary makes a loan
8 to a student borrower under the program, pro-
9 vide thorough and adequate loan information on
10 such loan to the student borrower. The disclo-
11 sures required by this paragraph may be made
12 as part of the written application material pro-
13 vided to the student borrower, as part of the
14 promissory note evidencing the loan, or on a
15 separate written form provided to the student
16 borrower.

17 “(B) CONTENTS.—The disclosures shall
18 include—

19 “(i) the address to which communica-
20 tions and payments should be sent;

21 “(ii) the principal amount of the loan;

22 “(iii) the amount of any charges col-
23 lected at or prior to the disbursal of the
24 loan and whether such charges are to be

1 deducted from the proceeds of the loan or
2 paid separately by the student borrower;

3 “(iv) the stated interest rate on the
4 loan;

5 “(v) the yearly and cumulative max-
6 imum amounts that may be borrowed;

7 “(vi) an explanation of when repay-
8 ment of the loan will be required and when
9 the student borrower will be obligated to
10 pay interest that accrues on the loan;

11 “(vii) a statement as to the minimum
12 and maximum repayment term that the
13 Secretary may impose, and the minimum
14 monthly payment required by law and a
15 description of any penalty imposed as a
16 consequence of default, such as liability for
17 expenses reasonably incurred in attempts
18 by the Secretary to collect on a loan;

19 “(viii) a statement of the total cumu-
20 lative balance, including the loan applied
21 for, owed by the student borrower to the
22 Secretary, and an estimate of the projected
23 monthly payment, given such cumulative
24 balance;

1 “(ix) an explanation of any special op-
2 tions the student borrower may have for
3 loan consolidation or other refinancing of
4 the loan;

5 “(x) a statement that the student bor-
6 rower has the right to prepay all or part
7 of the loan, at any time, without penalty;

8 “(xi) a statement summarizing cir-
9 cumstances in which repayment of the loan
10 or interest that accrues on the loan may be
11 deferred, and a brief notice of the program
12 for repayment of loans, on the basis of
13 military service, pursuant to the Depart-
14 ment of Defense educational loan repay-
15 ment program (10 U.S.C. 16302);

16 “(xii) a definition of default and the
17 consequences to the student borrower if
18 the student borrower defaults, together
19 with a statement that the disbursement of,
20 and the default on, a loan under this part
21 shall be reported to a credit bureau or
22 credit reporting agency;

23 “(xiii) to the extent practicable, the
24 effect of accepting the loan on the eligi-

1 bility of the student borrower for other
2 forms of student assistance; and

3 “(xiv) an explanation of any cost the
4 student borrower may incur in the making
5 or collection of the loan.

6 “(C) INFORMATION TO BE PROVIDED
7 WITHOUT COST.—The information provided
8 under this paragraph shall be available to the
9 Secretary without cost to the student borrower.

10 “(4) REPAYMENT AFTER DEFAULT.—The Sec-
11 retary may require any student borrower who has
12 defaulted on a loan made under the program to—

13 “(A) pay all reasonable collection costs as-
14 sociated with such loan; and

15 “(B) repay the loan pursuant to an income
16 contingent repayment plan.

17 “(5) AUTHORIZATION TO REDUCE RATES AND
18 FEES.—Notwithstanding any other provision of this
19 section, the Secretary may prescribe by regulation
20 any reductions in the interest rate or origination fee
21 paid by a student borrower of a loan made under the
22 program as the Secretary determines appropriate to
23 encourage ontime repayment of the loan. Such re-
24 ductions may be offered only if the Secretary deter-

1 mines the reductions are cost neutral and in the best
2 financial interest of the United States.

3 “(6) COLLECTION OF REPAYMENTS.—The Sec-
4 retary shall collect repayments made under the pro-
5 gram and exercise due diligence in such collection,
6 including maintenance of all necessary records to en-
7 sure that maximum repayments are made. Collection
8 and servicing of repayments under the program shall
9 be pursued to the full extent of the law, including
10 wage garnishment if necessary. The Secretary of the
11 Department in which the Coast Guard is operating
12 shall provide the Secretary of Transportation with
13 any information regarding a merchant mariner that
14 may aid in the collection of repayments under this
15 section.

16 “(7) REPAYMENT SCHEDULE.—A student bor-
17 rower who receives a loan under the program shall
18 repay the loan quarterly, bimonthly, or monthly, at
19 the option of the student borrower, over a period be-
20 ginning 9 months from the date the student bor-
21 rower completes study or discontinues attendance at
22 the maritime program for which the loan proceeds
23 are used and ending not more than 10 years after
24 the date repayment begins. Provisions for deferral of
25 repayment shall be determined by the Secretary.

1 “(8) CONTRACTS FOR SERVICING AND COLLEC-
2 TION OF LOANS.—The Secretary may—

3 “(A) enter into a contract or other ar-
4 rangement with State or nonprofit agencies
5 and, on a competitive basis, with collection
6 agencies for servicing and collection of loans
7 under this section; and

8 “(B) conduct litigation necessary to carry
9 out this section.

10 “(j) REVOLVING LOAN FUND.—

11 “(1) ESTABLISHMENT.—The Secretary shall es-
12 tablish a revolving loan fund consisting of amounts
13 deposited in the fund under paragraph (2).

14 “(2) DEPOSITS.—The Secretary shall deposit in
15 the fund—

16 “(A) receipts from the payment of prin-
17 cipal and interest on loans made under the pro-
18 gram; and

19 “(B) any other monies paid to the Sec-
20 retary by or on behalf of individuals under the
21 program.

22 “(3) AVAILABILITY OF AMOUNTS.—Subject to
23 the availability of appropriations, amounts in the
24 fund shall be available to the Secretary—

1 “(A) to cover the administrative costs of
2 the program, including the maintenance of
3 records and making collections under this sec-
4 tion; and

5 “(B) to the extent that amounts remain
6 available after paying such administrative costs,
7 to make loans under the program.

8 “(4) MAINTENANCE OF RECORDS.—The Sec-
9 retary shall maintain accurate records of the admin-
10 istrative costs referred to in paragraph (3)(A).

11 “(k) ANNUAL REPORT.—The Secretary, on an an-
12 nual basis, shall submit to the Committee on Transpor-
13 tation and Infrastructure of the House of Representatives
14 and the Committee on Commerce, Science, and Transpor-
15 tation of the Senate a report on the program, including—

16 “(1) the total amount of loans made under the
17 program in the preceding year;

18 “(2) the number of students receiving loans
19 under the program in the preceding year; and

20 “(3) the total amount of loans made under pro-
21 gram that are in default as of the date of the report.

22 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated for each of fiscal years
24 2021 through 2026—

1 “(1) \$10,000,000 for making loans under the
2 program; and

3 “(2) \$1,000,000 for administrative expenses of
4 the Secretary in carrying out the program.

5 **“§ 51708. Merchant mariner recruitment, training,**
6 **and retention grant program**

7 “(a) STRATEGIC PLAN.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this section, and at least
10 once every 3 years thereafter, the Secretary of
11 Transportation, acting through the Administrator of
12 the Maritime Administration, shall publish in the
13 Federal Register a plan to recruit, train, and retain
14 merchant mariners for the 5-year period following
15 the date of publication of the most recently pub-
16 lished plan under this paragraph.

17 “(2) CONTENTS.—A plan published under para-
18 graph (1) shall contain—

19 “(A) a strategy to address merchant mar-
20 iner recruitment, training, and retention issues
21 in the United States; and

22 “(B) demonstration and research priorities
23 concerning merchant mariner recruitment,
24 training, and retention.

1 “(3) FACTORS.—In developing a plan under
2 paragraph (1), the Secretary shall take into account,
3 at a minimum—

4 “(A) the availability of existing research
5 (as of the date of publication of the plan); and

6 “(B) the need to ensure results that have
7 broad applicability.

8 “(4) CONSULTATION.—In developing a plan
9 under paragraph (1), the Secretary shall consult
10 with representatives of the maritime industry, labor
11 organizations, including the Commander of the
12 Transportation Command and the Commander of
13 the Military Sealift Command, and other govern-
14 mental entities and persons with an interest in the
15 maritime industry.

16 “(5) TRANSMITTAL TO CONGRESS.—The Sec-
17 retary shall transmit copies of a plan published
18 under paragraph (1) to the Committee on Transpor-
19 tation and Infrastructure of the House of Represent-
20 atives and the Committee on Commerce, Science,
21 and Transportation of the Senate.

22 “(b) DEMONSTRATION AND RESEARCH PROJECTS.—

23 “(1) IN GENERAL.—The Secretary may award
24 grants to, or enter into contracts or cooperative
25 agreements with, a maritime training institutions

1 designated under section 51607(e) or a consortium
2 such institutions, to carry out demonstration and re-
3 search projects that implement the priorities identi-
4 fied in the plan prepared under subsection (a)(1),
5 for the purpose of recruiting, training, or retaining
6 United States merchant mariners.

7 “(2) COMPETITIVE AWARDS.—Grants shall be
8 awarded, and contracts and cooperative agreements
9 shall be entered into, under this subsection on a
10 competitive basis under guidelines and requirements
11 to be established by the Secretary.

12 “(3) APPLICATIONS.—To be eligible to receive a
13 grant or enter into a contract or cooperative agree-
14 ment under this section for a project under this sub-
15 section, a maritime training institution shall submit
16 to the Secretary a proposal that includes, at a min-
17 imum—

18 “(A) a description of the project; and

19 “(B) a method for evaluating the effective-
20 ness of the project.

21 “(4) ELIGIBLE PROJECTS.—Projects eligible for
22 grants, contracts, and cooperative agreements under
23 this subsection—

1 “(A) shall carry out the demonstration and
2 research priorities included in the plan pub-
3 lished under subsection (a)(1); and

4 “(B) may—

5 “(i) provide training to upgrade the
6 skills of United States merchant mariners,
7 including training to acquire a Standards
8 of Training, Certification and
9 Watchkeeping endorsement under sub-
10 chapter B of chapter I of title 46, Code of
11 Federal Regulations;

12 “(ii) promote the use of distance
13 learning that enables students to take
14 courses through the use of teleconfer-
15 encing, the Internet, and other media tech-
16 nology;

17 “(iii) assist in providing services to
18 address merchant mariner recruitment and
19 training of youth residing in targeted high
20 poverty areas within empowerment zones
21 and enterprise communities;

22 “(iv) implement partnerships with na-
23 tional and regional organizations with spe-
24 cial expertise in developing, organizing,

1 and administering merchant mariner re-
2 cruitment and training services;

3 “(v) design, develop, and test an array
4 of approaches to providing recruitment,
5 training, or retention services, including to
6 one or more targeted populations;

7 “(vi) in conjunction with employers,
8 organized labor, other groups (such as
9 community coalitions), and Federal, State,
10 or local agencies, design, develop, and test
11 various training approaches in order to de-
12 termine effective practices; or

13 “(vii) assist in the development and
14 replication of effective service delivery
15 strategies for the national maritime indus-
16 try as a whole.

17 **“§ 51709. Authorization of appropriations**

18 “There are authorized to be appropriated for each of
19 fiscal years 2021 through 2026—

20 “(1) \$10,000,000 for making grants and enter-
21 ing into cooperative agreements under sections
22 51707 and 51708; and

23 “(2) \$1,000,000 for administrative expenses of
24 the Secretary in carrying out such sections.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 such chapter is amended by adding at the end the fol-
 3 lowing:

“51707. Merchant mariner career training loan program.

“51708. Merchant mariner recruitment, training, and retention program.

“51709. Authorization of appropriations.”.

4 **SEC. 3508. ASSISTANCE FOR INLAND AND SMALL COASTAL**
 5 **PORTS AND TERMINALS.**

6 Section 50302 of title 46, United States Code, is
 7 amended—

8 (1) in subsection (c)—

9 (A) in paragraph (2)—

10 (i) by inserting “and subsection (d)”

11 after “this subsection”; and

12 (ii) by adding at the end the fol-
 13 lowing:

14 “(H) In the case of a small project funded
 15 under subsection (d), a private entity or group
 16 of entities.”;

17 (B) in paragraph (6) by striking subpara-
 18 graph (C);

19 (C) in paragraph (7)(B) by striking “para-
 20 graph (3)(A)” and inserting “subsection (d)”;

21 (D) in paragraph (8)(B)—

22 (i) in clause (i) by striking “under
 23 this subsection” and inserting “under this
 24 subsection and subsection (d)”;

1 (ii) in clause (ii) by inserting “under
2 subsection (d) or” after “project”; and

3 (E) in paragraph (11) by—

4 (i) striking “under this subsection”
5 and inserting “under this subsection and
6 subsection (d)” each place such phrase ap-
7 pears; and

8 (ii) striking “fiscal year.” and insert-
9 ing “fiscal year, and shall be awarded as
10 grants under the subsection for which the
11 original grant was made.”;

12 (2) by redesignating subsection (d) as sub-
13 section (e);

14 (3) by inserting after subsection (c) the fol-
15 lowing:

16 “(d) ASSISTANCE FOR INLAND AND SMALL COASTAL
17 PORTS AND TERMINALS.—

18 “(1) IN GENERAL.—Of amounts reserved under
19 subsection (c)(7)(B), the Secretary, acting through
20 the Administrator of the Maritime Administration,
21 shall make grants under this subsection—

22 “(A) to the owners or operators of a facil-
23 ity at a port, as such term is defined in sub-
24 section (c), to and from which the average an-
25 nual tonnage of cargo for the immediately pre-

ceding 3 calendar years from the time an application is submitted is less than 8,000,000 short tons as determined using Corps of Engineers data; and

“(B) for infrastructure improvements, equipment purchases, and capital investments at such a facility, including piers, wharves, docks, terminals, and similar structures used principally for the movement of goods, including areas of land, water, or areas in proximity to such structure that are necessary for the movement of goods.

“(2) AWARDS.—In providing assistance under this subsection, the Secretary shall—

“(A) take into account—

“(i) the economic advantage and the contribution to freight transportation at an eligible facility; and

“(ii) the competitive disadvantage of an eligible facility;

“(B) not make more than 1 award per applicant for each fiscal year appropriation; and

“(C) promote the enhancement and efficiencies of an eligible facility.

“(3) USE OF FUNDS.—

1 “(A) IN GENERAL.—Assistance provided
2 under this subsection may be used to—

3 “(i) make capital improvements;

4 “(ii) construct, improve, repair, or
5 maintain transportation or physical infra-
6 structure, buildings, equipment, or facility
7 security;

8 “(iii) perform planning activities re-
9 lated to carrying out an activity described
10 in clause (i); and

11 “(iv) otherwise fulfill the purposes for
12 which such assistance is provided.

13 “(B) ACQUISITION METHODS.—The Sec-
14 retary may not require as a condition of issuing
15 a grant under this subsection—

16 “(i) direct ownership of either a facil-
17 ity or equipment to be procured using
18 funds awarded under this subsection; or

19 “(ii) that equipment procured using
20 such funds be new.

21 “(4) PROHIBITED USES.—Funds provided
22 under this subsection may not be used for—

23 “(A) projects conducted on property lying
24 outside port or terminal boundaries and not
25 owned or leased by the applicant;

1 “(B) any single grant award more than 10
2 percent of total allocation of funds to carry out
3 this subsection per fiscal year appropriation; or

4 “(C) activities, including channel improve-
5 ments or harbor deepening, authorized, as of
6 the date of the application for assistance under
7 this subsection, to be carried out by of the
8 Corps of Engineers.

9 “(5) MATCHING REQUIREMENTS.—

10 “(A) IN GENERAL.—The Secretary may
11 not provide assistance under this subsection un-
12 less the Secretary determines that sufficient
13 funding is available to meet the matching re-
14 quirements of subsection (c)(8). Any costs of
15 the project to be paid by the recipient’s match-
16 ing share may be incurred prior to the date on
17 which assistance is provided.

18 “(B) INCLUSIONS.—For the purpose of
19 making the determination under subparagraph
20 (A), funding may include a loan agreement, a
21 commitment from investors, cash on balance
22 sheet, or other contributions determined accept-
23 able by the Secretary.

24 “(6) APPLICATION AND AWARD.—

1 “(A) MINIMUM STANDARDS FOR PAYMENT
2 OR REIMBURSEMENT.—Each application sub-
3 mitted shall include a comprehensive description
4 of—

5 “(i) the project;

6 “(ii) the need for the project;

7 “(iii) the methodology for imple-
8 menting the project; and

9 “(iv) documentation of matching
10 funds as described in paragraph (5).

11 “(B) DEMONSTRATION OF EFFECTIVE-
12 NESS.—In determining whether a project will
13 achieve the purposes for which such assistance
14 is requested under this subsection, the Sec-
15 retary shall accept documentation used to ob-
16 tain a commitment of the matching funds de-
17 scribed in paragraph (5), including feasibility
18 studies, business plans, investor prospectuses,
19 loan applications, or similar documentation.

20 “(C) PROJECT APPROVAL REQUIRED.—
21 The Secretary may not award a grant under
22 this subsection unless the Secretary determines
23 that the—

24 “(i) project will be completed without
25 unreasonable delay; and

1 “(ii) recipient has authority to carry
2 out the proposed project.

3 “(7) PROCEDURAL SAFEGUARDS, AUDITS, AND
4 EXAMINATIONS.—

5 “(A) PROCEDURAL SAFEGUARDS.—The
6 Administrator shall issue guidelines to establish
7 appropriate accounting, reporting, and review
8 procedures to ensure that—

9 “(i) assistance provided under this
10 subsection is used for the purposes for
11 which such assistance made available; and

12 “(ii) grantees have properly accounted
13 for all expenditures of grant funds.

14 “(B) AUDITS AND EXAMINATIONS.—All
15 grantees under this subsection shall maintain
16 such records as the Administrator may require
17 and make such records available for review and
18 audit by the Administrator.

19 “(8) LIMITATION.—Not more than 10 percent
20 of the funds made available under subsection
21 (c)(7)(B) may be used to the planning and design of
22 eligible projects described in paragraph (3)(A)(iii).

23 “(9) DEFINITION OF PROJECT.—In this sub-
24 section, the term ‘project’ has the meaning given
25 such term in subsection (c).”.

1 **SEC. 3509. NATIONAL SHIPPER ADVISORY COMMITTEE.**

2 (a) IN GENERAL.—Part B of subtitle IV of title 46,
3 United States Code, is amended by adding at the end the
4 following:

5 **“CHAPTER 425—NATIONAL SHIPPER**
6 **ADVISORY COMMITTEE**

“Sec.

“42501. Definitions.

“42502. National Shipper Advisory Committee.

“42503. Administration.

7 **“§ 42501. Definitions**

8 “In this chapter:

9 “(1) COMMISSION.—The term ‘Commission’
10 means the Federal Maritime Commission.

11 “(2) COMMITTEE.—The term ‘Committee’
12 means the National Shipper Advisory Committee es-
13 tablished by section 42502.

14 **“§ 42502. National Shipper Advisory Committee**

15 “(a) ESTABLISHMENT.—There is established a Na-
16 tional Shipper Advisory Committee.

17 “(b) FUNCTION.—The Committee shall advise the
18 Federal Maritime Commission on policies relating to the
19 competitiveness, reliability, integrity, and fairness of the
20 international ocean freight delivery system.

21 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Committee shall con-
2 sist of 24 members appointed by the Commission in
3 accordance with this section.

4 “(2) EXPERTISE.—Each member of the Com-
5 mittee shall have particular expertise, knowledge,
6 and experience in matters relating to the function of
7 the Committee.

8 “(3) REPRESENTATION.—Members of the Com-
9 mittee shall be appointed as follows:

10 “(A) Twelve members shall represent enti-
11 ties who import cargo to the United States
12 using ocean common carriers.

13 “(B) Twelve members shall represent enti-
14 ties who export cargo from the United States
15 using ocean common carriers.

16 **“§ 42503. Administration**

17 “(a) MEETINGS.—The Committee shall, not less than
18 once each year, meet at the call of the Commission or a
19 majority of the members of the Committee.

20 “(b) EMPLOYEE STATUS.—A member of the Com-
21 mittee shall not be considered an employee of the Federal
22 Government by reason of service on such Committee, ex-
23 cept for the purposes of the following:

24 “(1) Chapter 81 of title 5.

1 “(2) Chapter 171 of title 28 and any other
2 Federal law relating to tort liability.

3 “(c) ACCEPTANCE OF VOLUNTEER SERVICES.—Not-
4 withstanding any other provision of law, a member of the
5 Committee may serve on such committee on a voluntary
6 basis without pay.

7 “(d) STATUS OF MEMBERS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), with respect to a member of the Com-
10 mittee whom the Commission appoints to represent
11 an entity or group—

12 “(A) the member is authorized to rep-
13 resent the interests of the applicable entity or
14 group; and

15 “(B) requirements under Federal law that
16 would interfere with such representation and
17 that apply to a special Government employee
18 (as defined in section 202(a) of title 18), in-
19 cluding requirements relating to employee con-
20 duct, political activities, ethics, conflicts of in-
21 terest, and corruption, do not apply to the
22 member.

23 “(2) EXCEPTION.—Notwithstanding subsection
24 (b), a member of the Committee shall be treated as
25 a special Government employee for purposes of the

1 committee service of the member if the member,
2 without regard to service on the Committee, is a spe-
3 cial Government employee.

4 “(e) SERVICE ON COMMITTEE.—

5 “(1) SOLICITATION OF NOMINATIONS.—Before
6 appointing an individual as a member of the Com-
7 mittee, the Commission shall publish a timely notice
8 in the Federal Register soliciting nominations for
9 membership on such Committee.

10 “(2) APPOINTMENTS.—

11 “(A) IN GENERAL.—After considering
12 nominations received pursuant to a notice pub-
13 lished under paragraph (1), the Commission
14 may appoint a member to the Committee.

15 “(B) PROHIBITION.—The Commission
16 shall not seek, consider, or otherwise use infor-
17 mation concerning the political affiliation of a
18 nominee in making an appointment to the Com-
19 mittee.

20 “(3) SERVICE AT PLEASURE OF THE COMMIS-
21 SION.—Each member of the Committee shall serve
22 at the pleasure of the Commission.

23 “(4) SECURITY BACKGROUND EXAMINATIONS.—
24 The Commission may require an individual to have

1 passed an appropriate security background examina-
2 tion before appointment to the Committee.

3 “(5) PROHIBITION.—A Federal employee may
4 not be appointed as a member of the Committee.

5 “(6) TERMS.—

6 “(A) IN GENERAL.—The term of each
7 member of the Committee shall expire on De-
8 cember 31 of the third full year after the effec-
9 tive date of the appointment.

10 “(B) CONTINUED SERVICE AFTER TERM.—
11 When the term of a member of the Committee
12 ends, the member, for a period not to exceed 1
13 year, may continue to serve as a member until
14 a successor is appointed.

15 “(7) VACANCIES.—A vacancy on the Committee
16 shall be filled in the same manner as the original ap-
17 pointment.

18 “(8) SPECIAL RULE FOR REAPPOINTMENTS.—
19 Notwithstanding paragraphs (1) and (2), the Com-
20 mission may reappoint a member of a committee for
21 any term, other than the first term of the member,
22 without soliciting, receiving, or considering nomina-
23 tions for such appointment.

24 “(f) STAFF SERVICES.—The Commission shall fur-
25 nish to the Committee any staff and services considered

1 by the Commission to be necessary for the conduct of the
2 Committee's functions.

3 “(g) CHAIR; VICE CHAIR.—

4 “(1) IN GENERAL.—The Committee shall elect
5 a Chair and Vice Chair from among the committee's
6 members.

7 “(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—

8 The Vice Chair shall act as Chair in the absence or
9 incapacity of, or in the event of a vacancy in the of-
10 fice of, the Chair.

11 “(h) SUBCOMMITTEES AND WORKING GROUPS.—

12 “(1) IN GENERAL.—The Chair of the Com-
13 mittee may establish and disestablish subcommittees
14 and working groups for any purpose consistent with
15 the function of the Committee.

16 “(2) PARTICIPANTS.—Subject to conditions im-
17 posed by the Chair, members of the Committee may
18 be assigned to subcommittees and working groups
19 established under paragraph (1).

20 “(i) CONSULTATION, ADVICE, REPORTS, AND REC-
21 OMMENDATIONS.—

22 “(1) CONSULTATION.—Before taking any sig-
23 nificant action, the Commission shall consult with,
24 and consider the information, advice, and rec-
25 ommendations of, the Committee if the function of

1 the Committee is to advise the Commission on mat-
2 ters related to the significant action.

3 “(2) ADVICE, REPORTS, AND RECOMMENDA-
4 TIONS.—The Committee shall submit, in writing, to
5 the Commission its advice, reports, and rec-
6 ommendations, in a form and at a frequency deter-
7 mined appropriate by the Committee.

8 “(3) EXPLANATION OF ACTIONS TAKEN.—Not
9 later than 60 days after the date on which the Com-
10 mission receives recommendations from the Com-
11 mittee under paragraph (2), the Commission shall—

12 “(A) publish the recommendations on a
13 public website; and

14 “(B) respond, in writing, to the Committee
15 regarding the recommendations, including by
16 providing an explanation of actions taken re-
17 garding the recommendations.

18 “(4) SUBMISSION TO CONGRESS.—The Commis-
19 sion shall submit to the Committee on Transpor-
20 tation and Infrastructure of the House of Represent-
21 atives and the Committee on Commerce, Science,
22 and Transportation of the Senate the advice, re-
23 ports, and recommendations received from the Com-
24 mittee under paragraph (2).

1 “(j) OBSERVERS.—The Commission may designate a
2 representative to—

3 “(1) attend any meeting of the Committee; and

4 “(2) participate as an observer at such meeting.

5 “(k) TERMINATION.—The Committee shall terminate
6 on September 30, 2029.”.

7 (b) CLERICAL AMENDMENT.—The analysis for sub-
8 title IV of title 46, United States Code, is amended by
9 inserting after the item related to chapter 423 the fol-
10 lowing:

“**425. National Shipper Advisory Committee 42501”.**

11 **SEC. 3510. SEA YEAR CADETS ON CABLE SECURITY FLEET**
12 **AND TANKER SECURITY FLEET VESSELS.**

13 Section 51307 of title 46, United States Code, is
14 amended by striking subsection (b) and inserting the fol-
15 lowing:

16 “(b) SEA YEAR CADETS ON CABLE SECURITY FLEET
17 AND TANKER SECURITY FLEET VESSELS.—The Sec-
18 retary shall require an operator of a vessel participating
19 in the Maritime Security Program under chapter 531 of
20 this title, the Cable Security Fleet under chapter 532 of
21 this title, or the Tanker Security Fleet under chapter 534
22 of this title to carry on each Maritime Security Program
23 vessel, Cable Security Fleet vessel, or Tanker Security
24 Fleet vessel 2 United States Merchant Marine Academy
25 cadets, if available, on each voyage.”.

1 **SEC. 3510A. SUPERINTENDENT OF THE UNITED STATES**
2 **MERCHANT MARINE ACADEMY.**

3 Section 51301(c) of title 46, United States Code, is
4 amended—

5 (1) by redesignating paragraphs (1) through
6 (3) as paragraphs (2) through (4), respectively;

7 (2) by inserting before paragraph (2), as so re-
8 designated, the following:

9 “(1) SENSE OF CONGRESS.—It is the sense of
10 Congress that, due to the unique mission of the
11 United States Merchant Marine Academy, it is high-
12 ly desirable that the Superintendent of the Academy
13 be a graduate of the Academy in good standing and
14 have attained an unlimited merchant marine offi-
15 cer’s license.”; and

16 (3) in paragraph (3), as so redesignated—

17 (A) in subparagraph (A)(i), by inserting
18 after “attained” the following “the rank of
19 Captain, Chief Mate, or Chief Engineer in the
20 merchant marine of the United States, or”; and

21 (B) in subparagraphs (B)(i)(I) and (C)(i),
22 by inserting “merchant marine,” before
23 “Navy,”.

24 **SEC. 3510B. MARITIME ACADEMY INFORMATION.**

25 Not later than 1 year after the date of enactment
26 of this title, the Maritime Administrator shall make avail-

1 able on a public website data, as available, on the fol-
2 lowing:

3 (1) The number of graduates from the United
4 States Merchant Marine Academy and each State
5 Maritime Academy for the previous 5 years.

6 (2) The number of graduates from the United
7 States Merchant Marine Academy and each State
8 Maritime Academy for the previous 5 years who
9 have become employed in, or whose status qualifies
10 under, each of the following categories:

11 (A) Maritime Afloat.

12 (B) Maritime Ashore.

13 (C) Armed Forces of the United States.

14 (D) Non-maritime.

15 (E) Graduate studies.

16 (F) Unknown.

17 (3) The number of students at each State Mari-
18 time Academy class receiving or who have received
19 for the previous 5 years funds under the student in-
20 centive payment program under section 51509 of
21 title 46, United States Code.

22 (4) The number of students described under
23 paragraph (3) who used partial student incentive
24 payments who graduated without an obligation
25 under the program.

1 (5) The number of students described under
2 paragraph (3) who graduated with an obligation
3 under the program.

4 **SEC. 3510C. MARINER LICENSING AND CREDENTIALING.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b) and subject to subsection (c), for purposes of licensing
7 and credentialing of mariners, the Secretary of Homeland
8 Security shall prescribe a tonnage measurement as a small
9 passenger vessel, as defined in section 2101 of title 46,
10 United States Code, for the M/V LISERON (United
11 States official number 971339) for purposes of applying
12 the optional regulatory measurement under section 14305
13 and under chapter 145 of that title.

14 (b) EXCEPTION.—Subsection (a) shall not apply with
15 respect to the vessel referred to in such subsection if the
16 length of the vessel exceeds its length on the date of enact-
17 ment of this Act.

18 (c) RESTRICTIONS.—The vessel referred to in sub-
19 section (a) is subject to the following restrictions:

20 (1) The vessel may not operate outside the in-
21 land waters of the United States, as established
22 under section 151 of title 33, United States Code,
23 when carrying passengers for hire and operating
24 under subsection (a).

1 (2) The Secretary may issue a restricted cre-
2 dential as appropriate for a licensed individual em-
3 ployed to serve on such vessel under prescribed regu-
4 lations.

5 **SEC. 3510D. NATIONAL SHIPPER ADVISORY COMMITTEE.**

6 (a) IN GENERAL.—Part B of subtitle IV of title 46,
7 United States Code, is amended by adding at the end the
8 following:

9 **“CHAPTER 425—NATIONAL SHIPPER**
10 **ADVISORY COMMITTEE**

“Sec.

“42501. Definitions.

“42502. National Shipper Advisory Committee.

“42503. Administration.

11 **“§ 42501. Definitions**

12 “In this chapter:

13 “(1) COMMISSION.—The term ‘Commission’
14 means the Federal Maritime Commission.

15 “(2) COMMITTEE.—The term ‘Committee’
16 means the National Shipper Advisory Committee es-
17 tablished by section 42502.

18 **“§ 42502. National Shipper Advisory Committee**

19 “(a) ESTABLISHMENT.—There is established a Na-
20 tional Shipper Advisory Committee.

21 “(b) FUNCTION.—The Committee shall advise the
22 Federal Maritime Commission on policies relating to the

1 competitiveness, reliability, integrity, and fairness of the
2 international ocean freight delivery system.

3 “(c) MEMBERSHIP.—

4 “(1) IN GENERAL.—The Committee shall con-
5 sist of 24 members appointed by the Commission in
6 accordance with this section.

7 “(2) EXPERTISE.—Each member of the Com-
8 mittee shall have particular expertise, knowledge,
9 and experience in matters relating to the function of
10 the Committee.

11 “(3) REPRESENTATION.—Members of the Com-
12 mittee shall be appointed as follows:

13 “(A) Twelve members shall represent enti-
14 ties who import cargo to the United States
15 using ocean common carriers.

16 “(B) Twelve members shall represent enti-
17 ties who export cargo from the United States
18 using ocean common carriers.

19 **“§ 42503. Administration**

20 “(a) MEETINGS.—The Committee shall, not less than
21 once each year, meet at the call of the Commission or a
22 majority of the members of the Committee.

23 “(b) EMPLOYEE STATUS.—A member of the Com-
24 mittee shall not be considered an employee of the Federal

1 Government by reason of service on such Committee, ex-
2 cept for the purposes of the following:

3 “(1) Chapter 81 of title 5.

4 “(2) Chapter 171 of title 28 and any other
5 Federal law relating to tort liability.

6 “(c) ACCEPTANCE OF VOLUNTEER SERVICES.—Not-
7 withstanding any other provision of law, a member of the
8 Committee may serve on such committee on a voluntary
9 basis without pay.

10 “(d) STATUS OF MEMBERS.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), with respect to a member of the Com-
13 mittee whom the Commission appoints to represent
14 an entity or group—

15 “(A) the member is authorized to rep-
16 resent the interests of the applicable entity or
17 group; and

18 “(B) requirements under Federal law that
19 would interfere with such representation and
20 that apply to a special Government employee
21 (as defined in section 202(a) of title 18), in-
22 cluding requirements relating to employee con-
23 duct, political activities, ethics, conflicts of in-
24 terest, and corruption, do not apply to the
25 member.

1 “(2) EXCEPTION.—Notwithstanding subsection
2 (b), a member of the Committee shall be treated as
3 a special Government employee for purposes of the
4 committee service of the member if the member,
5 without regard to service on the Committee, is a spe-
6 cial Government employee.

7 “(e) SERVICE ON COMMITTEE.—

8 “(1) SOLICITATION OF NOMINATIONS.—Before
9 appointing an individual as a member of the Com-
10 mittee, the Commission shall publish a timely notice
11 in the Federal Register soliciting nominations for
12 membership on such Committee.

13 “(2) APPOINTMENTS.—

14 “(A) IN GENERAL.—After considering
15 nominations received pursuant to a notice pub-
16 lished under paragraph (1), the Commission
17 may appoint a member to the Committee.

18 “(B) PROHIBITION.—The Commission
19 shall not seek, consider, or otherwise use infor-
20 mation concerning the political affiliation of a
21 nominee in making an appointment to the Com-
22 mittee.

23 “(3) SERVICE AT PLEASURE OF THE COMMIS-
24 SION.—Each member of the Committee shall serve
25 at the pleasure of the Commission.

1 “(4) SECURITY BACKGROUND EXAMINATIONS.—

2 The Commission may require an individual to have
3 passed an appropriate security background examina-
4 tion before appointment to the Committee.

5 “(5) PROHIBITION.—A Federal employee may
6 not be appointed as a member of the Committee.

7 “(6) TERMS.—

8 “(A) IN GENERAL.—The term of each
9 member of the Committee shall expire on De-
10 cember 31 of the third full year after the effec-
11 tive date of the appointment.

12 “(B) CONTINUED SERVICE AFTER TERM.—

13 When the term of a member of the Committee
14 ends, the member, for a period not to exceed 1
15 year, may continue to serve as a member until
16 a successor is appointed.

17 “(7) VACANCIES.—A vacancy on the Committee
18 shall be filled in the same manner as the original ap-
19 pointment.

20 “(8) SPECIAL RULE FOR REAPPOINTMENTS.—

21 Notwithstanding paragraphs (1) and (2), the Com-
22 mission may reappoint a member of a committee for
23 any term, other than the first term of the member,
24 without soliciting, receiving, or considering nomina-
25 tions for such appointment.

1 “(f) STAFF SERVICES.—The Commission shall fur-
2 nish to the Committee any staff and services considered
3 by the Commission to be necessary for the conduct of the
4 Committee’s functions.

5 “(g) CHAIR; VICE CHAIR.—

6 “(1) IN GENERAL.—The Committee shall elect
7 a Chair and Vice Chair from among the committee’s
8 members.

9 “(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—

10 The Vice Chair shall act as Chair in the absence or
11 incapacity of, or in the event of a vacancy in the of-
12 fice of, the Chair.

13 “(h) SUBCOMMITTEES AND WORKING GROUPS.—

14 “(1) IN GENERAL.—The Chair of the Com-
15 mittee may establish and disestablish subcommittees
16 and working groups for any purpose consistent with
17 the function of the Committee.

18 “(2) PARTICIPANTS.—Subject to conditions im-
19 posed by the Chair, members of the Committee may
20 be assigned to subcommittees and working groups
21 established under paragraph (1).

22 “(i) CONSULTATION, ADVICE, REPORTS, AND REC-
23 OMMENDATIONS.—

24 “(1) CONSULTATION.—Before taking any sig-
25 nificant action, the Commission shall consult with,

1 and consider the information, advice, and rec-
2 ommendations of, the Committee if the function of
3 the Committee is to advise the Commission on mat-
4 ters related to the significant action.

5 “(2) ADVICE, REPORTS, AND RECOMMENDA-
6 TIONS.—The Committee shall submit, in writing, to
7 the Commission its advice, reports, and rec-
8 ommendations, in a form and at a frequency deter-
9 mined appropriate by the Committee.

10 “(3) EXPLANATION OF ACTIONS TAKEN.—Not
11 later than 60 days after the date on which the Com-
12 mission receives recommendations from the Com-
13 mittee under paragraph (2), the Commission shall—

14 “(A) publish the recommendations on a
15 public website; and

16 “(B) respond, in writing, to the Committee
17 regarding the recommendations, including by
18 providing an explanation of actions taken re-
19 garding the recommendations.

20 “(4) SUBMISSION TO CONGRESS.—The Commis-
21 sion shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Represent-
23 atives and the Committee on Commerce, Science,
24 and Transportation of the Senate the advice, re-

1 ports, and recommendations received from the Com-
 2 mittee under paragraph (2).

3 “(j) OBSERVERS.—The Commission may designate a
 4 representative to—

5 “(1) attend any meeting of the Committee; and

6 “(2) participate as an observer at such meeting.

7 “(k) TERMINATION.—The Committee shall terminate
 8 on September 30, 2029.”.

9 (b) CLERICAL AMENDMENT.—The analysis for sub-
 10 title IV of title 46, United States Code, is amended by
 11 inserting after the item related to chapter 423 the fol-
 12 lowing:

“425. National Shipper Advisory Committee 42501”.

13 **Subtitle B—Tanker Security Fleet**

14 **SEC. 3511. TANKER SECURITY FLEET.**

15 (a) IN GENERAL.—Part C of subtitle V of title 46,
 16 United States Code, is amended by inserting after chapter
 17 531 the following new chapter:

18 **“CHAPTER 532—TANKER SECURITY FLEET**

“53201. Definitions.

“53202. Establishment of the Tanker Security Fleet.

“53203. Vessel standards.

“53204. Award of operating agreements.

“53205. Effectiveness of operating agreements.

“53206. Obligations and rights under operating agreements.

“53207. Payments.

“53208. National security requirements.

“53209. Regulatory relief.

“53210. Special rule regarding age of participating Fleet vessels.

“53211. Regulations.

“53212. Authorization of appropriations.

“53213. Acquisition of Fleet vessels.

1 **“§ 53201. Definitions**

2 “In this chapter:

3 “(1) FOREIGN COMMERCE.—The term ‘foreign
4 commerce’ means—

5 “(A) commerce or trade between the
6 United States, its territories or possessions, or
7 the District of Columbia, and a foreign country;
8 and

9 “(B) commerce or trade between foreign
10 countries including trade between foreign ports
11 in accordance with normal commercial bulk
12 shipping practices in such a manner as will per-
13 mit vessels of the United States freely to com-
14 pete with foreign-flag liquid bulk carrying ves-
15 sels in their operation or in competing charters,
16 subject to rules and regulations promulgated by
17 the Secretary of Transportation pursuant to
18 this chapter or subtitle.

19 “(2) PARTICIPATING FLEET VESSEL.—The
20 term ‘participating Fleet vessel’ means any tank ves-
21 sel covered by an operating agreement under this
22 chapter on or after January 1, 2021.

23 “(3) PERSON.—The term ‘person’ includes cor-
24 porations, partnerships, and associations existing
25 under, or authorized by, laws of the United States,

1 or any State, territory, district, or possession there-
2 of, or any foreign country.

3 “(4) TANK VESSEL.—The term ‘tank vessel’
4 has the meaning that term has under section 2101.

5 “(5) UNITED STATES CITIZEN TRUST.—The
6 term ‘United States citizen trust’—

7 “(A) means a trust for which—

8 “(i) each of the trustees is a citizen of
9 the United States; and

10 “(ii) the application for documenta-
11 tion of the vessel under chapter 121 in-
12 cludes an affidavit of each trustee stating
13 that the trustee is not aware of any reason
14 involving a beneficiary of the trust that is
15 not a citizen of the United States, or in-
16 volving any other person who is not a cit-
17 izen of the United States, as a result of
18 which the beneficiary or other person
19 would hold more than 25 percent of the
20 aggregate power to influence or limit the
21 exercise of the authority of the trustee with
22 respect to matters involving any ownership
23 or operation of the vessel that may ad-
24 versely affect the interests of the United
25 States;

1 “(B) does not include a trust for which
2 any person that is not a citizen of the United
3 States has authority to direct, or participate in
4 directing, a trustee for a trust in matters in-
5 volving any ownership or operation of the vessel
6 that may adversely affect the interests of the
7 United States or in removing a trustee without
8 cause, either directly or indirectly through the
9 control of another person, unless the trust in-
10 strument provides that persons who are not citi-
11 zens of the United States may not hold more
12 than 25 percent of the aggregate authority to
13 so direct or remove a trustee; and

14 “(C) may include a trust for which a per-
15 son who is not a citizen of the United States
16 holds more than 25 percent of the beneficial in-
17 terest in the trust.

18 **“§ 53202. Establishment of the Tanker Security Fleet**

19 “(a) IN GENERAL.—The Secretary of Transpor-
20 tation, in consultation with the Secretary of Defense, shall
21 establish a fleet of active, commercially viable, militarily
22 useful, privately owned product tankers to meet national
23 defense and other security requirements and maintain a
24 United States presence in international commercial ship-
25 ping. The fleet shall consist of privately owned vessels of

1 the United States for which there are in effect operating
2 agreements under this chapter, and shall be known as the
3 ‘Tanker Security Fleet’ (hereinafter in this chapter re-
4 ferred to as the ‘Fleet’).

5 “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be
6 included in the Fleet if the vessel—

7 “(1) meets the requirements under paragraph
8 (1), (2), (3), or (4) of subsection (c);

9 “(2) is operated (or in the case of a vessel to
10 be constructed, will be operated) in providing trans-
11 portation in United States foreign commerce;

12 “(3) is self-propelled;

13 “(4) is not more than 10 years of age on the
14 date the vessel is first included in the Fleet and not
15 more than 25 years of age at any time during which
16 the vessel is included in the Fleet;

17 “(5) is determined by the Secretary of Defense
18 to be suitable for use by the United States for na-
19 tional defense or military purposes in time of war or
20 national emergency;

21 “(6) is commercially viable, as determined by
22 the Secretary of Transportation; and

23 “(7) is—

24 “(A) a vessel of the United States; or

1 “(B) not a vessel of the United States,
2 but—

3 “(i) the owner of the vessel has dem-
4 onstrated an intent to have the vessel doc-
5 umented under chapter 121 if it is in-
6 cluded in the Fleet; and

7 “(ii) at the time an operating agree-
8 ment is entered into under this chapter,
9 the vessel is eligible for documentation
10 under chapter 121.

11 “(c) REQUIREMENTS REGARDING CITIZENSHIP OF
12 OWNERS, CHARTERERS, AND OPERATORS.—

13 “(1) VESSELS OWNED AND OPERATED BY SEC-
14 TION 50501 CITIZENS.—A vessel meets the require-
15 ments of this paragraph if, during the period of an
16 operating agreement under this chapter that applies
17 to the vessel, the vessel will be owned and operated
18 by one or more persons that are citizens of the
19 United States under section 50501.

20 “(2) VESSELS OWNED BY A SECTION 50501 CIT-
21 IZEN, OR UNITED STATES CITIZEN TRUST, AND
22 CHARTERED TO A DOCUMENTATION CITIZEN.—A
23 vessel meets the requirements of this paragraph if—

1 “(A) during the period of an operating
2 agreement under this chapter that applies to
3 the vessel, the vessel will be—

4 “(i) owned by a person that is a cit-
5 izen of the United States under section
6 50501 or that is a United States citizen
7 trust; and

8 “(ii) demise chartered to a person—

9 “(I) that is eligible to document
10 the vessel under chapter 121;

11 “(II) the chairman of the board
12 of directors, chief executive officer,
13 and a majority of the members of the
14 board of directors of which are citi-
15 zens of the United States under sec-
16 tion 50501, and are appointed and
17 subjected to removal only upon ap-
18 proval by the Secretary; and

19 “(III) that certifies to the Sec-
20 retary that there are no treaties, stat-
21 utes, regulations, or other laws that
22 would prohibit the owner or operator
23 for the vessel from performing its ob-
24 ligations under an operating agree-
25 ment under this chapter;

1 “(B) in the case of a vessel that will be de-
2 mise chartered to a person that is owned or
3 controlled by another person that is not a cit-
4 izen of the United States under section 50501,
5 the other person enters into an agreement with
6 the Secretary not to influence the operation of
7 the vessel in a manner that will adversely affect
8 the interests of the United States; and

9 “(C) the Secretary of Transportation and
10 the Secretary of Defense notify the Committee
11 on Armed Services and the Committee on Com-
12 merce, Science, and Transportation of the Sen-
13 ate and the Committee on Armed Services and
14 the Committee on Transportation and Infra-
15 structure of the House of Representatives that
16 the Secretaries concur with the certification re-
17 quired under subparagraph (A)(ii)(III), and
18 have reviewed and agree that there are no legal,
19 operational, or other impediments that would
20 prohibit the owner or operator for the vessel
21 from performing its obligations under an oper-
22 ating agreement under this chapter.

23 “(3) VESSELS OWNED AND OPERATED BY A DE-
24 FENSE OWNER OR OPERATOR.—A vessel meets the
25 requirements of this paragraph if—

1 “(A) during the period of an operating
2 agreement under this chapter that applies to
3 the vessel, the vessel will be owned and oper-
4 ated by a person that—

5 “(i) is eligible to document a vessel
6 under chapter 121;

7 “(ii) operates or manages other ves-
8 sels of the United States for the Secretary
9 of Defense, or charters other vessels to the
10 Secretary of Defense;

11 “(iii) has entered into a special secu-
12 rity agreement for the purpose of this
13 paragraph with the Secretary of Defense;

14 “(iv) makes the certification described
15 in paragraph (2)(A)(ii)(III); and

16 “(v) in the case of a vessel described
17 in paragraph (2)(B), enters into an agree-
18 ment referred to in that subparagraph; and

19 “(B) the Secretary of Transportation and
20 the Secretary of Defense notify the Committee
21 on Armed Services and the Committee on Com-
22 merce, Science, and Transportation of the Sen-
23 ate and the Committee on Armed Services and
24 the Committee on Transportation and Infra-
25 structure of the House of Representatives that

1 they concur with the certification required
2 under subparagraph (A)(iv), and have reviewed
3 and agree that there are no legal, operational,
4 or other impediments that would prohibit the
5 owner or operator for the vessel from per-
6 forming its obligations under an operating
7 agreement under this chapter.

8 “(4) VESSELS OWNED BY DOCUMENTATION
9 CITIZENS AND CHARTERED TO SECTION 50501 CITI-
10 ZENS.—A vessel meets the requirements of this
11 paragraph if, during the period of an operating
12 agreement under this chapter, the vessel will be—

13 “(A) owned by a person who is eligible to
14 document a vessel under chapter 121; and

15 “(B) demise chartered to a person that is
16 a citizen of the United States under section
17 50501.

18 “(d) REQUEST BY SECRETARY OF DEFENSE.—The
19 Secretary of Defense shall request that the Commandant
20 of the Coast Guard issue any waiver under section 501
21 that the Secretary of Defense determines is necessary for
22 purposes of this chapter.

23 “(e) VESSEL STANDARDS.—

24 “(1) CERTIFICATE OF INSPECTION.—A vessel
25 used to provide oceangoing transportation that the

1 Commandant of the Coast Guard determines meets
2 the criteria of subsection (b) but which, on the date
3 of enactment of this section, is not documented
4 under chapter 121, shall be eligible for a certificate
5 of inspection if the Commandant of the Coast Guard
6 determines that—

7 “(A) the vessel is classed by and designed
8 in accordance with the rules of the American
9 Bureau of Shipping, or another classification
10 society accepted by the Commandant of the
11 Coast Guard;

12 “(B) the vessel complies with applicable
13 international agreements and associated guide-
14 lines, as determined by the country in which the
15 vessel was documented immediately before be-
16 coming documented under chapter 121; and

17 “(C) the country has not been identified by
18 the Commandant of the Coast Guard as inad-
19 equately enforcing international vessel regula-
20 tions as to that vessel.

21 “(2) RELIANCE ON CLASSIFICATION SOCIETY.—

22 “(A) IN GENERAL.—The Commandant of
23 the Coast Guard may rely on a certification
24 from the American Bureau of Shipping or, sub-
25 ject to subparagraph (B), another classification

1 society accepted by the Commandant of the
2 Coast Guard, to establish that a vessel is in
3 compliance with the requirements of paragraph
4 (1).

5 “(B) FOREIGN CLASSIFICATION SOCI-
6 ETY.—The Secretary may accept certification
7 from a foreign classification society under sub-
8 paragraph (A) only—

9 “(i) to the extent that the government
10 of the foreign country in which the society
11 is headquartered provides access on a re-
12 ciprocal basis to the American Bureau of
13 Shipping; and

14 “(ii) if the foreign classification soci-
15 ety has offices and maintains records in
16 the United States.

17 **“§ 53203. Vessel standards**

18 “(a) CERTIFICATE OF INSPECTION.—A vessel used to
19 provide transportation service as a common carrier that
20 the Secretary of Transportation determines meets the cri-
21 teria of section 53102(b), which on the date of enactment
22 of this section is not a documented vessel, shall be eligible
23 for a certificate of inspection if the Secretary determines
24 that—

1 “(1) the vessel is classed by and designed in ac-
2 cordance with the rules of the American Bureau of
3 Shipping or another classification society accepted
4 by the Secretary;

5 “(2) the vessel complies with applicable inter-
6 national agreements and associated guidelines, as
7 determined by the country in which the vessel was
8 documented immediately before becoming a docu-
9 mented vessel (as defined in that section); and

10 “(3) that country has not been identified by the
11 Secretary as inadequately enforcing international
12 vessel regulations as to that vessel.

13 “(b) CONTINUED ELIGIBILITY FOR CERTIFICATE.—
14 Subsection (a) does not apply to any vessel that has failed
15 to comply with the applicable international agreements
16 and association guidelines referred to in subsection (a)(2).

17 “(c) RELIANCE ON CLASSIFICATION SOCIETY.—

18 “(1) IN GENERAL.—The Secretary may rely on
19 a certification from the American Bureau of Ship-
20 ping or, subject to paragraph (2), another classifica-
21 tion society accepted by the Secretary, to establish
22 that a vessel is in compliance with the requirements
23 of subsections (a) and (b).

1 “(2) FOREIGN CLASSIFICATION SOCIETY.—The
2 Secretary may accept certification from a foreign
3 classification society under paragraph (1) only—

4 “(A) to the extent that the government of
5 the foreign country in which the society is
6 headquartered provides access on a reciprocal
7 basis to the American Bureau of Shipping; and

8 “(B) if the foreign classification society
9 has offices and maintains records in the United
10 States.

11 **“§ 53204. Award of operating agreements**

12 “(a) IN GENERAL.—The Secretary of Transportation
13 shall require, as a condition of including any vessel in the
14 Fleet, that the owner or operator of the vessel enter into
15 an operating agreement with the Secretary under this sec-
16 tion.

17 “(b) PROCEDURE FOR APPLICATIONS.—

18 “(1) PARTICIPATING FLEET VESSELS.—

19 “(A) IN GENERAL.—The Secretary of
20 Transportation shall accept an application for
21 an operating agreement for a participating
22 Fleet vessel under the priority under paragraph
23 (2) only from a person that has authority to
24 enter into an operating agreement under this
25 chapter.

1 “(B) VESSEL UNDER DEMISE CHARTER.—

2 For purposes of subparagraph (A), in the case
3 of a vessel that is subject to a demise charter
4 that terminates by its own terms on September
5 30, 2035 (without giving effect to any extension
6 provided therein for completion of a voyage or
7 to effect the actual redelivery of the vessel), or
8 that is terminable at the will of the owner of
9 the vessel after such date, only the owner of the
10 vessel shall be treated as having the authority
11 referred to in subparagraph (A).

12 “(C) VESSEL OWNED BY A UNITED STATES
13 CITIZEN TRUST.—For purposes of subpara-
14 graph (B), in the case of a vessel owned by a
15 United States citizen trust, the term ‘owner of
16 the vessel’ includes the beneficial owner of the
17 vessel with respect to such trust.

18 “(2) DISCRETION WITHIN PRIORITY.—The Sec-
19 retary of Transportation—

20 “(A) may award operating agreements
21 under paragraph (1) according to such prior-
22 ities as the Secretary considers appropriate; and

23 “(B) shall award operating agreements
24 within any such priority—

1 “(i) in accordance with operational re-
2 quirements specified by the Secretary of
3 Defense;

4 “(ii) in the case of operating agree-
5 ments awarded under subparagraph (B) of
6 paragraph (1), according to applicants’
7 records of owning and operating vessels;
8 and

9 “(iii) subject to approval of the Sec-
10 retary of Defense.

11 “(c) LIMITATION.—For any fiscal year, the Secretary
12 may not award operating agreements under this chapter
13 that require payments under section 53207 for more than
14 10 vessels.

15 **“§ 53205. Effectiveness of operating agreements**

16 “(a) IN GENERAL.—Subject to the availability of ap-
17 propriations for such purpose, the Secretary of Transpor-
18 tation may enter into an operating agreement under this
19 chapter for fiscal year 2021 and any subsequent fiscal
20 year. Each such agreement may be renewed annually for
21 up to 7 years.

22 “(b) VESSELS UNDER CHARTER TO THE UNITED
23 STATES.—The owner or operator of a vessel under charter
24 to the United States is eligible to receive payments pursu-
25 ant to any operating agreement that covers such vessel.

1 “(c) TERMINATION.—

2 “(1) TERMINATION BY SECRETARY FOR LACK
3 OF OWNER OR OPERATOR COMPLIANCE.—If the
4 owner or operator with respect to an operating
5 agreement materially fails to comply with the terms
6 of the agreement—

7 “(A) the Secretary shall notify the owner
8 or operator and provide a reasonable oppor-
9 tunity to comply with the operating agreement;
10 and

11 “(B) the Secretary shall terminate the op-
12 erating agreement if the owner or operator fails
13 to achieve such compliance.

14 “(2) TERMINATION BY OWNER OR OPER-
15 ATOR.—

16 “(A) IN GENERAL.—If an owner or oper-
17 ator provides notice of the intent to terminate
18 an operating agreement under this chapter by
19 not later than 60 days prior to the date speci-
20 fied by the owner or operator for such termi-
21 nation, such agreement shall terminate on the
22 date specified by the owner or operator.

23 “(B) REPLACEMENT.—An operating agree-
24 ment with respect to a vessel shall terminate on
25 the date that is three years after the date on

1 which the vessel begins operating under the
2 agreement, if—

3 “(i) the owner or operator notifies the
4 Secretary, by not later than 2 years after
5 the date the vessel begins operating under
6 the agreement, that the owner or operator
7 intends to terminate the agreement under
8 this subparagraph; and

9 “(ii) the Secretary of Transportation,
10 in coordination with the Secretary of De-
11 fense, determines that—

12 “(I) an application for an oper-
13 ating agreement under this chapter
14 has been received for a replacement
15 vessel that is acceptable to the Secre-
16 taries; and

17 “(II) during the period of an op-
18 erating agreement under this chapter
19 that applies to the replacement vessel,
20 the replacement vessel will be—

21 “(aa) owned and operated
22 by one or more persons that are
23 citizens of the United States
24 under section 50501; or

1 “(bb) owned by a person
2 who is eligible to document the
3 vessel under chapter 121, and
4 operated by a person that is a
5 citizen of the United States
6 under section 50501.

7 “(d) NONRENEWAL FOR LACK OF FUNDS.—

8 “(1) IN GENERAL.—If sufficient funds are not
9 made available to carry out an operating agreement
10 under this chapter—

11 “(A) the Secretary of Transportation shall
12 submit to the Committee on Armed Services
13 and the Committee on Commerce, Science, and
14 Transportation of the Senate and the Com-
15 mittee on Armed Services and the Committee
16 on Transportation and Infrastructure of the
17 House of Representatives notice that such
18 agreement shall be not renewed effective on the
19 60th day of the fiscal year, unless such funds
20 are made available before such day; and

21 “(B) effective on the 60th day of such fis-
22 cal year, terminate such agreement and provide
23 notice of such termination to the owner or oper-
24 ator of the vessel covered by the agreement.

1 “(2) RELEASE OF VESSELS FROM OBLIGA-
2 TIONS.—If an operating agreement for a vessel
3 under this chapter is not renewed pursuant to para-
4 graph (1), then the owner or operator of the vessel
5 is released from any further obligation under the op-
6 erating agreement as of the date of such termination
7 or nonrenewal.

8 “(3) FOREIGN TRANSFER AND REGISTRA-
9 TION.—The owner or operator of a vessel covered by
10 an operating agreement under this chapter may
11 transfer and register such vessel under a foreign
12 registry that is acceptable to the Secretary and the
13 Secretary of Defense, notwithstanding section
14 53201.

15 “(4) REQUISITION.—If chapter 563 is applica-
16 ble to a vessel after registration, then the vessel is
17 available to be requisitioned by the Secretary pursu-
18 ant to chapter 563.

19 **“§ 53206. Obligations and rights under operating**
20 **agreements**

21 “(a) OPERATION OF VESSEL.—An operating agree-
22 ment under this chapter shall require that, during the pe-
23 riod the vessel covered by the agreement is operating
24 under the agreement the vessel shall—

1 “(1) be operated in the United States foreign
2 commerce, mixed United States foreign commerce
3 and domestic trade allowed under a registry endorse-
4 ment issued under section 12111, in foreign-to-for-
5 eign commerce, or under a charter to the United
6 States;

7 “(2) not be operated in the coastwise trade ex-
8 cept as described in paragraph (1); and

9 “(3) be documented under chapter 121.

10 “(b) OPERATING AGREEMENT IS AN OBLIGATION OF
11 THE UNITED STATES GOVERNMENT.—An operating
12 agreement under this chapter constitutes a contractual ob-
13 ligation of the United States Government to pay the
14 amounts provided for in the agreement to the extent of
15 actual appropriations.

16 “(c) OBLIGATIONS OF OWNER OR OPERATOR.—

17 “(1) IN GENERAL.—The owner or operator of a
18 vessel covered by an operating agreement under this
19 chapter shall agree, as a condition of such agree-
20 ment, to remain obligated to carry out the require-
21 ments described in paragraph (2) until the termi-
22 nation date specified in the agreement, even in the
23 case of early termination of the agreement under
24 section 53205(c). This subsection shall not apply in

1 the case of an operating agreement terminated for
2 lack of funds under section 53205(d).

3 “(2) REQUIREMENTS.—The requirements de-
4 scribed in this paragraph are the following:

5 “(A) To continue the documentation of the
6 vessel under chapter 121.

7 “(B) To be bound by the requirements of
8 section 53208.

9 “(C) That all terms and conditions of an
10 emergency preparedness agreement entered into
11 under section 53208 shall remain in effect, ex-
12 cept that the terms of such emergency pre-
13 paredness agreement may be modified by the
14 mutual consent of the owner or operator, the
15 Secretary and the Secretary of Defense as pro-
16 vided in such section.

17 “(d) TRANSFER OF OPERATING AGREEMENTS.—The
18 owner or operator of a vessel covered by an operating
19 agreement under this chapter may transfer that agree-
20 ment (including all rights and obligations under the agree-
21 ment) to any person that is eligible to enter into that oper-
22 ating agreement under this chapter, if the transfer is ap-
23 proved by the Secretary of Transportation and the Sec-
24 retary of Defense.

1 “(e) REPLACEMENT OF VESSELS COVERED BY
2 AGREEMENTS.—An owner or operator of a vessel covered
3 by an operating agreement under this chapter may replace
4 the vessel with another vessel that is eligible to be included
5 in the Fleet under section 53202(b), if the Secretary of
6 Transportation, in coordination with the Secretary of De-
7 fense, approves the replacement of the vessel. In selecting
8 a replacement vessel, the owner or operator shall give pri-
9 mary consideration to—

10 “(1) the commercial viability of the vessel;

11 “(2) the utility of the vessel with respect to the
12 operating requirements of the owner or operator;
13 and

14 “(3) ensuring that the commercial and military
15 utility of any replacement vessel is not less than that
16 of the initial vessel.

17 **“§ 53207. Payments**

18 “(a) ANNUAL PAYMENT.—Subject to the availability
19 of appropriations for such purpose and the other provi-
20 sions of this chapter, the Secretary shall pay to the owner
21 or operator of a vessel covered by an operating agreement
22 under this chapter an amount equal to \$6,000,000 for
23 each vessel covered by the agreement for each fiscal year
24 that the vessel is covered by the agreement. Such amount
25 shall be paid in equal monthly installments on the last day

1 of each month. The amount payable under this subsection
2 may not be reduced except as provided by this section.

3 “(b) CERTIFICATION REQUIRED FOR PAYMENT.—As
4 a condition of receiving payment under this section for a
5 fiscal year for a vessel, the owner or operator of the vessel
6 shall certify, in accordance with regulations issued by the
7 Secretary, that the vessel has been and will be operated
8 in accordance with section 53206 for at least 320 days
9 during the fiscal year. Days during which the vessel is
10 drydocked, surveyed, inspected, or repaired shall be con-
11 sidered days of operation for purposes of this subsection.

12 “(c) GENERAL LIMITATIONS.—The Secretary may
13 not make any payment under this chapter for a vessel with
14 respect to any days for which the vessel is—

15 “(1) not operated or maintained in accordance
16 with an operating agreement under this chapter; or

17 “(2) more than 25 years of age.

18 “(d) REDUCTIONS IN PAYMENTS.—With respect to
19 payments under this chapter for a vessel covered by an
20 operating agreement, the Secretary—

21 “(1) except as provided in paragraph (2), may
22 not reduce such a payment for the operation of the
23 vessel to carry military or other preference cargoes
24 under section 55302(a), 55304, 55305, or 55314,

1 section 2631 of title 10, or any other cargo pref-
2 erence law of the United States;

3 “(2) may not make such a payment for any day
4 that the vessel is engaged in transporting more than
5 7,500 tons of civilian bulk preference cargoes pursu-
6 ant to section 55302(a), 55305, or 55314, that is
7 bulk cargo; and

8 “(3) shall make a pro rata reduction for each
9 day less than 320 in a fiscal year that the vessel is
10 not operated in accordance with section 53206.

11 “(e) LIMITATIONS REGARDING NONCONTIGUOUS DO-
12 MESTIC TRADE.—

13 “(1) IN GENERAL.—No owner or operator shall
14 receive payments pursuant to this chapter during a
15 period in which it participates in noncontiguous do-
16 mestic trade.

17 “(2) LIMITATION ON APPLICATION.—Paragraph
18 (1) shall not apply to a owner or operator that is a
19 citizen of the United States within the meaning of
20 section 50501, applying the 75 percent ownership
21 requirement of that section.

22 “(3) PARTICIPATES IN A NONCONTIGUOUS
23 TRADE DEFINED.—In this subsection the term ‘par-
24 ticipates in a noncontiguous domestic trade’ means
25 directly or indirectly owns, charters, or operates a

1 vessel engaged in transportation of cargo between a
2 point in the contiguous 48 States and a point in
3 Alaska, Hawaii, or Puerto Rico, other than a point
4 in Alaska north of the Arctic Circle.

5 **“§ 53208. National security requirements**

6 “(a) EMERGENCY PREPAREDNESS AGREEMENT RE-
7 QUIRED.—The Secretary of Transportation, in coordina-
8 tion with the Secretary of Defense, shall establish an
9 emergency preparedness program under this section under
10 which the owner or operator of a vessel covered by an op-
11 erating agreement under this chapter shall agree, as a
12 condition of the operating agreement, to enter into an
13 emergency preparedness agreement with the Secretaries.
14 Each such emergency preparedness agreement shall be en-
15 tered into as promptly as practicable after the owner or
16 operator has entered into the operating agreement.

17 “(b) TERMS OF AGREEMENT.—The terms of an
18 agreement under this section—

19 “(1) shall provide that upon request by the Sec-
20 retary of Defense during time of war or national
21 emergency, or whenever determined by the Secretary
22 of Defense to be necessary for national security or
23 contingency operation (as that term is defined in
24 section 101 of title 10), the owner or operator shall
25 make available commercial transportation resources

1 (including services) described in subsection (d) to
2 the Secretary of Defense;

3 “(2) shall include such additional terms as may
4 be established by the Secretary of Transportation
5 and the Secretary of Defense; and

6 “(3) shall allow for the modification or addition
7 of terms upon agreement by the Secretary of Trans-
8 portation and the owner or operator and the ap-
9 proval by the Secretary of Defense.

10 “(c) PARTICIPATION AFTER EXPIRATION OF OPER-
11 ATING AGREEMENT.—Except as provided by section
12 53206, the Secretary may not require, through an emer-
13 gency preparedness agreement or an operating agreement,
14 that an owner or operator of a vessel covered by an oper-
15 ating agreement continue to participate in an emergency
16 preparedness agreement after the operating agreement
17 has expired according to its terms or is otherwise no
18 longer in effect. After the expiration of an emergency pre-
19 paredness agreement, a owner or operator may voluntarily
20 continue to participate in the agreement.

21 “(d) RESOURCES MADE AVAILABLE.—The commer-
22 cial transportation resources to be made available under
23 an emergency preparedness agreement shall include ves-
24 sels or capacity in vessels, terminal facilities, management
25 services, and other related services, or any agreed portion

1 of such nonvessel resources for activation as the Secretary
2 of Defense may determine to be necessary, seeking to min-
3 imize disruption of the owner or operator's service to com-
4 mercial customers.

5 “(e) COMPENSATION.—

6 “(1) IN GENERAL.—Each emergency prepared-
7 ness agreement under this section shall provide that
8 the Secretary of Defense shall pay fair and reason-
9 able compensation for all commercial transportation
10 resources provided pursuant to this section.

11 “(2) SPECIFIC REQUIREMENTS.—Compensation
12 under this subsection—

13 “(A) shall not be less than the owner or
14 operator's commercial market charges for like
15 transportation resources;

16 “(B) shall be fair and reasonable consid-
17 ering all circumstances;

18 “(C) shall be provided from the time that
19 a vessel or resource is required by the Secretary
20 of Defense until the time it is redelivered to the
21 owner or operator and is available to reenter
22 commercial service; and

1 “(D) shall be in addition to and shall not
2 in any way reflect amounts payable under sec-
3 tion 53207.

4 “(f) TEMPORARY REPLACEMENT VESSELS.—Not-
5 withstanding section 55302(a), 55304, 55305, or 55314,
6 section 2631 of title 10, or any other cargo preference law
7 of the United States—

8 “(1) an owner or operator may operate or em-
9 ploy in foreign commerce a foreign-flag vessel or for-
10 eign-flag vessel capacity as a temporary replacement
11 for a vessel of the United States or vessel of the
12 United States capacity that is activated by the Sec-
13 retary of Defense under an emergency preparedness
14 agreement or a primary Department of Defense sea-
15 lift readiness program; and

16 “(2) such replacement vessel or vessel capacity
17 shall be eligible during the replacement period to
18 transport preference cargoes subject to sections
19 55302(a), 55304, 55305, and 55314 and section
20 2631 of title 10 to the same extent as the eligibility
21 of the vessel or vessel capacity replaced.

22 “(g) REDELIVERY AND LIABILITY OF THE UNITED
23 STATES FOR DAMAGES.—

24 “(1) IN GENERAL.—All commercial transpor-
25 tation resources activated under an emergency pre-

paredness agreement shall, upon termination of the period of activation, be redelivered to the owner or operator in the same good order and condition as when received, less ordinary wear and tear, or the Secretary of Defense shall fully compensate the owner or operator for any necessary repair or replacement.

“(2) LIMITATION ON UNITED STATES LIABILITY.—Except as may be expressly agreed in an emergency preparedness agreement, or as otherwise provided by law, the Government shall not be liable for disruption of an owner or operator’s commercial business or other consequential damages to an owner or operator arising from the activation of commercial transportation resources under an emergency preparedness agreement.

“§ 53209. Regulatory relief

“(a) OPERATION IN FOREIGN COMMERCE.—An owner or operator for a vessel included in an operating agreement under this chapter may operate the vessel in the foreign commerce of the United States without restriction.

“(b) OTHER RESTRICTIONS.—The restrictions of section 55305(a) concerning the building, rebuilding, or documentation of a vessel in a foreign country shall not apply

1 to a vessel for any day the operator of the vessel is receiv-
2 ing payments for the operation of that vessel under an
3 operating agreement under this chapter.

4 “(c) TELECOMMUNICATIONS EQUIPMENT.—The tele-
5 communications and other electronic equipment on an ex-
6 isting vessel that is redocumented under the laws of the
7 United States for operation under an operating agreement
8 under this chapter shall be deemed to satisfy all Federal
9 Communications Commission equipment certification re-
10 quirements, if—

11 “(1) such equipment complies with all applica-
12 ble international agreements and associated guide-
13 lines as determined by the country in which the ves-
14 sel was documented immediately before becoming
15 documented under the laws of the United States;

16 “(2) that country has not been identified by the
17 Secretary as inadequately enforcing international
18 regulations as to that vessel; and

19 “(3) at the end of its useful life, such equip-
20 ment shall be replaced with equipment that meets
21 Federal Communications Commission equipment
22 certification standards.

1 **“§ 53210. Special rule regarding age of participating**

2 **Fleet vessels**

3 “Any age restriction under section 53202(b)(4) shall
4 not apply to a participating Fleet vessel during the 30-
5 month period beginning on the date the vessel begins oper-
6 ating under an operating agreement under this chapter,
7 if the Secretary of Transportation determines that the
8 owner or operator of the vessel has entered into an ar-
9 rangement to obtain and operate under the operating
10 agreement for the participating Fleet vessel a replacement
11 vessel that, upon commencement of such operation, will
12 be eligible to be included in the Fleet under section
13 53202(b).

14 **“§ 53211. Regulations**

15 “The Secretary of Transportation and the Secretary
16 of Defense may each prescribe rules as necessary to carry
17 out their respective responsibilities under this chapter.

18 **“§ 53212. Authorization of appropriations**

19 “There is authorized to be appropriated for payments
20 under section 53207, \$60,000,000 for each of fiscal years
21 2021 through 2035, to remain available until expended.

22 **“§ 53213. Acquisition of Fleet vessels**

23 “(a) IN GENERAL.—Upon replacement of a Fleet ves-
24 sel under an operating agreement under this chapter, and
25 subject to agreement by the owner or operator of the ves-
26 sel, the Secretary of Transportation may, subject to the

1 concurrence of the Secretary of Defense, acquire the vessel
 2 being replaced for inclusion in the National Defense Re-
 3 serve Fleet.

4 “(b) REQUIREMENTS.—To be eligible for acquisition
 5 by the Secretary of Transportation under this section a
 6 vessel shall—

7 “(1) have been covered by an operating agree-
 8 ment under this chapter for not less than 3 years;
 9 and

10 “(2) meet recapitalization requirements for the
 11 Ready Reserve Force.

12 “(c) FAIR MARKET VALUE.—A fair market value
 13 shall be established by the Maritime Administration for
 14 acquisition of an eligible vessel under this section.

15 “(d) APPROPRIATIONS.—Vessel acquisitions under
 16 this section shall be subject to the availability of appro-
 17 priations. Amounts made available to carry out this sec-
 18 tion shall be derived from amounts authorized to be appro-
 19 priated for the National Defense Reserve Fleet. Amounts
 20 authorized to be appropriated to carry out the Maritime
 21 Security Program may not be use to carry out this sec-
 22 tion.”.

23 (b) CLERICAL AMENDMENT.—The table of chapters
 24 for subtitle VII of title 46, United States Code, is amend-
 25 ed by adding at the end the following:

“532. Tanker Security Fleet 53201”.

1 (c) DEADLINE FOR ACCEPTING APPLICATIONS.—

2 (1) IN GENERAL.—The Secretary of Transpor-
3 tation shall begin accepting applications for enroll-
4 ment of vessels in the Tanker Security Fleet estab-
5 lished under chapter 532 of title 46, United States
6 Code, as added by subsection (a), by not later than
7 30 days after the date of the enactment of this Act.

8 (2) APPROVAL.—Not later than 90 days after
9 receipt of an application for the enrollment of a ves-
10 sel in the Tanker Security Fleet, the Secretary, in
11 coordination with the Secretary of Defense, shall—

12 (A) approve the application and enter into
13 an operating agreement with the applicant; or

14 (B) provide to the applicant a written ex-
15 planation for the denial of the application.

16 **TITLE XXXVI—FARM AND RANCH**
17 **MENTAL HEALTH**

18 **SEC. 3601. PUBLIC SERVICE ANNOUNCEMENT CAMPAIGN**
19 **TO ADDRESS FARM AND RANCH MENTAL**
20 **HEALTH.**

21 (a) IN GENERAL.—The Secretary of Agriculture, in
22 consultation with the Secretary of Health and Human
23 Services, shall carry out a public service announcement
24 campaign to address the mental health of farmers and
25 ranchers.

1 (b) REQUIREMENTS.—The public service announce-
2 ment campaign under subsection (a) shall include tele-
3 vision, radio, print, outdoor, and digital public service an-
4 nouncements.

5 (c) CONTRACTOR.—

6 (1) IN GENERAL.—The Secretary of Agriculture
7 may enter into a contract or other agreement with
8 a third party to carry out the public service an-
9 nouncement campaign under subsection (a).

10 (2) REQUIREMENT.—In awarding a contract
11 under paragraph (1), the Secretary shall use a com-
12 petitive bidding process.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary of Agri-
15 culture to carry out this section \$3,000,000, to remain
16 available until expended.

17 **SEC. 3602. EMPLOYEE TRAINING PROGRAM TO MANAGE**
18 **FARMER AND RANCHER STRESS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this section, the Secretary of Agri-
21 culture shall expand the pilot program carried out by the
22 Secretary in fiscal year 2019 that trained employees of
23 the Farm Service Agency in the management of stress ex-
24 perience by farmers and ranchers, to train employees of
25 the Farm Service Agency, the Risk Management Agency,

1 and the Natural Resources Conservation Service in the
2 management of stress experienced by farmers and ranch-
3 ers, including the detection of stress and suicide preven-
4 tion.

5 (b) REPORT.—Not less frequently than once every 2
6 years, the Secretary shall submit to the Committee on Ag-
7 riculture of the House of Representatives and the Com-
8 mittee on Agriculture, Nutrition, and Forestry of the Sen-
9 ate a report describing the implementation of this section.

10 **SEC. 3603. TASK FORCE FOR ASSESSMENT OF CAUSES OF**
11 **MENTAL STRESS AND BEST PRACTICES FOR**
12 **RESPONSE.**

13 (a) IN GENERAL.—The Secretary of Agriculture shall
14 convene a task force of agricultural and rural stakeholders
15 at the national, State, and local levels—

16 (1) to assess the causes of mental stress in
17 farmers and ranchers; and

18 (2) to identify best practices for responding to
19 that mental stress.

20 (b) SUBMISSION OF REPORT.—Not later than 1 year
21 after the date of enactment of this Act, the task force con-
22 vened under subsection (a) shall submit to the Secretary
23 of Agriculture a report containing the assessment and best
24 practices under paragraphs (1) and (2), respectively, of
25 subsection (a).

1 (c) COLLABORATION.—In carrying out this section,
2 the task force convened under subsection (a) shall collabo-
3 rate with nongovernmental organizations and State and
4 local agencies.

5 **DIVISION D—FUNDING TABLES**

6 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 7 **BLES.**

8 (a) IN GENERAL.—Whenever a funding table in this
9 division specifies a dollar amount authorized for a project,
10 program, or activity, the obligation and expenditure of the
11 specified dollar amount for the project, program, or activ-
12 ity is hereby authorized, subject to the availability of ap-
13 propriations.

14 (b) MERIT-BASED DECISIONS.—A decision to com-
15 mit, obligate, or expend funds with or to a specific entity
16 on the basis of a dollar amount authorized pursuant to
17 subsection (a) shall—

18 (1) be based on merit-based selection proce-
19 dures in accordance with the requirements of sec-
20 tions 2304(k) and 2374 of title 10, United States
21 Code, or on competitive procedures; and

22 (2) comply with other applicable provisions of
23 law.

24 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
25 MING AUTHORITY.—An amount specified in the funding

1 tables in this division may be transferred or repro-
 2 grammed under a transfer or reprogramming authority
 3 provided by another provision of this Act or by other law.
 4 The transfer or reprogramming of an amount specified in
 5 such funding tables shall not count against a ceiling on
 6 such transfers or reprogrammings under section 1001 or
 7 section 1512 of this Act or any other provision of law,
 8 unless such transfer or reprogramming would move funds
 9 between appropriation accounts.

10 (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This
 11 section applies to any classified annex that accompanies
 12 this Act.

13 (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No
 14 oral or written communication concerning any amount
 15 specified in the funding tables in this division shall super-
 16 sede the requirements of this section.

17 **TITLE XLI—PROCUREMENT**

18 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
002	MQ-1 UAV		75,000
	Additional aircraft		[75,000]
003	FUTURE UAS FAMILY	1,100	1,100
004	RQ-11 (RAVEN)	20,851	20,851
ROTARY			
007	AH-64 APACHE BLOCK IIIA REMAN	792,027	792,027
008	AH-64 APACHE BLOCK IIIA REMAN AP	169,460	169,460
011	UH-60 BLACKHAWK M MODEL (MYP)	742,998	725,298
	Unjustified costs		[−17,700]
012	UH-60 BLACKHAWK M MODEL (MYP) AP	87,427	87,427
013	UH-60 BLACK HAWK L AND V MODELS	172,797	172,797
014	CH-47 HELICOPTER	160,750	266,850
	Program increase		[136,000]
	Unjustified cost growth		[−29,900]
015	CH-47 HELICOPTER AP	18,372	47,372
	Program increase		[29,000]
MODIFICATION OF AIRCRAFT			
018	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	7,509	7,509

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
019	GRAY EAGLE MODS2	16,280	16,280
020	MULTI SENSOR ABN RECON (MIP)	35,864	35,864
021	AH-64 MODS	118,316	113,216
	Unjustified cost growth—M-DSA		[–5,100]
022	CH-47 CARGO HELICOPTER MODS (MYP)	15,548	15,548
023	GRCS SEMA MODS (MIP)	2,947	2,947
024	ARL SEMA MODS (MIP)	9,598	9,598
025	EMARSS SEMA MODS (MIP)	2,452	2,452
026	UTILITY/CARGO AIRPLANE MODS	13,868	13,868
027	UTILITY HELICOPTER MODS	25,842	31,342
	Program increase		[5,500]
028	NETWORK AND MISSION PLAN	77,432	77,432
029	COMMS, NAV SURVEILLANCE	101,355	101,355
031	AVIATION ASSURED PNT	54,609	54,609
032	GATM ROLLUP	12,180	12,180
034	UAS MODS	4,204	4,204
	GROUND SUPPORT AVIONICS		
035	AIRCRAFT SURVIVABILITY EQUIPMENT	49,455	49,455
036	SURVIVABILITY CM	8,035	8,035
037	CMWS	10,567	10,567
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	237,467	237,467
	OTHER SUPPORT		
039	AVIONICS SUPPORT EQUIPMENT	1,789	1,789
040	COMMON GROUND EQUIPMENT	17,584	17,584
041	AIRCREW INTEGRATED SYSTEMS	48,265	48,265
042	AIR TRAFFIC CONTROL	26,408	26,408
044	LAUNCHER, 2.75 ROCKET	2,256	2,256
045	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2	8,982	8,982
	TOTAL AIRCRAFT PROCUREMENT, ARMY	3,074,594	3,267,394
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	M-SHORAD—PROCUREMENT	378,654	378,654
003	MSE MISSILE	603,188	603,188
004	PRECISION STRIKE MISSILE (PRSM)	49,941	42,441
	Contract delay		[–7,500]
005	INDIRECT FIRE PROTECTION CAPABILITY INC 2-I	106,261	25,011
	Army identified funds excess to need		[–40,500]
	Funding excess to need		[–40,750]
	AIR-TO-SURFACE MISSILE SYSTEM		
006	HELLFIRE SYS SUMMARY	91,225	91,225
007	JOINT AIR-TO-GROUND MSLS (JAGM)	213,397	213,397
008	LONG RANGE PRECISION MUNITION	45,307	45,307
	ANTI-TANK/ASSAULT MISSILE SYS		
009	JAVELIN (AAWS-M) SYSTEM SUMMARY	190,325	190,325
010	TOW 2 SYSTEM SUMMARY	121,074	121,074
011	GUIDED MLRS ROCKET (GMLRS)	850,157	850,157
012	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	30,836	30,836
013	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	41,226	41,226
	MODIFICATIONS		
016	PATRIOT MODS	278,050	278,050
017	ATACMS MODS	141,690	141,690
020	AVENGER MODS	13,942	13,942
021	ITAS/TOW MODS	5,666	5,666
022	MLRS MODS	310,419	310,419
023	HIMARS MODIFICATIONS	6,081	6,081
	SPARES AND REPAIR PARTS		
024	SPARES AND REPAIR PARTS	5,090	5,090
	SUPPORT EQUIPMENT & FACILITIES		
025	AIR DEFENSE TARGETS	8,978	8,978
	TOTAL MISSILE PROCUREMENT, ARMY	3,491,507	3,402,757
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	192,971	172,971
	Prior year carry-over		[–80,000]
	Program increase		[60,000]
	MODIFICATION OF TRACKED COMBAT VEHICLES		
004	STRYKER UPGRADE	847,212	1,183,052
	CROWS-J program delay		[–39,160]
	Program increase—Army UPL		[375,000]
005	BRADLEY PROGRAM (MOD)	493,109	435,759
	Prior year carry-over		[–17,350]
	UBIS early to need		[–40,000]
006	M109 FOV MODIFICATIONS	26,893	21,893
	Prior year carryover		[–5,000]
007	PALADIN INTEGRATED MANAGEMENT (PIM)	435,825	435,825
009	ASSAULT BRIDGE (MOD)	5,074	5,074

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
010	ASSAULT BREACHER VEHICLE	19,500	19,500
011	M88 FOV MODS	18,382	13,082
	Program reduction		[-5,300]
012	JOINT ASSAULT BRIDGE	72,178	61,878
	Program delay		[-10,300]
013	M1 ABRAMS TANK (MOD)	392,013	386,278
	Prior year carry-over		[-5,735]
014	ABRAMS UPGRADE PROGRAM	1,033,253	1,020,396
	Component cost savings		[-3,480]
	Prior year carry-over		[-9,377]
	WEAPONS & OTHER COMBAT VEHICLES		
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	17,864	17,864
018	MORTAR SYSTEMS	10,288	10,288
019	XM320 GRENADE LAUNCHER MODULE (GLM)	5,969	5,969
020	PRECISION SNIPER RIFLE	10,137	10,137
021	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	999	999
022	CARBINE	7,411	7,411
023	NEXT GENERATION SQUAD WEAPON	35,822	35,822
024	COMMON REMOTELY OPERATED WEAPONS STATION	24,534	24,534
025	HANDGUN	4,662	4,662
	MOD OF WEAPONS AND OTHER COMBAT VEH		
026	MK-19 GRENADE MACHINE GUN MODS	6,444	6,444
027	M777 MODS	10,983	10,983
028	M4 CARBINE MODS	4,824	4,824
031	M240 MEDIUM MACHINE GUN MODS	6,385	6,385
032	SNIPER RIFLES MODIFICATIONS	1,898	1,898
033	M119 MODIFICATIONS	2,009	2,009
034	MORTAR MODIFICATION	1,689	1,689
035	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	2,604	2,604
	SUPPORT EQUIPMENT & FACILITIES		
036	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	2,763	2,763
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	3,045	3,045
	TOTAL PROCUREMENT OF W&TCV, ARMY	3,696,740	3,916,038
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	68,472	68,472
002	CTG, 7.62MM, ALL TYPES	109,933	109,933
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	11,988	11,988
004	CTG, HANDGUN, ALL TYPES	853	853
005	CTG, .50 CAL, ALL TYPES	58,280	58,280
006	CTG, 20MM, ALL TYPES	31,708	31,708
007	CTG, 25MM, ALL TYPES	9,111	9,111
008	CTG, 30MM, ALL TYPES	58,172	58,172
009	CTG, 40MM, ALL TYPES	114,638	114,638
	MORTAR AMMUNITION		
010	60MM MORTAR, ALL TYPES	31,222	31,222
011	81MM MORTAR, ALL TYPES	42,857	42,857
012	120MM MORTAR, ALL TYPES	107,762	107,762
	TANK AMMUNITION		
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	233,444	233,444
	ARTILLERY AMMUNITION		
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	35,963	35,963
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	293,692	283,692
	Program delays		[-10,000]
016	PROJ 155MM EXTENDED RANGE M982	69,159	69,159
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	232,913	232,913
	MINES		
018	MINES & CLEARING CHARGES, ALL TYPES	65,278	62,778
	Program decrease		[-2,500]
019	CLOSE TERRAIN SHAPING OBSTACLE	4,995	2,995
	Program reduction		[-2,000]
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	69,112	61,612
	Prior year carryover		[-7,500]
021	ROCKET, HYDRA 70, ALL TYPES	125,915	125,915
	OTHER AMMUNITION		
022	CAD/PAD, ALL TYPES	8,891	8,891
023	DEMOLITION MUNITIONS, ALL TYPES	54,043	54,043
024	GRENADES, ALL TYPES	28,931	28,931
025	SIGNALS, ALL TYPES	27,036	27,036
026	SIMULATORS, ALL TYPES	10,253	10,253
	MISCELLANEOUS		
027	AMMO COMPONENTS, ALL TYPES	3,476	3,476
029	ITEMS LESS THAN \$5 MILLION (AMMO)	10,569	10,569
030	AMMUNITION PECULIAR EQUIPMENT	12,338	12,338
031	FIRST DESTINATION TRANSPORTATION (AMMO)	15,908	15,908
032	CLOSEOUT LIABILITIES	99	99

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
PRODUCTION BASE SUPPORT			
033	INDUSTRIAL FACILITIES	592,224	696,724
	Program increase		[104,500]
034	CONVENTIONAL MUNITIONS DEMILITARIZATION	235,112	235,112
035	ARMS INITIATIVE	3,369	3,369
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	2,777,716	2,860,216
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
001	TACTICAL TRAILERS/DOLLY SETS	12,986	12,986
002	SEMITRAILERS, FLATBED:	31,443	31,443
003	SEMITRAILERS, TANKERS	17,082	17,082
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	44,795	44,795
005	GROUND MOBILITY VEHICLES (GMV)	37,932	37,932
008	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	894,414	894,414
009	TRUCK, DUMP, 20T (CCE)	29,368	29,368
010	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	95,092	95,092
011	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	999	999
012	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	27,687	27,687
014	PLS ESP	21,969	21,969
015	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	65,635	132,635
	Program increase		[67,000]
016	HMMWV RECAPITALIZATION PROGRAM	5,927	5,927
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	36,497	36,497
018	MODIFICATION OF IN SVC EQUIP	114,977	114,977
NON-TACTICAL VEHICLES			
020	PASSENGER CARRYING VEHICLES	1,246	1,246
021	NONTACTICAL VEHICLES, OTHER	19,870	19,870
COMM—JOINT COMMUNICATIONS			
022	SIGNAL MODERNIZATION PROGRAM	160,469	150,469
	Unit cost growth		[–10,000]
023	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	360,379	337,879
	Program delays		[–10,000]
	Unit cost growth		[–12,500]
024	SITUATION INFORMATION TRANSPORT	63,396	63,396
026	JCSE EQUIPMENT (USRDECOM)	5,170	5,170
COMM—SATELLITE COMMUNICATIONS			
029	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	101,498	101,498
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	72,450	64,950
	Program delays		[–7,500]
031	SHF TERM	13,173	13,173
032	ASSURED POSITIONING, NAVIGATION AND TIMING	134,928	134,928
033	SMART-T (SPACE)	8,611	8,611
034	GLOBAL BRDCST SVC—GBS	8,191	8,191
COMM—C3 SYSTEM			
036	COE TACTICAL SERVER INFRASTRUCTURE (TSD)	94,871	94,871
COMM—COMBAT COMMUNICATIONS			
037	HANDHELD MANPACK SMALL FORM FIT (HMS)	550,848	550,848
038	RADIO TERMINAL SET, MIDS LVT(2)	8,237	8,237
041	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	13,967	0
	Program cancellation		[–13,967]
043	UNIFIED COMMAND SUITE	19,579	19,579
044	COTS COMMUNICATIONS EQUIPMENT	94,156	94,156
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	18,313	18,313
046	ARMY COMMUNICATIONS & ELECTRONICS	51,480	51,480
COMM—INTELLIGENCE COMM			
048	CI AUTOMATION ARCHITECTURE (MIP)	13,146	13,146
049	DEFENSE MILITARY DECEPTION INITIATIVE	5,624	5,624
INFORMATION SECURITY			
051	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	4,596	4,596
052	COMMUNICATIONS SECURITY (COMSEC)	159,272	149,272
	Program decrease		[–10,000]
053	DEFENSIVE CYBER OPERATIONS	54,753	54,753
054	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	1,760	1,760
056	ITEMS LESS THAN \$5M (INFO SECURITY)	260	260
COMM—LONG HAUL COMMUNICATIONS			
057	BASE SUPPORT COMMUNICATIONS	29,761	29,761
COMM—BASE COMMUNICATIONS			
058	INFORMATION SYSTEMS	147,696	147,696
059	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,900	4,900
060	HOME STATION MISSION COMMAND CENTERS (HSMCC)	15,227	15,227
061	JOINT INFORMATION ENVIRONMENT (JIE)	3,177	3,177
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	300,035	280,035
	Unjustified growth		[–20,000]
ELECT EQUIP—TACT INT REL ACT (TIARA)			
065	JTT/CIBS-M (MIP)	5,304	5,304
066	TERRESTRIAL LAYER SYSTEMS (TLS) (MIP)	8,081	8,081
068	DCGS-A (MIP)	151,886	151,886

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
070	TROJAN (MIP)	17,593	17,593
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	28,558	28,558
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	999	999
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR	5,332	5,332
076	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	7,849	7,849
077	AIR VIGILANCE (AV) (MIP)	8,160	8,160
079	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	8,669	8,669
082	CI MODERNIZATION (MIP)	300	300
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
083	SENTINEL MODS	58,884	58,884
084	NIGHT VISION DEVICES	1,127,375	897,375
	IVAS reduction		[–230,000]
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	13,954	13,954
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	10,069	10,069
089	FAMILY OF WEAPON SIGHTS (FWS)	133,590	115,090
	Program decrease		[–18,500]
091	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	243,850	226,350
	Program delays		[–17,500]
092	JOINT EFFECTS TARGETING SYSTEM (JETS)	69,641	50,541
	Early to need		[–19,100]
094	COMPUTER BALLISTICS: LHMBC XM32	7,509	7,509
095	MORTAR FIRE CONTROL SYSTEM	3,800	3,800
096	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	7,292	7,292
097	COUNTERFIRE RADARS	72,421	71,421
	Excess to need		[–1,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
098	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (.....	49,947	49,947
099	FIRE SUPPORT C2 FAMILY	9,390	9,390
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	47,374	47,374
101	LAMD BATTLE COMMAND SYSTEM	201,587	191,587
	Program reduction		[–10,000]
102	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,495	4,495
103	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,651	18,651
105	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	2,792	2,792
106	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	9,071	9,071
107	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	12,117	12,117
108	MOD OF IN-SVC EQUIPMENT (ENFIRE)	3,004	5,004
	Program increase		[2,000]
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	14,574	14,574
110	AUTOMATED DATA PROCESSING EQUIP	140,619	140,619
111	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	4,448	4,448
112	HIGH PERF COMPUTING MOD PGM (HPCMP)	68,405	68,405
113	CONTRACT WRITING SYSTEM	8,459	8,459
114	CSS COMMUNICATIONS	57,651	57,651
115	RESERVE COMPONENT AUTOMATION SYS (RCAS)	14,848	14,848
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
117	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	4,995	4,995
	ELECT EQUIP—SUPPORT		
119	BCT EMERGING TECHNOLOGIES	16,983	8,983
	Program reduction		[–8,000]
	CLASSIFIED PROGRAMS		
19A	CLASSIFIED PROGRAMS	1,582	1,582
	CHEMICAL DEFENSIVE EQUIPMENT		
123	CBRN DEFENSE	28,456	28,456
124	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	13,995	13,995
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	10,545	10,545
126	TACTICAL BRIDGE, FLOAT-RIBBON	72,074	72,074
127	BRIDGE SUPPLEMENTAL SET	32,493	32,493
128	COMMON BRIDGE TRANSPORTER (CBT) RECAP	62,978	62,978
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
129	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,570	5,570
130	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	2,497	2,497
132	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	109,069	99,069
	Program reduction		[–10,000]
134	EOD ROBOTICS SYSTEMS RECAPITALIZATION	36,584	36,584
135	ROBOTICS AND APPLIQUE SYSTEMS	179,544	174,744
	SMET contract delay		[–4,800]
137	RENDER SAFE SETS KITS OUTFITS	64,583	64,583
139	FAMILY OF BOATS AND MOTORS	5,289	5,289
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	8,200	8,200
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,625	4,625
143	GROUND SOLDIER SYSTEM	154,937	154,937
144	MOBILE SOLDIER POWER	34,297	34,297
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	53,021	53,021

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
148	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	23,324	23,324
149	ITEMS LESS THAN \$5M (ENG SPT)	8,014	8,014
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,448	78,448
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	59,485	64,485
	Future Warfighter Shelter		[5,000]
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	40,337	40,337
153	ITEMS LESS THAN \$5.0M (MAINT EQ)	5,386	5,386
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	5,406	5,406
155	SCRAPERS, EARTHMOVING	4,188	4,188
156	LOADERS	4,521	4,521
157	HYDRAULIC EXCAVATOR	5,186	5,186
158	TRACTOR, FULL TRACKED	4,715	4,715
159	ALL TERRAIN CRANES	70,560	70,560
162	CONST EQUIP ESP	8,925	8,925
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
164	ARMY WATERCRAFT ESP	40,910	40,910
165	MANEUVER SUPPORT VESSEL (MSV)	76,576	76,576
166	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	1,844	1,844
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	53,433	53,433
168	TACTICAL ELECTRIC POWER RECAPITALIZATION	22,216	22,216
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	16,145	16,145
	TRAINING EQUIPMENT		
170	COMBAT TRAINING CENTERS SUPPORT	90,580	90,580
171	TRAINING DEVICES, NONSYSTEM	161,814	161,814
172	SYNTHETIC TRAINING ENVIRONMENT (STE)	13,063	13,063
175	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	1,950	1,950
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
176	CALIBRATION SETS EQUIPMENT	2,511	2,511
177	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	78,578	73,578
	Program reduction		[-5,000]
178	TEST EQUIPMENT MODERNIZATION (TEMOD)	14,941	14,941
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,629	8,629
181	PHYSICAL SECURITY SYSTEMS (OPA3)	75,499	72,299
	Early to need		[-3,200]
182	BASE LEVEL COMMON EQUIPMENT	27,444	27,444
183	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	32,485	32,485
187	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	39,436	39,436
	OPA2		
189	INITIAL SPARES—C&E	9,950	9,950
	TOTAL OTHER PROCUREMENT, ARMY	8,625,206	8,288,139
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	F/A-18E/F (FIGHTER) HORNET	1,761,146	1,761,146
002	F/A-18E/F (FIGHTER) HORNET AP		28,100
	FY22 aircraft		[28,100]
003	JOINT STRIKE FIGHTER CV	2,181,780	2,106,680
	Excess depot standup funding		[-6,500]
	F135 affordability challenges		[-21,000]
	Lot 15 target cost savings		[-41,600]
	Unjustified ALIS funding		[-6,000]
004	JOINT STRIKE FIGHTER CV AP	330,386	330,386
005	JSF STOVL	1,109,393	1,053,893
	Excess depot standup funding		[-5,000]
	F135 affordability challenges		[-15,000]
	Lot 15 target cost savings		[-18,000]
	Unjustified ALIS funding		[-10,000]
	Unjustified production engineering support		[-7,500]
006	JSF STOVL AP	303,035	303,035
007	CH-53K (HEAVY LIFT)	813,324	813,324
008	CH-53K (HEAVY LIFT) AP	201,188	201,188
009	V-22 (MEDIUM LIFT)	934,793	1,146,193
	Navy UPL		[211,400]
010	V-22 (MEDIUM LIFT) AP	39,547	39,547
011	H-1 UPGRADES (UH-1Y/AH-1Z)	7,267	7,267
013	P-8A POSEIDON	80,134	1,020,034
	Line shutdown early to need		[-80,100]
	Six additional aircraft		[1,020,000]
015	E-2D ADV HAWKEYE	626,109	626,109
016	E-2D ADV HAWKEYE AP	123,166	123,166
	TRAINER AIRCRAFT		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
017	ADVANCED HELICOPTER TRAINING SYSTEM	269,867	269,867
	OTHER AIRCRAFT		
018	KC-130J	380,984	380,984
019	KC-130J AP	67,022	67,022
021	MQ-4 TRITON	150,570	280,570
	One additional aircraft		[130,000]
023	MQ-8 UAV	40,375	40,375
024	STUASLO UAV	30,930	30,930
026	VH-92A EXECUTIVE HELO	610,231	610,231
	MODIFICATION OF AIRCRAFT		
028	F-18 A-D UNIQUE	208,261	208,261
029	F-18E/F AND EA-18G MODERNIZATION AND SUSTAINM	468,954	468,954
030	AEA SYSTEMS	21,061	21,061
031	AV-8 SERIES	34,082	34,082
032	INFRARED SEARCH AND TRACK (IRST)	158,055	158,055
033	ADVERSARY	42,946	42,946
034	F-18 SERIES	379,351	379,351
035	H-53 SERIES	74,771	74,771
036	MH-60 SERIES	131,584	136,584
	Program increase		[5,000]
037	H-1 SERIES	185,140	185,140
038	EP-3 SERIES	26,602	26,602
040	E-2 SERIES	175,540	175,540
041	TRAINER A/C SERIES	7,085	7,085
042	C-2A	9,525	9,525
043	C-130 SERIES	141,705	141,705
044	FEWSG	684	684
045	CARGO/TRANSPORT A/C SERIES	8,911	8,911
046	E-6 SERIES	197,206	197,206
047	EXECUTIVE HELICOPTERS SERIES	29,086	29,086
049	T-45 SERIES	155,745	155,745
050	POWER PLANT CHANGES	24,633	24,633
051	JPTS SERIES	22,682	22,682
052	AVIATION LIFE SUPPORT MODS	40,401	40,401
053	COMMON ECM EQUIPMENT	138,480	138,480
054	COMMON AVIONICS CHANGES	143,322	143,322
055	COMMON DEFENSIVE WEAPON SYSTEM	2,142	2,142
056	ID SYSTEMS	35,999	35,999
057	P-8 SERIES	180,530	180,530
058	MAGTF EW FOR AVIATION	27,794	27,794
059	MQ-8 SERIES	28,774	28,774
060	V-22 (TILT/ROTOR ACFT) OSPREY	334,405	334,405
061	NEXT GENERATION JAMMER (NGJ)	176,638	176,638
062	F-35 STOVL SERIES	153,588	146,388
	Block IV/TR3 upgrade delays		[-7,200]
063	F-35 CV SERIES	105,452	99,552
	Block IV/TR3 upgrade delays		[-5,900]
064	QRC	126,618	126,618
065	MQ-4 SERIES	12,998	12,998
066	RQ-21 SERIES	18,550	18,550
	AIRCRAFT SPARES AND REPAIR PARTS		
070	SPARES AND REPAIR PARTS	2,198,460	2,198,460
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
071	COMMON GROUND EQUIPMENT	543,559	543,559
072	AIRCRAFT INDUSTRIAL FACILITIES	75,685	75,685
073	WAR CONSUMABLES	40,633	40,633
074	OTHER PRODUCTION CHARGES	21,194	21,194
075	SPECIAL SUPPORT EQUIPMENT	155,179	155,179
076	FIRST DESTINATION TRANSPORTATION	2,121	2,121
	TOTAL AIRCRAFT PROCUREMENT, NAVY	17,127,378	18,298,078
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,173,837	1,173,837
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,275	7,275
	STRATEGIC MISSILES		
003	TOMAHAWK	277,694	277,694
	TACTICAL MISSILES		
004	AMRAAM	326,952	326,952
005	SIDEWINDER	126,485	126,485
007	STANDARD MISSILE	456,206	456,206
008	STANDARD MISSILE AP	66,716	66,716
009	SMALL DIAMETER BOMB II	78,867	78,867
010	RAM	90,533	90,533
011	JOINT AIR GROUND MISSILE (JAGM)	49,386	49,386
014	AERIAL TARGETS	174,336	174,336
015	DRONES AND DECOYS	41,256	41,256

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
016	OTHER MISSILE SUPPORT	3,501	3,501
017	LRASM	168,845	168,845
018	LCS OTH MISSILE	32,910	32,910
	MODIFICATION OF MISSILES		
019	TOMAHAWK MODS	164,915	164,915
020	ESSM	215,375	206,475
	Excessive production support growth		[-8,900]
022	HARM MODS	147,572	147,572
023	STANDARD MISSILES MODS	83,654	17,254
	SM-2 Blk IIC excessive concurrency		[-66,400]
	SUPPORT EQUIPMENT & FACILITIES		
024	WEAPONS INDUSTRIAL FACILITIES	1,996	1,996
025	FLEET SATELLITE COMM FOLLOW-ON	53,401	53,401
	ORDNANCE SUPPORT EQUIPMENT		
027	ORDNANCE SUPPORT EQUIPMENT	215,659	215,659
	TORPEDOES AND RELATED EQUIP		
028	SSTD	5,811	5,811
029	MK-48 TORPEDO	284,901	284,901
030	ASW TARGETS	13,833	13,833
	MOD OF TORPEDOES AND RELATED EQUIP		
031	MK-54 TORPEDO MODS	110,286	110,286
032	MK-48 TORPEDO ADCAP MODS	57,214	57,214
033	MARITIME MINES	5,832	5,832
	SUPPORT EQUIPMENT		
034	TORPEDO SUPPORT EQUIPMENT	97,581	97,581
035	ASW RANGE SUPPORT	4,159	4,159
	DESTINATION TRANSPORTATION		
036	FIRST DESTINATION TRANSPORTATION	4,106	4,106
	GUNS AND GUN MOUNTS		
037	SMALL ARMS AND WEAPONS	16,030	16,030
	MODIFICATION OF GUNS AND GUN MOUNTS		
038	CIWS MODS	37,147	37,147
039	COAST GUARD WEAPONS	45,804	45,804
040	GUN MOUNT MODS	74,427	74,427
041	LCS MODULE WEAPONS	4,253	4,253
042	AIRBORNE MINE NEUTRALIZATION SYSTEMS	6,662	6,662
	SPARES AND REPAIR PARTS		
045	SPARES AND REPAIR PARTS	159,578	159,578
	TOTAL WEAPONS PROCUREMENT, NAVY	4,884,995	4,809,695
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	41,496	41,496
002	JDAM	64,631	64,631
003	AIRBORNE ROCKETS, ALL TYPES	60,719	60,719
004	MACHINE GUN AMMUNITION	11,158	11,158
005	PRACTICE BOMBS	51,409	51,409
006	CARTRIDGES & CART ACTUATED DEVICES	64,694	64,694
007	AIR EXPENDABLE COUNTERMEASURES	51,523	51,523
008	JATOS	6,761	6,761
009	5 INCH/54 GUN AMMUNITION	31,517	31,517
010	INTERMEDIATE CALIBER GUN AMMUNITION	38,005	38,005
011	OTHER SHIP GUN AMMUNITION	40,626	40,626
012	SMALL ARMS & LANDING PARTY AMMO	48,202	48,202
013	PYROTECHNIC AND DEMOLITION	9,766	9,766
015	AMMUNITION LESS THAN \$5 MILLION	2,115	2,115
	MARINE CORPS AMMUNITION		
016	MORTARS	46,781	46,781
017	DIRECT SUPPORT MUNITIONS	119,504	79,662
	USMC identified funds excess to need		[-39,842]
018	INFANTRY WEAPONS AMMUNITION	83,220	83,220
019	COMBAT SUPPORT MUNITIONS	32,650	32,650
020	AMMO MODERNIZATION	15,144	15,144
021	ARTILLERY MUNITIONS	59,539	59,539
022	ITEMS LESS THAN \$5 MILLION	4,142	4,142
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	883,602	843,760
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	2,891,475	2,891,475
002	OHIO REPLACEMENT SUBMARINE AP	1,123,175	1,123,175
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	997,544	907,544
	Full funding early to need		[-90,000]
004	CVN-81	1,645,606	1,465,606
	Full funding early to need		[-180,000]
005	VIRGINIA CLASS SUBMARINE	2,334,693	4,630,693
	Restore second Virginia-class SSN		[2,296,000]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
006	VIRGINIA CLASS SUBMARINE	1,901,187	2,173,187
	Restore second Virginia-class SSN		[272,000]
007	CVN REFUELING OVERHAULS	1,878,453	1,878,453
008	CVN REFUELING OVERHAULS AP	17,384	17,384
009	DDG 1000	78,205	78,205
010	DDG-51	3,040,270	3,040,270
011	DDG-51 AP	29,297	29,297
013	FFG-FRIGATE	1,053,123	954,523
	Anticipated learning curve		[-98,600]
	AMPHIBIOUS SHIPS		
014	LPD FLIGHT II	1,155,801	1,118,101
	Excessive unit cost growth		[-37,700]
019	EXPEDITIONARY FAST TRANSPORT (EPF)		260,000
	One additional ship		[260,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
022	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	168,209	168,209
023	LCU 1700	87,395	87,395
024	OUTFITTING	825,586	825,586
026	SERVICE CRAFT	249,781	249,781
027	LCAC SLEP	56,461	56,461
028	COMPLETION OF PY SHIPBUILDING PROGRAMS	369,112	369,112
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	19,902,757	22,324,457
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	11,738	11,738
	GENERATORS		
002	SURFACE COMBATANT HM&E	58,497	58,497
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	74,084	74,084
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	204,806	204,806
005	DDG MOD	547,569	531,169
	Excessive CSSQT cost growth		[-16,400]
006	FIREFIGHTING EQUIPMENT	18,394	18,394
007	COMMAND AND CONTROL SWITCHBOARD	2,374	2,374
008	LHA/LHD MIDLIFE	78,265	78,265
009	POLLUTION CONTROL EQUIPMENT	23,035	23,035
010	SUBMARINE SUPPORT EQUIPMENT	64,632	60,132
	Excess cost growth		[-4,500]
011	VIRGINIA CLASS SUPPORT EQUIPMENT	22,868	22,868
012	LCS CLASS SUPPORT EQUIPMENT	3,976	3,976
013	SUBMARINE BATTERIES	31,322	31,322
014	LPD CLASS SUPPORT EQUIPMENT	50,475	55,475
	Electronic actuator pilot program		[5,000]
015	DDG 1000 CLASS SUPPORT EQUIPMENT	42,279	36,779
	Excess cost growth		[-5,500]
016	STRATEGIC PLATFORM SUPPORT EQUIP	15,429	15,429
017	DSSP EQUIPMENT	2,918	2,918
018	CG MODERNIZATION	87,978	87,978
019	LCAC	9,366	9,366
020	UNDERWATER EOD EQUIPMENT	16,842	16,842
021	ITEMS LESS THAN \$5 MILLION	105,715	95,715
	Cost growth		[-10,000]
022	CHEMICAL WARFARE DETECTORS	3,044	3,044
023	SUBMARINE LIFE SUPPORT SYSTEM	5,885	5,885
	REACTOR PLANT EQUIPMENT		
024	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,260,721	400,621
	LCS in-service modernization excess cost growth		[-12,100]
	Realignment to OPN-24A for Shipyard Infrastructure Optimization Plan		[-198,000]
	Transfer to O&M for ship depot maintenance		[-650,000]
024A	SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN		198,000
	Realignment from OPN-24 for Shipyard Infrastructure Optimization Plan		[198,000]
025	REACTOR POWER UNITS	5,305	5,305
026	REACTOR COMPONENTS	415,404	415,404
	OCEAN ENGINEERING		
027	DIVING AND SALVAGE EQUIPMENT	11,143	11,143
	SMALL BOATS		
028	STANDARD BOATS	52,371	52,371
	PRODUCTION FACILITIES EQUIPMENT		
029	OPERATING FORCES IPE	233,667	233,667
	OTHER SHIP SUPPORT		
030	LCS COMMON MISSION MODULES EQUIPMENT	39,714	39,714
031	LCS MCM MISSION MODULES	218,822	167,922
	COBRA early to need		[-9,300]
	Program Decrease		[-41,600]
032	LCS ASW MISSION MODULES	61,759	61,759
033	LCS SUW MISSION MODULES	24,412	24,412

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
034	LCS IN-SERVICE MODERNIZATION	121,848	151,848
	Preservation of LCS 3 and LCS 4		[30,000]
035	SMALL & MEDIUM UUV	67,709	43,709
	Early to need based on IOTE schedule		[-24,000]
	SHIP SONARS		
037	SPQ-9B RADAR	27,517	27,517
038	AN/SQQ-89 SURF ASW COMBAT SYSTEM	128,664	128,664
039	SSN ACOUSTIC EQUIPMENT	374,737	374,737
040	UNDERSEA WARFARE SUPPORT EQUIPMENT	9,286	9,286
	ASW ELECTRONIC EQUIPMENT		
041	SUBMARINE ACOUSTIC WARFARE SYSTEM	26,066	26,066
042	SSTD	13,241	13,241
043	FIXED SURVEILLANCE SYSTEM	193,446	193,446
044	SURTASS	63,838	63,838
	ELECTRONIC WARFARE EQUIPMENT		
045	AN/SLQ-32	387,195	387,195
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	235,744	223,644
	Excess cost growth		[-12,100]
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	3,862	3,862
	OTHER SHIP ELECTRONIC EQUIPMENT		
048	COOPERATIVE ENGAGEMENT CAPABILITY	26,006	26,006
049	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	15,385	15,385
050	ATDLS	103,835	103,835
051	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,594	3,594
052	MINESWEEPING SYSTEM REPLACEMENT	15,744	15,744
053	SHALLOW WATER MCM	5,493	5,493
054	NAVSTAR GPS RECEIVERS (SPACE)	38,043	38,043
055	AMERICAN FORCES RADIO AND TV SERVICE	2,592	2,592
056	STRATEGIC PLATFORM SUPPORT EQUIP	7,985	7,985
	AVIATION ELECTRONIC EQUIPMENT		
057	ASHORE ATC EQUIPMENT	83,475	83,475
058	AFLOAT ATC EQUIPMENT	65,113	65,113
059	ID SYSTEMS	23,815	23,815
060	JOINT PRECISION APPROACH AND LANDING SYSTEM (.....	100,751	100,751
061	NAVAL MISSION PLANNING SYSTEMS	13,947	13,947
	OTHER SHORE ELECTRONIC EQUIPMENT		
062	MARITIME INTEGRATED BROADCAST SYSTEM	1,375	1,375
063	TACTICAL/MOBILE C4I SYSTEMS	22,771	22,771
064	DCGS-N	18,872	18,872
065	CANES	389,585	389,585
066	RADIAC	10,335	10,335
067	CANES-INTELL	48,654	48,654
068	GPETE	8,133	8,133
069	MASF	4,150	4,150
070	INTEG COMBAT SYSTEM TEST FACILITY	5,934	5,934
071	EMI CONTROL INSTRUMENTATION	4,334	4,334
072	ITEMS LESS THAN \$5 MILLION	159,815	159,815
	SHIPBOARD COMMUNICATIONS		
073	SHIPBOARD TACTICAL COMMUNICATIONS	56,106	56,106
074	SHIP COMMUNICATIONS AUTOMATION	124,288	124,288
075	COMMUNICATIONS ITEMS UNDER \$5M	45,120	45,120
	SUBMARINE COMMUNICATIONS		
076	SUBMARINE BROADCAST SUPPORT	31,133	31,133
077	SUBMARINE COMMUNICATION EQUIPMENT	62,214	62,214
	SATELLITE COMMUNICATIONS		
078	SATELLITE COMMUNICATIONS SYSTEMS	47,421	47,421
079	NAVY MULTIBAND TERMINAL (NMT)	64,552	64,552
	SHORE COMMUNICATIONS		
080	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,398	4,398
	CRYPTOGRAPHIC EQUIPMENT		
081	INFO SYSTEMS SECURITY PROGRAM (ISSP)	157,551	147,551
	Program decrease		[-10,000]
082	MIO INTEL EXPLOITATION TEAM	985	985
	CRYPTOLOGIC EQUIPMENT		
083	CRYPTOLOGIC COMMUNICATIONS EQUIP	15,906	15,906
	OTHER ELECTRONIC SUPPORT		
090	COAST GUARD EQUIPMENT	70,689	70,689
	SONOBUOYS		
092	SONOBUOYS—ALL TYPES	237,639	286,639
	Inventory increase		[49,000]
	AIRCRAFT SUPPORT EQUIPMENT		
093	MINOTAUR	5,077	5,077
094	WEAPONS RANGE SUPPORT EQUIPMENT	83,969	83,969
095	AIRCRAFT SUPPORT EQUIPMENT	187,758	187,758
096	ADVANCED ARRESTING GEAR (AAG)	16,059	16,059
097	METEOROLOGICAL EQUIPMENT	15,192	15,192
099	LEGACY AIRBORNE MCM	6,674	6,674

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
100	LAMPS EQUIPMENT	1,189	1,189
101	AVIATION SUPPORT EQUIPMENT	58,873	58,873
102	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	60,937	60,937
	SHIP GUN SYSTEM EQUIPMENT		
103	SHIP GUN SYSTEMS EQUIPMENT	5,540	5,540
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	HARPOON SUPPORT EQUIPMENT	208	208
105	SHIP MISSILE SUPPORT EQUIPMENT	262,077	252,077
	Excess cost growth		[-10,000]
106	TOMAHAWK SUPPORT EQUIPMENT	84,087	76,087
	TMPC cost growth		[-8,000]
	FBM SUPPORT EQUIPMENT		
107	STRATEGIC MISSILE SYSTEMS EQUIP	258,910	258,910
	ASW SUPPORT EQUIPMENT		
108	SSN COMBAT CONTROL SYSTEMS	173,770	173,770
109	ASW SUPPORT EQUIPMENT	26,584	26,584
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	7,470	7,470
111	ITEMS LESS THAN \$5 MILLION	6,356	6,356
	OTHER EXPENDABLE ORDNANCE		
112	ANTI-SHIP MISSILE DECOY SYSTEM	86,356	86,356
113	SUBMARINE TRAINING DEVICE MODS	69,240	69,240
114	SURFACE TRAINING EQUIPMENT	192,245	192,245
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	6,123	6,123
116	GENERAL PURPOSE TRUCKS	2,693	2,693
117	CONSTRUCTION & MAINTENANCE EQUIP	47,301	47,301
118	FIRE FIGHTING EQUIPMENT	10,352	10,352
119	TACTICAL VEHICLES	31,475	31,475
121	POLLUTION CONTROL EQUIPMENT	2,630	2,630
122	ITEMS LESS THAN \$5 MILLION	47,972	47,972
123	PHYSICAL SECURITY VEHICLES	1,171	1,171
	SUPPLY SUPPORT EQUIPMENT		
124	SUPPLY EQUIPMENT	19,693	19,693
125	FIRST DESTINATION TRANSPORTATION	4,956	4,956
126	SPECIAL PURPOSE SUPPLY SYSTEMS	668,639	638,639
	Program decrease		[-30,000]
	TRAINING DEVICES		
127	TRAINING SUPPORT EQUIPMENT	4,026	4,026
128	TRAINING AND EDUCATION EQUIPMENT	73,454	73,454
	COMMAND SUPPORT EQUIPMENT		
129	COMMAND SUPPORT EQUIPMENT	32,390	32,390
130	MEDICAL SUPPORT EQUIPMENT	974	974
132	NAVAL MIP SUPPORT EQUIPMENT	5,606	5,606
133	OPERATING FORCES SUPPORT EQUIPMENT	16,024	16,024
134	C4ISR EQUIPMENT	6,697	6,697
135	ENVIRONMENTAL SUPPORT EQUIPMENT	27,503	27,503
136	PHYSICAL SECURITY EQUIPMENT	138,281	138,281
137	ENTERPRISE INFORMATION TECHNOLOGY	42,680	42,680
	OTHER		
140	NEXT GENERATION ENTERPRISE SERVICE	184,443	184,443
141	CYBERSPACE ACTIVITIES	16,523	16,523
	CLASSIFIED PROGRAMS		
41A	CLASSIFIED PROGRAMS	18,446	18,446
	SPARES AND REPAIR PARTS		
142	SPARES AND REPAIR PARTS	374,195	421,195
	SPY-1 battle spare		[47,000]
	TOTAL OTHER PROCUREMENT, NAVY	10,948,518	10,236,018
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	87,476	87,476
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	478,874	478,874
003	LAV PIP	41,988	41,988
	ARTILLERY AND OTHER WEAPONS		
004	155MM LIGHTWEIGHT TOWED HOWITZER	59	59
005	ARTILLERY WEAPONS SYSTEM	174,687	234,337
	Ground Based Anti-Ship Missiles—USMC UPL		[59,650]
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	24,867	24,867
	OTHER SUPPORT		
007	MODIFICATION KITS	3,067	0
	USMC funds identified excess to need		[-3,067]
	GUIDED MISSILES		
008	GROUND BASED AIR DEFENSE	18,920	18,920
009	ANTI-ARMOR MISSILE-JAVELIN	19,888	19,888
010	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,891	21,891
011	ANTI-ARMOR MISSILE-TOW	34,985	34,985
012	GUIDED MLRS ROCKET (GMLRS)	133,689	133,689

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
	COMMAND AND CONTROL SYSTEMS		
013	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	35,057	35,057
	REPAIR AND TEST EQUIPMENT		
014	REPAIR AND TEST EQUIPMENT	24,405	24,405
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	1,006	1,006
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
016	ITEMS UNDER \$5 MILLION (COMM & ELEC)	69,725	69,725
017	AIR OPERATIONS C2 SYSTEMS	15,611	15,611
	RADAR + EQUIPMENT (NON-TEL)		
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	284,283	284,283
	INTELL/COMM EQUIPMENT (NON-TEL)		
020	GCSS-MC	1,587	1,587
021	FIRE SUPPORT SYSTEM	24,934	24,934
022	INTELLIGENCE SUPPORT EQUIPMENT	50,728	50,728
024	UNMANNED AIR SYSTEMS (INTEL)	24,853	24,853
025	DCGS-MC	38,260	38,260
026	UAS PAYLOADS	5,489	5,489
	OTHER SUPPORT (NON-TEL)		
029	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	78,922	78,922
030	COMMON COMPUTER RESOURCES	35,349	35,349
031	COMMAND POST SYSTEMS	33,713	33,713
032	RADIO SYSTEMS	343,250	343,250
033	COMM SWITCHING & CONTROL SYSTEMS	40,627	40,627
034	COMM & ELEC INFRASTRUCTURE SUPPORT	43,782	43,782
035	CYBERSPACE ACTIVITIES	53,896	53,896
	CLASSIFIED PROGRAMS		
36A	CLASSIFIED PROGRAMS	3,797	3,797
	ADMINISTRATIVE VEHICLES		
037	COMMERCIAL CARGO VEHICLES	22,460	22,460
	TACTICAL VEHICLES		
038	MOTOR TRANSPORT MODIFICATIONS	10,739	10,739
039	JOINT LIGHT TACTICAL VEHICLE	381,675	381,675
040	FAMILY OF TACTICAL TRAILERS	2,963	2,963
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT'	385	385
043	TACTICAL FUEL SYSTEMS	501	501
044	POWER EQUIPMENT ASSORTED	23,430	23,430
045	AMPHIBIOUS SUPPORT EQUIPMENT	5,752	5,752
046	EOD SYSTEMS	20,939	20,939
	MATERIALS HANDLING EQUIPMENT		
047	PHYSICAL SECURITY EQUIPMENT	23,063	23,063
	GENERAL PROPERTY		
048	FIELD MEDICAL EQUIPMENT	4,187	4,187
049	TRAINING DEVICES	101,765	101,765
050	FAMILY OF CONSTRUCTION EQUIPMENT	19,305	19,305
051	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	678	678
	OTHER SUPPORT		
052	ITEMS LESS THAN \$5 MILLION	9,174	9,174
	SPARES AND REPAIR PARTS		
053	SPARES AND REPAIR PARTS	27,295	27,295
	TOTAL PROCUREMENT, MARINE CORPS	2,903,976	2,960,559
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F-35	4,567,018	4,236,018
	Excess depot standup funding		[-22,000]
	Excess miscellaneous support costs		[-156,000]
	Excess production engineering support		[-10,000]
	F135 affordability challenges		[-48,000]
	Lot 15 target cost savings		[-75,000]
	Unjustified ALIS funding		[-20,000]
002	F-35 AP	610,800	610,800
004	F-15EX	1,269,847	1,269,847
005	F-15EX AP	133,500	133,500
	TACTICAL AIRLIFT		
007	KC-46A MDAP	2,850,151	2,189,151
	Decrease quantity by three aircraft		[-462,000]
	Prior year carryover		[-119,000]
	Spares excess to need due to quantity decrease		[-40,000]
	Wing Air Refueling Pods early to need		[-40,000]
	OTHER AIRLIFT		
008	C-130J	37,131	37,131
010	MC-130J	362,807	241,807
	Prior year carryover		[-121,000]
011	MC-130J AP	39,987	29,987
	FY22 quantity reduction		[-10,000]
	HELICOPTERS		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
012	UH-1N REPLACEMENT	194,016	194,016
013	COMBAT RESCUE HELICOPTER	973,473	973,473
	MISSION SUPPORT AIRCRAFT		
015	CIVIL AIR PATROL A/C	2,811	11,211
	Program Increase		[8,400]
	OTHER AIRCRAFT		
016	TARGET DRONES	133,273	133,273
018	COMPASS CALL	161,117	291,117
	Program increase		[130,000]
020	MQ-9	29,409	120,209
	Program increase		[108,000]
	Unjustified request		[-17,200]
	STRATEGIC AIRCRAFT		
022	B-1	3,853	3,853
023	B-2A	31,476	31,476
024	B-1B	21,808	1,808
	Slow modernization execution		[-20,000]
025	B-52	53,949	22,249
	GPS IU early to need		[-28,700]
	Tactical data link contract delay		[-3,000]
025A	LONG-RANGE STRIKE BOMBER ADVANCED PROCUREMENT		20,000
	Advanced procurement		[20,000]
026	LARGE AIRCRAFT INFRARED COUNTERMEASURES	9,999	9,999
	TACTICAL AIRCRAFT		
027	A-10	135,793	135,793
028	E-11 BACN/HAG	33,645	33,645
029	F-15	349,304	349,304
030	F-16	615,760	615,760
032	F-22A	387,905	361,705
	Contract delays		[-26,200]
033	F-35 MODIFICATIONS	322,185	290,485
	Block IV/TR3 delays		[-31,700]
034	F-15 EPAW	31,995	27,195
	Concurrency		[-4,800]
035	INCREMENT 3.2B	5,889	5,889
036	KC-46A MDAP	24,085	9,085
	Excessive airworthiness directives and service bulletins		[-15,000]
	AIRLIFT AIRCRAFT		
037	C-5	62,108	50,008
	Unjustified PMA cost growth		[-12,100]
038	C-17A	66,798	56,798
	BLOS ahead of need		[-10,000]
040	C-32A	2,947	2,947
041	C-37A	12,985	5,985
	SATCOM installs ahead of need		[-7,000]
	TRAINER AIRCRAFT		
042	GLIDER MODS	977	977
043	T-6	26,829	26,829
044	T-1	4,465	4,465
045	T-38	36,806	41,806
	T-38 ejection seat improvements		[5,000]
	OTHER AIRCRAFT		
046	U-2 MODS	110,618	110,618
047	KC-10A (ATCA)	117	117
049	VC-25A MOD	1,983	1,983
050	C-40	9,252	7,252
	SATCOM installs ahead of need		[-2,000]
051	C-130	5,871	140,671
	AMP 1 excess to need		[-3,800]
	Eight-bladed propeller upgrade kits only		[55,000]
	Improved modular airborne fire fighting system (IMAFFS)		[4,600]
	T-56 3.5 engine mod		[79,000]
052	C-130J MODS	140,032	140,032
053	C-135	88,250	86,450
	Other government cost growth		[-1,800]
055	COMPASS CALL	193,389	193,389
057	RC-135	191,332	191,332
058	E-3	172,141	172,141
059	E-4	58,803	58,803
060	E-8	11,037	38,037
	Program increase		[27,000]
061	AIRBORNE WARNING AND CNTRL SYS (AWACS) 40/45	53,343	53,343
062	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	1,573	1,573
063	H-1	4,410	4,410
064	H-60	44,538	44,538
065	RQ-4 MODS	40,468	40,468
066	HC/MC-130 MODIFICATIONS	20,780	20,780
067	OTHER AIRCRAFT	100,774	100,774

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
068	MQ-9 MODS	188,387	188,387
070	CV-22 MODS	122,306	328,506
	SOCOM UPL		[206,200]
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	926,683	915,383
	Unobligated balances—F-16s		[-11,300]
	COMMON SUPPORT EQUIPMENT		
073	AIRCRAFT REPLACEMENT SUPPORT EQUIP	132,719	132,719
	POST PRODUCTION SUPPORT		
074	B-2A	1,683	1,683
075	B-2B	46,734	46,734
076	B-52	1,034	1,034
079	E-11 BACN/HAG	63,419	63,419
080	F-15	2,632	2,632
081	F-16	14,163	14,163
083	OTHER AIRCRAFT	4,595	4,595
084	RQ-4 POST PRODUCTION CHARGES	32,585	32,585
	INDUSTRIAL PREPAREDNESS		
085	INDUSTRIAL RESPONSIVENESS	18,215	18,215
	WAR CONSUMABLES		
086	WAR CONSUMABLES	36,046	36,046
	OTHER PRODUCTION CHARGES		
087	OTHER PRODUCTION CHARGES	1,439,640	1,439,640
	CLASSIFIED PROGRAMS		
89A	CLASSIFIED PROGRAMS	21,692	21,692
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	17,908,145	17,233,745
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	75,012	75,012
	TACTICAL		
002	REPLAC EQUIP & WAR CONSUMABLES	4,495	4,495
004	JOINT AIR-SURFACE STANDOFF MISSILE	475,949	475,949
005	LRASM0	19,800	19,800
006	SIDEWINDER (AIM-9X)	164,769	164,769
007	AMRAAM	453,223	453,223
008	PREDATOR HELLFIRE MISSILE	40,129	40,129
009	SMALL DIAMETER BOMB	45,475	45,475
010	SMALL DIAMETER BOMB II	273,272	273,272
	INDUSTRIAL FACILITIES		
011	INDUSTRL PREPAREDNS/POL PREVENTION	814	814
	CLASS IV		
013	ICBM FUZE MOD	3,458	3,458
014	ICBM FUZE MOD AP	43,450	43,450
015	MM III MODIFICATIONS	85,310	85,310
016	AGM-65D MAVERICK	298	298
017	AIR LAUNCH CRUISE MISSILE (ALCM)	52,924	52,924
	MISSILE SPARES AND REPAIR PARTS		
018	MSL SPRS/REPAIR PARTS (INITIAL)	9,402	9,402
019	MSL SPRS/REPAIR PARTS (REPLEN)	84,671	84,671
	SPECIAL PROGRAMS		
025	SPECIAL UPDATE PROGRAMS	23,501	23,501
	CLASSIFIED PROGRAMS		
25A	CLASSIFIED PROGRAMS	540,465	540,465
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,396,417	2,396,417
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	14,962	14,962
	CARTRIDGES		
002	CARTRIDGES	123,365	123,365
	BOMBS		
003	PRACTICE BOMBS	59,725	59,725
006	JOINT DIRECT ATTACK MUNITION	206,989	206,989
007	B61	35,634	35,634
	OTHER ITEMS		
009	CAD/PAD	47,830	47,830
010	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,232	6,232
011	SPARES AND REPAIR PARTS	542	542
012	MODIFICATIONS	1,310	1,310
013	ITEMS LESS THAN \$5,000,000	4,753	4,753
	FLARES		
015	FLARES	40,088	40,088
	FUZES		
016	FUZES	40,983	40,983
	SMALL ARMS		
017	SMALL ARMS	13,925	13,925
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	596,338	596,338

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
PROCUREMENT, SPACE FORCE			
SPACE PROCUREMENT, SF			
001	ADVANCED EHF	14,823	14,823
002	AF SATELLITE COMM SYSTEM	48,326	43,326
	Insufficient justification		[-5,000]
003	COUNTERSPACE SYSTEMS	65,540	57,540
	Insufficient justification		[-8,000]
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	66,190	66,190
005	GENERAL INFORMATION TECH—SPACE	3,299	3,299
006	GPSIII FOLLOW ON	627,796	612,796
	Unjustified growth		[-15,000]
007	GPS III SPACE SEGMENT	20,122	20,122
008	GLOBAL POSITIONING (SPACE)	2,256	2,256
009	SPACEBORNE EQUIP (COMSEC)	35,495	35,495
010	MILSATCOM	15,795	15,795
011	SBIR HIGH (SPACE)	160,891	160,891
012	SPECIAL SPACE ACTIVITIES	78,387	78,387
013	NATIONAL SECURITY SPACE LAUNCH	1,043,171	1,043,171
014	NUDET DETECTION SYSTEM	6,638	6,638
015	ROCKET SYSTEMS LAUNCH PROGRAM	47,741	47,741
016	SPACE FENCE	11,279	11,279
017	SPACE MODS	96,551	86,551
	Insufficient justification		[-10,000]
018	SPACELIFT RANGE SYSTEM SPACE	100,492	100,492
SPARES			
019	SPARES AND REPAIR PARTS	1,272	1,272
	TOTAL PROCUREMENT, SPACE FORCE	2,446,064	2,408,064
OTHER PROCUREMENT, AIR FORCE			
PASSENGER CARRYING VEHICLES			
001	PASSENGER CARRYING VEHICLES	9,016	9,016
CARGO AND UTILITY VEHICLES			
002	MEDIUM TACTICAL VEHICLE	15,058	15,058
003	CAP VEHICLES	1,059	1,800
	Program increase		[741]
004	CARGO AND UTILITY VEHICLES	38,920	38,920
SPECIAL PURPOSE VEHICLES			
005	JOINT LIGHT TACTICAL VEHICLE	30,544	30,544
006	SECURITY AND TACTICAL VEHICLES	319	319
007	SPECIAL PURPOSE VEHICLES	43,157	34,381
	Program decrease		[-2,500]
	Unjustified request		[-6,276]
FIRE FIGHTING EQUIPMENT			
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,621	8,621
MATERIALS HANDLING EQUIPMENT			
009	MATERIALS HANDLING VEHICLES	12,897	12,897
BASE MAINTENANCE SUPPORT			
010	RUNWAY SNOW REMOV AND CLEANING EQU	3,577	3,577
011	BASE MAINTENANCE SUPPORT VEHICLES	43,095	43,095
COMM SECURITY EQUIPMENT(COMSEC)			
013	COMSEC EQUIPMENT	54,864	54,864
INTELLIGENCE PROGRAMS			
014	INTERNATIONAL INTEL TECH & ARCHITECTURES	9,283	9,283
015	INTELLIGENCE TRAINING EQUIPMENT	6,849	6,849
016	INTELLIGENCE COMM EQUIPMENT	33,471	33,471
ELECTRONICS PROGRAMS			
017	AIR TRAFFIC CONTROL & LANDING SYS	29,409	29,409
018	BATTLE CONTROL SYSTEM—FIXED	7,909	7,909
019	THEATER AIR CONTROL SYS IMPROVEMEN	32,632	32,632
020	WEATHER OBSERVATION FORECAST	33,021	33,021
021	STRATEGIC COMMAND AND CONTROL	31,353	31,353
022	CHEYENNE MOUNTAIN COMPLEX	10,314	10,314
023	MISSION PLANNING SYSTEMS	15,132	15,132
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,806	9,806
SPCL COMM-ELECTRONICS PROJECTS			
026	GENERAL INFORMATION TECHNOLOGY	39,887	39,887
027	AF GLOBAL COMMAND & CONTROL SYS	2,602	2,602
029	MOBILITY COMMAND AND CONTROL	10,541	10,541
030	AIR FORCE PHYSICAL SECURITY SYSTEM	96,277	93,777
	Program decrease		[-2,500]
031	COMBAT TRAINING RANGES	195,185	195,185
032	MINIMUM ESSENTIAL EMERGENCY COMM N	29,664	29,664
033	WIDE AREA SURVEILLANCE (WAS)	59,633	59,633
034	C3 COUNTERMEASTRES	105,584	105,584
036	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS	899	899
038	THEATER BATTLE MGT C2 SYSTEM	3,392	3,392
039	AIR & SPACE OPERATIONS CENTER (AOC)	24,983	24,983

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
AIR FORCE COMMUNICATIONS			
041	BASE INFORMATION TRANSP T INFRAS T (BITI) WIRED	19,147	19,147
042	AFNET	84,515	84,515
043	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	6,185	6,185
044	USCENTCOM	19,649	19,649
045	USSTRATCOM	4,337	4,337
ORGANIZATION AND BASE			
046	TACTICAL C-E EQUIPMENT	137,033	137,033
047	RADIO EQUIPMENT	15,264	15,264
049	BASE COMM INFRASTRUCTURE	132,281	132,281
MODIFICATIONS			
050	COMM ELECT MODS	21,471	21,471
PERSONAL SAFETY & RESCUE EQUIP			
051	PERSONAL SAFETY AND RESCUE EQUIPMENT	49,578	49,578
DEPOT PLANT+MTRLS HANDLING EQ			
052	POWER CONDITIONING EQUIPMENT	11,454	11,454
053	MECHANIZED MATERIAL HANDLING EQUIP	12,110	12,110
BASE SUPPORT EQUIPMENT			
054	BASE PROCURED EQUIPMENT	21,142	21,142
055	ENGINEERING AND EOD EQUIPMENT	7,700	7,700
056	MOBILITY EQUIPMENT	18,266	22,966
	Program increase		[4,700]
057	FUELS SUPPORT EQUIPMENT (FSE)	9,601	9,601
058	BASE MAINTENANCE AND SUPPORT EQUIPMENT	42,078	30,378
	Program decrease		[−4,700]
	Unjustified request		[−7,000]
SPECIAL SUPPORT PROJECTS			
060	DARP RC135	27,164	27,164
061	DCGS-AF	121,528	121,528
063	SPECIAL UPDATE PROGRAM	782,641	782,641
CLASSIFIED PROGRAMS			
63A	CLASSIFIED PROGRAMS	21,086,112	21,026,112
	Program adjustment		[−60,000]
SPARES AND REPAIR PARTS			
064	SPARES AND REPAIR PARTS (CYBER)	1,664	1,664
065	SPARES AND REPAIR PARTS	15,847	15,847
TOTAL OTHER PROCUREMENT, AIR FORCE		23,695,720	23,618,185
PROCUREMENT, DEFENSE-WIDE			
MAJOR EQUIPMENT, OSD			
026	MAJOR EQUIPMENT, DPAA	500	500
049	MAJOR EQUIPMENT, OSD	3,099	3,099
MAJOR EQUIPMENT, NSA			
048	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	101	101
MAJOR EQUIPMENT, WHS			
053	MAJOR EQUIPMENT, WHS	515	515
MAJOR EQUIPMENT, DISA			
011	INFORMATION SYSTEMS SECURITY	17,211	17,211
012	TELEPORT PROGRAM	29,841	29,841
013	JOINT FORCES HEADQUARTERS—DODIN	3,091	3,091
014	ITEMS LESS THAN \$5 MILLION	41,569	41,569
016	DEFENSE INFORMATION SYSTEM NETWORK	26,978	26,978
017	WHITE HOUSE COMMUNICATION AGENCY	44,161	44,161
018	SENIOR LEADERSHIP ENTERPRISE	35,935	35,935
019	JOINT REGIONAL SECURITY STACKS (JRSS)	88,741	8,741
	Program decrease		[−80,000]
020	JOINT SERVICE PROVIDER	157,538	157,538
021	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	42,084	42,084
MAJOR EQUIPMENT, DLA			
023	MAJOR EQUIPMENT	417,459	417,459
MAJOR EQUIPMENT, DCSA			
003	MAJOR EQUIPMENT	2,212	2,212
MAJOR EQUIPMENT, TJS			
050	MAJOR EQUIPMENT, TJS	8,329	8,329
051	MAJOR EQUIPMENT—TJS CYBER	1,247	1,247
MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY			
031	THAAD	495,396	601,396
	THAAD battery #8		[106,000]
034	AEGIS BMD	356,195	356,195
035	AEGIS BMD AP	44,901	44,901
037	SM-3 ILLAS	218,322	333,322
	Increase SM-3 Block IIA quantities		[115,000]
038	ARROW 3 UPPER TIER SYSTEMS	77,000	77,000
039	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	50,000	50,000
040	AEGIS ASHORE PHASE III	39,114	39,114
041	IRON DOME	73,000	73,000
042	AEGIS BMD HARDWARE AND SOFTWARE	104,241	104,241
MAJOR EQUIPMENT, DHRA			

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
005	PERSONNEL ADMINISTRATION	4,213	4,213
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
028	VEHICLES	215	215
029	OTHER MAJOR EQUIPMENT	9,994	9,994
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
027	REGIONAL CENTER PROCUREMENT	1,598	1,598
	MAJOR EQUIPMENT, DODEA		
025	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,319	1,319
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	1,398	1,398
	MAJOR EQUIPMENT, DMACT		
024	MAJOR EQUIPMENT	7,993	7,993
	CLASSIFIED PROGRAMS		
54A	CLASSIFIED PROGRAMS	554,264	554,264
	AVIATION PROGRAMS		
055	ARMED OVERWATCH/TARGETING	101,000	53,000
	Program decrease		[-80,000]
	U.S. Special Operations Command Armed Overwatch program		[32,000]
059	ROTARY WING UPGRADES AND SUSTAINMENT	211,041	211,041
060	UNMANNED ISR	25,488	20,488
	Program decrease		[-5,000]
061	NON-STANDARD AVIATION	61,874	56,874
	Program decrease		[-5,000]
062	U-28	3,825	3,825
063	MH-47 CHINOOK	135,482	135,482
064	CV-22 MODIFICATION	14,829	14,829
065	MQ-9 UNMANNED AERIAL VEHICLE	6,746	6,746
066	PRECISION STRIKE PACKAGE	243,111	238,111
	Program decrease		[-5,000]
067	AC/MC-130J	163,914	163,914
068	C-130 MODIFICATIONS	20,414	20,414
	SHIPBUILDING		
069	UNDERWATER SYSTEMS	20,556	20,556
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <\$5M	186,197	186,197
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	94,982	94,982
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	11,645	11,645
073	OTHER ITEMS <\$5M	96,333	96,333
074	COMBATANT CRAFT SYSTEMS	17,278	17,278
075	SPECIAL PROGRAMS	78,865	71,365
	Program decrease		[-7,500]
076	TACTICAL VEHICLES	30,158	30,158
077	WARRIOR SYSTEMS <\$5M	260,733	260,733
078	COMBAT MISSION REQUIREMENTS	19,848	19,848
079	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	2,401	2,401
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	13,861	8,861
	Program decrease		[-5,000]
081	OPERATIONAL ENHANCEMENTS	247,038	242,038
	Program decrease		[-5,000]
	CBDP		
082	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	147,150	147,150
083	CB PROTECTION & HAZARD MITIGATION	149,944	149,944
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,324,487	5,384,987
	TOTAL PROCUREMENT	130,684,160	132,844,847

1 SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY

2 OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
009	AH-64 APACHE BLOCK IIIB NEW BUILD	69,154	64,354
	Unjustified costs		[-4,800]
014	CH-47 HELICOPTER	50,472	50,472
	MODIFICATION OF AIRCRAFT		
017	MQ-1 PAYLOAD (MIP)	5,968	5,968
020	MULTI SENSOR ABN RECON (MIP)	122,520	122,520

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
025	EMARSS SEMA MODS (MIP)	26,460	26,460
030	DEGRADED VISUAL ENVIRONMENT	1,916	1,916
	GROUND SUPPORT AVIONICS		
037	CMWS	149,162	149,162
038	COMMON INFRARED COUNTERMEASURES (CIRCM)	32,400	32,400
	OTHER SUPPORT		
041	AIRCREW INTEGRATED SYSTEMS	3,028	3,028
	TOTAL AIRCRAFT PROCUREMENT, ARMY	461,080	456,280
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
002	M-SHORAD—PROCUREMENT	158,300	158,300
003	MSE MISSILE	176,585	176,585
	AIR-TO-SURFACE MISSILE SYSTEM		
006	HELLFIRE SYS SUMMARY	236,265	236,265
	ANTI-TANK/ASSAULT MISSILE SYS		
011	GUIDED MLRS ROCKET (GMLRS)	127,015	127,015
015	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	84,993	84,993
	MODIFICATIONS		
017	ATACMS MODS	78,434	78,434
022	MLRS MODS	20,000	20,000
	TOTAL MISSILE PROCUREMENT, ARMY	881,592	881,592
	PROCUREMENT OF W&TCV, ARMY		
	WEAPONS & OTHER COMBAT VEHICLES		
016	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	4,765	4,765
018	MORTAR SYSTEMS	10,460	10,460
	TOTAL PROCUREMENT OF W&TCV, ARMY	15,225	15,225
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	567	567
002	CTG, 7.62MM, ALL TYPES	40	40
004	CTG, HANDGUN, ALL TYPES	17	17
005	CTG, .50 CAL, ALL TYPES	189	189
008	CTG, 30MM, ALL TYPES	24,900	24,900
	ARTILLERY AMMUNITION		
016	PROJ 155MM EXTENDED RANGE M982	29,213	29,213
017	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	21,675	21,675
	ROCKETS		
020	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	176	176
021	ROCKET, HYDRA 70, ALL TYPES	33,880	33,880
	MISCELLANEOUS		
029	ITEMS LESS THAN \$5 MILLION (AMMO)	11	11
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	110,668	110,668
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
013	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,500	6,500
014	PLS ESP	15,163	15,163
017	TACTICAL WHEELED VEHICLE PROTECTION KITS	27,066	27,066
	COMM—SATELLITE COMMUNICATIONS		
030	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	2,700	2,700
032	ASSURED POSITIONING, NAVIGATION AND TIMING	12,566	12,566
033	SMART-T (SPACE)	289	289
034	GLOBAL BRDCST SVC—GBS	319	319
	COMM—COMBAT COMMUNICATIONS		
045	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	1,257	1,257
	COMM—INTELLIGENCE COMM		
048	CI AUTOMATION ARCHITECTURE (MIP)	1,230	1,230
	INFORMATION SECURITY		
052	COMMUNICATIONS SECURITY (COMSEC)	128	128
	COMM—BASE COMMUNICATIONS		
058	INFORMATION SYSTEMS	15,277	15,277
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	74,004	74,004
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
068	DCGS-A (MIP)	47,709	47,709
070	TROJAN (MIP)	1,766	1,766
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	61,450	61,450
073	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	12,337	12,337
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
080	FAMILY OF PERSISTENT SURVEILLANCE CAP. (MIP)	44,293	44,293
081	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	49,100	49,100
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
083	SENTINEL MODS	33,496	33,496
084	NIGHT VISION DEVICES	643	643
087	RADIATION MONITORING SYSTEMS	11	11
088	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	37,000	37,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
094	COMPUTER BALLISTICS: LHMBC XM32	280	280
095	MORTAR FIRE CONTROL SYSTEM	13,672	13,672
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
100	AIR & MSL DEFENSE PLANNING & CONTROL SYS	15,143	15,143
	ELECT EQUIP—AUTOMATION		
109	ARMY TRAINING MODERNIZATION	4,688	4,688
110	AUTOMATED DATA PROCESSING EQUIP	16,552	16,552
	CHEMICAL DEFENSIVE EQUIPMENT		
121	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	25,480	25,480
122	BASE DEFENSE SYSTEMS (BDS)	98,960	98,960
123	CBRN DEFENSE	18,887	18,887
	BRIDGING EQUIPMENT		
125	TACTICAL BRIDGING	50,400	50,400
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
137	RENDER SAFE SETS KITS OUTFITS	84,000	84,000
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	HEATERS AND ECU'S	370	370
142	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	3,721	3,721
145	FORCE PROVIDER	56,400	56,400
146	FIELD FEEDING EQUIPMENT	2,279	2,279
147	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,040	2,040
	PETROLEUM EQUIPMENT		
150	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	4,374	4,374
	MEDICAL EQUIPMENT		
151	COMBAT SUPPORT MEDICAL	6,390	6,390
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	7,769	7,769
153	ITEMS LESS THAN \$5.0M (MAINT EQ)	184	184
	CONSTRUCTION EQUIPMENT		
156	LOADERS	3,190	3,190
157	HYDRAULIC EXCAVATOR	7,600	7,600
158	TRACTOR, FULL TRACKED	7,450	7,450
160	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	3,703	3,703
162	CONST EQUIP ESP	657	657
	GENERATORS		
167	GENERATORS AND ASSOCIATED EQUIP	106	106
	MATERIAL HANDLING EQUIPMENT		
169	FAMILY OF FORKLIFTS	1,885	1,885
	OTHER SUPPORT EQUIPMENT		
180	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
181	PHYSICAL SECURITY SYSTEMS (OPA3)	3,248	3,248
185	BUILDING, PRE-FAB, RELOCATABLE	31,845	31,845
	TOTAL OTHER PROCUREMENT, ARMY	924,077	924,077
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
024	STUASLO UAV	7,921	7,921
	MODIFICATION OF AIRCRAFT		
053	COMMON ECM EQUIPMENT	3,474	3,474
055	COMMON DEFENSIVE WEAPON SYSTEM	3,339	3,339
064	QRC	18,507	18,507
	TOTAL AIRCRAFT PROCUREMENT, NAVY	33,241	33,241
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
012	HELLFIRE	5,572	5,572
	TOTAL WEAPONS PROCUREMENT, NAVY	5,572	5,572
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	8,068	8,068
002	JDAM	15,529	15,529
003	AIRBORNE ROCKETS, ALL TYPES	23,000	23,000
004	MACHINE GUN AMMUNITION	22,600	22,600
006	CARTRIDGES & CART ACTUATED DEVICES	3,927	3,927
007	AIR EXPENDABLE COUNTERMEASURES	15,978	15,978
008	JATOS	2,100	2,100
011	OTHER SHIP GUN AMMUNITION	2,611	2,611
012	SMALL ARMS & LANDING PARTY AMMO	1,624	1,624
013	PYROTECHNIC AND DEMOLITION	505	505
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	95,942	95,942
	OTHER PROCUREMENT, NAVY		
	SMALL BOATS		
028	STANDARD BOATS	19,104	19,104
	OTHER SHIP SUPPORT		
035	SMALL & MEDIUM UUV	2,946	2,946
	ASW ELECTRONIC EQUIPMENT		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
043	FIXED SURVEILLANCE SYSTEM	213,000	213,000
	SONOBUOYS		
092	SONOBUOYS—ALL TYPES	26,196	26,196
	AIRCRAFT SUPPORT EQUIPMENT		
095	AIRCRAFT SUPPORT EQUIPMENT	60,217	60,217
	OTHER ORDNANCE SUPPORT EQUIPMENT		
110	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	2,124	2,124
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
115	PASSENGER CARRYING VEHICLES	177	177
116	GENERAL PURPOSE TRUCKS	416	416
118	FIRE FIGHTING EQUIPMENT	801	801
	SUPPLY SUPPORT EQUIPMENT		
125	FIRST DESTINATION TRANSPORTATION	520	520
	TRAINING DEVICES		
128	TRAINING AND EDUCATION EQUIPMENT	11,500	11,500
	COMMAND SUPPORT EQUIPMENT		
130	MEDICAL SUPPORT EQUIPMENT	3,525	3,525
136	PHYSICAL SECURITY EQUIPMENT	3,000	3,000
	TOTAL OTHER PROCUREMENT, NAVY	343,526	343,526
	PROCUREMENT, MARINE CORPS		
	GUIDED MISSILES		
012	GUIDED MLRS ROCKET (GMLRS)	17,456	17,456
	OTHER SUPPORT (TEL)		
015	MODIFICATION KITS	4,200	4,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
022	INTELLIGENCE SUPPORT EQUIPMENT	10,124	10,124
	TACTICAL VEHICLES		
038	MOTOR TRANSPORT MODIFICATIONS	16,183	16,183
	TOTAL PROCUREMENT, MARINE CORPS	47,963	47,963
	AIRCRAFT PROCUREMENT, AIR FORCE		
	HELICOPTERS		
013	COMBAT RESCUE HELICOPTER	174,000	174,000
	OTHER AIRCRAFT		
020	MQ-9	142,490	142,490
021	RQ-20B PUMA	13,770	13,770
	STRATEGIC AIRCRAFT		
026	LARGE AIRCRAFT INFRARED COUNTERMEASURES	57,521	57,521
	OTHER AIRCRAFT		
046	U-2 MODS	9,600	9,600
055	COMPASS CALL	12,800	12,800
066	HC/MC-130 MODIFICATIONS	58,020	58,020
069	MQ-9 UAS PAYLOADS	46,100	63,500
	WAMI combat loss replacement		[17,400]
070	CV-22 MODS	6,290	6,290
	AIRCRAFT SPARES AND REPAIR PARTS		
071	INITIAL SPARES/REPAIR PARTS	10,700	10,700
072	MQ-9	12,250	12,250
	COMMON SUPPORT EQUIPMENT		
073	AIRCRAFT REPLACEMENT SUPPORT EQUIP	25,614	25,614
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	569,155	586,555
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
004	JOINT AIR-SURFACE STANDOFF MISSILE	30,000	30,000
008	PREDATOR HELLFIRE MISSILE	143,420	143,420
009	SMALL DIAMETER BOMB	50,352	50,352
	TOTAL MISSILE PROCUREMENT, AIR FORCE	223,772	223,772
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	19,489	19,489
	CARTRIDGES		
002	CARTRIDGES	40,434	40,434
	BOMBS		
004	GENERAL PURPOSE BOMBS	369,566	369,566
006	JOINT DIRECT ATTACK MUNITION	237,723	237,723
	FLARES		
015	FLARES	21,171	21,171
	FUZES		
016	FUZES	107,855	107,855
	SMALL ARMS		
017	SMALL ARMS	6,217	6,217
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	802,455	802,455
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
001	PASSENGER CARRYING VEHICLES	1,302	1,302
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	3,400	3,400
004	CARGO AND UTILITY VEHICLES	12,475	12,475
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	26,150	26,150
007	SPECIAL PURPOSE VEHICLES	51,254	51,254
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	24,903	24,903
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	14,167	14,167
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	5,759	5,759
011	BASE MAINTENANCE SUPPORT VEHICLES	20,653	20,653
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	5,100	5,100
030	AIR FORCE PHYSICAL SECURITY SYSTEM	56,496	56,496
	ORGANIZATION AND BASE		
049	BASE COMM INFRASTRUCTURE	30,717	30,717
	BASE SUPPORT EQUIPMENT		
055	ENGINEERING AND EOD EQUIPMENT	13,172	13,172
056	MOBILITY EQUIPMENT	33,694	33,694
057	FUELS SUPPORT EQUIPMENT (FSE)	1,777	1,777
058	BASE MAINTENANCE AND SUPPORT EQUIPMENT	31,620	31,620
	SPECIAL SUPPORT PROJECTS		
061	DCGS-AF	18,700	18,700
	SPARES AND REPAIR PARTS		
065	SPARES AND REPAIR PARTS	4,000	4,000
	TOTAL OTHER PROCUREMENT, AIR FORCE	355,339	355,339
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
016	DEFENSE INFORMATION SYSTEM NETWORK	6,120	6,120
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
030	COUNTER IMPROVISED THREAT TECHNOLOGIES	2,540	2,540
	CLASSIFIED PROGRAMS		
54A	CLASSIFIED PROGRAMS	3,500	3,500
	AVIATION PROGRAMS		
056	MANNED ISR	5,000	45,100
	Combat loss replacement—DHC-8		[40,100]
057	MC-12	5,000	5,000
060	UNMANNED ISR	8,207	8,207
	AMMUNITION PROGRAMS		
070	ORDNANCE ITEMS <\$5M	105,355	105,355
	OTHER PROCUREMENT PROGRAMS		
071	INTELLIGENCE SYSTEMS	16,234	16,234
073	OTHER ITEMS <\$5M	984	984
076	TACTICAL VEHICLES	2,990	2,990
077	WARRIOR SYSTEMS <\$5M	32,573	37,573
	Development of autonomous, multi-sensor cUAS capabilities with kinetic ef- fects.		[5,000]
078	COMBAT MISSION REQUIREMENTS	10,000	10,000
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	6,724	6,724
081	OPERATIONAL ENHANCEMENTS	53,264	53,264
	TOTAL PROCUREMENT, DEFENSE-WIDE	258,491	303,591
	NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		150,000
	Program increase		[150,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT		150,000
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		150,000
	TOTAL PROCUREMENT	5,128,098	5,485,798

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
BASIC RESEARCH				
002	0601102A	DEFENSE RESEARCH SCIENCES	303,257	308,257
		Counter-UAS Army research lab		[5,000]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	67,148	67,148
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	87,877	96,877
		Automotive research center modeling and simulation		[5,000]
		Biotechnology advancements		[4,000]
005	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,077	5,077
		SUBTOTAL BASIC RESEARCH	463,359	477,359
APPLIED RESEARCH				
007	0602115A	BIOMEDICAL TECHNOLOGY	11,835	11,835
011	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	2,000	2,000
012	0602141A	LETHALITY TECHNOLOGY	42,425	47,425
		Next generation additive manufacturing and 3-D printed electronics.		[5,000]
013	0602142A	ARMY APPLIED RESEARCH	30,757	30,757
014	0602143A	SOLDIER LETHALITY TECHNOLOGY	125,435	132,435
		HEROES program increase		[5,000]
		Syn-bio enabled functional materials for the soldier		[2,000]
015	0602144A	GROUND TECHNOLOGY	28,047	45,047
		Cold weather military research		[2,000]
		Materials recovery technologies for defense supply resiliency		[10,000]
		Polymeric composites via cold spray additive manufacturing		[5,000]
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	217,565	217,565
017	0602146A	NETWORK C3I TECHNOLOGY	114,404	129,404
		Alternative positioning navigation and timing		[5,000]
		Multi-drone/multi-sensor intelligence, surveillance, and reconnaissance capabilities.		[2,000]
		Program increase		[5,000]
		Sensor and electronic network initiatives		[3,000]
018	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	60,553	60,553
019	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	96,484	101,484
		High density eVOTL power source research		[5,000]
020	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	56,298	76,298
		Advanced tracking and targeting capability		[5,000]
		High energy laser technology		[5,000]
		Radar research		[5,000]
		UAS threat detection		[5,000]
022	0602213A	C3I APPLIED CYBER	18,816	18,816
040	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	20,766	20,766
042	0602787A	MEDICAL TECHNOLOGY	95,496	95,496
		SUBTOTAL APPLIED RESEARCH	920,881	989,881
ADVANCED TECHNOLOGY DEVELOPMENT				
044	0603002A	MEDICAL ADVANCED TECHNOLOGY	38,896	38,896
049	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	11,659	11,659
052	0603115A	MEDICAL DEVELOPMENT	27,723	27,723
053	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	62,663	62,663
054	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	109,608	118,608
		Advanced AI/AA analytics for modernization and readiness		[5,000]
		Anthropomorphic study for body armor modernization		[4,000]
055	0603119A	GROUND ADVANCED TECHNOLOGY	14,795	23,295
		Rapid entry and sustainment for the arctic		[5,000]
		Survivability and energy reduction of hard shelters		[3,500]
059	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	25,000	25,000
063	0603457A	C3I CYBER ADVANCED DEVELOPMENT	23,357	23,357
064	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	188,024	188,024
065	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	199,358	216,358

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
		Cyber security support for vehicle development		[2,000]
		Fuel cell powered vehicle development		[15,000]
066	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	158,608	163,608
		Tactical geospatial information development		[5,000]
067	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	121,060	131,060
		Hypervelocity projectile		[10,000]
068	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	156,194	156,194
069	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	58,130	63,130
		Program acceleration		[5,000]
077	0603920A	HUMANITARIAN DEMINING	8,515	8,515
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	1,203,590	1,258,090
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
078	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	11,062	21,062
		Accelerated test and integration		[10,000]
079	0603308A	ARMY SPACE SYSTEMS INTEGRATION	26,230	26,230
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	26,482	26,482
081	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	64,092	66,092
		MICLIC replacement development		[2,000]
083	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	92,753	92,753
084	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	151,478	163,978
		Fuel cell powered vehicle development		[15,000]
		Modeling and simulation support for vehicle development		[12,500]
		Program decrease		[–15,000]
085	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	5,841	5,841
086	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	194,775	194,775
087	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	24,316	24,316
088	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	13,387	13,387
089	0603790A	NATO RESEARCH AND DEVELOPMENT	4,762	4,762
090	0603801A	AVIATION—ADV DEV	647,937	647,937
091	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	4,761	4,761
092	0603807A	MEDICAL SYSTEMS—ADV DEV	28,520	28,520
093	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	26,138	23,138
		IHPS program delays		[–3,000]
094	0604017A	ROBOTICS DEVELOPMENT	121,207	115,407
		Program reduction		[–5,800]
096	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATURATION (MIP)	22,840	22,840
097	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	22,678	22,678
098	0604100A	ANALYSIS OF ALTERNATIVES	10,082	10,082
099	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	1,378	1,378
100	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS)	40,083	40,083
101	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	376,373	376,373
102	0604115A	TECHNOLOGY MATURATION INITIATIVES	156,834	156,834
103	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	4,995	4,995
105	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING	170,490	170,490
106	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	128,125	128,125
107	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING	129,547	129,547
108	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING	13,831	13,831
109	0604182A	HYPERSONICS	801,417	811,417
		Program increase		[10,000]
111	0604403A	FUTURE INTERCEPTOR	7,992	7,992
112	0604541A	UNIFIED NETWORK TRANSPORT	40,677	40,677
115	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	50,525	50,525
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	3,421,608	3,447,308
		SYSTEM DEVELOPMENT & DEMONSTRATION		
118	0604201A	AIRCRAFT AVIONICS	2,764	2,764
119	0604270A	ELECTRONIC WARFARE DEVELOPMENT	62,426	62,426
121	0604601A	INFANTRY SUPPORT WEAPONS	91,574	98,574
		Advanced gunner protection kit development		[2,000]
		Soldier Enhancement Program		[5,000]
122	0604604A	MEDIUM TACTICAL VEHICLES	8,523	8,523
123	0604611A	JAVELIN	7,493	7,493
124	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	24,792	24,792
125	0604633A	AIR TRAFFIC CONTROL	3,511	3,511
126	0604642A	LIGHT TACTICAL WHEELED VEHICLES	1,976	1,976
127	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	135,488	135,488
128	0604710A	NIGHT VISION SYSTEMS—ENG DEV	61,445	61,445
129	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,814	2,814
130	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	28,036	28,036
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	43,651	39,651

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
		Army identified funds excess to need		[-4,000]
132	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	10,150	10,150
133	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,578	5,578
134	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	7,892	7,892
135	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	24,975	24,975
136	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	3,568	3,568
137	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	19,268	19,268
138	0604802A	WEAPONS AND MUNITIONS—ENG DEV	265,811	265,811
139	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	49,694	49,694
140	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	11,079	11,079
141	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	49,870	49,870
142	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	9,589	9,589
143	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	162,513	152,513
		Command post integrated infrastructure contract delay		[-10,000]
144	0604820A	RADAR DEVELOPMENT	109,259	109,259
145	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	21,201	21,201
146	0604823A	FIREFINDER	20,008	16,808
		Prior year carry-over		[-3,200]
147	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	6,534	6,534
148	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD	82,459	109,380
		Prior year carry-over		[-5,079]
		Program increase for vehicle protection systems		[32,000]
149	0604854A	ARTILLERY SYSTEMS—EMD	11,611	11,611
150	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	142,678	137,678
		Reprioritization		[-5,000]
151	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	115,286	115,286
152	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	96,594	76,594
		Army identified funds excess to need		[-20,000]
154	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	16,264	16,264
155	0605031A	JOINT TACTICAL NETWORK (JTN)	31,696	31,696
157	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,976	5,976
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	23,321	28,321
		AI virtual training environments		[5,000]
161	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	4,846	4,846
162	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	28,544	28,544
163	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	28,178	28,178
164	0605047A	CONTRACT WRITING SYSTEM	22,860	22,860
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	35,893	35,893
167	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	235,770	187,970
		Army identified funds excess to need		[-47,800]
168	0605053A	GROUND ROBOTICS	13,710	13,710
169	0605054A	EMERGING TECHNOLOGY INITIATIVES	294,739	284,739
		Program decrease		[-10,000]
170	0605145A	MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT.	954	954
171	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	150,201	150,201
172	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	5,999	5,999
174	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	8,891	8,891
175	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	193,929	193,929
176	0605625A	MANNED GROUND VEHICLE	327,732	244,732
		Army identified funds excess to need		[-83,000]
177	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	7,670	7,670
178	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	1,742	1,742
179	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	1,467	4,467
		Aircraft cleaning and deicing system development		[3,000]
180	0303032A	TROJAN—RH12	3,451	3,451
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	55,855	55,855
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,199,798	3,058,719
		MANAGEMENT SUPPORT		
185	0604256A	THREAT SIMULATOR DEVELOPMENT	14,515	14,515
186	0604258A	TARGET SYSTEMS DEVELOPMENT	10,668	10,668
187	0604759A	MAJOR T&E INVESTMENT	106,270	111,270
		Program increase		[5,000]
188	0605103A	RAND ARROYO CENTER	13,481	13,481
189	0605301A	ARMY KWAJALEIN ATOLL	231,824	231,824
190	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	54,898	54,898
192	0605601A	ARMY TEST RANGES AND FACILITIES	350,359	350,359
193	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	48,475	62,975
		Aviation component testing		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
		Testing additive manufacturing technology		[9,500]
194	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,001	36,001
195	0605606A	AIRCRAFT CERTIFICATION	2,736	2,736
196	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,488	6,488
197	0605706A	MATERIEL SYSTEMS ANALYSIS	21,859	21,859
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	7,936	7,936
199	0605712A	SUPPORT OF OPERATIONAL TESTING	54,470	54,470
200	0605716A	ARMY EVALUATION CENTER	63,141	63,141
201	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG ...	2,572	2,572
202	0605801A	PROGRAMWIDE ACTIVITIES	87,472	87,472
203	0605803A	TECHNICAL INFORMATION ACTIVITIES	26,244	26,244
204	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	40,133	50,133
		Development of polymer-cased ammunition		[5,000]
		Program acceleration		[5,000]
205	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	1,780	1,780
206	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	55,045	55,045
208	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE	71,306	71,306
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	1,063	1,063
210	0606105A	MEDICAL PROGRAM-WIDE ACTIVITIES	19,891	19,891
211	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	4,496	4,496
		SUBTOTAL MANAGEMENT SUPPORT	1,333,123	1,362,623
		OPERATIONAL SYSTEMS DEVELOPMENT		
214	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	10,157	10,157
216	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	8,682	8,682
217	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	20,409	20,409
219	0607134A	LONG RANGE PRECISION FIRES (LRPF)	122,733	56,633
		Program reduction		[−66,100]
221	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	11,236	16,236
		Thermoplastic drive shafts		[5,000]
222	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	46,091	51,091
		Carbon composite materials for wheels and brakes		[5,000]
224	0607139A	IMPROVED TURBINE ENGINE PROGRAM	249,257	249,257
225	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	17,155	17,155
226	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS	7,743	7,743
227	0607145A	APACHE FUTURE DEVELOPMENT	77,177	77,177
228	0607150A	INTEL CYBER DEVELOPMENT	14,652	14,652
229	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	35,851	35,851
230	0607665A	FAMILY OF BIOMETRICS	1,324	1,324
231	0607865A	PATRIOT PRODUCT IMPROVEMENT	187,840	187,840
232	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs).	44,691	44,691
233	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	268,919	263,252
		CROWS-J program delay		[−5,667]
234	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	427,254	290,963
		Prior year carry-over		[−6,291]
		Program decrease		[−130,000]
235	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	11,688	7,688
		Early to need		[−4,000]
236	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	80	80
237	0203758A	DIGITIZATION	4,516	4,516
238	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	1,288	1,288
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	79,424	19,424
		Program decrease		[−60,000]
243	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV.	259	259
244	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	166	166
245	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	75,575	75,575
246	0208053A	JOINT TACTICAL GROUND SYSTEM	9,510	9,510
249	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	29,270	29,270
250	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	86,908	86,908
251	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,684	18,684
256	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	467	467
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,051	4,051
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	13,283	13,283
259	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	47,204	47,204
264	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,012	67,012
		6.8mm projectile development		[4,000]
		Lightweight film armor development		[2,000]
266A	9999999999	CLASSIFIED PROGRAMS	3,983	3,983
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	1,998,539	1,742,481

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)					
Line	Program Element	Item	FY 2021 Request	House Authorized	
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS					
267	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT.	46,445	46,445	
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	46,445	46,445	
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	12,587,343	12,382,906	
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY BASIC RESEARCH					
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	116,816	121,816	
		Navy Defense University Research Instrumentation program increase.		[5,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,113	19,113	
003	0601153N	DEFENSE RESEARCH SCIENCES	467,158	467,158	
		SUBTOTAL BASIC RESEARCH	603,087	608,087	
APPLIED RESEARCH					
004	0602114N	POWER PROJECTION APPLIED RESEARCH	17,792	17,792	
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	122,281	147,281	
		Additive manufacturing of unmanned maritime systems		[5,000]	
		Cyber physical security and resiliency research		[5,000]	
		Expeditionary unmanned systems launch and recovery		[5,000]	
		Talent and technology for power and energy systems		[5,000]	
		Unmanned logistics technology		[5,000]	
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	50,623	50,623	
007	0602235N	COMMON PICTURE APPLIED RESEARCH	48,001	48,001	
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	67,765	77,765	
		High mobility ground robots		[5,000]	
		Robotics in complex unstructured environments		[5,000]	
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	84,994	84,994	
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	63,392	73,392	
		Extreme weather events research		[5,000]	
		Program increase		[5,000]	
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,343	6,343	
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	56,397	91,397	
		Academic partnerships for undersea vehicle research		[10,000]	
		Autonomous undersea robotics		[10,000]	
		Cross-domain autonomy for persistent maritime operations		[10,000]	
		Expandable structures for operational effectiveness research		[5,000]	
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	167,590	167,590	
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	30,715	30,715	
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH.	160,537	160,537	
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACTIVITIES.	76,745	76,745	
		SUBTOTAL APPLIED RESEARCH	953,175	1,033,175	
ADVANCED TECHNOLOGY DEVELOPMENT					
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	24,410	29,410	
		Additive manufacturing		[5,000]	
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	8,008	8,008	
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	219,045	249,045	
		Expeditionary autonomous logistics		[5,000]	
		Heavy payload solar powered UAS		[20,000]	
		Modular Advanced Armed Robotic System		[5,000]	
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,301	13,301	
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	246,054	246,054	
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,122	60,122	
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,851	4,851	
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	40,709	40,709	
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	1,948	1,948	
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	141,948	161,948	
		Accelerated railgun technology maturation		[20,000]	
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	760,396	815,396	
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
027	0603178N	MEDIUM AND LARGE UNMANNED SURFACE VEHICLES (USVS).	464,042	270,442	

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
		EPF conversion to LUSV prototype		[45,000]
		Two additional Overlord vessels excess to need		[-238,600]
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	35,386	35,386
029	0603216N	AVIATION SURVIVABILITY	13,428	13,428
030	0603239N	ISO NAVAL CONSTRUCTION FORCES	2,350	2,350
031	0603251N	AIRCRAFT SYSTEMS	418	418
032	0603254N	ASW SYSTEMS DEVELOPMENT	15,719	15,719
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,411	3,411
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	70,218	70,218
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTER-MEASURES	52,358	52,358
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	12,816	12,816
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,559	7,559
038	0603525N	PILOT FISH	358,757	278,557
		Excess cost growth		[-25,000]
		Program adjustment		[-55,200]
039	0603527N	RETRACT LARCH	12,562	12,562
040	0603536N	RETRACT JUNIPER	148,000	148,000
041	0603542N	RADIOLOGICAL CONTROL	778	778
042	0603553N	SURFACE ASW	1,161	1,161
043	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	185,356	90,356
		Excessive accelerated development		[-28,200]
		Project 1 insufficient budget justification		[-66,800]
044	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,528	10,528
045	0603563N	SHIP CONCEPT ADVANCED DESIGN	126,396	136,396
		Expeditionary sustainment and repair-related technologies		[5,000]
		Polymorphic build farm for open source technologies		[5,000]
046	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	70,270	70,270
047	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	149,188	149,188
048	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	38,449	38,449
049	0603576N	CHALK EAGLE	71,181	71,181
050	0603581N	LITTORAL COMBAT SHIP (LCS)	32,178	32,178
051	0603582N	COMBAT SYSTEM INTEGRATION	17,843	17,843
052	0603595N	OHIO REPLACEMENT	317,196	317,196
053	0603596N	LCS MISSION MODULES	67,875	67,875
054	0603597N	AUTOMATED TEST AND ANALYSIS	4,797	4,797
055	0603599N	FRIGATE DEVELOPMENT	82,309	82,309
056	0603609N	CONVENTIONAL MUNITIONS	9,922	9,922
057	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	189,603	182,603
		Program delay		[-7,000]
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	43,084	43,084
059	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	6,346	6,346
060	0603721N	ENVIRONMENTAL PROTECTION	20,601	20,601
061	0603724N	NAVY ENERGY PROGRAM	23,422	23,422
062	0603725N	FACILITIES IMPROVEMENT	4,664	4,664
063	0603734N	CHALK CORAL	545,763	520,763
		Excess cost growth		[-25,000]
064	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,884	3,884
065	0603746N	RETRACT MAPLE	353,226	353,226
066	0603748N	LINK PLUMERIA	544,388	519,388
		Excess cost growth		[-25,000]
067	0603751N	RETRACT ELM	86,730	86,730
068	0603764M	LINK EVERGREEN	236,234	236,234
070	0603790N	NATO RESEARCH AND DEVELOPMENT	6,880	6,880
071	0603795N	LAND ATTACK TECHNOLOGY	10,578	10,578
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	28,435	28,435
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	33,612	33,612
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	128,845	216,845
		One additional system		[88,000]
075	0604014N	F/A -18 INFRARED SEARCH AND TRACK (IRST)	84,190	84,190
076	0604027N	DIGITAL WARFARE OFFICE	54,699	54,699
077	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES	53,942	53,942
078	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES	40,060	40,060
079	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION..	12,100	12,100
080	0604031N	LARGE UNMANNED UNDERSEA VEHICLES	78,122	42,122
		Early to need, phase 1 results needed first		[-36,000]
081	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	107,895	107,895
082	0604126N	LITTORAL AIRBORNE MCM	17,366	17,366
083	0604127N	SURFACE MINE COUNTERMEASURES	18,754	18,754
084	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTER-MEASURES (TADIRCM)	59,776	59,776
086	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,097	5,097
087	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	3,664	3,664
088	0604454N	LX (R)	10,203	10,203
089	0604536N	ADVANCED UNDERSEA PROTOTYPING	115,858	105,858

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
		XLUV late test and evaluation award		[-10,000]
090	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	14,259	14,259
091	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	1,102,387	1,087,387
		Transition to DDG-1000—initial integration		[-15,000]
092	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT	7,657	7,657
093	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT	35,750	35,750
094	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,151	9,151
095	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	22,589	6,989
		K-MAX		[7,000]
		MUX uncertain acquisition strategy		[-22,600]
097	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	809	809
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES.	6,503,074	6,098,674
		SYSTEM DEVELOPMENT & DEMONSTRATION		
098	0603208N	TRAINING SYSTEM AIRCRAFT	4,332	4,332
099	0604212N	OTHER HELO DEVELOPMENT	18,133	18,133
100	0604214M	AV-8B AIRCRAFT—ENG DEV	20,054	20,054
101	0604215N	STANDARDS DEVELOPMENT	4,237	4,237
102	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	27,340	27,340
104	0604221N	P-3 MODERNIZATION PROGRAM	606	606
105	0604230N	WARFARE SUPPORT SYSTEM	9,065	9,065
106	0604231N	TACTICAL COMMAND SYSTEM	97,968	97,968
107	0604234N	ADVANCED HAWKEYE	309,373	309,373
108	0604245M	H-1 UPGRADES	62,310	62,310
109	0604261N	ACOUSTIC SEARCH SENSORS	47,182	47,182
110	0604262N	V-22A	132,624	132,624
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT	21,445	21,445
112	0604269N	EA-18	106,134	106,134
113	0604270N	ELECTRONIC WARFARE DEVELOPMENT	134,194	134,194
114	0604273M	EXECUTIVE HELO DEVELOPMENT	99,321	99,321
115	0604274N	NEXT GENERATION JAMMER (NGJ)	477,680	487,680
		High band risk reduction		[10,000]
116	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	232,818	232,818
117	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	170,039	170,039
118	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	403,712	403,712
119	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	945	945
120	0604329N	SMALL DIAMETER BOMB (SDB)	62,488	62,488
121	0604366N	STANDARD MISSILE IMPROVEMENTS	386,225	359,225
		SM-6 excessive cost growth; program accountability		[-27,000]
122	0604373N	AIRBORNE MCM	10,909	10,909
123	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYS- TEMS ENGINEERING	44,548	44,548
124	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP)	13,673	13,673
125	0604501N	ADVANCED ABOVE WATER SENSORS	87,809	87,809
126	0604503N	SSN-688 AND TRIDENT MODERNIZATION	93,097	111,097
		Submarine electronic warfare capability improvement		[18,000]
127	0604504N	AIR CONTROL	38,863	38,863
128	0604512N	SHIPBOARD AVIATION SYSTEMS	9,593	9,593
129	0604518N	COMBAT INFORMATION CENTER CONVERSION	12,718	12,718
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	78,319	78,319
131	0604530N	ADVANCED ARRESTING GEAR (AAG)	65,834	65,834
132	0604558N	NEW DESIGN SSN	259,443	282,943
		Accelerate design		[23,500]
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	63,878	63,878
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	51,853	66,453
		Advanced Degaussing System		[14,600]
135	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,853	3,853
136	0604601N	MINE DEVELOPMENT	92,607	65,107
		Forward funded in FY20		[-27,500]
137	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	146,012	146,012
138	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,383	8,383
139	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS— ENG DEV	33,784	33,784
140	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FAC- TORS	8,599	8,599
141	0604727N	JOINT STANDOFF WEAPON SYSTEMS	73,744	73,744
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	157,490	157,490
143	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	121,761	121,761
144	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	89,373	89,373
145	0604761N	INTELLIGENCE ENGINEERING	15,716	15,716
146	0604771N	MEDICAL DEVELOPMENT	2,120	22,120
		Autonomous aerial distributed logistics		[10,000]
		ETEC disease research		[10,000]
147	0604777N	NAVIGATION/ID SYSTEM	50,180	50,180
148	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	561	561

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
149	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	250	250
150	0604850N	SSN(X)	1,000	1,000
151	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	974	974
152	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	356,173	351,173
		Unjustified growth		[-5,000]
153	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,810	7,810
154	0605212M	CH-53K RDTE	406,406	406,406
155	0605215N	MISSION PLANNING	86,134	86,134
156	0605217N	COMMON AVIONICS	54,540	54,540
157	0605220N	SHIP TO SHORE CONNECTOR (SSC)	5,155	5,155
158	0605327N	T-AO 205 CLASS	5,148	5,148
159	0605414N	UNMANNED CARRIER AVIATION (UCA)	266,970	266,970
160	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	12,713	12,713
161	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	24,424	24,424
162	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,870	182,870
163	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	41,775	41,775
164	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,541	2,541
165	0204202N	DDG-1000	208,448	223,448
		Transfer from CPS—initial integration		[15,000]
169	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	111,434	111,434
170	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	26,173	26,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,263,883	6,305,483
		MANAGEMENT SUPPORT		
171	0604256N	THREAT SIMULATOR DEVELOPMENT	22,075	22,075
172	0604258N	TARGET SYSTEMS DEVELOPMENT	10,224	10,224
173	0604759N	MAJOR T&E INVESTMENT	85,195	85,195
175	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,089	3,089
176	0605154N	CENTER FOR NAVAL ANALYSES	43,517	43,517
179	0605804N	TECHNICAL INFORMATION SERVICES	932	932
180	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	94,297	94,297
181	0605856N	STRATEGIC TECHNICAL SUPPORT	3,813	3,813
183	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	104,822	104,822
184	0605864N	TEST AND EVALUATION SUPPORT	446,960	446,960
185	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	27,241	27,241
186	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	15,787	15,787
187	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,559	8,559
188	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	42,749	42,749
189	0605898N	MANAGEMENT HQ—R&D	41,094	41,094
190	0606355N	WARFARE INNOVATION MANAGEMENT	37,022	37,022
193	0305327N	INSIDER THREAT	2,310	2,310
194	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES).	1,536	1,536
		SUBTOTAL MANAGEMENT SUPPORT	991,222	991,222
		OPERATIONAL SYSTEMS DEVELOPMENT		
199	0604227N	HARPOON MODIFICATIONS	697	697
200	0604840M	F-35 C2D2	379,549	341,649
		Block IV/TR3 upgrade delays		[-37,900]
201	0604840N	F-35 C2D2	413,875	372,475
		Block IV/TR3 upgrade delays		[-41,400]
202	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	143,667	143,667
204	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	173,056	173,056
205	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	45,970	45,970
206	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	69,190	74,190
		Next-generation countermeasure acoustic device		[5,000]
207	0101402N	NAVY STRATEGIC COMMUNICATIONS	42,277	42,277
208	0204136N	F/A-18 SQUADRONS	171,030	175,030
		Jet noise reduction		[4,000]
210	0204228N	SURFACE SUPPORT	33,482	33,482
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	200,308	200,308
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	102,975	102,975
213	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	10,873	10,873
214	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	1,713	1,713
215	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	22,205	22,205
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	83,956	83,956
218	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	56,791	56,791
219	0205601N	HARM IMPROVEMENT	146,166	146,166
221	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	29,348	29,348
222	0205632N	MK-48 ADCAP	110,349	110,349
223	0205633N	AVIATION IMPROVEMENTS	133,953	133,953
224	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	110,313	110,313
225	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	207,662	207,662

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	House Authorized
226	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	4,406	4,406
227	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	61,381	61,381
228	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	10,421	10,421
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	29,977	29,977
230	0206629M	AMPHIBIOUS ASSAULT VEHICLE	6,469	6,469
231	0207161N	TACTICAL AIM MISSILES	5,859	5,859
232	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	44,323	44,323
236	0303109N	SATELLITE COMMUNICATIONS (SPACE)	41,978	46,978
		Interference mitigation technology, test and verification		[5,000]
237	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	29,684	29,684
238	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	39,094	39,094
239	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,154	6,154
240	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	7,108	7,108
241	0305205N	UAS INTEGRATION AND INTEROPERABILITY	62,098	62,098
242	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	21,500	21,500
244	0305220N	MQ-4C TRITON	11,120	11,120
245	0305231N	MQ-8 UAV	28,968	28,968
246	0305232M	RQ-11 UAV	537	537
247	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	8,773	8,773
248	0305239M	RQ-21A	10,853	10,853
249	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	60,413	60,413
250	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	5,000	5,000
251	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT ..	34,967	34,967
252	0305421N	RQ-4 MODERNIZATION	178,799	178,799
253	0307577N	INTELLIGENCE MISSION DATA (IMD)	2,120	2,120
254	0308601N	MODELING AND SIMULATION SUPPORT	8,683	8,683
255	0702207N	DEPOT MAINTENANCE (NON-IF)	45,168	45,168
256	0708730N	MARITIME TECHNOLOGY (MARITECH)	6,697	6,697
257	1203109N	SATELLITE COMMUNICATIONS (SPACE)	70,056	70,056
257A	9999999999	CLASSIFIED PROGRAMS	1,795,032	1,795,032
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	5,327,043	5,261,743
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
258	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM.	14,300	14,300
259	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	10,868	10,868
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	25,168	25,168
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	21,427,048	21,138,948
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	315,348	315,348
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	161,861	166,861
		Solar block research		[5,000]
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	15,085	15,085
		SUBTOTAL BASIC RESEARCH	492,294	497,294
		APPLIED RESEARCH		
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	100,000	100,000
005	0602102F	MATERIALS	140,781	165,781
		Advanced materials manufacturing flexible biosensors		[5,000]
		Metals affordability research		[15,000]
		Thermal protection systems		[5,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	349,225	374,225
		Advanced batteries for directed energy		[5,000]
		High speed expendable turbine development		[5,000]
		On-orbit propulsion technologies		[5,000]
		Secure unmanned aerial vehicles		[10,000]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	115,222	115,222
009	0602204F	AEROSPACE SENSORS	211,301	211,301
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,926	8,926
012	0602602F	CONVENTIONAL MUNITIONS	132,425	132,425
013	0602605F	DIRECTED ENERGY TECHNOLOGY	128,113	128,113
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	178,668	208,668
		Counter UAS platform integration testbed		[5,000]
		Quantum Innovation Center		[5,000]
		Quantum network testbed		[10,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
015	0602890F	Trusted UAS traffic management and C-UAS testbed		[10,000]
		HIGH ENERGY LASER RESEARCH	45,088	45,088
		SUBTOTAL APPLIED RESEARCH	1,409,749	1,489,749
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603030F	AF FOUNDATIONAL DEVELOPMENT/DEMOS	103,280	110,280
		Agile composite manufacturing initiatives		[5,000]
		Foam engine wash		[2,000]
018	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	157,619	127,619
		Inappropriate use of S&T funds for Golden Horde demonstration & validation.		[–30,000]
019	0603033F	NEXT GEN PLATFORM DEV/DEMO	199,556	199,556
020	0603034F	PERSISTENT KNOWLEDGE, AWARENESS, & C2 TECH	102,276	102,276
021	0603035F	NEXT GEN EFFECTS DEV/DEMOS	215,817	215,817
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	778,548	755,548
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
038	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	4,320	4,320
039	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	26,396	26,396
040	0603790F	NATO RESEARCH AND DEVELOPMENT	3,647	3,647
041	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	32,959	32,959
043	0604002F	AIR FORCE WEATHER SERVICES RESEARCH	869	869
044	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	302,323	216,823
		Unjustified costs		[–85,500]
045	0604004F	ADVANCED ENGINE DEVELOPMENT	636,495	636,495
046	0604015F	LONG RANGE STRIKE—BOMBER	2,848,410	2,828,410
		Transfer to APA line 025A		[–20,000]
047	0604032F	DIRECTED ENERGY PROTOTYPING	20,964	20,964
048	0604033F	HYPERSONICS PROTOTYPING	381,862	381,862
050	0604257F	ADVANCED TECHNOLOGY AND SENSORS	24,747	24,747
051	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP	76,417	76,417
052	0604317F	TECHNOLOGY TRANSFER	3,011	3,011
053	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	52,921	52,921
054	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	69,783	69,783
055	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,835	25,835
056	0604858F	TECH TRANSITION PROGRAM	219,252	249,252
		Program increase—LCAAT prototyping		[30,000]
057	0605230F	GROUND BASED STRATEGIC DETERRENT	1,524,759	1,524,759
059	0207110F	NEXT GENERATION AIR DOMINANCE	1,044,089	1,044,089
060	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	19,356	19,356
061	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	8,737	8,737
062	0208099F	UNIFIED PLATFORM (UP)	5,990	5,990
063	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	39,293	39,293
065	0305601F	MISSION PARTNER ENVIRONMENTS	11,430	11,430
066	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	259,823	259,823
067	0306415F	ENABLED CYBER ACTIVITIES	10,560	10,560
068	0401310F	C–32 EXECUTIVE TRANSPORT RECAPITALIZATION	9,908	9,908
069	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	8,662	8,662
074	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	8,787	8,787
077	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	56,311	56,311
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	7,737,916	7,662,416
		SYSTEM DEVELOPMENT & DEMONSTRATION		
082	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	25,161	25,161
083	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	38,564	38,564
084	0604222F	NUCLEAR WEAPONS SUPPORT	35,033	35,033
085	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,098	2,098
086	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	131,909	131,909
087	0604287F	PHYSICAL SECURITY EQUIPMENT	6,752	6,752
088	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	17,280	17,280
090	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	23,076	23,076
091	0604604F	SUBMUNITIONS	3,091	3,091
092	0604617F	AGILE COMBAT SUPPORT	20,609	20,609
093	0604618F	JOINT DIRECT ATTACK MUNITION	7,926	7,926
094	0604706F	LIFE SUPPORT SYSTEMS	23,660	23,660
095	0604735F	COMBAT TRAINING RANGES	8,898	8,898
096	0604800F	F–35—EMD	5,423	423
		Excess SDD funding		[–5,000]
097	0604932F	LONG RANGE STANDOFF WEAPON	474,430	474,430
098	0604933F	ICBM FUZE MODERNIZATION	167,099	167,099
100	0605056F	OPEN ARCHITECTURE MANAGEMENT	30,547	30,547
102	0605223F	ADVANCED PILOT TRAINING	248,669	248,669
103	0605229F	COMBAT RESCUE HELICOPTER	63,169	63,169
105	0101125F	NUCLEAR WEAPONS MODERNIZATION	9,683	9,683

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
106	0207171F	F-15 EPAWSS	170,679	155,979
		Cost growth		[-14,700]
107	0207328F	STAND IN ATTACK WEAPON	160,438	142,738
		Unjustified cost increase		[-17,700]
108	0207701F	FULL COMBAT MISSION TRAINING	9,422	9,422
110	0305176F	COMBAT SURVIVOR EVADER LOCATOR	973	973
111	0401221F	KC-46A TANKER SQUADRONS	106,262	86,262
		Slow execution		[-20,000]
113	0401319F	VC-25B	800,889	800,889
114	0701212F	AUTOMATED TEST SYSTEMS	10,673	10,673
115	0804772F	TRAINING DEVELOPMENTS	4,479	4,479
116	0901299F	AF A1 SYSTEMS	8,467	8,467
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	2,615,359	2,557,959
		MANAGEMENT SUPPORT		
131	0604256F	THREAT SIMULATOR DEVELOPMENT	57,725	57,725
132	0604759F	MAJOR T&E INVESTMENT	208,680	208,680
133	0605101F	RAND PROJECT AIR FORCE	35,803	35,803
135	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,557	13,557
136	0605807F	TEST AND EVALUATION SUPPORT	764,606	754,606
		Program decrease		[-10,000]
142	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	1,362,038	1,362,038
143	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	40,768	40,768
144	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	179,646	179,646
145	0605898F	MANAGEMENT HQ—R&D	5,734	5,734
146	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	70,985	70,985
147	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	29,880	29,880
148	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	63,381	63,381
149	0606398F	MANAGEMENT HQ—T&E	5,785	5,785
150	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM.	24,564	24,564
151	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	9,883	9,883
152	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	13,384	13,384
153	0804731F	GENERAL SKILL TRAINING	1,262	1,262
155	1001004F	INTERNATIONAL ACTIVITIES	3,599	3,599
		SUBTOTAL MANAGEMENT SUPPORT	2,891,280	2,881,280
		OPERATIONAL SYSTEMS DEVELOPMENT		
163	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,777	8,777
164	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	499	499
165	0604840F	F-35 C2D2	785,336	706,836
		Block IV/TR3 upgrade delays		[-78,500]
166	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) ..	27,035	27,035
167	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	50,508	50,508
168	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	71,229	71,229
169	0605278F	HC/MC-130 RECAP RDT&E	24,705	24,705
170	0606018F	NC3 INTEGRATION	26,356	26,356
172	0101113F	B-52 SQUADRONS	520,023	338,523
		GPS-IU contract delays		[-10,000]
		No acquisition strategy for AEHF		[-2,500]
		Radar modernization program contract delays		[-40,000]
		Virtual prototype contract delay		[-125,000]
		VLF/LF contract delays		[-4,000]
173	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	1,433	1,433
174	0101126F	B-1B SQUADRONS	15,766	15,766
175	0101127F	B-2 SQUADRONS	187,399	187,399
		Airspace compliance contract delays		[-2,000]
		JASSM-ER Milestone B delay		[-5,000]
		Virtual training		[7,000]
176	0101213F	MINUTEMAN SQUADRONS	116,569	116,569
177	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	27,235	27,235
178	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK.	24,227	24,227
179	0101328F	ICBM REENTRY VEHICLES	112,753	112,753
181	0102110F	UH-1N REPLACEMENT PROGRAM	44,464	44,464
182	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,929	5,929
183	0102412F	NORTH WARNING SYSTEM (NWS)	100	100
184	0205219F	MQ-9 UAV	162,080	162,080
186	0207131F	A-10 SQUADRONS	24,535	24,535
187	0207133F	F-16 SQUADRONS	223,437	223,437
188	0207134F	F-15E SQUADRONS	298,908	298,908
189	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,960	14,960
190	0207138F	F-22A SQUADRONS	665,038	648,938
		Software delays		[-16,100]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
191	0207142F	F-35 SQUADRONS	132,229	129,629
		Unjustified USAF ALIS unique funding		[-2,600]
192	0207146F	F-15EX	159,761	159,761
193	0207161F	TACTICAL AIM MISSILES	19,417	19,417
194	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	51,799	51,799
195	0207227F	COMBAT RESCUE—PARARESCUE	669	669
196	0207247F	AF TENCAP	21,644	21,644
197	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	9,261	9,261
198	0207253F	COMPASS CALL	15,854	15,854
199	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	95,896	95,896
200	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	70,792	70,792
201	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	51,187	51,187
202	0207412F	CONTROL AND REPORTING CENTER (CRC)	16,041	16,041
203	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	138,303	138,303
204	0207418F	AFSPECWAR—TACP	4,223	4,223
206	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	16,564	16,564
207	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	7,858	7,858
208	0207444F	TACTICAL AIR CONTROL PARTY-MOD	12,906	12,906
210	0207452F	DCAPES	14,816	14,816
211	0207521F	AIR FORCE CALIBRATION PROGRAMS	1,970	1,970
212	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	396	396
213	0207590F	SEEK EAGLE	29,680	29,680
214	0207601F	USAF MODELING AND SIMULATION	17,666	17,666
215	0207605F	WARGAMING AND SIMULATION CENTERS	6,353	6,353
216	0207610F	BATTLEFIELD ABN COMM NODE (BACN)	6,827	6,827
217	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,390	3,390
218	0208006F	MISSION PLANNING SYSTEMS	91,768	91,768
219	0208007F	TACTICAL DECEPTION	2,370	2,370
220	0208064F	OPERATIONAL HQ—CYBER	5,527	5,527
221	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	68,279	68,279
222	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	15,165	15,165
223	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	38,480	38,480
224	0208099F	UNIFIED PLATFORM (UP)	84,645	84,645
230	0301025F	GEOBASE	2,767	2,767
231	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	32,759	32,759
238	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	2,904	2,904
239	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) ...	3,468	3,468
240	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NET- WORK (MEECN).	61,887	61,887
242	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	10,351	10,351
243	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	1,346	1,346
246	0304260F	AIRBORNE SIGINT ENTERPRISE	128,110	120,110
		Program decrease		[-8,000]
247	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,042	4,042
251	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,649	1,649
252	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	19,265	19,265
253	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,645	4,645
254	0305103F	CYBER SECURITY INITIATIVE	384	384
255	0305111F	WEATHER SERVICE	23,640	30,640
		Commercial weather pilot		[7,000]
256	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	6,553	6,553
257	0305116F	AERIAL TARGETS	449	449
260	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	432	432
262	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	4,890	4,890
264	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,864	8,864
265	0305202F	DRAGON U-2	18,660	18,660
267	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	121,512	139,512
		Gorgon Stare Wide Area Motion Imagery program increase		[10,000]
		Sensor Open Systems Architecture		[8,000]
268	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,711	14,711
269	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,152	14,152
270	0305220F	RQ-4 UAV	134,589	134,589
271	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	15,049	15,049
272	0305238F	NATO AGS	36,731	36,731
273	0305240F	SUPPORT TO DCGS ENTERPRISE	33,547	33,547
274	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND AR- CHITECTURES.	13,635	13,635
275	0305881F	RAPID CYBER ACQUISITION	4,262	4,262
276	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,207	2,207
277	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,277	6,277
278	0401115F	C-130 AIRLIFT SQUADRON	41,973	41,973
279	0401119F	C-5 AIRLIFT SQUADRONS (IF)	32,560	32,560
280	0401130F	C-17 AIRCRAFT (IF)	9,991	9,991
281	0401132F	C-130J PROGRAM	10,674	10,674
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,507	5,507
283	0401218F	KC-135S	4,591	4,591

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
286	0401318F	CV-22	18,419	18,419
288	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,673	7,673
290	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	24,513	24,513
291	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	35,225	35,225
292	0708611F	SUPPORT SYSTEMS DEVELOPMENT	11,838	11,838
293	0804743F	OTHER FLIGHT TRAINING	1,332	1,332
295	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,092	2,092
296	0901218F	CIVILIAN COMPENSATION PROGRAM	3,869	3,869
297	0901220F	PERSONNEL ADMINISTRATION	1,584	1,584
298	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,197	1,197
299	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	7,006	7,006
300	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS)	45,638	45,638
301	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	1,889	0
		Transfer to Space Force		[-1,889]
302	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	993	993
303	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	8,999	8,999
314	1203400F	SPACE SUPERIORITY INTELLIGENCE	16,810	16,810
316	1203620F	NATIONAL SPACE DEFENSE CENTER	2,687	2,687
318	1203906F	NCMC—TWAA SYSTEM	6,990	6,990
322A	9999999999	CLASSIFIED PROGRAMS	15,777,856	15,777,856
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	21,466,680	21,203,091
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	37,391,826	37,047,337
		RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE		
		APPLIED RESEARCH		
001	1206601SF	SPACE TECHNOLOGY	130,874	164,874
		Ground based optical GEO surveillance		[5,000]
		Rapid development of low-cost, small satellite technology		[20,000]
		Small satellite mission operations center		[9,000]
		SUBTOTAL APPLIED RESEARCH	130,874	164,874
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
002	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	390,704	390,704
003	1203710SF	EO/IR WEATHER SYSTEMS	131,000	106,000
		Program reduction for phase 2 risk reduction Spec OT2		[-25,000]
004	1206422SF	WEATHER SYSTEM FOLLOW-ON	83,384	83,384
005	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	33,359	33,359
006	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	142,808	142,808
007	1206438SF	SPACE CONTROL TECHNOLOGY	35,575	35,575
008	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	114,390	109,390
		Unjustified growth		[-5,000]
009	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	205,178	200,178
		Unjustified growth		[-5,000]
010	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	71,395	71,395
011	1206857SF	SPACE RAPID CAPABILITIES OFFICE	103,518	103,518
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	1,311,311	1,276,311
		SYSTEM DEVELOPMENT & DEMONSTRATION		
012	1203269SF	GPS III FOLLOW-ON (GPS IIIF)	263,496	253,496
		Execution lagging		[-10,000]
013	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	41,897	41,897
014	1206421SF	COUNTERSPACE SYSTEMS	54,689	54,689
015	1206422SF	WEATHER SYSTEM FOLLOW-ON	2,526	2,526
016	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	173,074	173,074
017	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	138,257	138,257
018	1206432SF	POLAR MILSATCOM (SPACE)	190,235	190,235
019	1206442SF	NEXT GENERATION OPIR	2,318,864	2,269,864
		Block 0 GEO unjustified cost growth		[-20,000]
		Program decrease		[-29,000]
020	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD.	560,978	710,978
		Program increase		[150,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	3,744,016	3,835,016
		MANAGEMENT SUPPORT		
021	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	20,281	20,281
022	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	183,930	183,930
023	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	9,765	9,765
024	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,993	27,993

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	House Authorized
025	1206864SF	Tactically Responsive Launch Operations		[10,000]
		SPACE TEST PROGRAM (STP)	26,541	26,541
		SUBTOTAL MANAGEMENT SUPPORT	258,510	268,510
		OPERATIONAL SYSTEM DEVELOPMENT		
026	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,708	5,597
		Transfer from Air Force		[1,889]
027	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	247,229	237,229
		Program decrease		[-10,000]
028	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	75,480	60,480
		Program decrease		[-15,000]
029	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CON- TROL SEGMENTS).	1,984	1,984
030	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,397	4,397
031	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECH- NOLOGY DEVELOPMENT.	44,746	39,746
		Underexecution		[-5,000]
032	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,020	16,020
		Space launch range services and capabilities		[5,000]
033	1203265SF	GPS III SPACE SEGMENT	10,777	10,777
034	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	28,179	28,179
035	1203913SF	NUDET DETECTION SYSTEM (SPACE)	29,157	29,157
036	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	44,809	39,809
		Underexecution		[-5,000]
037	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL, CON- TROL SEGMENT.	481,999	471,999
		Program decrease		[-5,000]
		Unjustified growth		[-5,000]
041	1206770SF	ENTERPRISE GROUND SERVICES	116,791	116,791
041A	9999999999	CLASSIFIED PROGRAMS	3,632,866	3,632,866
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	4,733,142	4,695,031
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PRO- GRAMS		
042	1203614SF	JSPOC MISSION SYSTEM	149,742	129,742
		Unjustified increase; transfer to commercial Space Domain Aware- ness Services and Data.		[-20,000]
42A	9999999999	COMMERCIAL SATCOM		45,000
		Commercial polar space-based proliferated LEO broadband serv- ices and demonstrations.		[25,000]
		Increase for commercial space domain awareness services and data		[20,000]
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS.	149,742	174,742
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, SPACE FORCE.	10,327,595	10,414,484
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	14,617	14,617
002	0601101E	DEFENSE RESEARCH SCIENCES	479,958	479,958
003	0601110D8Z	BASIC RESEARCH INITIATIVES	35,565	57,565
		Restore Minerva research initiative		[17,000]
		START research consortium of excellence for irregular warfare and advanced analytics.		[5,000]
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	53,730	53,730
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	100,241	105,241
		Civies education pilot		[5,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MI- NORITY INSTITUTIONS.	30,975	50,975
		PIPELINE program		[3,000]
		Program increase		[17,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	45,300	45,300
		SUBTOTAL BASIC RESEARCH	760,386	807,386
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,409	24,409
		New energetic materials design		[5,000]
009	0602115E	BIOMEDICAL TECHNOLOGY	107,568	107,568
011	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	35,000	35,000
012	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	41,080	41,080
013	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRI- ORITIES.	60,722	60,722
014	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	435,920	403,920
		Program decrease		[-32,000]
015	0602383E	BIOLOGICAL WARFARE DEFENSE	26,950	26,950
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	201,807	206,807
		Treatment testing technology for nuclear, chemical, and biological exposure.		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
017	0602668D8Z	CYBER SECURITY RESEARCH	15,255	15,255
018	0602702E	TACTICAL TECHNOLOGY	233,271	233,271
019	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	250,107	250,107
020	0602716E	ELECTRONICS TECHNOLOGY	322,693	322,693
021	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	174,571	174,571
022	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	9,573	9,573
023	1160401BB	SOF TECHNOLOGY DEVELOPMENT	42,464	47,464
		Sustained Human Performance and Resilience		[5,000]
		SUBTOTAL APPLIED RESEARCH	1,976,390	1,959,390
		ADVANCED TECHNOLOGY DEVELOPMENT		
024	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	22,920	22,920
025	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,914	4,914
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	51,089	51,089
027	0603133D8Z	FOREIGN COMPARATIVE TESTING	25,183	25,183
029	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	366,659	366,659
030	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT ...	14,910	64,910
		Restore low power laser demonstrator		[50,000]
032	0603180C	ADVANCED RESEARCH	18,687	28,687
		Program increase		[10,000]
033	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	18,873	18,873
034	0603286E	ADVANCED AEROSPACE SYSTEMS	230,978	230,978
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	158,439	158,439
036	0603288D8Z	ANALYTIC ASSESSMENTS	23,775	23,775
037	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	36,524	36,524
038	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA ..	14,703	14,703
039	0603294C	COMMON KILL VEHICLE TECHNOLOGY	11,058	11,058
040	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	133,375	133,375
042	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	26,141	26,141
043	0603375D8Z	TECHNOLOGY INNOVATION	27,709	27,709
044	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	188,001	188,001
045	0603527D8Z	RETRACT LARCH	130,283	130,283
046	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	15,164	15,164
047	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	85,452	85,452
048	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	5,882	5,882
049	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	93,817	143,817
		Accelerating rapid prototyping by integrating high performance computing and advanced manufacturing.		[5,000]
		Additive manufacturing training		[5,000]
		Advanced structural manufacturing technologies		[30,000]
		Flexible hybrid electronics		[5,000]
		Hypersonic thermal management research		[5,000]
050	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	40,025	40,025
052	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	10,235	10,235
053	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	53,862	158,862
		AFFF replacement		[50,000]
		PFAS Innovation Award Fund		[5,000]
		PFAS remediation and disposal technology		[50,000]
054	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	124,049	124,049
055	0603727D8Z	JOINT WARFIGHTING PROGRAM	3,871	3,871
056	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	95,864	95,864
057	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	221,724	221,724
058	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	661,158	661,158
059	0603767E	SENSOR TECHNOLOGY	200,220	200,220
060	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	6,765	6,765
061	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	12,598	12,598
064	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	105,410	105,410
065	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	187,065	187,065
		Directed energy test workloads		
066	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK		40,000
		Restore program		[40,000]
067	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT		65,000
		Program increase		[65,000]
070	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	89,072	94,072
		SOF 3-D printing technologies		[5,000]
071	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.	72,422	72,422
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	3,588,876	3,913,876
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
072	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	32,636	32,636
073	0603600D8Z	WALKOFF	106,529	106,529
075	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	61,345	113,345
		PFAS remediation and disposal technology		[50,000]
		Program increase		[2,000]
076	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	412,627	312,627
		Insufficient justification—homeland defense underlay		[–100,000]
077	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	1,004,305	919,305
		Unjustified growth—RKV cancellation		[–85,000]
078	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	76,167	81,167
		Decontamination technologies for civilian pandemic preparedness		[5,000]
079	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	281,957	281,957
080	0603890C	BMD ENABLING PROGRAMS	599,380	599,380
081	0603891C	SPECIAL PROGRAMS—MDA	420,216	420,216
082	0603892C	AEGIS BMD	814,936	804,936
		Program decrease		[–10,000]
083	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	593,353	593,353
084	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	49,560	49,560
085	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	55,356	55,356
086	0603906C	REGARDING TRENCH	11,863	11,863
087	0603907C	SEA BASED X-BAND RADAR (SBX)	118,318	118,318
088	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
089	0603914C	BALLISTIC MISSILE DEFENSE TEST	378,302	378,302
090	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	536,133	536,133
092	0603923D8Z	COALITION WARFARE	10,129	10,129
093	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G).	449,000	400,000
		Program decrease for Restoring S&T		[–49,000]
094	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,325	3,325
095	0604115C	TECHNOLOGY MATURATION INITIATIVES	67,389	67,389
098	0604181C	HYPERSONIC DEFENSE	206,832	206,832
099	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	730,508	729,508
		Micro nuclear reactors		[50,000]
		Program decrease for Restoring S&T		[–51,000]
100	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	489,076	489,076
101	0604331D8Z	RAPID PROTOTYPING PROGRAM	102,023	82,023
		Program decrease for Restoring S&T		[–20,000]
102	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	13,255	16,255
		Talent optimization pilot program		[3,000]
103	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,787	2,787
105	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H)		130,000
		Continue radar development and siting efforts		[130,000]
107	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,469	3,469
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	19,190	19,190
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	137,256	137,256
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	664,138	414,138
		Delayed NGI contract award		[–250,000]
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	7,768	7,768
113	0604878C	AEGIS BMD TEST	170,880	95,880
		Unjustified cost growth		[–75,000]
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	76,456	76,456
115	0604880C	LAND-BASED SM–3 (LBSM3)	56,628	56,628
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	67,071	67,071
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,198	2,198
119	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	997	997
120	0305103C	CYBER SECURITY INITIATIVE	1,148	1,148
121	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING ...	215,994	155,994
		HBTSS—transfer to 1206895C		[–20,000]
		Unjustified growth		[–40,000]
122	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	34,144	34,144
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS ..	32,068	152,068
		HBTSS—transfer from 1206410SDA		[20,000]
		HBTSS sensor payload development		[100,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	9,416,712	9,076,712

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
SYSTEM DEVELOPMENT & DEMONSTRATION				
124	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,173	7,173
126	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	319,976	319,976
127	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	54,985	54,985
128	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	15,650	15,650
129	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,441	1,441
130	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	7,287	7,287
131	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	12,928	12,928
132	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES	10,259	10,259
133	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	1,377	1,377
134	0605075D8Z	CMO POLICY AND INTEGRATION	1,648	1,648
135	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM	20,537	20,537
136	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	1,638	1,638
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS).	5,500	5,500
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	8,279	8,279
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	107,585	107,585
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,685	3,685
143	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	3,275	3,275
144	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	20,585	20,585
SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.			603,808	603,808
MANAGEMENT SUPPORT				
145	0603829J	JOINT CAPABILITY EXPERIMENTATION	11,239	11,239
146	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	9,793	9,793
147	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,497	8,497
148	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	422,451	435,451
		Gulf Test range and training enhancements		[13,000]
149	0604942D8Z	ASSESSMENTS AND EVALUATIONS	18,379	18,379
150	0605001E	MISSION SUPPORT	74,334	74,334
151	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	79,046	79,046
153	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JLAMDO).	50,255	50,255
155	0605142D8Z	SYSTEMS ENGINEERING	49,376	49,376
156	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,777	5,777
157	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	16,552	16,552
158	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	9,582	9,582
159	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,940	1,940
160	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	122,951	122,951
167	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,582	3,582
168	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	29,566	29,566
169	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	29,059	29,059
170	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	59,369	16,069
		Program decrease		[-43,300]
171	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	29,420	29,420
172	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	27,198	27,198
173	0605898E	MANAGEMENT HQ—R&D	13,434	13,434
174	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	2,837	2,837
175	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	13,173	13,173
176	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	3,200	3,200
177	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT.	999	999
180	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	3,099	3,099
181	0204571J	JOINT STAFF ANALYTICAL SUPPORT	3,058	3,058
182	0208045K	C4I INTEROPERABILITY	59,813	59,813
185	0303140SE	INFORMATION SYSTEMS SECURITY PROGRAM	1,112	1,112
186	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	545	545
187	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	1,036	1,036
188	0305172K	COMBINED ADVANCED APPLICATIONS	30,824	30,824
190	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,048	3,048
194	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	31,125	31,125
195	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI).	100	100

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	House Authorized
196	0901598C	MANAGEMENT HQ—MDA	26,902	26,902
197	0903235K	JOINT SERVICE PROVIDER (JSP)	3,138	3,138
198A	9999999999	CLASSIFIED PROGRAMS	41,583	41,583
		SUBTOTAL MANAGEMENT SUPPORT	1,297,392	1,267,092
OPERATIONAL SYSTEMS DEVELOPMENT				
199	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	14,378	14,378
200	0604532K	JOINT ARTIFICIAL INTELLIGENCE	132,058	132,058
201	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PART- NERSHIP FOR PEACE INFORMATION MANA.	1,986	1,986
202	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFOR- MATION SYSTEM (OHASIS).	316	316
203	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT Autotune filter manufacturing scale-up for advanced offboard elec- tronic warfare.	9,151	79,151 [10,000]
		Domestic organic light emitting diode microdisplay manufacturing Domestic rare earth magnet capability		[5,000] [5,000]
		Domestic tungsten		[5,000]
		Program increase		[15,000]
		Radar supplier resiliency plan		[5,000]
		Submarine workforce development and training		[20,000]
		Ultra-hard armor		[5,000]
204	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT ..	19,082	19,082
205	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	3,992	3,992
206	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	39,530	39,530
207	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,039	3,039
212	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND IN- TEGRATION.	16,324	16,324
213	0303126K	LONG-HAUL COMMUNICATIONS—DCS	11,884	11,884
214	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NET- WORK (MEECN).	5,560	5,560
215	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	73,356	73,356
216	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	46,577	46,577
217	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	356,713	336,713
		GenCyber		[20,000]
		Program decrease		[-40,000]
218	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	8,922	8,922
219	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	3,695	3,695
220	0303153K	DEFENSE SPECTRUM ORGANIZATION	20,113	20,113
223	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS)	9,728	0
		Program decrease		[-9,728]
231	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	5,700	5,700
235	0305186D8Z	POLICY R&D PROGRAMS	7,144	7,144
236	0305199D8Z	NET CENTRICITY	21,793	21,793
238	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,066	6,066
245	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,190	2,190
252	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,654	1,654
253	0708012S	PACIFIC DISASTER CENTERS	1,785	1,785
254	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	7,301	7,301
256	1105219BB	MQ-9 UAV	21,265	21,265
258	1160403BB	AVIATION SYSTEMS	230,812	230,812
259	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	19,558	19,558
260	1160408BB	OPERATIONAL ENHANCEMENTS	136,041	151,041
		Machine learning and AI technologies to enable operational ma- neuver.		[10,000]
		Modular expeditionary compact high-energy lasers		[5,000]
261	1160431BB	WARRIOR SYSTEMS	59,511	94,511
		Increased research for eUAS in austere locations abroad		[35,000]
262	1160432BB	SPECIAL PROGRAMS	10,500	10,500
263	1160434BB	UNMANNED ISR	19,154	19,154
264	1160480BB	SOF TACTICAL VEHICLES	9,263	9,263
265	1160483BB	MARITIME SYSTEMS	59,882	59,882
266	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,606	4,606
267	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,612	11,612
268	1203610K	TELEPORT PROGRAM	3,239	3,239
268A	9999999999	CLASSIFIED PROGRAMS	4,746,466	4,746,466
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.	6,161,946	6,252,218
SOFTWARE AND DIGITAL TECHNOLOGY PILOT PRO- GRAMS				
269	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES— SOFTWARE PILOT PROGRAM.	121,676	121,676
270	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	16,848	16,848
271	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	86,750	76,750
		Program decrease		[-10,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	House Authorized
272	0308588DSZ	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS— SOFTWARE PILOT PROGRAM. Program decrease	250,107	200,107 [–50,000]
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	475,381	415,381
		UNDISTRIBUTED		
273A	9999999999	PANDEMIC PREPAREDNESS AND RESILIENCE NATIONAL SECURITY FUND. Program increase		1,000,000 [1,000,000]
		SUBTOTAL UNDISTRIBUTED		1,000,000
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	24,280,891	25,295,863
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	100,021	100,021
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	70,933	70,933
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	39,136	39,136
		SUBTOTAL MANAGEMENT SUPPORT	210,090	210,090
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	210,090	210,090
		TOTAL RDT&E	106,224,793	106,489,628

1 SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
2 TION FOR OVERSEAS CONTINGENCY OPER-
3 ATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OP- ERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2021 Request	House Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY APPLIED RESEARCH		
016	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	2,000	2,000
		SUBTOTAL APPLIED RESEARCH	2,000	2,000
		ADVANCED COMPONENT DEVELOPMENT & PROTO- TYPES		
080	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	500	500
114	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	2,020	2,020
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,520	2,520
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE— ENG DEV.	27,000	27,000
159	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCUM)	2,300	2,300
166	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	64,625	64,625
183	0304270A	ELECTRONIC WARFARE DEVELOPMENT	3,900	3,900
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRA- TION.	97,825	97,825
		MANAGEMENT SUPPORT		
198	0605709A	EXPLOITATION OF FOREIGN ITEMS	1,000	1,000
209	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	4,137	4,137
		SUBTOTAL MANAGEMENT SUPPORT	5,137	5,137
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	2,300	2,300
248	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	23,367	23,367
257	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	34,100	34,100
258	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	15,575	15,575
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	75,342	75,342
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	182,824	182,824

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2021 Request	House Authorized
RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY				
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
039	0603527N	RETRACT LARCH	36,500	36,500
058	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	14,461	14,461
063	0603734N	CHALK CORAL	3,000	3,000
071	0603795N	LAND ATTACK TECHNOLOGY	1,457	1,457
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	55,418	55,418
SYSTEM DEVELOPMENT & DEMONSTRATION				
142	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	1,144	1,144
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	1,144	1,144
OPERATIONAL SYSTEMS DEVELOPMENT				
229	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	3,000	3,000
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	3,000	3,000
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	59,562	59,562
RESEARCH, DEVELOPMENT, TEST & EVAL, AF				
OPERATIONAL SYSTEMS DEVELOPMENT				
185	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	4,080	4,080
228	0208288F	INTEL DATA APPLICATIONS	1,224	1,224
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	5,304	5,304
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	5,304	5,304
RESEARCH, DEVELOPMENT, TEST & EVAL, DW				
APPLIED RESEARCH				
010	0602134BR	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	3,699	3,699
		SUBTOTAL APPLIED RESEARCH	3,699	3,699
ADVANCED TECHNOLOGY DEVELOPMENT				
026	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	19,288	19,288
028	0603134BR	COUNTER IMPROVISED-THREAT SIMULATION	3,861	3,861
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	23,149	23,149
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
097	0604134BR	COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING.	19,931	19,931
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	19,931	19,931
OPERATIONAL SYSTEMS DEVELOPMENT				
260	1160408BB	OPERATIONAL ENHANCEMENTS	1,186	1,186
261	1160431BB	WARRIOR SYSTEMS	5,796	5,796
263	1160434BB	UNMANNED ISR	5,000	5,000
268A	9999999999	CLASSIFIED PROGRAMS	24,057	24,057
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	36,039	36,039
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	82,818	82,818
		TOTAL RDT&E	330,508	330,508

1 **TITLE XLIII—OPERATION AND**
2 **MAINTENANCE**
3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2021 Request	House Authorized
OPERATION & MAINTENANCE, ARMY			

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
OPERATING FORCES			
020	MODULAR SUPPORT BRIGADES	159,834	143,834
	Unjustified funding for Dynamic Force Employment		[–16,000]
030	ECHELONS ABOVE BRIGADE	663,751	660,951
	Unjustified funding for Dynamic Force Employment		[–2,800]
040	THEATER LEVEL ASSETS	956,477	956,477
050	LAND FORCES OPERATIONS SUPPORT	1,157,635	1,167,984
	Establishment of Joint CUAS Office		[10,349]
060	AVIATION ASSETS	1,453,024	1,403,024
	Unjustified funding for Dynamic Force Employment		[–50,000]
070	FORCE READINESS OPERATIONS SUPPORT	4,713,660	4,713,660
080	LAND FORCES SYSTEMS READINESS	404,161	404,161
090	LAND FORCES DEPOT MAINTENANCE	1,413,359	1,513,359
	Program increase for depot maintenance activities		[100,000]
100	BASE OPERATIONS SUPPORT	8,220,093	8,320,093
	Child Youth Services program increase		[100,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	3,581,071	3,647,387
	Program increase for additional facility requirements		[66,316]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	411,844	411,844
160	US AFRICA COMMAND	239,387	239,387
170	US EUROPEAN COMMAND	160,761	160,761
180	US SOUTHERN COMMAND	197,826	197,826
190	US FORCES KOREA	65,152	65,152
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	430,109	430,109
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	464,117	464,117
	SUBTOTAL OPERATING FORCES	24,692,261	24,900,126
MOBILIZATION			
220	STRATEGIC MOBILITY	402,236	402,236
230	ARMY PREPOSITIONED STOCKS	324,306	324,306
240	INDUSTRIAL PREPAREDNESS	3,653	3,653
	SUBTOTAL MOBILIZATION	730,195	730,195
TRAINING AND RECRUITING			
250	OFFICER ACQUISITION	165,142	165,142
260	RECRUIT TRAINING	76,509	76,509
270	ONE STATION UNIT TRAINING	88,523	88,523
280	SENIOR RESERVE OFFICERS TRAINING CORPS	535,578	535,578
290	SPECIALIZED SKILL TRAINING	981,436	981,436
300	FLIGHT TRAINING	1,204,768	1,204,768
310	PROFESSIONAL DEVELOPMENT EDUCATION	215,195	215,195
320	TRAINING SUPPORT	575,232	575,232
330	RECRUITING AND ADVERTISING	722,612	672,612
	Program decrease		[–50,000]
340	EXAMINING	185,522	185,522
350	OFF-DUTY AND VOLUNTARY EDUCATION	221,503	221,503
360	CIVILIAN EDUCATION AND TRAINING	154,651	154,651
370	JUNIOR RESERVE OFFICER TRAINING CORPS	173,286	173,286
	SUBTOTAL TRAINING AND RECRUITING	5,299,957	5,249,957
ADMIN & SRVWIDE ACTIVITIES			
390	SERVICEWIDE TRANSPORTATION	491,926	491,926
400	CENTRAL SUPPLY ACTIVITIES	812,613	812,613
410	LOGISTIC SUPPORT ACTIVITIES	676,178	676,178
420	AMMUNITION MANAGEMENT	437,774	437,774
430	ADMINISTRATION	438,048	433,048
	Program decrease		[–5,000]
440	SERVICEWIDE COMMUNICATIONS	1,638,872	1,628,872
	Reprioritization		[–10,000]
450	MANPOWER MANAGEMENT	300,046	300,046
460	OTHER PERSONNEL SUPPORT	701,103	701,103
470	OTHER SERVICE SUPPORT	1,887,133	1,852,493
	Servicewoman's Commemorative Partnership		[3,000]
	Transfer to DAWDF—reversal of DWR transfers		[–37,640]
480	ARMY CLAIMS ACTIVITIES	195,291	195,291
490	REAL ESTATE MANAGEMENT	229,537	229,537
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	306,370	306,370
510	INTERNATIONAL MILITARY HEADQUARTERS	373,030	373,030
520	MISC. SUPPORT OF OTHER NATIONS	32,719	32,719

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
565	CLASSIFIED PROGRAMS	1,069,915	1,069,915
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES ...	9,590,555	9,540,915
	UNDISTRIBUTED		
570	UNDISTRIBUTED		-231,457
	Foreign Currency adjustments		[-137,300]
	Historical unobligated balances		[-94,157]
	SUBTOTAL UNDISTRIBUTED		-231,457
	TOTAL OPERATION & MAINTENANCE, ARMY	40,312,968	40,189,736
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	10,784	10,784
020	ECHELONS ABOVE BRIGADE	530,425	530,425
030	THEATER LEVEL ASSETS	123,737	123,737
040	LAND FORCES OPERATIONS SUPPORT	589,582	589,582
050	AVIATION ASSETS	89,332	89,332
060	FORCE READINESS OPERATIONS SUPPORT	387,545	387,545
070	LAND FORCES SYSTEMS READINESS	97,569	97,569
080	LAND FORCES DEPOT MAINTENANCE	43,148	43,148
090	BASE OPERATIONS SUPPORT	587,098	587,098
100	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	327,180	333,239
	Program increase for additional facility requirements		[6,059]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	28,783	28,783
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,745	2,745
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,438	7,438
	SUBTOTAL OPERATING FORCES	2,825,366	2,831,425
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	15,530	15,530
150	ADMINISTRATION	17,761	17,761
160	SERVICEWIDE COMMUNICATIONS	14,256	14,256
170	MANPOWER MANAGEMENT	6,564	6,564
180	RECRUITING AND ADVERTISING	55,240	55,240
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	109,351	109,351
	UNDISTRIBUTED		
210	UNDISTRIBUTED		-10,100
	Historical unobligated balances		[-10,100]
	SUBTOTAL UNDISTRIBUTED		-10,100
	TOTAL OPERATION & MAINTENANCE, ARMY RES	2,934,717	2,930,676
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	769,449	769,449
020	MODULAR SUPPORT BRIGADES	204,604	204,604
030	ECHELONS ABOVE BRIGADE	812,072	812,072
040	THEATER LEVEL ASSETS	103,650	103,650
050	LAND FORCES OPERATIONS SUPPORT	32,485	32,485
060	AVIATION ASSETS	1,011,142	1,011,142
070	FORCE READINESS OPERATIONS SUPPORT	712,881	712,881
080	LAND FORCES SYSTEMS READINESS	47,732	47,732
090	LAND FORCES DEPOT MAINTENANCE	265,408	265,408
100	BASE OPERATIONS SUPPORT	1,106,704	1,106,704
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	876,032	892,254
	Program increase for additional facility requirements		[16,222]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS ...	1,050,257	1,050,257
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	7,998	7,998
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,756	7,756
	SUBTOTAL OPERATING FORCES	7,008,170	7,024,392
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	8,018	8,018
160	ADMINISTRATION	74,309	74,309

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
170	SERVICEWIDE COMMUNICATIONS	66,140	66,140
180	MANPOWER MANAGEMENT	9,087	9,087
190	OTHER PERSONNEL SUPPORT	251,714	251,714
200	REAL ESTATE MANAGEMENT	2,576	2,576
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	411,844	411,844
	UNDISTRIBUTED		
220	UNDISTRIBUTED		-19,900
	Historical unobligated balances		[-19,900]
	SUBTOTAL UNDISTRIBUTED		-19,900
	TOTAL OPERATION & MAINTENANCE, ARNG	7,420,014	7,416,336
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	5,738,746	5,359,952
	Transfer to OCO		[-378,794]
020	FLEET AIR TRAINING	2,213,673	2,161,673
	Restoration of Congressional mark		[-52,000]
030	AVIATION TECHNICAL DATA & ENGINEERING SERV- ICES	57,144	57,144
040	AIR OPERATIONS AND SAFETY SUPPORT	171,949	171,949
050	AIR SYSTEMS SUPPORT	838,767	834,067
	Restoration of Congressional mark		[-4,700]
060	AIRCRAFT DEPOT MAINTENANCE	1,459,447	1,459,447
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	57,789	57,789
080	AVIATION LOGISTICS	1,264,665	1,234,430
	Restoration of Congressional mark		[-30,235]
090	MISSION AND OTHER SHIP OPERATIONS		-178,060
	Insufficient justification		[-195,000]
	Preservation of LCS 3 and LCS 4		[16,940]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,117,067	1,110,267
	Restoration of Congressional mark		[-6,800]
110	SHIP DEPOT MAINTENANCE	7,859,104	8,530,664
	Preservation of LCS 3 and LCS 4		[21,560]
	Realignment from Procurement for Ship Depot Mainte- nance Pilot		[650,000]
120	SHIP DEPOT OPERATIONS SUPPORT	2,262,196	2,261,796
	Preservation of LCS 3 and LCS 4		[12,600]
	Restoration of Congressional mark		[-13,000]
125	SHIPYARD INFRASTRUCTURE OPTIMIZATION PLAN		90,000
	Realignment from Sustainment, Readiness, and Moderniza- tion		[90,000]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WAR- FARE	1,521,360	1,502,360
	Restoration of Congressional mark		[-19,000]
140	SPACE SYSTEMS AND SURVEILLANCE	274,087	274,087
150	WARFARE TACTICS	741,609	741,609
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	401,382	401,382
170	COMBAT SUPPORT FORCES	1,546,273	936,273
	Restoration of Congressional mark		[-60,000]
	Transfer to OCO		[-550,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	177,951	177,951
190	COMBATANT COMMANDERS CORE OPERATIONS	61,484	61,484
200	COMBATANT COMMANDERS DIRECT MISSION SUP- PORT	102,330	124,130
	Indo-Pacific Counter-Terrorism Information Facility		[2,000]
	Indo-Pacific Special Operations Joint Task Force		[6,300]
	INDOPACOM Mission Command and Control (MPE-C2) ...		[13,500]
210	MILITARY INFORMATION SUPPORT OPERATIONS	8,810	8,810
220	CYBERSPACE ACTIVITIES	567,496	567,496
230	FLEET BALLISTIC MISSILE	1,428,102	1,428,102
240	WEAPONS MAINTENANCE	995,762	950,762
	Restoration of Congressional mark		[-45,000]
250	OTHER WEAPON SYSTEMS SUPPORT	524,008	524,008
260	ENTERPRISE INFORMATION	1,229,056	1,184,056
	Program decrease		[-25,000]
	Restoration of Congressional mark		[-20,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,453,099	3,427,045
	Program increase for additional facility requirements		[63,946]
	Realignment to Shipyard Infrastructure Optimization Plan		[−90,000]
280	BASE OPERATING SUPPORT	4,627,966	4,603,966
	Restoration of Congressional mark		[−24,000]
	SUBTOTAL OPERATING FORCES	40,701,322	40,064,639
	MOBILIZATION		
290	SHIP PREPOSITIONING AND SURGE	849,993	657,900
	Realignment to National Defense Sealift Fund		[−314,193]
	Restoration of Congressional mark		[−20,000]
	Strategic sealift (MSC surge) annual operating result loss ..		[57,000]
	Surge sealift readiness		[85,100]
300	READY RESERVE FORCE	436,029	376,029
	Acquisition and conversion of additional used vessels		[60,000]
	Realignment to National Defense Sealift Fund		[−120,000]
310	SHIP ACTIVATIONS/INACTIVATIONS	286,416	258,416
	Restoration of Congressional mark		[−28,000]
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	99,402	42,190
	Realignment to National Defense Sealift Fund		[−57,212]
330	COAST GUARD SUPPORT	25,235	25,235
	SUBTOTAL MOBILIZATION	1,697,075	1,359,770
	TRAINING AND RECRUITING		
340	OFFICER ACQUISITION	186,117	186,117
350	RECRUIT TRAINING	13,206	13,206
360	RESERVE OFFICERS TRAINING CORPS	163,683	163,683
370	SPECIALIZED SKILL TRAINING	947,841	930,641
	Restoration of Congressional mark		[−17,200]
380	PROFESSIONAL DEVELOPMENT EDUCATION	367,647	369,147
	Sea Cadets		[1,500]
390	TRAINING SUPPORT	254,928	254,928
400	RECRUITING AND ADVERTISING	206,305	206,305
410	OFF-DUTY AND VOLUNTARY EDUCATION	103,799	103,799
420	CIVILIAN EDUCATION AND TRAINING	66,060	66,060
430	JUNIOR ROTC	56,276	56,276
	SUBTOTAL TRAINING AND RECRUITING	2,365,862	2,350,162
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	1,249,410	1,186,410
	Program decrease		[−30,000]
	Restoration of Congressional mark		[−33,000]
450	CIVILIAN MANPOWER AND PERSONNEL MANAGE- MENT	189,625	189,625
460	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	499,904	499,904
470	MEDICAL ACTIVITIES	196,747	196,747
480	SERVICEWIDE TRANSPORTATION	165,708	160,614
	Unjustified funding for Dynamic Force Employment		[−5,094]
500	PLANNING, ENGINEERING, AND PROGRAM SUPPORT ..	519,716	519,716
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	751,184	690,564
	Transfer to DAWDF—reversal of DWR transfers		[−60,620]
520	INVESTIGATIVE AND SECURITY SERVICES	747,519	736,519
	Restoration of Congressional mark		[−11,000]
625	CLASSIFIED PROGRAMS	608,670	608,670
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,928,483	4,788,769
	UNDISTRIBUTED		
770	UNDISTRIBUTED		−71,900
	Foreign Currency adjustments		[−48,500]
	Historical unobligated balances		[−23,400]
	SUBTOTAL UNDISTRIBUTED		−71,900
	TOTAL OPERATION & MAINTENANCE, NAVY	49,692,742	48,491,440
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	941,143	527,743
	Transfer to OCO		[−400,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
	Unjustified funding for Dynamic Force Employment		[-13,400]
020	FIELD LOGISTICS	1,277,798	1,277,798
030	DEPOT MAINTENANCE	206,907	206,907
040	MARITIME PREPOSITIONING	103,614	103,614
050	CYBERSPACE ACTIVITIES	215,974	215,974
060	SUSTAINMENT, RESTORATION & MODERNIZATION	938,063	955,434
	Program increase for additional facility requirements		[17,371]
070	BASE OPERATING SUPPORT	2,264,680	2,360,680
	Program increase		[96,000]
	SUBTOTAL OPERATING FORCES	5,948,179	5,648,150
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	20,751	20,751
090	OFFICER ACQUISITION	1,193	1,193
100	SPECIALIZED SKILL TRAINING	110,149	110,149
110	PROFESSIONAL DEVELOPMENT EDUCATION	69,509	69,509
120	TRAINING SUPPORT	412,613	412,613
130	RECRUITING AND ADVERTISING	215,464	215,464
140	OFF-DUTY AND VOLUNTARY EDUCATION	33,719	33,719
150	JUNIOR ROTC	25,784	25,784
	SUBTOTAL TRAINING AND RECRUITING	889,182	889,182
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	32,005	32,005
170	ADMINISTRATION	399,363	399,363
215	CLASSIFIED PROGRAMS	59,878	59,878
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	491,246	491,246
	UNDISTRIBUTED		
230	UNDISTRIBUTED		-19,700
	Foreign Currency adjustments		[-13,400]
	Historical unobligated balances		[-6,300]
	SUBTOTAL UNDISTRIBUTED		-19,700
	TOTAL OPERATION & MAINTENANCE, MA- RINE CORPS	7,328,607	7,008,878
	OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	635,070	635,070
020	INTERMEDIATE MAINTENANCE	8,713	8,713
030	AIRCRAFT DEPOT MAINTENANCE	105,088	105,088
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	398	398
050	AVIATION LOGISTICS	27,284	27,284
070	COMBAT COMMUNICATIONS	17,894	17,894
080	COMBAT SUPPORT FORCES	132,862	132,862
090	CYBERSPACE ACTIVITIES	453	453
100	ENTERPRISE INFORMATION	26,073	26,073
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	48,762	49,665
	Program increase for additional facility requirements		[903]
120	BASE OPERATING SUPPORT	103,580	103,580
	SUBTOTAL OPERATING FORCES	1,106,177	1,107,080
	ADMIN & SRVWD ACTIVITIES		
130	ADMINISTRATION	1,927	1,927
140	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT	15,895	15,895
150	ACQUISITION AND PROGRAM MANAGEMENT	3,047	3,047
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	20,869	20,869
	UNDISTRIBUTED		
190	UNDISTRIBUTED		-3,800
	Historical unobligated balances		[-3,800]
	SUBTOTAL UNDISTRIBUTED		-3,800
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,127,046	1,124,149
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
010	OPERATING FORCES	104,616	104,616
020	DEPOT MAINTENANCE	17,053	17,053
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	41,412	42,179
	Program increase for additional facility requirements		[767]
040	BASE OPERATING SUPPORT	107,773	107,773
	SUBTOTAL OPERATING FORCES	270,854	271,621
	ADMIN & SRVWD ACTIVITIES		
050	ADMINISTRATION	13,802	13,802
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	13,802	13,802
	UNDISTRIBUTED		
70	UNDISTRIBUTED		-700
	Historical unobligated balances		[-700]
	SUBTOTAL UNDISTRIBUTED		-700
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	284,656	284,723
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	731,511	733,181
	A-10 retention		[1,670]
020	COMBAT ENHANCEMENT FORCES	1,275,485	1,275,485
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,437,095	1,449,525
	A-10 retention		[12,430]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE		154,260
	A-10 retention		[81,460]
	KC-135 and KC-10 aircraft retention		[72,800]
050	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	3,241,216	3,301,238
	Program increase for additional facility requirements		[60,022]
060	CYBERSPACE SUSTAINMENT	235,816	235,816
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	1,508,342	1,508,342
080	FLYING HOUR PROGRAM	4,458,457	4,511,317
	A-10 retention		[52,860]
090	BASE SUPPORT	7,497,288	7,487,088
	Unjustified funding for Dynamic Force Employment		[-10,200]
100	GLOBAL C3I AND EARLY WARNING	849,842	849,842
110	OTHER COMBAT OPS SPT PROGRAMS	1,067,055	820,725
	Realignment from Base to OCO		[-246,330]
120	CYBERSPACE ACTIVITIES	698,579	693,579
	Program decrease		[-5,000]
150	SPACE CONTROL SYSTEMS	34,194	34,194
160	US NORTHCOM/NORAD	204,268	204,268
170	US STRATCOM	526,809	526,809
180	US CYBERCOM	314,524	314,524
190	US CENTCOM	186,116	186,116
200	US SOCOM	9,881	9,881
210	US TRANSCOM	1,046	1,046
230	USSPACECOM	249,022	249,022
235	CLASSIFIED PROGRAMS	1,289,339	1,289,339
	SUBTOTAL OPERATING FORCES	25,815,885	25,835,597
	MOBILIZATION		
240	AIRLIFT OPERATIONS	1,350,031	1,110,031
	Realignment from Base to OCO		[-240,000]
250	MOBILIZATION PREPAREDNESS	647,168	647,168
	SUBTOTAL MOBILIZATION	1,997,199	1,757,199
	TRAINING AND RECRUITING		
260	OFFICER ACQUISITION	142,548	142,548
270	RECRUIT TRAINING	25,720	25,720
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	128,295	128,295
290	SPECIALIZED SKILL TRAINING	417,335	417,335
300	FLIGHT TRAINING	615,033	615,033
310	PROFESSIONAL DEVELOPMENT EDUCATION	298,795	298,795
320	TRAINING SUPPORT	85,844	85,844
330	RECRUITING AND ADVERTISING	155,065	155,065

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
340	EXAMINING	4,474	4,474
350	OFF-DUTY AND VOLUNTARY EDUCATION	219,349	219,349
360	CIVILIAN EDUCATION AND TRAINING	361,570	371,570
	Sustainment Workforce Development Program increase		[10,000]
370	JUNIOR ROTC	72,126	72,126
	SUBTOTAL TRAINING AND RECRUITING	2,526,154	2,536,154
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	672,426	672,426
390	TECHNICAL SUPPORT ACTIVITIES	145,130	103,070
	Transfer to DAWDF—reversal of DWR transfers		[−42,060]
400	ADMINISTRATION	851,251	851,251
410	SERVICEWIDE COMMUNICATIONS	28,554	28,554
420	OTHER SERVICEWIDE ACTIVITIES	1,188,414	1,183,814
	Program Decrease		[−4,600]
430	CIVIL AIR PATROL	28,772	43,215
	Program increase		[14,443]
450	INTERNATIONAL SUPPORT	158,803	158,803
455	CLASSIFIED PROGRAMS	1,338,009	1,338,009
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,411,359	4,379,142
	UNDISTRIBUTED		
550	UNDISTRIBUTED		−72,700
	Foreign Currency adjustments		[−39,400]
	Historical unobligated balances		[−33,300]
	SUBTOTAL UNDISTRIBUTED		−72,700
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	34,750,597	34,435,392
	OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	276,109	276,109
030	SPACE LAUNCH OPERATIONS	177,056	177,056
040	SPACE OPERATIONS	475,338	475,338
050	EDUCATION & TRAINING	18,660	18,660
060	SPECIAL PROGRAMS	137,315	137,315
070	DEPOT MAINTENANCE	250,324	250,324
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	1,063,969	1,060,969
	Program decrease		[−3,000]
	SUBTOTAL OPERATING FORCES	2,398,771	2,395,771
	ADMINISTRATION AND SERVICE WIDE ACTIVI- TIES		
090	ADMINISTRATION	132,523	132,523
	SUBTOTAL ADMINISTRATION AND SERVICE WIDE ACTIVITIES	132,523	132,523
	UNDISTRIBUTED		
110	UNDISTRIBUTED		−2,400
	Historical unobligated balances		[−2,400]
	SUBTOTAL UNDISTRIBUTED		−2,400
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	2,531,294	2,525,894
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,782,016	1,782,016
020	MISSION SUPPORT OPERATIONS	215,209	215,209
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	453,896	476,096
	KC−135 and KC−10 aircraft retention		[22,200]
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	103,414	105,329
	Program increase for additional facility requirements		[1,915]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	224,977	224,977
060	BASE SUPPORT	452,468	452,468
070	CYBERSPACE ACTIVITIES	2,259	2,259
	SUBTOTAL OPERATING FORCES	3,234,239	3,258,354

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
ADMINISTRATION AND SERVICEWIDE ACTIVITIES			
080	ADMINISTRATION	74,258	74,258
090	RECRUITING AND ADVERTISING	23,121	23,121
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,006	12,006
110	OTHER PERS SUPPORT (DISABILITY COMP)	6,165	6,165
120	AUDIOVISUAL	495	495
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	116,045	116,045
UNDISTRIBUTED			
130	UNDISTRIBUTED		-9,100
	Historical unobligated balances		[-9,100]
	SUBTOTAL UNDISTRIBUTED		-9,100
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	3,350,284	3,365,299
OPERATION & MAINTENANCE, ANG OPERATING FORCES			
010	AIRCRAFT OPERATIONS	2,476,205	2,476,205
020	MISSION SUPPORT OPERATIONS	611,325	611,325
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,138,919	1,153,919
	KC-135 aircraft retention		[15,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	323,605	359,598
	Installation recovery		[30,000]
	Program increase for additional facility requirements		[5,993]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUP- PORT	1,100,828	1,100,828
060	BASE SUPPORT	962,438	962,438
070	CYBERSPACE SUSTAINMENT	27,028	27,028
080	CYBERSPACE ACTIVITIES	16,380	16,380
	SUBTOTAL OPERATING FORCES	6,656,728	6,707,721
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
090	ADMINISTRATION	48,218	48,218
100	RECRUITING AND ADVERTISING	48,696	48,696
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	96,914	96,914
UNDISTRIBUTED			
110	UNDISTRIBUTED		-13,300
	Historical unobligated balances		[-13,300]
	SUBTOTAL UNDISTRIBUTED		-13,300
	TOTAL OPERATION & MAINTENANCE, ANG	6,753,642	6,791,335
OPERATION AND MAINTENANCE, DEFENSE- WIDE OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	439,111	439,111
020	JOINT CHIEFS OF STAFF—CE2T2	535,728	535,728
030	JOINT CHIEFS OF STAFF—CYBER	24,728	24,728
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOP- MENT ACTIVITIES	1,069,971	1,069,971
050	SPECIAL OPERATIONS COMMAND CYBERSPACE AC- TIVITIES	9,800	9,800
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	561,907	556,907
	Unjustified growth		[-5,000]
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	685,097	680,097
	Program decrease		[-5,000]
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/ OPERATIONAL HEADQUARTERS	158,971	158,971
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUP- PORT	1,062,748	1,062,748
100	SPECIAL OPERATIONS COMMAND THEATER FORCES ..	2,598,385	2,598,385
	SUBTOTAL OPERATING FORCES	7,146,446	7,136,446

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
TRAINING AND RECRUITING			
120	DEFENSE ACQUISITION UNIVERSITY	162,963	162,963
130	JOINT CHIEFS OF STAFF	95,684	95,684
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,301	33,301
	SUBTOTAL TRAINING AND RECRUITING	291,948	291,948
ADMIN & SRVWIDE ACTIVITIES			
160	CIVIL MILITARY PROGRAMS	147,993	167,993
	Program increase—STARBASE		[20,000]
180	DEFENSE CONTRACT AUDIT AGENCY	604,835	636,565
	Restoration of DWR reductions		[31,730]
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,282	3,282
210	DEFENSE CONTRACT MANAGEMENT AGENCY	1,370,681	1,445,781
	Restoration of DWR reductions		[75,100]
220	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	22,532	22,532
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY	949,008	949,008
250	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY—CYBER	9,577	9,577
260	DEFENSE HUMAN RESOURCES ACTIVITY	799,952	813,356
	Defense Flagship Language and Project Global Officer pro- gram increase		[13,404]
270	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	20,806	20,806
280	DEFENSE INFORMATION SYSTEMS AGENCY	1,883,190	1,871,590
	JRSS program decrease		[–11,600]
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER ..	582,639	582,639
330	DEFENSE LEGAL SERVICES AGENCY	37,637	37,637
340	DEFENSE LOGISTICS AGENCY	382,084	412,084
	Maternity Uniform Pilot Program		[10,000]
	Program increase—PTAP		[20,000]
350	DEFENSE MEDIA ACTIVITY	196,997	205,997
	Stars and Stripes		[9,000]
360	DEFENSE PERSONNEL ACCOUNTING AGENCY	129,225	129,225
370	DEFENSE SECURITY COOPERATION AGENCY	598,559	598,559
400	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION ..	38,432	38,432
410	DEFENSE THREAT REDUCTION AGENCY	591,780	591,780
430	DEFENSE THREAT REDUCTION AGENCY—CYBER	24,635	24,635
440	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,941,429	2,991,429
	Impact Aid		[40,000]
	Impact Aid for children with disabilities		[10,000]
450	MISSILE DEFENSE AGENCY	505,858	505,858
480	OFFICE OF ECONOMIC ADJUSTMENT	40,272	129,272
	Defense Community Infrastructure Program		[50,000]
	Guam Public Health Laboratory		[19,000]
	Restoration of DWR reduction		[20,000]
490	OFFICE OF THE SECRETARY OF DEFENSE	1,540,446	1,619,446
	Additional FTEs, Office of the Deputy Assistant Secretary for Environment		[2,000]
	Additional FTEs, Office of the Deputy Assistant Secretary for Facilities Management		[2,000]
	Basic needs allowance		[50,000]
	JASON scientific advisory group		[3,000]
	National Security Commission on Artificial Intelligence (NSCAI)		[2,500]
	Program decrease		[–15,500]
	Program increase—Readiness and Environmental Protec- tion Initiative		[25,000]
	Undersecretary of Defense for Intelligence and Security, medical intelligence improvements		[10,000]
500	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	51,630	51,630
510	SPACE DEVELOPMENT AGENCY	48,166	36,166
	Reduction for studies		[–7,000]
	Unjustified growth		[–5,000]
530	WASHINGTON HEADQUARTERS SERVICES	340,291	340,291
535	CLASSIFIED PROGRAMS	17,348,749	17,348,749
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES ...	31,210,685	31,584,319
UNDISTRIBUTED			
600	UNDISTRIBUTED		–88,000

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
	Foreign Currency adjustments		[-18,700]
	Historical unobligated balances		[-69,300]
	SUBTOTAL UNDISTRIBUTED		-88,000
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	38,649,079	38,924,713
	US COURT OF APPEALS FOR ARMED FORCES, DEF ADMINISTRATION AND ASSOCIATED ACTIVI- TIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	15,211	15,211
	SUBTOTAL ADMINISTRATION AND ASSOCI- ATED ACTIVITIES	15,211	15,211
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	15,211	15,211
	DOD ACQUISITION WORKFORCE DEVELOP- MENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	58,181	198,501
	Transfer from services—reversal of DWR transfers		[140,320]
	SUBTOTAL ACQUISITION WORKFORCE DE- VELOPMENT	58,181	198,501
	TOTAL DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	58,181	198,501
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,900	109,900
	SUBTOTAL HUMANITARIAN ASSISTANCE	109,900	109,900
	TOTAL OVERSEAS HUMANITARIAN, DIS- ASTER, AND CIVIC AID	109,900	109,900
	COOPERATIVE THREAT REDUCTION ACCOUNT		
	COOPERATIVE THREAT REDUCTION		
010	COOPERATIVE THREAT REDUCTION	238,490	373,690
	Restoration of funding		[135,200]
	SUBTOTAL COOPERATIVE THREAT REDUC- TION	238,490	373,690
	TOTAL COOPERATIVE THREAT REDUC- TION ACCOUNT	238,490	373,690
	ENVIRONMENTAL RESTORATION		
	DEPARTMENT OF THE ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	207,518	207,518
	SUBTOTAL DEPARTMENT OF THE ARMY	207,518	207,518
	DEPARTMENT OF THE NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	335,932	335,932
	SUBTOTAL DEPARTMENT OF THE NAVY	335,932	335,932
	DEPARTMENT OF THE AIR FORCE		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	303,926	303,926
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	303,926	303,926
	DEFENSE-WIDE		
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,105	9,105
	SUBTOTAL DEFENSE-WIDE	9,105	9,105
	DEFENSE-WIDE		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	216,587	266,587

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
	Military Munitions Response Program		[50,000]
	SUBTOTAL DEFENSE-WIDE	216,587	266,587
	TOTAL ENVIRONMENTAL RESTORATION	1,073,068	1,123,068
	UNDISTRIBUTED		
010	UNDISTRIBUTED		-1,455,870
	Excessive standard price for fuel		[-1,455,870]
	SUBTOTAL UNDISTRIBUTED		-1,455,870
	TOTAL UNDISTRIBUTED		-1,455,870
	TOTAL OPERATION & MAINTENANCE	196,630,496	193,853,071

1 SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS

2 CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	4,114,001	3,789,001
	Drawdown from Operation Freedom's Sentinel		[-75,000]
	Unjustified funding for Dynamic Force Employment		[-250,000]
030	ECHELONS ABOVE BRIGADE	32,811	32,811
040	THEATER LEVEL ASSETS	2,542,760	2,102,760
	Drawdown from Operation Freedom's Sentinel		[-440,000]
050	LAND FORCES OPERATIONS SUPPORT	162,557	122,557
	Drawdown from Operation Freedom's Sentinel		[-40,000]
060	AVIATION ASSETS	204,396	179,572
	Drawdown from Operation Freedom's Sentinel		[-24,824]
070	FORCE READINESS OPERATIONS SUPPORT	5,716,734	4,716,734
	Drawdown from Operation Freedom's Sentinel		[-1,000,000]
080	LAND FORCES SYSTEMS READINESS	180,048	140,048
	Drawdown from Operation Freedom's Sentinel		[-40,000]
090	LAND FORCES DEPOT MAINTENANCE	81,125	81,125
100	BASE OPERATIONS SUPPORT	219,029	219,029
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	301,017	301,017
130	ADDITIONAL ACTIVITIES	966,649	782,649
	Drawdown from Operation Freedom's Sentinel		[-184,000]
140	COMMANDER'S EMERGENCY RESPONSE PROGRAM	2,500	2,500
150	RESET	403,796	803,796
	Retrograde from Operation Freedom's Sentinel		[400,000]
160	US AFRICA COMMAND	100,422	100,422
170	US EUROPEAN COMMAND	120,043	120,043
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	98,461	98,461
210	CYBERSPACE ACTIVITIES—CYBERSECURITY	21,256	21,256
	SUBTOTAL OPERATING FORCES	15,267,605	13,613,781
	MOBILIZATION		
230	ARMY PREPOSITIONED STOCKS	103,052	103,052
	SUBTOTAL MOBILIZATION	103,052	103,052
	TRAINING AND RECRUITING		
290	SPECIALIZED SKILL TRAINING	89,943	89,943
320	TRAINING SUPPORT	2,550	2,550
	SUBTOTAL TRAINING AND RECRUITING	92,493	92,493
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	521,090	821,090
	Retrograde from Operation Freedom's Sentinel		[300,000]
400	CENTRAL SUPPLY ACTIVITIES	43,897	43,897
410	LOGISTIC SUPPORT ACTIVITIES	68,423	68,423

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
420	AMMUNITION MANAGEMENT	29,162	29,162
440	SERVICEWIDE COMMUNICATIONS	11,447	11,447
470	OTHER SERVICE SUPPORT	5,839	5,839
490	REAL ESTATE MANAGEMENT	48,782	48,782
510	INTERNATIONAL MILITARY HEADQUARTERS	50,000	50,000
565	CLASSIFIED PROGRAMS	895,964	895,964
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	1,674,604	1,974,604
	TOTAL OPERATION & MAINTENANCE, ARMY	17,137,754	15,783,930
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
020	ECHELONS ABOVE BRIGADE	17,193	17,193
060	FORCE READINESS OPERATIONS SUPPORT	440	440
090	BASE OPERATIONS SUPPORT	15,766	15,766
	SUBTOTAL OPERATING FORCES	33,399	33,399
	TOTAL OPERATION & MAINTENANCE, ARMY RES	33,399	33,399
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	25,746	25,746
020	MODULAR SUPPORT BRIGADES	40	40
030	ECHELONS ABOVE BRIGADE	983	983
040	THEATER LEVEL ASSETS	22	22
060	AVIATION ASSETS	20,624	20,624
070	FORCE READINESS OPERATIONS SUPPORT	7,914	7,914
100	BASE OPERATIONS SUPPORT	24,417	24,417
	SUBTOTAL OPERATING FORCES	79,746	79,746
	ADMIN & SRVWD ACTIVITIES		
170	SERVICEWIDE COMMUNICATIONS	46	46
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	46	46
	TOTAL OPERATION & MAINTENANCE, ARNG	79,792	79,792
	AFGHANISTAN SECURITY FORCES FUND AFGHAN NATIONAL ARMY		
010	SUSTAINMENT	1,065,932	1,065,932
020	INFRASTRUCTURE	64,501	64,501
030	EQUIPMENT AND TRANSPORTATION	47,854	47,854
040	TRAINING AND OPERATIONS	56,780	56,780
	SUBTOTAL AFGHAN NATIONAL ARMY	1,235,067	1,235,067
	AFGHAN NATIONAL POLICE		
050	SUSTAINMENT	434,500	434,500
060	INFRASTRUCTURE	448	448
070	EQUIPMENT AND TRANSPORTATION	108,231	108,231
080	TRAINING AND OPERATIONS	58,993	58,993
	SUBTOTAL AFGHAN NATIONAL POLICE	602,172	602,172
	AFGHAN AIR FORCE		
090	SUSTAINMENT	534,102	534,102
100	INFRASTRUCTURE	9,532	9,532
110	EQUIPMENT AND TRANSPORTATION	58,487	58,487
120	TRAINING AND OPERATIONS	233,803	233,803
	SUBTOTAL AFGHAN AIR FORCE	835,924	835,924
	AFGHAN SPECIAL SECURITY FORCES UNDISTRIBUTED		
130	SUSTAINMENT	680,024	680,024
140	INFRASTRUCTURE	2,532	2,532
150	EQUIPMENT AND TRANSPORTATION	486,808	486,808
160	TRAINING AND OPERATIONS	173,085	173,085
	SUBTOTAL AFGHAN SPECIAL SECURITY FORCES	1,342,449	1,342,449
170	UNDISTRIBUTED		-500,000
	Insufficient justification		[-500,000]
	SUBTOTAL UNDISTRIBUTED		-500,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
	TOTAL AFGHANISTAN SECURITY FORCES FUND	4,015,612	3,515,612
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	645,000	500,000
	Program decrease		[-145,000]
020	SYRIA	200,000	200,000
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	845,000	700,000
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	845,000	700,000
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	382,062	760,856
	Transfer from base		[378,794]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	832	832
040	AIR OPERATIONS AND SAFETY SUPPORT	17,840	17,840
050	AIR SYSTEMS SUPPORT	210,692	210,692
060	AIRCRAFT DEPOT MAINTENANCE	170,580	170,580
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	5,854	5,854
080	AVIATION LOGISTICS	33,707	33,707
090	MISSION AND OTHER SHIP OPERATIONS	5,817,696	5,817,696
100	SHIP OPERATIONS SUPPORT & TRAINING	20,741	20,741
110	SHIP DEPOT MAINTENANCE	2,072,470	2,072,470
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	59,254	59,254
140	SPACE SYSTEMS AND SURVEILLANCE	18,000	18,000
150	WARFARE TACTICS	17,324	17,324
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,581	22,581
170	COMBAT SUPPORT FORCES	772,441	1,322,441
	Transfer from base		[550,000]
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUP- PORT	5,788	5,788
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	24,800	24,800
220	CYBERSPACE ACTIVITIES	369	369
240	WEAPONS MAINTENANCE	567,247	567,247
250	OTHER WEAPON SYSTEMS SUPPORT	12,571	12,571
270	SUSTAINMENT, RESTORATION AND MODERNIZATION	70,041	70,041
280	BASE OPERATING SUPPORT	218,792	218,792
	SUBTOTAL OPERATING FORCES	10,521,682	11,450,476
	MOBILIZATION		
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS	22,589	22,589
	SUBTOTAL MOBILIZATION	22,589	22,589
	TRAINING AND RECRUITING		
370	SPECIALIZED SKILL TRAINING	53,204	53,204
	SUBTOTAL TRAINING AND RECRUITING	53,204	53,204
	ADMIN & SRVWD ACTIVITIES		
440	ADMINISTRATION	9,983	9,983
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,805	7,805
480	SERVICEWIDE TRANSPORTATION	72,097	72,097
510	ACQUISITION, LOGISTICS, AND OVERSIGHT	11,354	11,354
520	INVESTIGATIVE AND SECURITY SERVICES	1,591	1,591
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	102,830	102,830
	TOTAL OPERATION & MAINTENANCE, NAVY	10,700,305	11,629,099
	OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES		
010	OPERATIONAL FORCES	727,989	1,127,989
	Transfer from base		[400,000]
020	FIELD LOGISTICS	195,001	195,001
030	DEPOT MAINTENANCE	55,183	55,183
050	CYBERSPACE ACTIVITIES	10,000	10,000
070	BASE OPERATING SUPPORT	24,569	24,569
	SUBTOTAL OPERATING FORCES	1,012,742	1,412,742

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
TRAINING AND RECRUITING			
120	TRAINING SUPPORT	28,458	28,458
	SUBTOTAL TRAINING AND RECRUITING	28,458	28,458
ADMIN & SRVWD ACTIVITIES			
160	SERVICEWIDE TRANSPORTATION	61,400	61,400
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	61,400	61,400
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	1,102,600	1,502,600
OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES			
020	INTERMEDIATE MAINTENANCE	522	522
030	AIRCRAFT DEPOT MAINTENANCE	11,861	11,861
080	COMBAT SUPPORT FORCES	9,109	9,109
	SUBTOTAL OPERATING FORCES	21,492	21,492
	TOTAL OPERATION & MAINTENANCE, NAVY RES	21,492	21,492
OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES			
010	OPERATING FORCES	7,627	7,627
040	BASE OPERATING SUPPORT	1,080	1,080
	SUBTOTAL OPERATING FORCES	8,707	8,707
	TOTAL OPERATION & MAINTENANCE, MC RE- SERVE	8,707	8,707
OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES			
010	PRIMARY COMBAT FORCES	125,551	125,551
020	COMBAT ENHANCEMENT FORCES	916,538	978,538
	MQ-9 government owned-contractor operated combat line oper- ations in U.S. Central Command		[62,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	93,970	93,970
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	3,528,059	3,528,059
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	147,264	147,264
060	CYBERSPACE SUSTAINMENT	10,842	10,842
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT ..	7,187,100	7,187,100
080	FLYING HOUR PROGRAM	2,031,548	2,031,548
090	BASE SUPPORT	1,540,444	1,478,444
	Program decrease		[-62,000]
100	GLOBAL C3I AND EARLY WARNING	13,709	13,709
110	OTHER COMBAT OPS SPT PROGRAMS	345,800	592,130
	Realignment from Base to OCO		[246,330]
120	CYBERSPACE ACTIVITIES	17,936	17,936
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	36,820	36,820
140	LAUNCH FACILITIES	70	70
150	SPACE CONTROL SYSTEMS	1,450	1,450
160	US NORTHCOM/NORAD	725	725
170	US STRATCOM	856	856
180	US CYBERCOM	35,189	35,189
190	US CENTCOM	126,934	126,934
	SUBTOTAL OPERATING FORCES	16,160,805	16,407,135
MOBILIZATION			
240	AIRLIFT OPERATIONS	1,271,439	1,511,439
	Realignment from Base to OCO		[240,000]
250	MOBILIZATION PREPAREDNESS	120,866	120,866
	SUBTOTAL MOBILIZATION	1,392,305	1,632,305
TRAINING AND RECRUITING			
260	OFFICER ACQUISITION	200	200
270	RECRUIT TRAINING	352	352
290	SPECIALIZED SKILL TRAINING	27,010	27,010
300	FLIGHT TRAINING	844	844
310	PROFESSIONAL DEVELOPMENT EDUCATION	1,199	1,199

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2021 Request	House Authorized
320	TRAINING SUPPORT	1,320	1,320
	SUBTOTAL TRAINING AND RECRUITING	30,925	30,925
	ADMIN & SRVWD ACTIVITIES		
380	LOGISTICS OPERATIONS	164,701	164,701
390	TECHNICAL SUPPORT ACTIVITIES	11,782	11,782
400	ADMINISTRATION	3,886	3,886
410	SERVICEWIDE COMMUNICATIONS	355	355
420	OTHER SERVICEWIDE ACTIVITIES	100,831	100,831
450	INTERNATIONAL SUPPORT	29,928	29,928
455	CLASSIFIED PROGRAMS	34,502	34,502
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	345,985	345,985
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	17,930,020	18,416,350
	OPERATION & MAINTENANCE, SPACE FORCE OPERATING FORCES		
020	GLOBAL C3I & EARLY WARNING	227	227
030	SPACE LAUNCH OPERATIONS	321	321
040	SPACE OPERATIONS	15,135	15,135
070	DEPOT MAINTENANCE	18,268	18,268
080	CONTRACTOR LOGISTICS & SYSTEM SUPPORT	43,164	43,164
	SUBTOTAL OPERATING FORCES	77,115	77,115
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	77,115	77,115
	OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	24,408	24,408
060	BASE SUPPORT	5,682	5,682
	SUBTOTAL OPERATING FORCES	30,090	30,090
	TOTAL OPERATION & MAINTENANCE, AF RE- SERVE	30,090	30,090
	OPERATION & MAINTENANCE, ANG OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,739	3,739
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	61,862	61,862
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT ..	97,108	97,108
060	BASE SUPPORT	12,933	12,933
	SUBTOTAL OPERATING FORCES	175,642	175,642
	TOTAL OPERATION & MAINTENANCE, ANG	175,642	175,642
	OPERATION AND MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	3,799	3,799
020	JOINT CHIEFS OF STAFF—CE2T2	6,634	6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	898,024	893,024
	Maritime Support Vessel		[–5,000]
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,244,553	1,214,553
	Program decrease		[–30,000]
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	354,951	354,951
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT ..	104,535	104,535
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	757,744	732,744
	Unjustified growth		[–25,000]
	SUBTOTAL OPERATING FORCES	3,370,240	3,310,240
	ADMIN & SRVWIDE ACTIVITIES		
180	DEFENSE CONTRACT AUDIT AGENCY	1,247	1,247
210	DEFENSE CONTRACT MANAGEMENT AGENCY	21,723	21,723
280	DEFENSE INFORMATION SYSTEMS AGENCY	56,256	56,256
290	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	3,524	3,524
330	DEFENSE LEGAL SERVICES AGENCY	156,373	156,373
350	DEFENSE MEDIA ACTIVITY	3,555	9,555
	Stars and Stripes		[6,000]

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2021 Request	House Authorized
370	DEFENSE SECURITY COOPERATION AGENCY	1,557,763	1,337,763
	Program increase—security cooperation		[30,000]
	Transfer to Ukraine Security Assistance		[–250,000]
410	DEFENSE THREAT REDUCTION AGENCY	297,486	297,486
490	OFFICE OF THE SECRETARY OF DEFENSE	16,984	16,984
530	WASHINGTON HEADQUARTERS SERVICES	1,997	1,997
535	CLASSIFIED PROGRAMS	535,106	535,106
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	2,652,014	2,438,014
	TOTAL OPERATION AND MAINTENANCE, DE- FENSE-WIDE	6,022,254	5,748,254
	UKRAINE SECURITY ASSISTANCE		
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		250,000
	Transfer from Defense Security Cooperation Agency		[250,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE		250,000
	TOTAL UKRAINE SECURITY ASSISTANCE		250,000
	TOTAL OPERATION & MAINTENANCE	58,179,782	57,972,082

1 **TITLE XLIV—MILITARY**
2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2021 Request	House Authorized
Military Personnel Appropriations	150,524,104	149,384,304
Historical unobligated balances		–924,000
Foreign Currency adjustments		–169,800
Standardization of payment of hazardous duty in- centive pay		50,000
Program decrease—Marine Corps		–96,000
Medicare-Eligible Retiree Health Fund Contribu- tions	8,372,741	8,372,741

4 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**
5 **GENCY OPERATIONS.**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2021 Request	House Authorized
Military Personnel Appropriations	4,602,593	4,602,593

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Item	FY 2021 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE	32,551	32,551
ARMY SUPPLY MANAGEMENT	24,166	24,166
TOTAL WORKING CAPITAL FUND, ARMY	56,717	56,717
WORKING CAPITAL FUND, AIR FORCE		
WORKING CAPITAL FUND		
WORKING CAPITAL FUND	95,712	95,712
TOTAL WORKING CAPITAL FUND, AIR FORCE	95,712	95,712
WORKING CAPITAL FUND, DEFENSE-WIDE		
WORKING CAPITAL FUND SUPPORT		
WORKING CAPITAL FUND SUPPORT	49,821	49,821
TOTAL WORKING CAPITAL FUND, DEFENSE- WIDE	49,821	49,821
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND SUPPORT	1,146,660	1,146,660
TOTAL WORKING CAPITAL FUND, DECA	1,146,660	1,146,660
NATIONAL DEFENSE SEALIFT FUND		
SEALIFT RECAPITALIZATION		170,000
Accelerate design of a commercial-based sealift ship		[50,000]
Transfer from OMN-300 for acquisition of four used sealift vessels		[120,000]
SHIP PREPOSITIONING AND SURGE		314,193
Transfer from OMN-290		[314,193]
EXPEDITIONARY HEALTH SERVICES		57,212
Transfer from OMN-320		[57,212]
TOTAL NATIONAL DEFENSE SEALIFT FUND		541,405
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	106,691	101,691
Program decrease		[-5,000]
CHEM DEMILITARIZATION—RDT&E	782,193	774,193
Program decrease		[-8,000]
CHEM DEMILITARIZATION—PROC	616	616
TOTAL CHEM AGENTS & MUNITIONS DE- STRUCTION	889,500	876,500
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	546,203	546,203
DRUG DEMAND REDUCTION PROGRAM	123,704	123,704
NATIONAL GUARD COUNTER-DRUG PROGRAM	94,211	94,211
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,511	5,511
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	769,629	769,629
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL	368,279	384,536
Additional oversight of coronavirus relief		[16,257]
OFFICE OF THE INSPECTOR GENERAL—CYBER		

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Item	FY 2021 Request	House Authorized
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,204	1,204
OFFICE OF THE INSPECTOR GENERAL—RDTE	1,098	1,098
OFFICE OF THE INSPECTOR GENERAL—PROCURE- MENT	858	858
TOTAL OFFICE OF THE INSPECTOR GEN- ERAL	371,439	387,696
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,560,564	9,565,564
Program decrease		[-31,000]
Reverse DWR savings from downsizing MTF's		[36,000]
PRIVATE SECTOR CARE	15,841,887	15,841,887
CONSOLIDATED HEALTH SUPPORT	1,338,269	1,348,269
Global Emerging Infectious Surveillance Program		[10,000]
INFORMATION MANAGEMENT	2,039,910	2,039,910
MANAGEMENT ACTIVITIES	330,627	330,627
EDUCATION AND TRAINING	315,691	341,691
Health Professions Scholarship Program		[10,000]
Restoring funding for Tri-Service Nursing Research Program within USUHS		[6,000]
Reverse DWR cuts to USUHS		[10,000]
BASE OPERATIONS/COMMUNICATIONS	1,922,605	1,927,605
Medical Surge Partnership Pilot		[5,000]
R&D RESEARCH	8,913	8,913
R&D EXPLORATORY DEVELOPMENT	73,984	73,984
R&D ADVANCED DEVELOPMENT	225,602	225,602
R&D DEMONSTRATION/VALIDATION	132,331	132,331
R&D ENGINEERING DEVELOPMENT	55,748	70,748
Freeze-dried platelets		[15,000]
R&D MANAGEMENT AND SUPPORT	48,672	48,672
R&D CAPABILITIES ENHANCEMENT	17,215	17,215
PROC INITIAL OUTFITTING	22,932	22,932
PROC REPLACEMENT & MODERNIZATION	215,618	215,618
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	70,872	70,872
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MOD- ERNIZATION	308,504	308,504
SOFTWARE & DIGITAL TECHNOLOGY PILOT PRO- GRAMS	160,428	160,428
UNDISTRIBUTED		-9,800
Foreign Currency adjustments		[-9,800]
TOTAL DEFENSE HEALTH PROGRAM	32,690,372	32,741,572
TOTAL OTHER AUTHORIZATIONS	36,069,850	36,665,712

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2021 Request	House Authorized
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE		
ARMY SUPPLY MANAGEMENT	20,090	20,090
TOTAL WORKING CAPITAL FUND, ARMY	20,090	20,090

OFFICE OF THE INSPECTOR GENERAL

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2021 Request	House Authorized
OFFICE OF THE INSPECTOR GENERAL	24,069	24,069
TOTAL OFFICE OF THE INSPECTOR GENERAL	24,069	24,069
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	65,072	65,072
PRIVATE SECTOR CARE	296,828	296,828
CONSOLIDATED HEALTH SUPPORT	3,198	3,198
TOTAL DEFENSE HEALTH PROGRAM	365,098	365,098
TOTAL OTHER AUTHORIZATIONS	409,257	409,257

1 **TITLE XLVI—MILITARY**
2 **CONSTRUCTION**
3 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
	Alaska			
Army	Fort Wainwright	Child Development Center	0	32,500
Army	Fort Wainwright	Unaccompanied Enlisted Personnel Housing	0	59,000
	Arizona			
Army	Yuma Proving Ground	Ready Building	14,000	14,000
	Colorado			
Army	Fort Carson, Colorado	Physical Fitness Facility	28,000	28,000
	Georgia			
Army	Fort Gillem	Forensic Laboratory	71,000	71,000
Army	Fort Gordon	Adv Individual Training Barracks Cplx, Ph3	80,000	80,000
	Hawaii			
Army	Fort Shafter	Child Development Center—School Age	0	26,000
Army	Schofield Barracks	Child Development Center	0	39,000
Army	Wheeler Army Air Field	Aircraft Maintenance Hangar	89,000	89,000
	Louisiana			
Army	Fort Polk, Louisiana	Information Systems Facility	25,000	25,000
	Oklahoma			
Army	McAlester AAP	Ammunition Demolition Shop	35,000	35,000
	Pennsylvania			
Army	Carlisle Barracks	General Instruction Building, Iner2	38,000	0
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 3, Ph2	0	7,000
	Virginia			
Army	Humphreys Engineer Center	Training Support Facility	51,000	51,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support	39,000	39,000
Army	Unspecified Worldwide Locations	Planning and Design	129,436	69,436
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	50,900	50,900
	Military Construction, Army Total		650,336	715,836
	Arizona			
Navy	Yuma	Bachelor Enlisted Quarters Replacement	0	59,600
	Bahrain Island			
Navy	SW Asia	Ship to Shore Utility Services	68,340	68,340
	California			
Navy	Camp Pendleton, Cali- fornia	1st MARDIV Operations Complex	68,530	68,530
Navy	Camp Pendleton, Cali- fornia	I MEF Consolidated Information Center (Inc)	37,000	37,000
Navy	Lemoore	F-35C Hangar 6 Phase 2 (Mod 3/4)	128,070	98,070
Navy	Lemoore	F-35C Simulator Facility & Electrical Upgrade ...	59,150	59,150
Navy	San Diego	Pier 6 Replacement	128,500	98,500

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
Navy	Twenty-nine Palms, California	Wastewater Treatment Plant	76,500	76,500
Navy	Greece Souda Bay	Communication Center	50,180	50,180
Navy	Guam Andersen AFB	Ordnance Operations Admin	21,280	21,280
Navy	Joint Region Marianas	Bachelor Enlisted Quarters H (Inc)	80,000	0
Navy	Joint Region Marianas	Base Warehouse	55,410	55,410
Navy	Joint Region Marianas	Central Fuel Station	35,950	35,950
Navy	Joint Region Marianas	Central Issue Facility	45,290	45,290
Navy	Joint Region Marianas	Combined EOD Facility	37,600	37,600
Navy	Joint Region Marianas	DAR Bridge Improvements	40,180	40,180
Navy	Joint Region Marianas	DAR Road Strengthening	70,760	70,760
Navy	Joint Region Marianas	Distribution Warehouse	77,930	77,930
Navy	Joint Region Marianas	Individual Combat Skills Training	17,430	17,430
Navy	Joint Region Marianas	Joint Communication Upgrade	166,000	22,000
Navy	Hawaii Joint Base Pearl Harbor-Hickam	Waterfront Improve, Wharves S1,S11-13,S20-21	48,990	48,990
Navy	Joint Base Pearl Harbor-Hickam	Waterfront Improvements Wharves S8-S10	65,910	65,910
Navy	Japan Yokosuka	Pier 5 (Berths 2 and 3) (Inc)	74,692	0
Navy	Maine Kittery	Multi-Mission Drydock #1 Exten., Ph 1 (Inc)	160,000	160,000
Navy	Nevada Fallon	Range Training Complex, Phase 1	29,040	29,040
Navy	North Carolina Camp Lejeune, North Carolina	II MEF Operations Center Replacement (Inc)	20,000	20,000
Navy	Spain Rota	MH-60r Squadron Support Facilities	60,110	60,110
Navy	Virginia Norfolk	E-2D Training Facility	30,400	30,400
Navy	Norfolk	MH60 & CMV-22B Corrosion Control & Paint Fac.	17,671	17,671
Navy	Worldwide Unspecified Unspecified Worldwide Locations	Planning & Design	165,710	160,710
Navy	Unspecified Worldwide Locations	Planning & Design—Indo-Pacific Command Posture Initiatives.	0	5,000
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	38,983	38,983
Military Construction, Navy Total			1,975,606	1,676,514
AF	California Edwards AFB	Flight Test Engineering Laboratory Complex	0	40,000
AF	Colorado Schriever AFB	Consolidated Space Operations Facility, Inc 2	88,000	88,000
AF	Florida Eglin	Advanced Munitions Technology Complex	0	35,000
AF	Guam Joint Region Marianas	Stand Off Weapons Complex, MSA 2	56,000	56,000
AF	Illinois Scott	Add/Alter Consolidated Communications Facility ...	0	3,000
AF	Mariana Islands Tinian	Airfield Development Phase 1, Inc 2	20,000	0
AF	Tinian	Fuel Tanks With Pipeline & Hydrant Sys, Inc 2 ...	7,000	0
AF	Tinian	Parking Apron, Inc 2	15,000	0
AF	Maryland Joint Base Andrews	Consolidated Communications Center	0	13,000
AF	Montana Malmstrom AFB	Weapons Storage & Maintenance Facility, Inc 2	25,000	0
AF	New Jersey Joint Base McGuire-Dix-Lakehurst	Munitions Storage Area	22,000	22,000
AF	Qatar Al Udeid, Qatar	Cargo Marshalling Yard	26,000	26,000
AF	Texas Joint Base San Antonio	BMT Recruit Dormitory 8, Inc 2	36,000	36,000
AF	Joint Base San Antonio	T-X ADAL Ground Based Trng Sys Sim	19,500	19,500
AF	Utah Hill AFB	GBSD Mission Integration Facility, Inc 2	68,000	68,000
AF	Virginia Joint Base Langley-Eustis	Access Control Point Main Gate With Land Aeq ...	19,500	19,500

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
AF	Worldwide Unspecified			
	Unspecified Worldwide Locations	Planning & Design	296,532	149,649
AF	Unspecified Worldwide Locations	Planning & Design—Indo-Pacific Command Posture Initiatives.	0	5,000
AF	Unspecified Worldwide Locations	Unspecified Minor Construction	68,600	68,600
AF	Wyoming			
	FE Warren	Weapons Storage Facility	0	12,000
Military Construction, Air Force Total			767,132	661,249
	Alabama			
Def-Wide	Anniston Army Depot	Demilitarization Facility	18,000	18,000
Def-Wide	Fort Rucker	Construct 10mw Generation & Microgrid	0	24,000
	Alaska			
Def-Wide	Fort Greely	Communications Center	48,000	48,000
	Arizona			
Def-Wide	Fort Huachuca	Laboratory Building	33,728	33,728
Def-Wide	Yuma	SOF Hangar	49,500	49,500
	Arkansas			
Def-Wide	Fort Smith ANG	PV Arrays and Battery Storage	0	2,600
	California			
Def-Wide	Beale AFB	Bulk Fuel Tank	22,800	22,800
Def-Wide	Marine Corps Air Combat Center / Twenty Nine Palms	Install 10 Mw Battery Energy Storage for Various Buildings.	11,646	11,646
Def-Wide	Military Ocean Terminal	Military Ocea Terminal Concord Microgrid	29,000	29,000
Def-Wide	NAWS China Lake	Solar Energy Storage System	0	8,950
Def-Wide	NSA Monterey	Cogeneration Plant at B236	10,540	10,540
	Colorado			
Def-Wide	Fort Carson, Colorado	SOF Tactical Equipment Maintenance Facility	15,600	15,600
	Conus Unspecified			
Def-Wide	Conus Unspecified	Training Target Structure	14,400	14,400
	District of Columbia			
Def-Wide	Joint Base Anacostia Bolling	Industrial Controls System Modernization	0	8,749
Def-Wide	Joint Base Anacostia Bolling	Industrial Controls System Modernization	10,343	10,343
Def-Wide	Joint Base Anacostia Bolling	PV Carports	0	25,221
	Florida			
Def-Wide	Hurlburt Field	SOF Combat Aircraft Parking Apron-North	38,310	38,310
Def-Wide	Hurlburt Field	SOF Special Tactics Ops Facility (23 STS)	44,810	44,810
	Georgia			
Def-Wide	Fort Benning	Construct 4.8mw Generation & Microgrid	0	17,000
	Germany			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Inc 9	200,000	200,000
	Italy			
Def-Wide	NSA Naples	Smart Grid—NSA Naples	3,490	3,490
	Japan			
Def-Wide	Def Fuel Support Point Tsurumi	Fuel Wharf	49,500	49,500
Def-Wide	Yokosuka	Kinnick High School Inc	30,000	0
	Kentucky			
Def-Wide	Fort Knox	Van Voorhis Elementary School	69,310	69,310
	Maryland			
Def-Wide	Bethesda Naval Hospital	MEDCEN Addition/Alteration Iner 4	180,000	100,000
Def-Wide	Fort Meade	NSAW Recapitalize Building #3 Inc	250,000	250,000
Def-Wide	NSA Bethesda	Nsab—16 Replace Chillers 3 Through 9	0	13,840
Def-Wide	NSA South Potomac	CBIRF/IHEODTD/Housing Potable Water	18,460	18,460
	Missouri			
Def-Wide	Fort Leonard Wood	Hospital Replacement Inc 3	40,000	40,000
Def-Wide	St Louis	Next NGA West (N2W) Complex Phase 2 Inc	119,000	119,000
Def-Wide	Whiteman AFB	Install 10 Mw Combined Heat and Power Plant	17,310	17,310
	Nevada			
Def-Wide	Creech AFB	Central Standby Generators	32,000	32,000
	New Mexico			
Def-Wide	Kirtland AFB	Administrative Building	46,600	46,600
	North Carolina			
Def-Wide	Fort Bragg	SOF Group Headquarters	53,100	53,100
Def-Wide	Fort Bragg	SOF Military Working Dog Facility	17,700	17,700
Def-Wide	Fort Bragg	SOF Operations Facility	43,000	43,000
Def-Wide	Fort Bragg	SOTF Chilled Water Upgrade	0	6,100
	Ohio			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)						
Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement		
Def-Wide	Wright-Patterson AFB	Construct Intelligence Facility Central Utility Plant.	0	35,000		
Def-Wide	Wright-Patterson AFB	Hydrant Fuel System	23,500	23,500		
Def-Wide	Tennessee Memphis ANG	PV Arrays and Battery Storage	0	4,780		
Def-Wide	Texas Fort Hood, Texas	Fuel Facilities	32,700	32,700		
Def-Wide	Virginia Joint Expeditionary Base Little Creek— Story	SOF Des Operations Fac. and Command Center ...	54,500	54,500		
Def-Wide	Joint Expeditionary Base Little Creek— Story	SOF NSWG-2 Nswtg Css Facilities	58,000	58,000		
Def-Wide	Nme Portsmouth / Portsmouth	Retrofit Air Handling Units From Constant Volume Reheat to Variable Air Volume.	611	611		
Def-Wide	Wallops Island	Wallops Generation and Distribution Resiliency Improvements.	9,100	9,100		
Def-Wide	Washington Joint Base Lewis-McChord	Fuel Facilities (Lewis Main)	10,900	10,900		
Def-Wide	Joint Base Lewis-McChord	Fuel Facilities (Lewis North)	10,900	10,900		
Def-Wide	Manchester	Bulk Fuel Storage Tanks Phase 1	82,000	82,000		
Def-Wide	Worldwide Unspecified Unspecified Worldwide Locations	ERCIP Design	14,250	24,250		
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	5,840	5,840		
Def-Wide	Unspecified Worldwide Locations	Planning and Design	48,696	48,696		
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	53,620	53,620		
Def-Wide	Various Worldwide Locations	Planning and Design	97,030	97,030		
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction	9,726	9,726		
Military Construction, Defense-Wide Total			2,027,520	2,073,760		
NATO	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program	173,030	173,030		
NATO Security Investment Program Total			173,030	173,030		
Army NG	Arizona Tucson	National Guard Readiness Center	18,100	18,100		
Army NG	Colorado Peterson AFB	National Guard Readiness Center	15,000	15,000		
Army NG	Indiana Shelbyville	National Guard/Reserve Center Building Add/Al ...	12,000	12,000		
Army NG	Kentucky Frankfort	National Guard/Reserve Center Building	15,000	15,000		
Army NG	Mississippi Brandon	National Guard Vehicle Maintenance Shop	10,400	10,400		
Army NG	Nebraska North Platte	National Guard Vehicle Maintenance Shop	9,300	9,300		
Army NG	New Jersey Joint Base McGuire-Dix-Lakehurst	National Guard Readiness Center	15,000	15,000		
Army NG	Ohio Columbus	National Guard Readiness Center	15,000	15,000		
Army NG	Oregon Hermiston	Enlisted Barracks, Transient Training	9,300	25,035		
Army NG	Puerto Rico Fort Allen	National Guard Readiness Center	37,000	37,000		
Army NG	South Carolina Joint Base Charleston	National Guard Readiness Center	15,000	15,000		
Army NG	Tennessee Meminnville	National Guard Readiness Center	11,200	11,200		
Army NG	Texas Fort Worth	Aircraft Maintenance Hangar Addition/Alt	6,000	6,000		
Army NG	Fort Worth	National Guard Vehicle Maintenance Shop	7,800	7,800		
Army NG	Utah Nephi	National Guard Readiness Center	12,000	12,000		
Army NG	Virgin Islands St. Croix	Army Aviation Support Facility (Aasf)	28,000	28,000		

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
Army NG	St. Croix	CST Ready Building	11,400	11,400
	Wisconsin			
Army NG	Appleton	National Guard Readiness Center Add/Alt	11,600	11,600
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	29,593	29,593
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	32,744	32,744
Military Construction, Army National Guard Total			321,437	337,172
	Florida			
Army Res	Gainesville	ECS TEMF/Warehouse	36,000	36,000
	Massachusetts			
Army Res	Devens Reserve Forces Training Area	Automated Multipurpose Machine Gun Range	8,700	8,700
	North Carolina			
Army Res	Asheville	Army Reserve Center/Land	24,000	24,000
	Wisconsin			
Army Res	Fort McCoy	Scout Reconnaissance Range	14,600	14,600
Army Res	Fort McCoy	Transient Trainee Barracks	0	2,500
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	1,218	1,218
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	3,819	3,819
Military Construction, Army Reserve Total			88,337	90,837
	Maryland			
N/MC Res	Reisterstown	Reserve Training Center, Camp Fretterd, MD	39,500	39,500
	Utah			
N/MC Res	Hill AFB	Naval Operational Support Center	25,010	25,010
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	MCNR Minor Construction	3,000	3,000
N/MC Res	Unspecified Worldwide Locations	MCNR Planning & Design	3,485	3,485
Military Construction, Naval Reserve Total			70,995	70,995
	Alabama			
Air NG	Montgomery Regional Airport (ANG) Base	F-35 Simulator Facility	11,600	11,600
	Guam			
Air NG	Joint Region Marianas	Space Control Facility #5	20,000	20,000
	Maryland			
Air NG	Joint Base Andrews	F-16 Mission Training Center	9,400	9,400
	Texas			
Air NG	Joint Base San Antonio	F-16 Mission Training Center	10,800	10,800
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	9,000	9,000
Air NG	Various Worldwide Locations	Planning and Design	3,414	3,414
Military Construction, Air National Guard Total			64,214	64,214
	Texas			
AF Res	Fort Worth	F-35A Simulator Facility	14,200	14,200
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design	3,270	3,270
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	5,647	5,647
Military Construction, Air Force Reserve Total			23,117	23,117
	Italy			
FH Con Army	Vicenza	Family Housing New Construction	84,100	84,100
	Kwajalein			
FH Con Army	Kwajalein Atoll	Family Housing Replacement Construction	32,000	32,000
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Family Housing P & D	3,300	3,300
Family Housing Construction, Army Total			119,400	119,400

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings	18,004	18,004
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	37,948	62,948
FH Ops Army	Unspecified Worldwide Locations	Leasing	123,841	123,841
FH Ops Army	Unspecified Worldwide Locations	Maintenance	97,789	97,789
FH Ops Army	Unspecified Worldwide Locations	Management	39,716	39,716
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	526	526
FH Ops Army	Unspecified Worldwide Locations	Services	8,135	8,135
FH Ops Army	Unspecified Worldwide Locations	Utilities	41,183	41,183
Family Housing Operation And Maintenance, Army Total			367,142	392,142
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Construction Improvements	37,043	37,043
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	3,128	3,128
FH Con Navy	Unspecified Worldwide Locations	USMC DPRI/Guam Planning and Design	2,726	2,726
Family Housing Construction, Navy And Marine Corps Total			42,897	42,897
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings	17,977	17,977
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	53,700	78,700
FH Ops Navy	Unspecified Worldwide Locations	Leasing	62,658	62,658
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	85,630	110,630
FH Ops Navy	Unspecified Worldwide Locations	Management	51,006	51,006
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	350	350
FH Ops Navy	Unspecified Worldwide Locations	Services	16,743	16,743
FH Ops Navy	Unspecified Worldwide Locations	Utilities	58,429	58,429
Family Housing Operation And Maintenance, Navy And Marine Corps Total			346,493	396,493
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	94,245	94,245
FH Con AF	Unspecified Worldwide Locations	Planning & Design	2,969	2,969
Family Housing Construction, Air Force Total			97,214	97,214
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings	25,805	25,805
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	23,175	23,175
FH Ops AF	Unspecified Worldwide Locations	Leasing	9,318	9,318
FH Ops AF	Unspecified Worldwide Locations	Maintenance	140,666	165,666
FH Ops AF	Unspecified Worldwide Locations	Management	64,732	99,732
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	2,184	2,184
FH Ops AF	Unspecified Worldwide Locations	Services	7,968	7,968
FH Ops AF	Unspecified Worldwide Locations	Utilities	43,173	43,173
Family Housing Operation And Maintenance, Air Force Total			317,021	377,021

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings	727	727
FH Ops DW	Unspecified Worldwide Locations	Leasing	49,856	49,856
FH Ops DW	Unspecified Worldwide Locations	Maintenance	32	32
FH Ops DW	Unspecified Worldwide Locations	Utilities	4,113	4,113
Family Housing Operation And Maintenance, Defense-Wide Total			54,728	54,728
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Administrative Expenses—FHIF	5,897	5,897
DOD Family Housing Improvement Fund Total			5,897	5,897
	Worldwide Unspecified			
UHIF	Unspecified Worldwide Locations	Administrative Expenses—UHIF	600	600
Unaccompanied Housing Improvement Fund Total			600	600
	Worldwide Unspecified			
BRAC—Air Force	Unspecified Worldwide Locations	DOD BRAC Activities—Air Force	109,222	109,222
BRAC—Army	Base Realignment & Closure, Army	Base Realignment and Closure	66,060	106,060
BRAC—Navy	Unspecified Worldwide Locations	Base Realignment & Closure	125,165	225,165
Base Realignment and Closure—Total			300,447	440,447
Total, Military Construction			7,813,563	7,813,563

1 SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-

2 TINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI: Minor Construction	3,970	3,970
Army	Unspecified Worldwide Locations	EDI: Planning and Design	11,903	11,903
Military Construction, Army Total			15,873	15,873
	Spain			
Navy	Rota	EDI: EOD Boat Shop	31,760	31,760
Navy	Rota	EDI: Expeditionary Maintenance Facility	27,470	27,470
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning & Design	10,790	10,790
Military Construction, Navy Total			70,020	70,020
	Germany			
AF	Ramstein	EDI: Rapid Airfield Damage Repair Storage	36,345	36,345
AF	Spangdahlem AB	EDI: Rapid Airfield Damage Repair Storage	25,824	25,824
	Romania			
AF	Campia Turzii	EDI: Dangerous Cargo Pad	11,000	11,000
AF	Campia Turzii	EDI: ECAOS DABS-FEV Storage Complex	68,000	68,000
AF	Campia Turzii	EDI: Parking Apron	19,500	19,500
AF	Campia Turzii	EDI: POL Increase Capacity	32,000	32,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	EDI: Unspecified Minor Military Construction	16,400	16,400

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2021 Request	House Agreement
AF	Various Worldwide Locations	EDI: Planning & Design	54,800	54,800
	Military Construction, Air Force Total		263,869	263,869
	Total, Military Construction		349,762	349,762

1 TITLE XLVII—DEPARTMENT OF
2 ENERGY NATIONAL SECURITY
3 PROGRAMS

4 SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY
5 PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2021 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear Energy	137,800	137,800
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	15,602,000	15,602,000
Defense nuclear nonproliferation	2,031,000	2,111,000
Naval reactors	1,684,000	1,684,000
Federal salaries and expenses	454,000	454,000
Total, National nuclear security administration	19,771,000	19,851,000
Environmental and other defense activities:		
Defense environmental cleanup	4,983,608	5,773,708
Other defense activities	1,054,727	899,289
Total, Environmental & other defense activities	6,038,335	6,672,997
Total, Atomic Energy Defense Activities	25,809,335	26,523,997
Total, Discretionary Funding	25,947,135	26,661,797
Nuclear Energy		
Idaho sitewide safeguards and security	137,800	137,800
Total, Nuclear Energy	137,800	137,800
Stockpile Management		
Stockpile Major Modernization		
B61–12 Life extension program	815,710	815,710
W88 Alt 370	256,922	256,922
W80–4 Life extension program	1,000,314	1,000,314
W87–1 Modification Program	541,000	541,000
W93	53,000	53,000
Total, Stockpile Major Modernization	2,666,946	2,666,946
Stockpile services		
Production Operations	568,941	568,941
Stockpile Sustainment	998,357	998,357
Weapons Dismantlement and Disposition	50,000	50,000
Subtotal, Stockpile Services	1,617,298	1,617,298
Total, Stockpile Management	4,284,244	4,284,244
Weapons Activities		
Production Modernization		
Primary Capability Modernization		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	House Authorized
Plutonium Modernization		
Los Alamos Plutonium Modernization		
Los Alamos Plutonium Operations	610,599	610,599
21-D-512 Plutonium Pit Production Project, LANL	226,000	226,000
Subtotal, Los Alamos Plutonium Modernization	836,599	836,599
Savannah River Plutonium Modernization		
Savannah River Plutonium Operations	200,000	200,000
21-D-511 Savannah River Plutonium Processing Facility, SRS	241,896	241,896
Subtotal, Savannah River Plutonium Modernization	441,896	441,896
Enterprise Plutonium Support	90,782	90,782
Total, Plutonium Modernization	1,369,277	1,369,277
High Explosives and Energetics	67,370	67,370
Total, Primary Capability Modernization	1,436,647	1,436,647
Secondary Capability Modernization	457,004	457,004
Tritium and Domestic Uranium Enrichment	457,112	457,112
Non-Nuclear Capability Modernization	107,137	107,137
Total, Production Modernization	2,457,900	2,457,900
 Stockpile Research, Technology, and Engineering		
Assessment Science	773,111	773,111
Engineering and Integrated Assessments	337,404	337,404
Inertial Confinement Fusion	554,725	554,725
Advanced Simulation and Computing	732,014	732,014
Weapon Technology and Manufacturing Maturation	297,965	297,965
Academic Programs	86,912	86,912
Total, Stockpile Research, Technology, and Engineering	2,782,131	2,782,131
 Infrastructure and Operations		
Operations of facilities	1,014,000	1,014,000
Safety and environmental operations	165,354	165,354
Maintenance and repair of facilities	792,000	792,000
Recapitalization:		
Infrastructure and safety	670,000	670,000
Capability based investments	149,117	149,117
Planning for Programmatic Construction (Pre-CD-1)	84,787	84,787
Total, Recapitalization	903,904	903,904
 Construction:		
21-D-510 HE Synthesis, Formulation, and Production, PX	31,000	31,000
19-D-670 138kV Power Transmission System Replacement, NNSS	59,000	59,000
18-D-690 Lithium Processing Facility, Y-12	109,405	109,405
18-D-620 Exascale Computing Facility Modernization Project, LLNL	29,200	29,200
18-D-650 Tritium Finishing Facility, SRS	27,000	27,000
17-D-640, U1a Complex Enhancements Project, NNSS	160,600	160,600
15-D-612 Emergency Operations Center, LLNL	27,000	27,000
15-D-611 Emergency Operations Center, SNL	36,000	36,000
15-D-302, TA-55 Reinvestments Project, Phase 3, LANL	30,000	30,000
15-D-301, HE Science & Engineering Facility, PX	43,000	43,000
07-D-220-04 Transuranic Liquid Waste Facility, LANL	36,687	36,687
06-D-141 Uranium processing facility Y-12, Oak Ridge, TN	750,000	750,000
04-D-125 Chemistry and Metallurgy Research Replacement Project, LANL	169,427	169,427
Total, Construction	1,508,319	1,508,319
Total, Infrastructure and operations	4,383,577	4,383,577
 Secure transportation asset		
Operations and equipment	266,390	266,390
Program direction	123,684	123,684
Total, Secure transportation asset	390,074	390,074
 Defense Nuclear Security		
Operations and maintenance	815,895	815,895
Construction:		
17-D-710 West end protected area reduction project, Y-12	11,000	11,000
Total, Defense nuclear security	826,895	826,895
Information technology and cybersecurity	375,511	375,511

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	House Authorized
Legacy contractor pensions	101,668	101,668
Total, Weapons Activities	15,602,000	15,602,000
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	66,391	66,391
Domestic radiological security	101,000	131,000
Container breach in Seattle, WA		[30,000]
International radiological security	73,340	73,340
Nuclear smuggling detection and deterrence	159,749	159,749
Total, Global material security	400,480	430,480
Material management and minimization		
HEU reactor conversion	170,000	170,000
Nuclear material removal	40,000	40,000
Material disposition	190,711	190,711
Total, Material management & minimization	400,711	400,711
Nonproliferation and arms control	138,708	138,708
National Technical Nuclear Forensics R&D	40,000	40,000
Defense nuclear nonproliferation R&D		
Proliferation Detection	235,220	265,220
Nuclear verification and detection, next-gen technologies		[30,000]
Nuclear Detonation Detection	236,531	236,531
Nonproliferation Stewardship Program	59,900	59,900
LEU Research and Development	0	20,000
LEU R&D for Naval Pressurized Water Reactors		[20,000]
Total, Defense nuclear nonproliferation R&D	531,651	581,651
Nonproliferation Construction:		
18-D-150 Surplus Plutonium Disposition Project, SRS	148,589	148,589
Total, Nonproliferation construction	148,589	148,589
Total, Defense Nuclear Nonproliferation Programs	1,660,139	1,740,139
Legacy contractor pensions	14,348	14,348
Nuclear counterterrorism and incident response program	377,513	377,513
Use of Prior Year Balances	-21,000	-21,000
Total, Defense Nuclear Nonproliferation	2,031,000	2,111,000
Naval Reactors		
Naval reactors development	590,306	590,306
Columbia-Class reactor systems development	64,700	64,700
S8G Prototype refueling	135,000	135,000
Naval reactors operations and infrastructure	506,294	506,294
Construction:		
21-D-530 KL Steam and Condensate Upgrades	4,000	4,000
14-D-901 Spent fuel handling recapitalization project, NRF	330,000	330,000
Total, Construction	334,000	334,000
Program direction	53,700	53,700
Total, Naval Reactors	1,684,000	1,684,000
Federal Salaries And Expenses		
Program direction	454,000	454,000
Total, Office Of The Administrator	454,000	454,000
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,987	4,987
Richland:		
River corridor and other cleanup operations	54,949	235,949
Program restoration		[181,000]
HR 6395 PCS		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	House Authorized
Central plateau remediation	498,335	658,335
Program restoration		[160,000]
Richland community and regulatory support	2,500	10,100
Program restoration		[7,600]
Total, Hanford site	555,784	904,384
Office of River Protection:		
Waste Treatment Immobilization Plant Commissioning	50,000	50,000
Rad liquid tank waste stabilization and disposition	597,757	597,757
Tank farm activities	0	180,000
Program restoration		[180,000]
Construction:		
18-D-16 Waste treatment and immobilization plant—LBL/Direct feed LAW	609,924	779,924
Program restoration		[170,000]
Total, Construction	609,924	779,924
Total, Office of River Protection	1,257,681	1,607,681
Idaho National Laboratory:		
Idaho cleanup and waste disposition	257,554	257,554
Idaho community and regulatory support	2,400	2,400
Total, Idaho National Laboratory	259,954	259,954
NNSA sites and Nevada off-sites		
Lawrence Livermore National Laboratory	1,764	1,764
Nuclear facility D & D		
Separations Process Research Unit	15,000	15,000
Nevada	60,737	60,737
Sandia National Laboratories	4,860	4,860
Los Alamos National Laboratory	120,000	165,000
Program increase		[45,000]
Total, NNSA sites and Nevada off-sites	202,361	247,361
Oak Ridge Reservation:		
OR Nuclear facility D & D	109,077	109,077
Total, OR Nuclear facility D & D	109,077	109,077
U233 Disposition Program	45,000	45,000
OR cleanup and disposition	58,000	58,000
Construction:		
17-D-401 On-site waste disposal facility	22,380	22,380
14-D-403 Outfall 200 Mercury Treatment Facility	20,500	20,500
Total, Construction	42,880	42,880
Total, OR cleanup and waste disposition	145,880	145,880
OR community & regulatory support	4,930	4,930
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	262,887	262,887
Savannah River Sites:		
Savannah River risk management operations		
Savannah River risk management operations	455,122	495,122
H-Canyon not placed into stand-by condition		[40,000]
Total, risk management operations	455,122	495,122
SR community and regulatory support	4,989	11,489
Secure payment in lieu of taxes funding		[6,500]
Radioactive liquid tank waste stabilization and disposition	970,332	970,332
Construction:		
20-D-402 Advanced Manufacturing Collaborative Facility (AMC)	25,000	25,000
18-D-402 Saltstone Disposal Unit #8/9	65,500	65,500
17-D-402 Saltstone Disposal Unit #7	10,716	10,716
Total, Construction	101,216	101,216
Total, Savannah River site	1,531,659	1,578,159
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	323,260	323,260
Construction:		
15-D-412 Utility Shaft	50,000	50,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2021 Request	House Authorized
21–D–401 Hoisting Capability Project	10,000	10,000
Total, Construction	60,000	60,000
Total, Waste Isolation Pilot Plant	383,260	383,260
Program direction	275,285	275,285
Program support	12,979	12,979
Technology development	25,000	25,000
Safeguards and Security		
Safeguards and Security	320,771	320,771
Total, Safeguards and Security	320,771	320,771
Prior year balances credited	–109,000	–109,000
Total, Defense Environmental Cleanup	4,983,608	5,773,708
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	134,320	134,320
Program direction	75,368	75,368
Total, Environment, Health, safety and security	209,688	209,688
Independent enterprise assessments		
Independent enterprise assessments	26,949	26,949
Program direction	54,635	54,635
Total, Independent enterprise assessments	81,584	81,584
Specialized security activities	258,411	258,411
Office of Legacy Management		
Legacy management	293,873	138,435
Rejection of proposed transfer		[–155,438]
Program direction	23,120	23,120
Total, Office of Legacy Management	316,993	161,555
Defense related administrative support	183,789	183,789
Office of hearings and appeals	4,262	4,262
Subtotal, Other defense activities	1,054,727	899,289
Total, Other Defense Activities	1,054,727	899,289

1 **DIVISION E—NATIONAL ARTIFI-**
2 **CIAL INTELLIGENCE INITIA-**
3 **TIVE ACT OF 2020**

4 **SEC. 5001. SHORT TITLE.**

5 This division may be cited as the “National Artificial
6 Intelligence Initiative Act of 2020”.

7 **SEC. 5002. FINDINGS.**

8 Congress finds the following:

1 (1) Artificial intelligence is a tool that has the
2 potential to change and possibly transform every
3 sector of the United States economy and society.

4 (2) The Federal Government should continue to
5 play an important role advancing research, develop-
6 ment, standards, and education activities in artificial
7 intelligence through coordination and collaboration
8 between government, academia, and the private sec-
9 tor to leverage the intellectual, physical, and digital
10 resources of each stakeholder.

11 (3) The Federal Government lacks clear under-
12 standing of the capabilities of artificial intelligence
13 and its potential to affect various social and eco-
14 nomic sectors, including ethical concerns, national
15 security implications, and workforce impacts.

16 (4) Researchers from academia, Federal labora-
17 tories, and much of the private sector have limited
18 access to many high-quality datasets, computing re-
19 sources, or real-world testing environments to design
20 and deploy safe and trustworthy artificial intel-
21 ligence systems.

22 (5) There is a lack of standards and
23 benchmarking for artificial intelligence systems that
24 academia and the public and private sectors can use

1 to evaluate the performance of these systems before
2 and after deployment.

3 (6) Artificial intelligence is increasingly becom-
4 ing a highly interdisciplinary field with expertise re-
5 quired from a diverse range of scientific and other
6 scholarly disciplines that traditionally work inde-
7 pendently and continue to face cultural and institu-
8 tional barriers to large scale collaboration.

9 (7) Current Federal investments and funding
10 mechanisms are largely insufficient to incentivize
11 and support the large-scale interdisciplinary and
12 public-private collaborations that will be required to
13 advance trustworthy artificial intelligence systems in
14 the United States.

15 (8) The United States education pipeline for ar-
16 tificial intelligence fields faces significant challenges.
17 Not only does the artificial intelligence research field
18 lack the gender and racial diversity of the American
19 population as a whole, but it is failing to both retain
20 researchers and adequately support educators to
21 meet the demands of the next generation of students
22 studying artificial intelligence.

23 (9) In order to help drive forward advances in
24 trustworthy artificial intelligence across all sectors
25 and to the benefit of all Americans, the Federal

1 Government must provide sufficient resources and
2 use its convening power to facilitate the growth of
3 artificial intelligence human capital, research, and
4 innovation capacity in academia and other nonprofit
5 research organizations, companies of all sizes and
6 across all sectors, and within the Federal Govern-
7 ment.

8 **SEC. 5003. DEFINITIONS.**

9 In this division:

10 (1) **ADVISORY COMMITTEE.**—The term “Advi-
11 sory Committee” means the National Artificial Intel-
12 ligence Advisory Committee established under sec-
13 tion 5104(a).

14 (2) **AGENCY HEAD.**—The term “agency head”
15 means the head of any Executive agency (as defined
16 in section 105 of title 5, United States Code).

17 (3) **ARTIFICIAL INTELLIGENCE.**—The term “ar-
18 tificial intelligence” means a machine-based system
19 that can, for a given set of human-defined objectives,
20 make predictions, recommendations or decisions in-
21 fluencing real or virtual environments. Artificial in-
22 telligence systems use machine and human-based in-
23 puts to—

24 (A) perceive real and virtual environments;

1 (B) abstract such perceptions into models
2 through analysis in an automated manner; and

3 (C) use model inference to formulate op-
4 tions for information or action.

5 (4) INITIATIVE.—The term “Initiative” means
6 the National Artificial Intelligence Initiative estab-
7 lished under section 5101(a).

8 (5) INITIATIVE OFFICE.—The term “Initiative
9 Office” means the National Artificial Intelligence
10 Initiative Office established under section 5102(a).

11 (6) INSTITUTE.—The term “Institute” means
12 an Artificial Intelligence Research Institute de-
13 scribed in section 5201(b)(1).

14 (7) INTERAGENCY COMMITTEE.—The term
15 “Interagency Committee” means the interagency
16 committee established under section 5103(a).

17 (8) K–12 EDUCATION.—The term “K–12 edu-
18 cation” means elementary school and secondary edu-
19 cation, as such terms are defined in section 8101 of
20 the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 7801).

22 (9) MACHINE LEARNING.—The term “machine
23 learning” means an application of artificial intel-
24 ligence that is characterized by providing systems
25 the ability to automatically learn and improve on the

1 basis of data or experience, without being explicitly
2 programmed.

3 **TITLE I—NATIONAL ARTIFICIAL**
4 **INTELLIGENCE INITIATIVE**

5 **SEC. 5101. NATIONAL ARTIFICIAL INTELLIGENCE INITIA-**
6 **TIVE.**

7 (a) ESTABLISHMENT; PURPOSES.—The President
8 shall establish and implement an initiative to be known
9 as the “National Artificial Intelligence Initiative”. The
10 purposes of the Initiative shall be to—

11 (1) ensure continued United States leadership
12 in artificial intelligence research and development;

13 (2) lead the world in the development and use
14 of trustworthy artificial intelligence systems in the
15 public and private sectors;

16 (3) maximize the benefits of artificial intel-
17 ligence systems for all American people; and

18 (4) prepare the present and future United
19 States workforce for the integration of artificial in-
20 telligence systems across all sectors of the economy
21 and society.

22 (b) INITIATIVE ACTIVITIES.—In carrying out the Ini-
23 tiative, the President, acting through the Initiative Office,
24 the Interagency Committee, and agency heads as the

1 President considers appropriate, shall carry out activities
2 that include the following:

3 (1) Sustained, consistent, and coordinated sup-
4 port for artificial intelligence research and develop-
5 ment through grants, cooperative agreements,
6 testbeds, and access to data and computing re-
7 sources.

8 (2) Support for the development of voluntary
9 standards, best practices, and benchmarks for the
10 development and use of trustworthy artificial intel-
11 ligence systems.

12 (3) Support for educational programs at all lev-
13 els, in both formal and informal learning environ-
14 ments, to prepare the American workforce and the
15 general public to be able to use and interact with ar-
16 tificial intelligence systems, as well as adapt to the
17 potentially transformative impact of artificial intel-
18 ligence on society and the economy.

19 (4) Support for interdisciplinary research, edu-
20 cation, and training programs for students and re-
21 searchers that promote learning in the methods and
22 systems used in artificial intelligence and foster
23 interdisciplinary perspectives and collaborations
24 among subject matter experts in relevant fields, in-
25 cluding computer science, mathematics, statistics,

1 engineering, social sciences, psychology, behavioral
2 science, ethics, security, legal scholarship, and other
3 disciplines that will be necessary to advance artificial
4 intelligence research and development responsibly.

5 (5) Support for partnerships to leverage knowl-
6 edge, computing resources, access to open datasets,
7 and other resources from industry, government, non-
8 profit organizations, Federal laboratories, State pro-
9 grams, and institutions of higher education to ad-
10 vance activities under the Initiative.

11 (6) Interagency planning and coordination of
12 Federal artificial intelligence research, development,
13 demonstration, standards engagement, and other ac-
14 tivities under the Initiative.

15 (7) Establish the public sector infrastructure
16 and artificial intelligence capabilities necessary to re-
17 spond to pressing national challenges, including eco-
18 nomic and public health emergencies such as
19 pandemics.

20 (8) Outreach to diverse stakeholders, including
21 citizen groups and industry, to ensure public input
22 is taken into account in the activities of the Initia-
23 tive.

24 (9) Leveraging existing Federal investments to
25 advance objectives of the Initiative.

1 (10) Support for a network of interdisciplinary
2 artificial intelligence research institutes, as described
3 in section 5201(b)(7)(B).

4 (11) Support opportunities for international co-
5 operation with strategic allies, as appropriate, on the
6 research and development, assessment, and re-
7 sources for trustworthy artificial intelligence systems
8 and the development of voluntary consensus stand-
9 ards for those systems.

10 **SEC. 5102. NATIONAL ARTIFICIAL INTELLIGENCE INITIA-**
11 **TIVE OFFICE.**

12 (a) IN GENERAL.—The Director of the Office of
13 Science and Technology Policy shall establish or designate,
14 and appoint a director of, an office to be known as the
15 “National Artificial Intelligence Initiative Office” to carry
16 out the responsibilities described in subsection (b) with re-
17 spect to the Initiative. The Initiative Office shall have suf-
18 ficient staff to carry out such responsibilities, including
19 staff detailed from the Federal departments and agencies
20 described in section 5103(c).

21 (b) RESPONSIBILITIES.—The Director of the Initia-
22 tive Office shall—

23 (1) provide technical and administrative support
24 to the Interagency Committee and the Advisory
25 Committee;

1 (2) serve as the point of contact on Federal ar-
2 tificial intelligence activities carried out under the
3 Initiative for Federal departments and agencies, in-
4 dustry, academia, nonprofit organizations, profes-
5 sional societies, State governments, and such other
6 persons as the Initiative Office considers appropriate
7 to exchange technical and programmatic informa-
8 tion;

9 (3) conduct regular public outreach to diverse
10 stakeholders, including through the convening of
11 conferences and educational events, the publication
12 of information about significant Initiative activities
13 on a publicly available website, and the dissemina-
14 tion of findings and recommendations of the Advi-
15 sory Committee, as appropriate; and

16 (4) promote access to and early adoption of the
17 technologies, innovations, lessons learned, and exper-
18 tise derived from Initiative activities to agency mis-
19 sions and systems across the Federal Government,
20 and to industry, including startup companies.

21 (c) FUNDING ESTIMATE.—The Director of the Office
22 of Science and Technology Policy shall develop an estimate
23 of the funds necessary to carry out the activities of the
24 Initiative Coordination Office, including an estimate of
25 how much each participating Federal department and

1 agency described in section 5103(c) will contribute to such
2 funds, and submit such estimate to Congress not later
3 than 90 days after the enactment of this Act. The Director
4 shall update this estimate each year based on participating
5 agency investments in artificial intelligence.

6 **SEC. 5103. COORDINATION BY INTERAGENCY COMMITTEE.**

7 (a) INTERAGENCY COMMITTEE.—The Director of the
8 Office of Science and Technology Policy, acting through
9 the National Science and Technology Council, shall estab-
10 lish or designate an Interagency Committee to coordinate
11 Federal programs and activities in support of the Initia-
12 tive.

13 (b) CO-CHAIRS.—The Interagency Committee shall
14 be co-chaired by the Director of the Office of Science and
15 Technology Policy and, on an annual rotating basis, a rep-
16 resentative from the National Institute of Standards and
17 Technology, the National Science Foundation, or the De-
18 partment of Energy, as selected by the Director of the
19 Office of Science and Technology Policy.

20 (c) AGENCY PARTICIPATION.—The Committee shall
21 include representatives from—

- 22 (1) the National Institute of Standards and
23 Technology;
24 (2) the National Science Foundation;
25 (3) the Department of Energy;

- 1 (4) the National Aeronautics and Space Admin-
2 istration;
- 3 (5) the Department of Defense;
- 4 (6) the Defense Advanced Research Projects
5 Agency;
- 6 (7) the Department of Commerce;
- 7 (8) the Office of the Director of National Intel-
8 ligence;
- 9 (9) the Office of Management and Budget;
- 10 (10) the Office of Science and Technology Pol-
11 icy;
- 12 (11) the Department of Health and Human
13 Services;
- 14 (12) the Department of Education;
- 15 (13) the Department of Labor;
- 16 (14) the Department of the Treasury;
- 17 (15) the General Services Administration;
- 18 (16) the Department of Transportation;
- 19 (17) the Department of State;
- 20 (18) the Privacy and Civil Liberties Oversight
21 Board;
- 22 (19) the Department of Veterans Affairs;
- 23 (20) the National Oceanic and Atmospheric Ad-
24 ministration; and

1 (21) any other Federal agency as considered
2 appropriate by the Director of the Office of Science
3 and Technology Policy.

4 (d) RESPONSIBILITIES.—The Interagency Committee
5 shall—

6 (1) provide for interagency coordination of Fed-
7 eral artificial intelligence research, development, and
8 demonstration activities, development of voluntary
9 consensus standards and guidelines for research, de-
10 velopment, testing, and adoption of ethically devel-
11 oped, safe, and trustworthy artificial intelligence sys-
12 tems, and education and training activities and pro-
13 grams of Federal departments and agencies under-
14 taken pursuant to the Initiative;

15 (2) not later than 2 years after the date of the
16 enactment of this Act, develop a strategic plan for
17 artificial intelligence (to be updated not less than
18 every 3 years) that—

19 (A) establishes goals, priorities, and
20 metrics for guiding and evaluating the Initia-
21 tive’s activities; and

22 (B) describes how the agencies carrying
23 out the Initiative will—

24 (i) determine and prioritize areas of
25 artificial intelligence research, develop-

1 ment, and demonstration requiring Federal
2 Government leadership and investment;

3 (ii) support long-term funding for
4 interdisciplinary artificial intelligence re-
5 search, development, demonstration, edu-
6 cation and public outreach activities;

7 (iii) support research and other activi-
8 ties on ethical, legal, environmental, safety,
9 security, and other appropriate societal
10 issues related to artificial intelligence;

11 (iv) provide or facilitate the avail-
12 ability of curated, standardized, secure,
13 representative, and privacy-protected data
14 sets for artificial intelligence research and
15 development;

16 (v) provide or facilitate the necessary
17 computing, networking, and data facilities
18 for artificial intelligence research and de-
19 velopment;

20 (vi) support and coordinate Federal
21 education and workforce activities related
22 to artificial intelligence;

23 (vii) reduce barriers to transferring
24 artificial intelligence systems from the lab-

1 oratory into application for the benefit of
2 society and United States competitiveness;
3 (viii) support and coordinate the net-
4 work of artificial intelligence research insti-
5 tutes described in section 5201(b)(7)(B);
6 (ix) in consultation with the Council
7 of Economic Advisers, measure and track
8 the contributions of artificial intelligence to
9 United States economic growth and other
10 societal indicators;
11 (x) leverage the resources of the Ini-
12 tiative to respond to pressing national
13 challenges, including economic and public
14 health emergencies such as pandemics; and
15 (xi) protect the privacy rights and
16 civil liberties of individuals;
17 (3) propose an annually coordinated interagency
18 budget for the Initiative to the Office of Manage-
19 ment and Budget that is intended to ensure that the
20 balance of funding across the Initiative is sufficient
21 to meet the goals and priorities established for the
22 Initiative; and
23 (4) in carrying out this section, take into con-
24 sideration the recommendations of the Advisory
25 Committee, existing reports on related topics, and

1 the views of academic, State, industry, and other ap-
2 propriate groups.

3 (e) ANNUAL REPORT.—For each fiscal year begin-
4 ning with fiscal year 2022, not later than 90 days after
5 submission of the President’s annual budget request for
6 such fiscal year, the Interagency Committee shall prepare
7 and submit to the Committee on Science, Space, and
8 Technology of the House of Representatives and the Com-
9 mittee on Commerce, Science, and Transportation of the
10 Senate a report that includes—

11 (1) a summarized budget in support of the Ini-
12 tiative for such fiscal year and the preceding fiscal
13 year, including a disaggregation of spending for each
14 Federal agency participating in the Initiative and for
15 the development and acquisition of any research fa-
16 cilities and instrumentation; and

17 (2) an assessment of how Federal agencies are
18 implementing the plan described in subsection
19 (d)(2), and a description of those efforts.

20 **SEC. 5104. NATIONAL ARTIFICIAL INTELLIGENCE ADVI-**
21 **SORY COMMITTEE.**

22 (a) IN GENERAL.—The Secretary of Energy shall, in
23 consultation with the Director of the Office of Science and
24 Technology Policy, establish an advisory committee to be

1 known as the “National Artificial Intelligence Advisory
2 Committee”.

3 (b) QUALIFICATIONS.—The Advisory Committee
4 shall consist of members, appointed by the Secretary of
5 Energy, who are representing broad and interdisciplinary
6 expertise and perspectives, including from academic insti-
7 tutions, companies across diverse sectors, nonprofit and
8 civil society entities, and Federal laboratories, that are
9 qualified to provide advice and information on science and
10 technology research, development, ethics, standards, edu-
11 cation, technology transfer, commercial application, secu-
12 rity, and economic competitiveness related to artificial in-
13 telligence.

14 (c) MEMBERSHIP CONSIDERATION.—In selecting the
15 members of the Advisory Committee, the Secretary of En-
16 ergy may seek and give consideration to recommendations
17 from the Congress, industry, nonprofit organizations, the
18 scientific community (including the National Academy of
19 Sciences, scientific professional societies, and academic in-
20 stitutions), the defense community, and other appropriate
21 organizations.

22 (d) DUTIES.—The Advisory Committee shall advise
23 the President and the Initiative Office on matters related
24 to the Initiative, including recommendations related to—

1 (1) the current state of United States competi-
2 tiveness and leadership in artificial intelligence, in-
3 cluding the scope and scale of United States invest-
4 ments in artificial intelligence research and develop-
5 ment in the international context;

6 (2) the progress made in implementing the Ini-
7 tiative, including a review of the degree to which the
8 Initiative has achieved the goals under the metrics
9 established by the Interagency Committee under sec-
10 tion 5103(d)(2);

11 (3) the state of the science around artificial in-
12 telligence, including progress towards artificial gen-
13 eral intelligence;

14 (4) the workforce of the United States, includ-
15 ing matters relating to the potential for using artifi-
16 cial intelligence for rapid retraining of workers, due
17 to the possible effect of technological displacement
18 and to increase the labor force participation of tradi-
19 tionally underrepresented populations, including mi-
20 norities, low-income populations, and persons with
21 disabilities;

22 (5) how to leverage the resources of the initia-
23 tive to streamline operations in various areas of gov-
24 ernment operations, including health care, cyberse-
25 curity, infrastructure, and disaster recovery;

1 (6) the need to update the Initiative;

2 (7) the balance of activities and funding across
3 the Initiative;

4 (8) whether the strategic plan developed or up-
5 dated by the Interagency Committee established
6 under section 5103(d)(2) is helping to maintain
7 United States leadership in artificial intelligence;

8 (9) the management, coordination, and activi-
9 ties of the Initiative;

10 (10) whether ethical, legal, safety, security, and
11 other appropriate societal issues are adequately ad-
12 dressed by the Initiative;

13 (11) opportunities for international cooperation
14 with strategic allies on artificial intelligence research
15 activities and standards development; and

16 (12) how artificial intelligence can enhance op-
17 portunities for diverse geographic regions of the
18 United States, including urban and rural commu-
19 nities.

20 (e) REPORTS.—Not later than 1 year after the date
21 of the enactment of this Act, and not less frequently than
22 once every 3 years thereafter, the Advisory Committee
23 shall submit to the President, the Committee on Science,
24 Space, and Technology of the House of Representatives,
25 and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate, a report on the Advisory Committee's
2 findings and recommendations under subsection (d).

3 (f) TRAVEL EXPENSES OF NON-FEDERAL MEM-
4 BERS.—Non-Federal members of the Advisory Committee,
5 while attending meetings of the Advisory Committee or
6 while otherwise serving at the request of the head of the
7 Advisory Committee away from their homes or regular
8 places of business, may be allowed travel expenses, includ-
9 ing per diem in lieu of subsistence, as authorized by sec-
10 tion 5703 of title 5, United States Code, for individuals
11 in the Government serving without pay. Nothing in this
12 subsection shall be construed to prohibit members of the
13 Advisory Committee who are officers or employees of the
14 United States from being allowed travel expenses, includ-
15 ing per diem in lieu of subsistence, in accordance with ex-
16 isting law.

17 (g) FACA EXEMPTION.—The Secretary of Energy
18 shall charter the Advisory Committee in accordance with
19 the Federal Advisory Committee Act (5 U.S.C. App.), ex-
20 cept that the Advisory Committee shall be exempt from
21 section 14 of such Act.

22 **SEC. 5105. NATIONAL ACADEMIES ARTIFICIAL INTEL-**
23 **LIGENCE IMPACT STUDY ON WORKFORCE.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of the enactment of this Act, the National Science

1 Foundation shall enter into a contract with the National
2 Research Council of the National Academies of Sciences,
3 Engineering, and Medicine to conduct a study of the cur-
4 rent and future impact of artificial intelligence on the
5 workforce of the United States across sectors.

6 (b) CONTENTS.—The study shall address—

7 (1) workforce impacts across sectors caused by
8 the increased adoption of artificial intelligence, auto-
9 mation, and other related trends;

10 (2) workforce needs and employment opportuni-
11 ties generated by the increased adoption of artificial
12 intelligence across sectors;

13 (3) opportunities for artificial intelligence to in-
14 crease the labor force participation of traditionally
15 underrepresented populations, including minorities,
16 low-income populations, and persons with disabil-
17 ities;

18 (4) research gaps and data needed to better un-
19 derstand and track both workforce impacts and
20 workforce needs and opportunities generated by
21 adoption of artificial intelligence systems across sec-
22 tors; and

23 (5) recommendations to address the challenges
24 and opportunities described in paragraphs (1), (2),
25 (3), and (4).

1 (c) **STAKEHOLDERS.**—In conducting the study, the
2 National Academies of Sciences, Engineering, and Medi-
3 cine shall seek input from a wide range of stakeholders
4 in the public and private sectors.

5 (d) **REPORT TO CONGRESS.**—The contract entered
6 into under subsection (a) shall require the National Acad-
7 emies of Sciences, Engineering, and Medicine, not later
8 than 2 years after the date of the enactment of this Act,
9 to—

10 (1) submit to the Committee on Science, Space,
11 and Technology of the House of Representatives and
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate a report containing the find-
14 ings and recommendations of the study conducted
15 under subsection (a); and

16 (2) make a copy of such report available on a
17 publicly accessible website.

18 **SEC. 5106. GAO REPORT ON COMPUTATIONAL NEEDS.**

19 (a) **IN GENERAL.**—Not later than 1 year after the
20 date of the enactment of this Act, the Comptroller General
21 of the United States shall conduct a study of artificial in-
22 telligence computer hardware and computing required in
23 order to maintain United States leadership in artificial in-
24 telligence research and development. The Comptroller
25 General shall—

(1) assess the composition of civilian computing resources supported by the Federal Government at universities and Federal Laboratories, including programs with laboratory computing, high performance computing, cloud computing, quantum computing, edge computing, and other computing resources;

(2) evaluate projected needs for computing consumption and performance required by the public and private sector for the training, auditing, validation, testing, and use of artificial intelligence over the next 5 years; and

(3) offer recommendations to meet these projected needs.

SEC. 5107. NATIONAL AI RESEARCH RESOURCE TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Director of the National Science Foundation, in coordination with the Office of Science and Technology Policy, shall establish a task force—

(i) to investigate the feasibility and advisability of establishing and sustaining a national artificial intelligence research resource; and

1 (ii) to propose a roadmap detailing
2 how such resource should be established
3 and sustained.

4 (B) DESIGNATION.—The task force estab-
5 lished by subparagraph (A) shall be known as
6 the “National Artificial Intelligence Research
7 Resource Task Force” (in this section referred
8 to as the “Task Force”).

9 (2) MEMBERSHIP.—

10 (A) COMPOSITION.—The Task Force shall
11 be composed of 12 members selected by the co-
12 chairpersons of the Task Force from among
13 technical experts in artificial intelligence or re-
14 lated subjects, of whom—

15 (i) 4 shall be representatives from the
16 Interagency Committee established in sec-
17 tion 5103, including the co-chairpersons of
18 the Task Force;

19 (ii) 4 shall be representatives from in-
20 stitutions of higher education (as such
21 term is defined in section 101 of the High-
22 er Education Act of 1965 (20 U.S.C.
23 1001)); and

24 (iii) 4 shall be representatives from
25 private organizations.

1 (B) APPOINTMENT.—Not later than 120
2 days after enactment of this Act, the co-chair-
3 persons of the Task Force shall appoint mem-
4 bers to the Task Force pursuant to subpara-
5 graph (A).

6 (C) TERM OF APPOINTMENT.—Members of
7 the Task Force shall be appointed for the life
8 of the Task Force.

9 (D) VACANCY.—Any vacancy occurring in
10 the membership of the Task Force shall be
11 filled in the same manner in which the original
12 appointment was made.

13 (E) CO-CHAIRPERSONS.—The Director of
14 the Office of Science and Technology Policy and
15 the Director of the National Sciences Founda-
16 tion, or their designees, shall be the co-chair-
17 persons of the Task Force. If the role of the
18 Director of the National Science Foundation is
19 vacant, the Chair of the National Science Board
20 shall act as a co-chairperson of the Task Force.

21 (F) EXPENSES FOR NON-FEDERAL MEM-
22 BERS.—Non-Federal Members of the Task
23 Force shall be allowed travel expenses, includ-
24 ing per diem in lieu of subsistence, at rates au-
25 thorized for employees under subchapter I of

chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(b) ROADMAP AND IMPLEMENTATION PLAN.—

(1) IN GENERAL.—The Task Force shall develop a coordinated roadmap and implementation plan for creating and sustaining a National Artificial Intelligence Research Resource.

(2) CONTENTS.—The roadmap and plan required by paragraph (1) shall include the following:

(A) Goals for establishment and sustainment of a national artificial intelligence research resource and metrics for success.

(B) A plan for ownership and administration of the National Artificial Intelligence Research Resource, including—

(i) an appropriate agency or organization responsible for the implementation, deployment, and administration of the Resource; and

(ii) a governance structure for the resource, including oversight and decision-making authorities.

1 (C) A model for governance and oversight
2 to establish strategic direction, make pro-
3 grammatic decisions, and manage the allocation
4 of resources.

5 (D) Capabilities required to create and
6 maintain a shared computing infrastructure to
7 facilitate access to computing resources for re-
8 searchers across the country, including
9 scalability, secured access control, resident data
10 engineering and curation expertise, provision of
11 curated, data sets, compute resources, edu-
12 cational tools and services, and a user interface
13 portal.

14 (E) An assessment of, and recommend so-
15 lutions to, barriers to the dissemination and use
16 of high-quality government data sets as part of
17 the national artificial intelligence research re-
18 source.

19 (F) An assessment of security require-
20 ments associated with the national artificial in-
21 telligence research resource and its research
22 and recommend a framework for the manage-
23 ment of access controls.

24 (G) An assessment of privacy and civil lib-
25 erties requirements associated with the national

1 artificial intelligence research resource and its
2 research.

3 (H) A plan for sustaining the resources,
4 including through Federal funding and partner-
5 ships with the private sector.

6 (I) The parameters for the establishment
7 and sustainment of the national artificial intel-
8 ligence resource, including agency roles and re-
9 sponsibilities and milestones to implement the
10 resource.

11 (c) CONSULTATIONS.—In conducting its duties re-
12 quired under subsection (b), the Task Force shall consult
13 with the following:

14 (1) The National Science Foundation.

15 (2) The Office of Science and Technology Pol-
16 icy.

17 (3) The National Academies of Sciences, Engi-
18 neering, and Medicine.

19 (4) The National Institute of Standards and
20 Technology.

21 (5) The Defense Advanced Research Projects
22 Agency.

23 (6) The Intelligence Advanced Research
24 Projects Activity.

25 (7) The Department of Energy.

1 (8) The Department of Defense.

2 (9) The General Services Administration.

3 (10) Private industry.

4 (11) Institutions of higher education.

5 (12) Such other persons as the Task Force con-
6 siders appropriate.

7 (d) STAFF.—Staff of the Task Force shall comprise
8 detailees with expertise in artificial intelligence, or related
9 fields from the Office of Science and Technology Policy,
10 the National Science Foundation, or any other agency the
11 co-chairs deem appropriate, with the consent of the head
12 of the agency. The co-chairs shall also be authorized to
13 hire staff from outside the Federal government for the du-
14 ration of the task force.

15 (e) TASK FORCE REPORTS.—

16 (1) INITIAL REPORT.—Not later than 12
17 months after the date on which all of the appoint-
18 ments have been made under subsection (a)(2)(B),
19 the Task Force shall submit to Congress and the
20 President an interim report containing the findings,
21 conclusions, and recommendations of the Task
22 Force. The report shall include specific recommenda-
23 tions regarding steps the Task Force believes nec-
24 essary for the establishment and sustainment of a
25 national artificial intelligence research resource.

1 (2) FINAL REPORT.—Taking into account the
2 findings of the Government Accountability Office re-
3 port required in section 106 of this Act, not later
4 than 6 months after the submittal of the interim re-
5 port under paragraph (1), the Task Force shall sub-
6 mit to Congress and the President a final report
7 containing the findings, conclusions, and rec-
8 ommendations of the Task Force, including the spe-
9 cific recommendations required by subsection (b).

10 (f) TERMINATION.—

11 (1) IN GENERAL.—The Task Force shall termi-
12 nate 90 days after the date on which it submits the
13 final report under subsection (e)(2).

14 (2) RECORDS.—Upon termination of the Task
15 Force, all of its records shall become the records of
16 the National Archives and Records Administration.

17 (g) DEFINITIONS.—In this section:

18 (1) NATIONAL ARTIFICIAL INTELLIGENCE RE-
19 SEARCH RESOURCE AND RESOURCE.—The terms
20 “National Artificial Intelligence Research Resource”
21 and “Resource” mean a system that provides re-
22 searchers and students across scientific fields and
23 disciplines with access to compute resources, co-lo-
24 cated with publicly-available, artificial intelligence-
25 ready government and non-government data sets and

1 a research environment with appropriate educational
2 tools and user support.

3 (2) OWNERSHIP.—The term “ownership”
4 means responsibility and accountability for the im-
5 plementation, deployment, and ongoing development
6 of the National Artificial Intelligence Research Re-
7 source, and for providing staff support to that ef-
8 fort.

9 **SEC. 5108. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) artificial intelligence systems have the po-
12 tential to transform every sector of the United
13 States economy, boosting productivity, enhancing
14 scientific research, and increasing U.S. competitive-
15 ness; and

16 (2) the United States Government should use
17 this Initiative to enable the benefits of trustworthy
18 artificial intelligence while preventing the creation
19 and use of artificial intelligence systems that behave
20 in ways that cause harm, including—

21 (A) high-risk systems that lack sufficient
22 robustness to prevent adversarial attacks;

23 (B) high-risk systems that harm the pri-
24 vacy or security of users or the general public;

1 (C) artificial general intelligence systems
2 that may become self-aware or uncontrollable;
3 and

4 (D) artificial intelligence systems that may
5 perpetuate societal biases against protected
6 classes of persons, including on the basis of sex,
7 race, age, disability, color, creed, national ori-
8 gin, or religion, or otherwise automate discrimi-
9 natory decision-making.

10 **SEC. 5109. RULE OF CONSTRUCTION REGARDING ETHICAL**
11 **ARTIFICIAL INTELLIGENCE.**

12 For purposes of this division, the term “ethical”
13 (when used in the context of artificial intelligence) shall
14 be deemed to include efforts to minimize or eliminate dis-
15 criminatory algorithmic bias, particularly as it pertains to
16 protected classes of persons, including on the basis of sex,
17 race, age, disability, color, creed, national origin, or reli-
18 gion.

19 **TITLE II—NATIONAL ARTIFICIAL**
20 **INTELLIGENCE RESEARCH IN-**
21 **STITUTES**

22 **SEC. 5201. NATIONAL ARTIFICIAL INTELLIGENCE RE-**
23 **SEARCH INSTITUTES.**

24 (a) IN GENERAL.—As part of the Initiative, the Di-
25 rector of the National Science Foundation shall establish

1 a program to award financial assistance for the planning,
2 establishment, and support of Institutes (as described in
3 subsection (b)(2)) in accordance with this section.

4 (b) FINANCIAL ASSISTANCE TO ESTABLISH AND
5 SUPPORT NATIONAL ARTIFICIAL INTELLIGENCE RE-
6 SEARCH INSTITUTES.—

7 (1) IN GENERAL.—Under the Initiative, the
8 Secretary of Energy, the Secretary of Commerce,
9 the Director of the National Science Foundation,
10 and every other agency head may award financial
11 assistance to an eligible entity, or consortia thereof,
12 as determined by an agency head, to establish and
13 support an Institute.

14 (2) ARTIFICIAL INTELLIGENCE INSTITUTES.—
15 An Institute described in this subsection is an artifi-
16 cial intelligence research institute that—

17 (A) is focused on—

18 (i) a particular economic or social sec-
19 tor, including health, education, manufac-
20 turing, agriculture, security, energy, and
21 environment, and includes a component
22 that addresses the ethical, societal, safety,
23 and security implications relevant to the
24 application of artificial intelligence in that
25 sector; or

1 (ii) a cross-cutting challenge for artifi-
2 cial intelligence systems, including trust-
3 worthiness, or foundational science;

4 (B) requires partnership among public and
5 private organizations, including, as appropriate,
6 Federal agencies, research universities, commu-
7 nity colleges, nonprofit research organizations,
8 Federal laboratories, State, local, and tribal
9 governments, and industry (or consortia there-
10 of);

11 (C) has the potential to create an innova-
12 tion ecosystem, or enhance existing ecosystems,
13 to translate Institute research into applications
14 and products, as appropriate to the topic of
15 each Institute;

16 (D) supports interdisciplinary research and
17 development across multiple institutions and or-
18 ganizations involved in artificial intelligence re-
19 search and related disciplines, including phys-
20 ics, engineering, mathematical sciences, com-
21 puter and information science, robotics, biologi-
22 cal and cognitive sciences, material science, so-
23 cial and behavioral sciences, cybersecurity, and
24 technology ethics;

1 (E) supports interdisciplinary education
2 activities, including curriculum development, re-
3 search experiences, and faculty professional de-
4 velopment across two-year, undergraduates,
5 masters, and doctoral level programs; and

6 (F) supports workforce development in ar-
7 tificial intelligence related disciplines in the
8 United States, including broadening participa-
9 tion of underrepresented communities.

10 (3) USE OF FUNDS.—Financial assistance
11 awarded under paragraph (1) may be used by an In-
12 stitute for—

13 (A) managing and making available to re-
14 searchers accessible, curated, standardized, se-
15 cure, and privacy protected data sets from the
16 public and private sectors for the purposes of
17 training and testing artificial intelligence sys-
18 tems and for research using artificial intel-
19 ligence systems, pursuant to section 5301(b)
20 and 5301(c);

21 (B) developing and managing testbeds for
22 artificial intelligence systems, including sector-
23 specific test beds, designed to enable users to
24 evaluate artificial intelligence systems prior to
25 deployment;

1 (C) conducting research and education ac-
2 tivities involving artificial intelligence systems
3 to solve challenges with social, economic, health,
4 scientific, and national security implications;

5 (D) providing or brokering access to com-
6 puting resources, networking, and data facilities
7 for artificial intelligence research and develop-
8 ment relevant to the Institute's research goals;

9 (E) providing technical assistance to users,
10 including software engineering support, for arti-
11 ficial intelligence research and development rel-
12 evant to the Institute's research goals;

13 (F) engaging in outreach and engagement
14 to broaden participation in artificial intelligence
15 research and workforce; and

16 (G) such other activities that an agency
17 head, whose agency's missions contribute to or
18 are affected by artificial intelligence, considers
19 consistent with the purposes described in sec-
20 tion 5101(a).

21 (4) DURATION.—

22 (A) INITIAL PERIODS.—An award of finan-
23 cial assistance under paragraph (1) shall be
24 awarded for an initial period of 5 years.

1 (B) EXTENSION.—An established Institute
2 may apply for, and the agency head may grant,
3 extended funding for periods of 5 years on a
4 merit-reviewed basis using the merit review cri-
5 teria of the sponsoring agency.

6 (5) APPLICATION FOR FINANCIAL ASSIST-
7 ANCE.—

8 (A) IN GENERAL.—A person or group of
9 persons seeking financial assistance under para-
10 graph (1) shall submit to an agency head an
11 application at such time, in such manner, and
12 containing such information as the agency head
13 may require.

14 (B) REQUIREMENTS.—An application sub-
15 mitted under subparagraph (A) for an Institute
16 shall, at a minimum, include the following:

17 (i) A plan for the Institute to in-
18 clude—

19 (I) the proposed goals and activi-
20 ties of the Institute;

21 (II) how the Institute will form
22 partnerships with other research insti-
23 tutions, industry, and nonprofits to le-
24 verage expertise in artificial intel-
25 ligence and access to data, including

1 non-governmental data and computing
2 resources;

3 (III) how the institute will sup-
4 port long-term and short-term edu-
5 cation and workforce development in
6 artificial intelligence, including broad-
7 ening participation of underrep-
8 resented communities; and

9 (IV) a plan for how the Institute
10 will transition from planning into op-
11 erations.

12 (ii) A description of the anticipated
13 sources and nature of any non-Federal
14 contributions, including privately held data
15 sets, computing resources, and other types
16 of in-kind support.

17 (iii) A description of the anticipated
18 long-term impact of such Institute.

19 (6) COMPETITIVE, MERIT REVIEW.—In award-
20 ing financial assistance under paragraph (1), the
21 agency head shall—

22 (A) use a competitive, merit review process
23 that includes peer review by a diverse group of
24 individuals with relevant expertise from both
25 the private and public sectors; and

1 (B) ensure the focus areas of the Institute
2 do not substantially duplicate the efforts of any
3 other Institute.

4 (7) COLLABORATION.—

5 (A) IN GENERAL.—In awarding financial
6 assistance under paragraph (1), an agency head
7 may collaborate with Federal departments and
8 agencies whose missions contribute to or are af-
9 fected by artificial intelligence systems, includ-
10 ing the agencies outlined in section 5103(c).

11 (B) COORDINATING NETWORK.—The Di-
12 rector of the National Science Foundation shall
13 establish a network of Institutes receiving fi-
14 nancial assistance under this subsection, to be
15 known as the “Artificial Intelligence Leadership
16 Network”, to coordinate cross-cutting research
17 and other activities carried out by the Insti-
18 tutes.

19 (C) FUNDING.—The head of an agency
20 may request, accept, and provide funds from
21 other Federal departments and agencies, State,
22 United States territory, local, or tribal govern-
23 ment agencies, private sector for-profit entities,
24 and nonprofit entities, to be available to the ex-
25 tent provided by appropriations Acts, to support

an Institute's activities. The head of an agency may not give any special consideration to any agency or entity in return for a donation.

TITLE III—DEPARTMENT OF COMMERCE

SEC. 5301. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) IN GENERAL.—As part of the Initiative, the Director of the National Institute of Standards and Technology shall—

(1) support measurement research and development of best practices and voluntary standards for trustworthy artificial intelligence systems, including for—

(A) privacy and security, including for datasets used to train or test artificial intelligence systems and software and hardware used in artificial intelligence systems;

(B) advanced computer chips and hardware designed for artificial intelligence systems;

(C) data management and techniques to increase the usability of data, including strategies to systematically clean, label, and standardize data into forms useful for training arti-

1 cial intelligence systems and the use of com-
2 mon, open licenses;

3 (D) safety and robustness of artificial in-
4 telligence systems, including assurance,
5 verification, validation, security, control, and
6 the ability for artificial intelligence systems to
7 withstand unexpected inputs and adversarial at-
8 tacks;

9 (E) auditing mechanisms and benchmarks
10 for accuracy, transparency, verifiability, and
11 safety assurance for artificial intelligence sys-
12 tems;

13 (F) applications of machine learning and
14 artificial intelligence systems to improve other
15 scientific fields and engineering;

16 (G) model documentation, including per-
17 formance metrics and constraints, measures of
18 fairness, training and testing processes, and re-
19 sults;

20 (H) system documentation, including con-
21 nections and dependences within and between
22 systems, and complications that may arise from
23 such connections; and

1 (I) all other areas deemed by the Director
2 to be critical to the development and deploy-
3 ment of trustworthy artificial intelligence;

4 (2) produce curated, standardized, representa-
5 tive, secure, and privacy protected data sets for arti-
6 ficial intelligence research, development, and use,
7 prioritizing data for high-value, high-risk research;

8 (3) support one or more institutes as described
9 in section 5201(a) for the purpose of advancing the
10 field of artificial intelligence;

11 (4) support and strategically engage in the de-
12 velopment of voluntary consensus standards, includ-
13 ing international standards, through open, trans-
14 parent, and consensus-based processes;

15 (5) taking into account the findings from the
16 National Academies study in section 5105, develop
17 taxonomies and lexica to describe artificial intel-
18 ligence tasks, knowledge, skills, abilities, com-
19 petencies, and work roles to guide career develop-
20 ment, education, and training activities in industry,
21 academia, nonprofit organizations, and the Federal
22 government, identify workforce gaps in the public
23 and private sector, and create criteria and measure-
24 ment for credentials in artificial intelligence-related
25 careers; and

1 (6) enter into and perform such contracts, in-
2 cluding cooperative research and development ar-
3 rangements and grants and cooperative agreements
4 or other transactions, as may be necessary in the
5 conduct of the work of the National Institute of
6 Standards and Technology and on such terms as the
7 Director considers appropriate, in furtherance of the
8 purposes of this division.

9 (b) RISK MANAGEMENT FRAMEWORK.—Not later
10 than 2 years after the date of the enactment of this Act,
11 the Director shall work to develop, and periodically up-
12 date, in collaboration with other public and private sector
13 organizations, including the National Science Foundation
14 and the Department of Energy, a voluntary risk manage-
15 ment framework for the trustworthiness of artificial intel-
16 ligence systems. The framework shall—

17 (1) identify and provide standards, guidelines,
18 best practices, methodologies, procedures, and proc-
19 esses for assessing the trustworthiness of, and miti-
20 gating risks to, artificial intelligence systems;

21 (2) establish common definitions and character-
22 izations for aspects and levels of trustworthiness, in-
23 cluding explainability, transparency, safety, privacy,
24 security, robustness, fairness, bias, ethics, validation,
25 verification, interpretability, and other properties re-

1 lated to artificial intelligence systems that are com-
2 mon across all sectors;

3 (3) provide guidance and implementation steps
4 for risk management of artificial intelligence sys-
5 tems;

6 (4) provide sector-specific case studies of imple-
7 mentation of the framework;

8 (5) align with voluntary consensus standards,
9 including international standards, to the fullest ex-
10 tent possible;

11 (6) incorporate voluntary consensus standards
12 and industry best practices; and

13 (7) not prescribe or otherwise require—

14 (A) the use of specific solutions; or

15 (B) the use of specific information or com-
16 munications technology products or services.

17 (c) DATA SHARING AND DOCUMENTATION BEST
18 PRACTICES.—Not later than 1 year after the date of en-
19 actment of this Act, the Director shall, in collaboration
20 with other public and private sector organizations, develop
21 guidance to facilitate the creation of voluntary data shar-
22 ing arrangements between industry, federally funded re-
23 search centers, and Federal agencies for the purpose of
24 advancing artificial intelligence research and technologies,
25 including—

1 (1) options for partnership models between gov-
2 ernment entities, industry, universities, and non-
3 profits that incentivize each party to share the data
4 they collected; and

5 (2) best practices for datasets used to train ar-
6 tificial intelligence systems, including—

7 (A) standards for metadata that describe
8 the properties of datasets, including—

9 (i) the origins of the data;

10 (ii) the intent behind the creation of
11 the data;

12 (iii) authorized uses of the data;

13 (iv) descriptive characteristics of the
14 data, including what populations are in-
15 cluded and excluded from the datasets; and

16 (v) any other properties as determined
17 by the Director; and

18 (B) standards for privacy and security of
19 datasets with human characteristics.

20 (d) STAKEHOLDER OUTREACH.—In carrying out the
21 activities under this subsection, the Director shall—

22 (1) solicit input from university researchers,
23 private sector experts, relevant Federal agencies,
24 Federal laboratories, State and local governments,
25 civil society groups, and other relevant stakeholders;

1 (2) solicit input from experts in relevant fields
2 of social science, technology ethics, and law; and

3 (3) provide opportunity for public comment on
4 guidelines and best practices developed as part of
5 the Initiative, as appropriate.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the National Institute
8 of Standards and Technology to carry out this section
9 \$64,000,000 for fiscal year 2021.

10 **SEC. 5302. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
11 **ISTRATION ARTIFICIAL INTELLIGENCE CEN-**
12 **TER.**

13 (a) IN GENERAL.—The Administrator of the Na-
14 tional Oceanic and Atmospheric Administration (hereafter
15 referred to as “the Administrator”) shall establish, a Cen-
16 ter for Artificial Intelligence (hereafter referred to as “the
17 Center”).

18 (b) CENTER GOALS.—The goals of the Center shall
19 be to—

20 (1) coordinate and facilitate the scientific and
21 technological efforts across the National Oceanic and
22 Atmospheric Administration; and

23 (2) expand external partnerships, and build
24 workforce proficiency to effectively transition artifi-
25 cial intelligence applications to operations.

1 (c) CENTER PRIORITIES.—Through the Center, the
2 Administrator shall implement a comprehensive program
3 to improve the use of artificial intelligence systems across
4 the agency in support of the mission of the National Oce-
5 anic and Atmospheric Administration. The priorities of
6 the Center shall be to—

7 (1) coordinate and facilitate artificial intel-
8 ligence research and innovation, tools, systems, and
9 capabilities across the National Oceanic and Atmos-
10 pheric Administration;

11 (2) establish data standards and develop and
12 maintain a central repository for agency-wide artifi-
13 cial intelligence applications;

14 (3) accelerate the transition of artificial intel-
15 ligence research to applications in support of the
16 mission of the National Oceanic and Atmospheric
17 Administration;

18 (4) develop and conduct training for the work-
19 force of the National Oceanic and Atmospheric Ad-
20 ministration related to artificial intelligence research
21 and application of artificial intelligence for such
22 agency;

23 (5) facilitate partnerships between the National
24 Oceanic and Atmospheric Administration and other
25 public sector organizations, private sector organiza-

1 tions, and institutions of higher education for re-
2 search, personnel exchange, and workforce develop-
3 ment with respect to artificial intelligence systems;
4 and

5 (6) make data of the National Oceanic and At-
6 mospheric Administration accessible, available, and
7 ready for artificial intelligence applications.

8 (d) STAKEHOLDER ENGAGEMENT.—In carrying out
9 the activities authorized in this section, the Administrator
10 shall—

11 (1) collaborate with a diverse set of stake-
12 holders including private sector entities and institu-
13 tions of higher education;

14 (2) leverage the collective body of research on
15 artificial intelligence and machine learning; and

16 (3) engage with relevant Federal agencies, re-
17 search communities, and potential users of informa-
18 tion produced under this section.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Administrator to
21 carry out this section \$10,000,000 for fiscal year 2021.

1 **TITLE IV—NATIONAL SCIENCE**
2 **FOUNDATION ARTIFICIAL IN-**
3 **TELLIGENCE ACTIVITIES**

4 **SEC. 5401. ARTIFICIAL INTELLIGENCE RESEARCH AND**
5 **EDUCATION.**

6 (a) IN GENERAL.—As part of the Initiative, the Di-
7 rector of the National Science Foundation shall fund re-
8 search and education activities in artificial intelligence sys-
9 tems and related fields, including competitive awards or
10 grants to institutions of higher education or eligible non-
11 profit organizations (or consortia thereof).

12 (b) USES OF FUNDS.—In carrying out the activities
13 under subsection (a), the Director of the National Science
14 Foundation shall—

15 (1) support research, including interdisciplinary
16 research on artificial intelligence systems and related
17 areas;

18 (2) support collaborations among researchers
19 across disciplines, including between social scientists
20 and computer and data scientists, to advance re-
21 search critical to the development and deployment of
22 trustworthy artificial intelligence systems, including
23 support for interdisciplinary research relating ad-
24 vances in artificial intelligence to changes in the fu-
25 ture workplace, in a social and economic context;

1 (3) use the existing programs of the National
2 Science Foundation, in collaboration with other Fed-
3 eral departments and agencies, as appropriate to—

4 (A) improve the teaching and learning of
5 artificial intelligence systems at all levels of
6 education; and

7 (B) increase participation in artificial intel-
8 ligence related fields, including by individuals
9 identified in sections 33 and 34 of the Science
10 and Engineering Equal Opportunity Act (42
11 U.S.C. 1885a and 1885b);

12 (4) engage with institutions of higher edu-
13 cation, research communities, industry, Federal lab-
14 oratories, nonprofit organizations, State and local
15 governments, and potential users of information pro-
16 duced under this section, including through the con-
17 vening of workshops and conferences, to leverage the
18 collective body of knowledge across disciplines rel-
19 evant to artificial intelligence, facilitate new collabo-
20 rations and partnerships, and identify emerging re-
21 search needs;

22 (5) support partnerships among institutions of
23 higher education and industry that facilitate collabo-
24 rative research, personnel exchanges, and workforce

1 development with respect to artificial intelligence
2 systems;

3 (6) ensure adequate access to research and edu-
4 cation infrastructure with respect to artificial intel-
5 ligence systems, including through the development
6 of new computing resources and partnership with
7 the private sector for the provision of cloud-based
8 computing services;

9 (7) conduct prize competitions, as appropriate,
10 pursuant to section 24 of the Stevenson-Wydler
11 Technology Innovation Act of 1980 (15 U.S.C.
12 3719);

13 (8) coordinate research efforts funded through
14 existing programs across the directorates of the Na-
15 tional Science Foundation;

16 (9) provide guidance on data sharing by grant-
17 ees to public and private sector organizations con-
18 sistent with the standards and guidelines developed
19 under section 5301(c); and

20 (10) evaluate opportunities for international
21 collaboration with strategic allies on artificial intel-
22 ligence research and development.

23 (c) ARTIFICIAL INTELLIGENCE RESEARCH
24 GRANTS.—

1 (1) IN GENERAL.—The Director shall award
2 grants for research on artificial intelligence systems.
3 Research areas may include—

4 (A) artificial intelligence systems, including
5 machine learning, computer vision, robotics,
6 and hardware for accelerating artificial intel-
7 ligence systems;

8 (B) artificial intelligence-enabled systems;

9 (C) fields and research areas that will con-
10 tribute to the advancement of artificial intel-
11 ligence systems, including information theory,
12 causal and statistical inference, data mining, in-
13 formation extraction, human-robot interaction,
14 and intelligent interfaces;

15 (D) fields and research areas that increase
16 understanding of human characteristics relevant
17 to artificial intelligence systems, including com-
18 putational neuroscience, reasoning and rep-
19 resentation, speech and language, multi-agent
20 systems, intelligent interfaces, human-artificial
21 intelligence cooperation, and artificial intel-
22 ligence-augmented human problem solving;

23 (E) fields and research areas that increase
24 understanding of learning, adaptability, and re-
25 silience beyond the human cognitive model, in-

cluding topics in developmental biology, zoology,
botany, morphological computation, and
organismal systems;

(F) fields and research areas that will con-
tribute to the development and deployment of
trustworthy artificial intelligence systems, in-
cluding—

(i) algorithmic explainability;

(ii) methods to assess, characterize,
and reduce bias in datasets and artificial
intelligence systems; and

(iii) safety and robustness of artificial
intelligence systems, including assurance,
verification, validation, security, and con-
trol;

(G) privacy and security, including for
datasets used for the training and inference of
artificial intelligence systems, and software and
hardware used in artificial intelligence systems;

(H) fields and research areas that address
the application of artificial intelligence systems
to scientific discovery and societal challenges,
including economic and public health emer-
gencies;

1 (I) societal, ethical, safety, education,
2 workforce, and security implications of artificial
3 intelligence systems, including social impact of
4 artificial intelligence systems on different
5 groups within society, especially historically
6 marginalized groups; and

7 (J) qualitative and quantitative forecasting
8 of future capabilities, applications, and impacts.

9 (2) ENGINEERING SUPPORT.—In soliciting pro-
10 posals for funding under this section, the Director
11 shall permit applicants to include in their proposed
12 budgets funding for software engineering support to
13 assist with the proposed research.

14 (3) ETHICS.—

15 (A) SENSE OF CONGRESS.—It is the sense
16 of Congress that—

17 (i) a number of emerging areas of re-
18 search, including artificial intelligence,
19 have potential ethical, social, safety, and
20 security implications that might be appar-
21 ent as early as the basic research stage;

22 (ii) the incorporation of ethical, social,
23 safety, and security considerations into the
24 research design and review process for

1 Federal awards may help mitigate poten-
2 tial harms before they happen;

3 (iii) the National Science Founda-
4 tion's intent to enter into an agreement
5 with the National Academies of Sciences,
6 Engineering, and Medicine to conduct a
7 study and make recommendations with re-
8 spect to governance of research in emerg-
9 ing technologies is a positive step toward
10 accomplishing this goal; and

11 (iv) the National Science Foundation
12 should continue to work with stakeholders
13 to understand and adopt policies that pro-
14 mote best practices for governance of re-
15 search in emerging technologies at every
16 stage of research.

17 (B) ETHICS STATEMENTS.—

18 (i) IN GENERAL.—Not later than 18
19 months after the date of enactment of this
20 Act, the Director shall amend grant pro-
21 posal instructions to include a requirement
22 for an ethics statement to be included as
23 part of any proposal for funding prior to
24 making the award. Such statement shall be
25 considered by the Director in the review of

1 proposals, taking into consideration any
2 relevant input from the peer-reviewers for
3 the proposal, and shall factor into award
4 decisions as deemed necessary by the Di-
5 rector.

6 (ii) CONTENTS.—Such statements
7 may include, as appropriate—

8 (I) the potential societal benefits
9 of the research;

10 (II) any foreseeable or quantifi-
11 able risks to society, including how
12 the research could enable products,
13 technologies, or other outcomes that
14 could intentionally or unintentionally
15 cause significant societal harm; and

16 (III) how technical or social solu-
17 tions can mitigate such risks and, as
18 appropriate, a plan to implement such
19 mitigation measures.

20 (iii) GUIDANCE.—The Director shall
21 issue clear guidance on what constitutes a
22 foreseeable or quantifiable risk described in
23 clause (ii)(II), and to the extent practical
24 harmonize this policy with existing ethical

1 policies or related requirements for human
2 subjects.

3 (iv) ANNUAL REPORTS.—The Director
4 shall encourage grantees to update their
5 ethics statements as appropriate as part of
6 the annual reports required by all grantees
7 under the grant terms and conditions.

8 (d) EDUCATION.—

9 (1) IN GENERAL.—The Director of the National
10 Science Foundation shall award grants for education
11 programs at the K–12, community college, under-
12 graduate, graduate, postdoctoral, adult learning, and
13 retraining stages of education that—

14 (A) support the development of a diverse
15 workforce pipeline for science and technology
16 with respect to artificial intelligence systems;

17 (B) increase awareness of ethical, social,
18 safety, and security implications of artificial in-
19 telligence systems; and

20 (C) promote the widespread understanding
21 of artificial intelligence principles and methods
22 to create an educated workforce and general
23 public able to use products enabled by artificial
24 intelligence systems and adapt to future societal

1 and economic changes caused by artificial intel-
2 ligence systems.

3 (2) USE OF FUNDS.—Grants awarded under
4 this section for education activities referred to in
5 paragraph (1) may be used for—

6 (A) collaborative interdisciplinary research,
7 development, testing, and dissemination of K–
8 12, undergraduate, and community college cur-
9 riculum development, dissemination, and other
10 educational tools and methods in artificial intel-
11 ligence related fields;

12 (B) curriculum development in the field of
13 technology ethics;

14 (C) support for informal education activi-
15 ties for K–12 students to engage with artificial
16 intelligence systems, including mentorship pro-
17 grams for underrepresented populations;

18 (D) efforts to achieve equitable access to
19 K–12 artificial intelligence education for popu-
20 lations and geographic areas traditionally
21 underrepresented in the artificial intelligence
22 field;

23 (E) training and professional development
24 programs, including innovative pre-service and

1 in-service programs, in artificial intelligence and
2 related fields for K–12 teachers;

3 (F) efforts to improve the retention rate
4 for researchers focusing on artificial intelligence
5 systems at institutions of higher learning and
6 other nonprofit research institutions;

7 (G) outreach programs to educate the gen-
8 eral public about the uses of artificial intel-
9 ligence and its societal implications;

10 (H) assessments of activities conducted
11 under this subsection; and

12 (I) any other relevant activities the Direc-
13 tor determines will accomplish the aim de-
14 scribed in paragraph (1).

15 (3) ARTIFICIAL INTELLIGENCE TRAINEESHIPS
16 AND FELLOWSHIPS.—

17 (A) ARTIFICIAL INTELLIGENCE
18 TRAINEESHIPS.—

19 (i) IN GENERAL.—The Director of the
20 National Science Foundation shall award
21 grants to institutions of higher education
22 to establish traineeship programs for grad-
23 uate students who pursue artificial intel-
24 ligence-related research leading to a mas-
25 ters or doctorate degree by providing fund-

1 ing and other assistance, and by providing
2 graduate students opportunities for re-
3 search experiences in government or indus-
4 try related to the students' artificial intel-
5 ligence studies.

6 (ii) USE OF FUNDS.—An institution
7 of higher education shall use grant funds
8 provided under clause (i) for the purposes
9 of—

10 (I) providing traineeships to stu-
11 dents who are pursuing research in
12 artificial intelligence leading to a mas-
13 ters or doctorate degree;

14 (II) paying tuition and fees for
15 students receiving traineeships who
16 are citizens, nationals, or lawfully ad-
17 mitted permanent resident aliens of
18 the United States;

19 (III) creating and requiring
20 courses or training programs in tech-
21 nology ethics for students receiving
22 traineeships;

23 (IV) creating opportunities for
24 research in technology ethics for stu-
25 dents receiving traineeships;

1 (V) establishing scientific intern-
2 ship programs for students receiving
3 traineeships in artificial intelligence at
4 for-profit institutions, nonprofit re-
5 search institutions, or government lab-
6 oratories; and

7 (VI) other costs associated with
8 the administration of the program.

9 (B) ARTIFICIAL INTELLIGENCE FELLOW-
10 SHIPS.—The Director of the National Science
11 Foundation shall award fellowships to masters
12 and doctoral students and postdoctoral re-
13 searchers at institutions of higher education
14 who are pursuing degrees or research in artifi-
15 cial intelligence and related fields, including in
16 the field of technology ethics. In making such
17 awards, the Director shall—

18 (i) ensure recipients of artificial intel-
19 ligence fellowships are citizens, nationals,
20 or lawfully admitted permanent resident
21 aliens of the United States; and

22 (ii) conduct outreach, including
23 through formal solicitations, to solicit pro-
24 posals from students and postdoctoral re-
25 searchers seeking to carry out research in

1 aspects of technology ethics with relevance
2 to artificial intelligence systems.

3 (C) FACULTY RECRUITMENT FELLOW-
4 SHIPS.—

5 (i) IN GENERAL.—The Director of the
6 National Science Foundation shall estab-
7 lish a program to award grants to institu-
8 tions of higher education to recruit and re-
9 tain tenure-track or tenured faculty in ar-
10 tificial intelligence and related fields.

11 (ii) USE OF FUNDS.—An institution
12 of higher education shall use grant funds
13 provided under clause (i) for the purposes
14 of—

15 (I) recruiting new tenure-track or
16 tenured faculty members to that con-
17 duct research and teaching in artifi-
18 cial intelligence and related fields and
19 research areas, including technology
20 ethics; and

21 (II) paying salary and benefits
22 for the academic year of newly re-
23 cruited tenure-track or tenured fac-
24 ulty members for a duration of up to
25 3 years.

(D) FACULTY TECHNOLOGY ETHICS FELLOWSHIPS.—

(i) IN GENERAL.—The Director of the National Science Foundation shall establish a program to award fellowships to tenure-track and tenured faculty in social and behavioral sciences, ethics, law, and related fields to develop new research projects and partnerships in technology ethics, in collaboration with faculty conducting empirical research in artificial intelligence and related fields.

(ii) PURPOSES.—The purposes of such fellowships are to enable researchers in social and behavioral sciences, ethics, law, and related fields to establish new research and education partnerships with researchers in artificial intelligence and related fields; learn new techniques and acquire systematic knowledge in artificial intelligence and related fields; shift their research to focus on technology ethics; and mentor and advise graduate students and postdocs pursuing research in technology ethics.

1 (iii) USES OF FUNDS.—A fellowship
2 may include salary and benefits for up to
3 one academic year and additional expenses
4 to support coursework or equivalent train-
5 ing in artificial intelligence systems.

6 (E) UPDATE TO ROBERT NOYCE TEACHER
7 SCHOLARSHIP PROGRAM.—Section 10(i)(5) of
8 the National Science Foundation Authorization
9 Act of 2002 (42 U.S.C. 1862n–1(i)(5)) is
10 amended by inserting “and artificial intel-
11 ligence” after “computer science”.

12 (4) UPDATE TO ADVANCED TECHNOLOGICAL
13 EDUCATION PROGRAM.—

14 (A) IN GENERAL.—Section 3(b) of the Sci-
15 entific and Advanced-Technology Act of 1992
16 (42 U.S.C. 1862(i)) is amended by striking
17 “10” and inserting “12”.

18 (B) ARTIFICIAL INTELLIGENCE CENTERS
19 OF EXCELLENCE.—The Director of the Na-
20 tional Science Foundation shall establish na-
21 tional centers of scientific and technical edu-
22 cation to advance education and workforce de-
23 velopment in areas related to artificial intel-
24 ligence pursuant to Section 3 of the Scientific
25 and Advanced-Technology Act of 1992 (42

1 U.S.C. 1862(i)). Activities of such centers may
2 include—

3 (i) the development, dissemination,
4 and evaluation of curriculum and other
5 educational tools and methods in artificial
6 intelligence related fields and research
7 areas, including technology ethics;

8 (ii) the development and evaluation of
9 artificial intelligence related certifications
10 for 2-year programs; and

11 (iii) interdisciplinary science and engi-
12 neering research in employment-based
13 adult learning and career retraining re-
14 lated to artificial intelligence fields.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the National Science
17 Foundation to carry out this section \$868,000,000 for fis-
18 cal year 2021.

1 **TITLE V—DEPARTMENT OF EN-**
2 **ERGY ARTIFICIAL INTEL-**
3 **LIGENCE RESEARCH PRO-**
4 **GRAM**

5 **SEC. 5501. DEPARTMENT OF ENERGY ARTIFICIAL INTEL-**
6 **LIGENCE RESEARCH PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall carry out a
8 cross-cutting research and development program to ad-
9 vance artificial intelligence tools, systems, capabilities, and
10 workforce needs and to improve the reliability of artificial
11 intelligence methods and solutions relevant to the mission
12 of the Department. In carrying out this program, the Sec-
13 retary shall coordinate across all relevant offices and pro-
14 grams at the Department, including the Office of Science,
15 the Office of Energy Efficiency and Renewable Energy,
16 the Office of Nuclear Energy, the Office of Fossil Energy,
17 the Office of Electricity, the Office of Cybersecurity, En-
18 ergy Security, and Emergency Response, the Advanced
19 Research Projects Agency-Energy, and any other relevant
20 office determined by the Secretary.

21 (b) RESEARCH AREAS.—In carrying out the program
22 under subsection (a), the Secretary shall award financial
23 assistance to eligible entities to carry out research projects
24 on topics including—

1 (1) the application of artificial intelligence sys-
2 tems to improve large-scale simulations of natural
3 and other phenomena;

4 (2) the study of applied mathematics, computer
5 science, and statistics, including foundations of
6 methods and systems of artificial intelligence, causal
7 and statistical inference, and the development of al-
8 gorithms for artificial intelligence systems;

9 (3) the analysis of existing large-scale datasets
10 from science and engineering experiments and sim-
11 ulations, including energy simulations and other pri-
12 orities at the Department as determined by the Sec-
13 retary using artificial intelligence tools and tech-
14 niques;

15 (4) the development of operation and control
16 systems that enhance automated, intelligent deci-
17 sionmaking capabilities;

18 (5) the development of advanced computing
19 hardware and computer architecture tailored to arti-
20 ficial intelligence systems, including the codesign of
21 networks and computational hardware;

22 (6) the development of standardized datasets
23 for emerging artificial intelligence research fields
24 and applications, including methods for addressing
25 data scarcity; and

1 (7) the development of trustworthy artificial in-
2 telligence systems, including—

3 (A) algorithmic explainability;

4 (B) analytical methods for identifying and
5 mitigating bias in artificial intelligence systems;
6 and

7 (C) safety and robustness, including assur-
8 ance, verification, validation, security, and con-
9 trol.

10 (c) TECHNOLOGY TRANSFER.—In carrying out the
11 program under subsection (a), the Secretary shall support
12 technology transfer of artificial intelligence systems for the
13 benefit of society and United States economic competitive-
14 ness.

15 (d) FACILITY USE AND UPGRADES.—In carrying out
16 the program under subsection (a), the Secretary shall—

17 (1) make available high-performance computing
18 infrastructure at national laboratories;

19 (2) make any upgrades necessary to enhance
20 the use of existing computing facilities for artificial
21 intelligence systems, including upgrades to hard-
22 ware;

23 (3) establish new computing capabilities nec-
24 essary to manage data and conduct high perform-

1 ance computing that enables the use of artificial in-
2 telligence systems; and

3 (4) maintain and improve, as needed, net-
4 working infrastructure, data input and output mech-
5 anisms, and data analysis, storage, and service capa-
6 bilities.

7 (e) ETHICS.—

8 (1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of this Act, the Sec-
10 retary shall amend grant proposal instructions to in-
11 clude a requirement for an ethics statement to be in-
12 cluded as part of any proposal for funding prior to
13 making the award. Such statement shall be consid-
14 ered by the Secretary in the review of proposals, tak-
15 ing into consideration any relevant input from the
16 peer-reviewers for the proposal, and shall factor into
17 award decisions as deemed necessary by the Sec-
18 retary. Such statements may include, as appro-
19 priate—

20 (A) the potential societal benefits of the re-
21 search;

22 (B) any foreseeable or quantifiable risks to
23 society, including how the research could enable
24 products, technologies, or other outcomes that

1 could intentionally or unintentionally cause sig-
2 nificant societal harm; and

3 (C) how technical or social solutions can
4 mitigate such risks and, as appropriate, a plan
5 to implement such mitigation measures.

6 (2) GUIDANCE.—The Secretary shall issue clear
7 guidance on what constitutes risks as described in
8 section (1)(B), and to the extent practical harmonize
9 this policy with existing ethical policies or related re-
10 quirements for human subjects.

11 (3) ANNUAL REPORTS.—The Secretary shall
12 encourage awardees to update their ethics state-
13 ments as appropriate as part of the annual reports
14 required by all awardees under the grant terms and
15 conditions.

16 (f) RISK MANAGEMENT.—The Secretary shall review
17 agency policies for risk management in artificial intel-
18 ligence related projects and issue as necessary policies and
19 principles that are consistent with the framework devel-
20 oped under section 5301(b).

21 (g) DATA PRIVACY AND SHARING.—The Secretary
22 shall review agency policies for data sharing with other
23 public and private sector organizations and issue as nec-
24 essary policies and principles that are consistent with the
25 standards and guidelines submitted under section 5301(c).

1 In addition, the Secretary shall establish a streamlined
2 mechanism for approving research projects or partner-
3 ships that require sharing sensitive public or private data
4 with the Department.

5 (h) PARTNERSHIPS WITH OTHER FEDERAL AGEN-
6 CIES.—The Secretary may request, accept, and provide
7 funds from other Federal departments and agencies,
8 State, United States territory, local, or Tribal government
9 agencies, private sector for-profit entities, and nonprofit
10 entities, to be available to the extent provided by appro-
11 priations Acts, to support a research project or partner-
12 ship carried out under this section. The Secretary may not
13 give any special consideration to any agency or entity in
14 return for a donation.

15 (i) STAKEHOLDER ENGAGEMENT.—In carrying out
16 the activities authorized in this section, the Secretary
17 shall—

18 (1) collaborate with a range of stakeholders in-
19 cluding small businesses, institutes of higher edu-
20 cation, industry, and the National Laboratories;

21 (2) leverage the collective body of knowledge
22 from existing artificial intelligence and machine
23 learning research; and

1 (3) engage with other Federal agencies, re-
2 search communities, and potential users of informa-
3 tion produced under this section.

4 (j) DEFINITIONS.—In this section:

5 (1) SECRETARY.—The term “Secretary” means
6 the Secretary of Energy.

7 (2) DEPARTMENT.—The term “Department”
8 means the Department of Energy.

9 (3) NATIONAL LABORATORY.—The term “na-
10 tional laboratory” has the meaning given such term
11 in section 2 of the Energy Policy Act of 2005 (42
12 U.S.C. 15801).

13 (4) ELIGIBLE ENTITIES.—The term “eligible
14 entities” means—

15 (A) an institution of higher education;

16 (B) a National Laboratory;

17 (C) a Federal research agency;

18 (D) a State research agency;

19 (E) a nonprofit research organization;

20 (F) a private sector entity; or

21 (G) a consortium of 2 or more entities de-
22 scribed in subparagraph (A) through (F).

23 (k) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Department to
25 carry out this section \$200,000,000 for fiscal year 2021.

1 **SEC. 5502. DEPARTMENT OF ENERGY VETERANS' HEALTH**
2 **INITIATIVE.**

3 (a) DEFINITIONS.—In this section:

4 (1) DEPARTMENT.—The term “Department”
5 means the Department of Energy.

6 (2) NATIONAL LABORATORY.—The term “Na-
7 tional Laboratory” has the meaning given that term
8 in section 2 of the Energy Policy Act of 2005 (42
9 U.S.C. 15801).

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of Energy.

12 (b) PURPOSES.—The purposes of this section are to
13 advance Department of Energy expertise in artificial intel-
14 ligence and high-performance computing in order to im-
15 prove health outcomes for veteran populations by—

16 (1) supporting basic research through the appli-
17 cation of artificial intelligence, high-performance
18 computing, modeling and simulation, machine learn-
19 ing, and large-scale data analytics to identify and
20 solve outcome-defined challenges in the health
21 sciences;

22 (2) maximizing the impact of the Department
23 of Veterans Affairs' health and genomics data
24 housed at the National Laboratories, as well as data
25 from other sources, on science, innovation, and
26 health care outcomes through the use and advance-

1 ment of artificial intelligence and high-performance
2 computing capabilities of the Department of Energy;

3 (3) promoting collaborative research through
4 the establishment of partnerships to improve data
5 sharing between Federal agencies, National Labora-
6 tories, institutions of higher education, and non-
7 profit institutions;

8 (4) establishing multiple scientific computing
9 user facilities to house and provision available data
10 to foster transformational outcomes; and

11 (5) driving the development of technology to im-
12 prove artificial intelligence, high-performance com-
13 puting, and networking relevant to mission applica-
14 tions of the Department of Energy, including mod-
15 eling, simulation, machine learning, and advanced
16 data analytics.

17 (c) DEPARTMENT OF ENERGY VETERANS HEALTH
18 RESEARCH AND DEVELOPMENT.—

19 (1) IN GENERAL.—The Secretary shall establish
20 and carry out a research program in artificial intel-
21 ligence and high-performance computing, focused on
22 the development of tools to solve big data challenges
23 associated with veteran’s healthcare, and to support
24 the efforts of the Department of Veterans Affairs to
25 identify potential health risks and challenges uti-

1 lizing data on long-term healthcare, health risks,
2 and genomic data collected from veteran popu-
3 lations. The Secretary shall carry out this program
4 through a competitive, merit-reviewed process, and
5 consider applications from National Laboratories, in-
6 stitutions of higher education, multi-institutional col-
7 laborations, and other appropriate entities.

8 (2) PROGRAM COMPONENTS.—In carrying out
9 the program established under paragraph (1), the
10 Secretary may—

11 (A) conduct basic research in modeling and
12 simulation, machine learning, large-scale data
13 analytics, and predictive analysis in order to de-
14 velop novel or optimized algorithms for pre-
15 diction of disease treatment and recovery;

16 (B) develop methods to accommodate large
17 data sets with variable quality and scale, and to
18 provide insight and models for complex systems;

19 (C) develop new approaches and maximize
20 the use of algorithms developed through artifi-
21 cial intelligence, machine learning, data ana-
22 lytics, natural language processing, modeling
23 and simulation, and develop new algorithms
24 suitable for high-performance computing sys-
25 tems and large biomedical data sets;

1 (D) advance existing and construct new
2 data enclaves capable of securely storing data
3 sets provided by the Department of Veterans
4 Affairs, Department of Defense, and other
5 sources; and

6 (E) promote collaboration and data shar-
7 ing between National Laboratories, research en-
8 tities, and user facilities of the Department by
9 providing the necessary access and secure data
10 transfer capabilities.

11 (3) COORDINATION.—In carrying out the pro-
12 gram required under paragraph (1), the Secretary is
13 authorized to—

14 (A) enter into memoranda of under-
15 standing in order to carry out reimbursable
16 agreements with the Department of Veterans
17 Affairs and other entities in order to maximize
18 the effectiveness of Department of Energy re-
19 search and development to improve veterans'
20 healthcare;

21 (B) consult with the Department of Vet-
22 erans Affairs and other Federal agencies as ap-
23 propriate; and

24 (C) ensure that data storage meets all pri-
25 vacy and security requirements established by

1 the Department of Veterans Affairs, and that
2 access to data is provided in accordance with
3 relevant Department of Veterans Affairs data
4 access policies, including informed consent.

5 (4) REPORT.—Not later than 2 years after the
6 date of the enactment of this Act, the Secretary
7 shall submit to the Committee on Science, Space,
8 and Technology and the Committee on Veterans' Af-
9 fairs of the House of Representatives, and the Com-
10 mittee on Energy and Natural Resources and the
11 Committee on Veterans' Affairs of the Senate, a re-
12 port detailing the effectiveness of—

13 (A) the interagency coordination between
14 each Federal agency involved in the research
15 program carried out under this subsection;

16 (B) collaborative research achievements of
17 the program; and

18 (C) potential opportunities to expand the
19 technical capabilities of the Department.

20 (5) FUNDING.—There are authorized to be ap-
21 propriated to the Secretary of Veterans Affairs to
22 carry out this section \$5,400,000 for fiscal year
23 2021.

24 (d) INTERAGENCY COLLABORATION.—

1 (1) IN GENERAL.—The Secretary is authorized
2 to carry out research, development, and demonstra-
3 tion activities to develop tools to apply to big data
4 that enable Federal agencies, institutions of higher
5 education, nonprofit research organizations, and in-
6 dustry to better leverage the capabilities of the De-
7 partment to solve complex, big data challenges. The
8 Secretary shall carry out these activities through a
9 competitive, merit-reviewed process, and consider ap-
10 plications from National Laboratories, institutions of
11 higher education, multi-institutional collaborations,
12 and other appropriate entities.

13 (2) ACTIVITIES.—In carrying out the research,
14 development, and demonstration activities authorized
15 under paragraph (1), the Secretary may—

16 (A) utilize all available mechanisms to pre-
17 vent duplication and coordinate research efforts
18 across the Department;

19 (B) establish multiple user facilities to
20 serve as data enclaves capable of securely stor-
21 ing data sets created by Federal agencies, insti-
22 tutions of higher education, nonprofit organiza-
23 tions, or industry at National Laboratories; and

24 (C) promote collaboration and data sharing
25 between National Laboratories, research enti-

1 ties, and user facilities of the Department by
2 providing the necessary access and secure data
3 transfer capabilities.

4 (3) REPORT.—Not later than 2 years after the
5 date of the enactment of this Act, the Secretary
6 shall submit to the Committee on Science, Space,
7 and Technology of the House of Representatives and
8 the Committee on Energy and Natural Resources of
9 the Senate a report evaluating the effectiveness of
10 the activities authorized under paragraph (1).

11 (4) FUNDING.—There are authorized to be ap-
12 propriated to the Secretary of Energy to carry out
13 paragraph (1) \$15,000,000 for fiscal year 2021.

14 **DIVISION F—CORPORATE**
15 **TRANSPARENCY ACT OF 2019**

16 **SEC. 6001. SHORT TITLE.**

17 This division may be cited as the “Corporate Trans-
18 parency Act of 2019”.

19 **SEC. 6002. FINDINGS.**

20 Congress finds the following:

21 (1) Nearly 2,000,000 corporations and limited
22 liability companies are being formed under the laws
23 of the States each year.

1 (2) Very few States require information about
2 the beneficial owners of the corporations and limited
3 liability companies formed under their laws.

4 (3) A person forming a corporation or limited
5 liability company within the United States typically
6 provides less information at the time of incorpora-
7 tion than is needed to obtain a bank account or driv-
8 er's license and typically does not name a single ben-
9 eficial owner.

10 (4) Criminals have exploited State formation
11 procedures to conceal their identities when forming
12 corporations or limited liability companies in the
13 United States, and have then used the newly created
14 entities to commit crimes affecting interstate and
15 international commerce such as terrorism, prolifera-
16 tion financing, drug and human trafficking, money
17 laundering, tax evasion, counterfeiting, piracy, secu-
18 rities fraud, financial fraud, and acts of foreign cor-
19 ruption.

20 (5) Law enforcement efforts to investigate cor-
21 porations and limited liability companies suspected
22 of committing crimes have been impeded by the lack
23 of available beneficial ownership information, as doc-
24 umented in reports and testimony by officials from
25 the Department of Justice, the Department of

1 Homeland Security, the Department of the Treas-
2 ury, and the Government Accountability Office, and
3 others.

4 (6) In July 2006, the leading international
5 antimoney laundering standard-setting body, the Fi-
6 nancial Action Task Force on Money Laundering (in
7 this section referred to as the “FATF”), of which
8 the United States is a member, issued a report that
9 criticizes the United States for failing to comply
10 with a FATF standard on the need to collect bene-
11 ficial ownership information and urged the United
12 States to correct this deficiency by July 2008. In
13 December 2016, FATF issued another evaluation of
14 the United States, which found that little progress
15 has been made over the last ten years to address
16 this problem. It identified the “lack of timely access
17 to adequate, accurate and current beneficial owner-
18 ship information” as a fundamental gap in United
19 States efforts to combat money laundering and ter-
20 rorist finance.

21 (7) In response to the 2006 FATF report, the
22 United States has urged the States to obtain bene-
23 ficial ownership information for the corporations and
24 limited liability companies formed under the laws of
25 such States.

1 (8) In contrast to practices in the United
2 States, all 28 countries in the European Union are
3 required to have corporate registries that include
4 beneficial ownership information.

5 (9) To reduce the vulnerability of the United
6 States to wrongdoing by United States corporations
7 and limited liability companies with hidden owners,
8 to protect interstate and international commerce
9 from criminals misusing United States corporations
10 and limited liability companies, to strengthen law en-
11 forcement investigations of suspect corporations and
12 limited liability companies, to set a clear, universal
13 standard for State incorporation practices, and to
14 bring the United States into compliance with inter-
15 national anti-money laundering standards, Federal
16 legislation is needed to require the collection of bene-
17 ficial ownership information for the corporations and
18 limited liability companies formed under the laws of
19 such States.

20 **SEC. 6003. TRANSPARENT INCORPORATION PRACTICES.**

21 (a) IN GENERAL.—

22 (1) AMENDMENT TO THE BANK SECRECY
23 ACT.—Chapter 53 of title 31, United States Code, is
24 amended by inserting after section 5332 the fol-
25 lowing new section:

1 **“§ 5333 Transparent incorporation practices**

2 “(a) REPORTING REQUIREMENTS.—

3 “(1) BENEFICIAL OWNERSHIP REPORTING.—

4 “(A) IN GENERAL.—Each applicant to
5 form a corporation or limited liability company
6 under the laws of a State or Indian Tribe shall
7 file a report with FinCEN containing a list of
8 the beneficial owners of the corporation or lim-
9 ited liability company that—

10 “(i) except as provided in paragraphs
11 (3) and (4), and subject to paragraph (2),
12 identifies each beneficial owner by—

13 “(I) full legal name;

14 “(II) date of birth;

15 “(III) current residential or busi-
16 ness street address; and

17 “(IV) a unique identifying num-
18 ber from a non-expired passport
19 issued by the United States, a non-ex-
20 pired personal identification card, or a
21 non-expired driver’s license issued by
22 a State; and

23 “(ii) if the applicant is not a bene-
24 ficial owner, also provides the identification
25 information described in clause (i) relating
26 to such applicant.

1 “(B) UPDATED INFORMATION.—Each cor-
2 poration or limited liability company formed
3 under the laws of a State or Indian Tribe
4 shall—

5 “(i) submit to FinCEN an annual fil-
6 ing containing a list of—

7 “(I) the current beneficial owners
8 of the corporation or limited liability
9 company and the information de-
10 scribed in subparagraph (A) for each
11 such beneficial owner; and

12 “(II) any changes in the bene-
13 ficial owners of the corporation or lim-
14 ited liability company during the pre-
15 vious year; and

16 “(ii) pursuant to any rule issued by
17 the Secretary of the Treasury under sub-
18 paragraph (C), update the list of the bene-
19 ficial owners of the corporation or limited
20 liability company within the time period
21 prescribed by such rule.

22 “(C) RULEMAKING ON UPDATING INFOR-
23 MATION.—Not later than 9 months after the
24 completion of the study required under section
25 4(a)(1) of the Corporate Transparency Act of

1 2019, the Secretary of the Treasury shall con-
2 sider the findings of such study and, if the Sec-
3 retary determines it to be necessary or appro-
4 priate, issue a rule requiring corporations and
5 limited liability companies to update the list of
6 the beneficial owners of the corporation or lim-
7 ited liability company within a specified amount
8 of time after the date of any change in the list
9 of beneficial owners or the information required
10 to be provided relating to each beneficial owner.

11 “(D) STATE NOTIFICATION.—Each State
12 in which a corporation or limited liability com-
13 pany is being formed shall notify each applicant
14 of the requirements listed in subparagraphs (A)
15 and (B).

16 “(2) CERTAIN BENEFICIAL OWNERS.—If an ap-
17 plicant to form a corporation or limited liability com-
18 pany or a beneficial owner, or similar agent of a cor-
19 poration or limited liability company who is required
20 to provide identification information under this sub-
21 section, does not have a nonexpired passport issued
22 by the United States, a nonexpired personal identi-
23 fication card, or a non-expired driver’s license issued
24 by a State, each such person shall provide to
25 FinCEN the full legal name, current residential or

1 business street address, a unique identifying number
2 from a non-expired passport issued by a foreign gov-
3 ernment, and a legible and credible copy of the
4 pages of a non-expired passport issued by the gov-
5 ernment of a foreign country bearing a photograph,
6 date of birth, and unique identifying information for
7 each beneficial owner, and each application described
8 in paragraph (1)(A) and each update described in
9 paragraph (1)(B) shall include a written certification
10 by a person residing in the State or Indian country
11 under the jurisdiction of the Indian Tribe forming
12 the entity that the applicant, corporation, or limited
13 liability company—

14 “(A) has obtained for each such beneficial
15 owner, a current residential or business street
16 address and a legible and credible copy of the
17 pages of a non-expired passport issued by the
18 government of a foreign country bearing a pho-
19 tograph, date of birth, and unique identifying
20 information for the person;

21 “(B) has verified the full legal name, ad-
22 dress, and identity of each such person;

23 “(C) will provide the information described
24 in subparagraph (A) and the proof of

1 verification described in subparagraph (B) upon
2 request of FinCEN; and

3 “(D) will retain the information and proof
4 of verification under this paragraph until the
5 end of the 5-year period beginning on the date
6 that the corporation or limited liability company
7 terminates under the laws of the State or In-
8 dian Tribe.

9 “(3) EXEMPT ENTITIES.—

10 “(A) IN GENERAL.—With respect to an ap-
11 plicant to form a corporation or limited liability
12 company under the laws of a State or Indian
13 Tribe, if such entity is described in subpara-
14 graph (C) or (D) of subsection (d)(4) and will
15 be exempt from the beneficial ownership disclo-
16 sure requirements under this subsection, such
17 applicant, or a prospective officer, director, or
18 similar agent of the applicant, shall file a writ-
19 ten certification with FinCEN—

20 “(i) identifying the specific provision
21 of subsection (d)(4) under which the entity
22 proposed to be formed would be exempt
23 from the beneficial ownership disclosure re-
24 quirements under paragraphs (1) and (2);

1 “(ii) stating that the entity proposed
2 to be formed meets the requirements for
3 an entity described under such provision of
4 subsection (d)(4); and

5 “(iii) providing identification informa-
6 tion for the applicant or prospective offi-
7 cer, director, or similar agent making the
8 certification in the same manner as pro-
9 vided under paragraph (1) or (2).

10 “(B) EXISTING CORPORATIONS OR LIM-
11 ITED LIABILITY COMPANIES.—On and after the
12 date that is 2 years after the final regulations
13 are issued to carry out this section, a corpora-
14 tion or limited liability company formed under
15 the laws of the State or Indian Tribe before
16 such date shall be subject to the requirements
17 of this subsection unless an officer, director, or
18 similar agent of the entity submits to FinCEN
19 a written certification—

20 “(i) identifying the specific provision
21 of subsection (d)(4) under which the entity
22 is exempt from the requirements under
23 paragraphs (1) and (2);

1 “(ii) stating that the entity meets the
2 requirements for an entity described under
3 such provision of subsection (d)(4); and

4 “(iii) providing identification informa-
5 tion for the officer, director, or similar
6 agent making the certification in the same
7 manner as provided under paragraph (1)
8 or (2).

9 “(C) EXEMPT ENTITIES HAVING OWNER-
10 SHIP INTEREST.—If an entity described in sub-
11 paragraph (C) or (D) of subsection (d)(4) has
12 or will have an ownership interest in a corpora-
13 tion or limited liability company formed or to be
14 formed under the laws of a State or Indian
15 Tribe, the applicant, corporation, or limited li-
16 ability company in which the entity has or will
17 have the ownership interest shall provide the in-
18 formation required under this subsection relat-
19 ing to the entity, except that the entity shall
20 not be required to provide information regard-
21 ing any natural person who has an ownership
22 interest in, exercises substantial control over, or
23 receives substantial economic benefits from the
24 entity.

25 “(4) FINCEN ID NUMBERS.—

1 “(A) ISSUANCE OF FINCEN ID NUMBER.—

2 “(i) IN GENERAL.—FinCEN shall
3 issue a FinCEN ID number to any indi-
4 vidual who requests such a number and
5 provides FinCEN with the information de-
6 scribed under subclauses (I) through (IV)
7 of paragraph (1)(A)(i).

8 “(ii) UPDATING OF INFORMATION.—
9 An individual with a FinCEN ID number
10 shall submit an annual filing with FinCEN
11 updating any information described under
12 subclauses (I) through (IV) of paragraph
13 (1)(A)(i).

14 “(B) USE OF FINCEN ID NUMBER IN RE-
15 PORTING REQUIREMENTS.—Any person re-
16 quired to report the information described
17 under paragraph (1)(A)(i) with respect to an
18 individual may instead report the FinCEN ID
19 number of the individual.

20 “(C) TREATMENT OF INFORMATION SUB-
21 MITTED FOR FINCEN ID NUMBER.—For pur-
22 poses of this section, any information submitted
23 under subparagraph (A) shall be deemed to be
24 beneficial ownership information.

1 “(5) RETENTION AND DISCLOSURE OF BENE-
2 FICIAL OWNERSHIP INFORMATION BY FINCEN.—

3 “(A) RETENTION OF INFORMATION.—Ben-
4 eficial ownership information relating to each
5 corporation or limited liability company formed
6 under the laws of the State or Indian Tribe
7 shall be maintained by FinCEN until the end of
8 the 5-year period (or such other period of time
9 as the Secretary of the Treasury may, by rule,
10 determine) beginning on the date that the cor-
11 poration or limited liability company termi-
12 nates.

13 “(B) DISCLOSURE OF INFORMATION.—
14 Beneficial ownership information reported to
15 FinCEN pursuant to this section shall be pro-
16 vided by FinCEN only upon receipt of—

17 “(i) subject to subparagraph (C), a
18 request, through appropriate protocols, by
19 a local, Tribal, State, or Federal law en-
20 forcement agency;

21 “(ii) a request made by a Federal
22 agency on behalf of a law enforcement
23 agency of another country under an inter-
24 national treaty, agreement, or convention,

1 or an order under section 3512 of title 18
2 or section 1782 of title 28; or

3 “(iii) a request made by a financial
4 institution, with customer consent, as part
5 of the institution’s compliance with due
6 diligence requirements imposed under the
7 Bank Secrecy Act, the USA PATRIOT
8 Act, or other applicable Federal, State, or
9 Tribal law.

10 “(C) APPROPRIATE PROTOCOLS.—

11 “(i) PRIVACY.—The protocols de-
12 scribed in subparagraph (B)(i) shall—

13 “(I) protect the privacy of any
14 beneficial ownership information pro-
15 vided by FinCEN to a local, Tribal,
16 State, or Federal law enforcement
17 agency;

18 “(II) ensure that a local, Tribal,
19 State, or Federal law enforcement
20 agency requesting beneficial ownership
21 information has an existing investiga-
22 tory basis for requesting such infor-
23 mation;

24 “(III) ensure that access to bene-
25 ficial ownership information is limited

1 to authorized users at a local, Tribal,
2 State, or Federal law enforcement
3 agency who have undergone appro-
4 priate training, and refresher training
5 no less than every 2 years, and that
6 the identity of such authorized users
7 is verified through appropriate mecha-
8 nisms, such as two-factor authentica-
9 tion;

10 “(IV) include an audit trail of re-
11 quests for beneficial ownership infor-
12 mation by a local, Tribal, State, or
13 Federal law enforcement agency, in-
14 cluding, as necessary, information
15 concerning queries made by author-
16 ized users at a local, Tribal, State, or
17 Federal law enforcement agency;

18 “(V) require that every local,
19 Tribal, State, or Federal law enforce-
20 ment agency that receives beneficial
21 ownership information from FinCEN
22 conducts an annual audit to verify
23 that the beneficial ownership informa-
24 tion received from FinCEN has been

1 accessed and used appropriately, and
2 consistent with this paragraph; and

3 “(VI) require FinCEN to con-
4 duct an annual audit of every local,
5 Tribal, State, or Federal law enforce-
6 ment agency that has received bene-
7 ficial ownership information to ensure
8 that such agency has requested bene-
9 ficial ownership information, and has
10 used any beneficial ownership infor-
11 mation received from FinCEN, appro-
12 priately, and consistent with this
13 paragraph.

14 “(ii) LIMITATION ON USE.—Beneficial
15 ownership information provided to a local,
16 Tribal, State, or Federal law enforcement
17 agency under this paragraph may only be
18 used for law enforcement, national secu-
19 rity, or intelligence purposes.

20 “(D) ACCESS PROCEDURES.—FinCEN
21 shall establish stringent procedures for the pro-
22 tection and proper use of beneficial ownership
23 information disclosed pursuant to subparagraph
24 (B), including procedures to ensure such infor-

1 mation is not being inappropriately accessed or
2 misused by law enforcement agencies.

3 “(E) REPORT TO CONGRESS.—FinCEN
4 shall issue an annual report to Congress stat-
5 ing—

6 “(i) the number of times law enforce-
7 ment agencies and financial institutions
8 have accessed beneficial ownership infor-
9 mation pursuant to subparagraph (B);

10 “(ii) the number of times beneficial
11 ownership information reported to
12 FinCEN pursuant to this section was inap-
13 propriately accessed, and by whom; and

14 “(iii) the number of times beneficial
15 ownership information was disclosed under
16 subparagraph (B) pursuant to a subpoena.

17 “(F) DISCLOSURE OF NON-PII DATA.—
18 Notwithstanding subparagraph (B), FinCEN
19 may issue guidance and otherwise make mate-
20 rials available to financial institutions and the
21 public using beneficial ownership information
22 reported pursuant to this section if such infor-
23 mation is aggregated in a manner that removes
24 all personally identifiable information. For pur-
25 poses of this subparagraph, ‘personally identifi-

1 able information’ includes information that
2 would allow for the identification of a particular
3 corporation or limited liability company.

4 “(b) NO BEARER SHARE CORPORATIONS OR LIM-
5 ITED LIABILITY COMPANIES.—A corporation or limited li-
6 ability company formed under the laws of a State or In-
7 dian Tribe may not issue a certificate in bearer form evi-
8 dencing either a whole or fractional interest in the cor-
9 poration or limited liability company.

10 “(c) PENALTIES.—

11 “(1) IN GENERAL.—It shall be unlawful for any
12 person to affect interstate or foreign commerce by—

13 “(A) knowingly providing, or attempting to
14 provide, false or fraudulent beneficial ownership
15 information, including a false or fraudulent
16 identifying photograph, to FinCEN in accord-
17 ance with this section;

18 “(B) willfully failing to provide complete or
19 updated beneficial ownership information to
20 FinCEN in accordance with this section; or

21 “(C) knowingly disclosing the existence of
22 a subpoena or other request for beneficial own-
23 ership information reported pursuant to this
24 section, except—

1 “(i) to the extent necessary to fulfill
2 the authorized request; or

3 “(ii) as authorized by the entity that
4 issued the subpoena, or other request.

5 “(2) CIVIL AND CRIMINAL PENALTIES.—Any
6 person who violates paragraph (1)—

7 “(A) shall be liable to the United States
8 for a civil penalty of not more than \$10,000;
9 and

10 “(B) may be fined under title 18, United
11 States Code, imprisoned for not more than 3
12 years, or both.

13 “(3) LIMITATION.—Any person who negligently
14 violates paragraph (1) shall not be subject to civil or
15 criminal penalties under paragraph (2).

16 “(4) WAIVER.—The Secretary of the Treasury
17 may waive the penalty for violating paragraph (1) if
18 the Secretary determines that the violation was due
19 to reasonable cause and was not due to willful ne-
20 glect.

21 “(5) CRIMINAL PENALTY FOR THE MISUSE OR
22 UNAUTHORIZED DISCLOSURE OF BENEFICIAL OWN-
23 ERSHIP INFORMATION.—The criminal penalties pro-
24 vided for under section 5322 shall apply to a viola-
25 tion of this section to the same extent as such crimi-

1 nal penalties apply to a violation described in section
2 5322, if the violation of this section consists of the
3 misuse or unauthorized disclosure of beneficial own-
4 ership information.

5 “(d) DEFINITIONS.—For the purposes of this section:

6 “(1) APPLICANT.—The term ‘applicant’ means
7 any natural person who files an application to form
8 a corporation or limited liability company under the
9 laws of a State or Indian Tribe.

10 “(2) BANK SECRECY ACT.—The term ‘Bank Se-
11 crecy Act’ means—

12 “(A) section 21 of the Federal Deposit In-
13 surance Act;

14 “(B) chapter 2 of title I of Public Law 91–
15 508; and

16 “(C) this subchapter.

17 “(3) BENEFICIAL OWNER.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the term ‘beneficial owner’
20 means a natural person who, directly or indi-
21 rectly, through any contract, arrangement, un-
22 derstanding, relationship, or otherwise—

23 “(i) exercises substantial control over
24 a corporation or limited liability company;

1 “(ii) owns 25 percent or more of the
2 equity interests of a corporation or limited
3 liability company; or

4 “(iii) receives substantial economic
5 benefits from the assets of a corporation or
6 limited liability company.

7 “(B) EXCEPTIONS.—The term ‘beneficial
8 owner’ shall not include—

9 “(i) a minor child, as defined in the
10 State or Indian Tribe in which the entity
11 is formed;

12 “(ii) a person acting as a nominee,
13 intermediary, custodian, or agent on behalf
14 of another person;

15 “(iii) a person acting solely as an em-
16 ployee of a corporation or limited liability
17 company and whose control over or eco-
18 nomic benefits from the corporation or lim-
19 ited liability company derives solely from
20 the employment status of the person;

21 “(iv) a person whose only interest in
22 a corporation or limited liability company
23 is through a right of inheritance; or

24 “(v) a creditor of a corporation or
25 limited liability company, unless the cred-

1 itor also meets the requirements of sub-
2 paragraph (A).

3 “(C) SUBSTANTIAL ECONOMIC BENEFITS
4 DEFINED.—

5 “(i) IN GENERAL.—For purposes of
6 subparagraph (A)(ii), a natural person re-
7 ceives substantial economic benefits from
8 the assets of a corporation or limited liabil-
9 ity company if the person has an entitle-
10 ment to more than a specified percentage
11 of the funds or assets of the corporation or
12 limited liability company, which the Sec-
13 retary of the Treasury shall, by rule, estab-
14 lish.

15 “(ii) RULEMAKING CRITERIA.—In es-
16 tablishing the percentage under clause (i),
17 the Secretary of the Treasury shall seek
18 to—

19 “(I) provide clarity to corpora-
20 tions and limited liability companies
21 with respect to the identification and
22 disclosure of a natural person who re-
23 ceives substantial economic benefits
24 from the assets of a corporation or
25 limited liability company; and

1 “(II) identify those natural per-
2 sons who, as a result of the substan-
3 tial economic benefits they receive
4 from the assets of a corporation or
5 limited liability company, exercise a
6 dominant influence over such corpora-
7 tion or limited liability company.

8 “(4) CORPORATION; LIMITED LIABILITY COM-
9 PANY.—The terms ‘corporation’ and ‘limited liability
10 company’—

11 “(A) have the meanings given such terms
12 under the laws of the applicable State or Indian
13 Tribe;

14 “(B) include any non-United States entity
15 eligible for registration or registered to do busi-
16 ness as a corporation or limited liability com-
17 pany under the laws of the applicable State or
18 Indian Tribe;

19 “(C) do not include any entity that is—

20 “(i) a business concern that is an
21 issuer of a class of securities registered
22 under section 12 of the Securities Ex-
23 change Act of 1934 (15 U.S.C. 781) or
24 that is required to file reports under sec-
25 tion 15(d) of that Act (15 U.S.C. 78o(d));

1 “(ii) a business concern constituted,
2 sponsored, or chartered by a State or In-
3 dian Tribe, a political subdivision of a
4 State or Indian Tribe, under an interstate
5 compact between two or more States, by a
6 department or agency of the United
7 States, or under the laws of the United
8 States;

9 “(iii) a bank, as defined under—

10 “(I) section 2(a) of the Invest-
11 ment Company Act of 1940 (15
12 U.S.C. 80a–2(a)); or

13 “(II) section 202(a) of the In-
14 vestment Advisers Act of 1940 (15
15 U.S.C. 80b–2(a));

16 “(iv) a credit union (as defined in sec-
17 tion 101 of the Federal Credit Union Act
18 (12 U.S.C. 1752));

19 “(v) a bank holding company (as de-
20 fined in section 2 of the Bank Holding
21 Company Act of 1956 (12 U.S.C. 1841))
22 or a savings and loan holding company (as
23 defined in section 10(a) of the Home Own-
24 ers’ Loan Act (12 U.S.C. 1467a(a));

1 “(vi) a broker or dealer (as defined in
2 section 3 of the Securities Exchange Act of
3 1934 (15 U.S.C. 78c)) that is registered
4 under section 15 of the Securities Ex-
5 change Act of 1934 (15 U.S.C. 78o);

6 “(vii) an exchange or clearing agency
7 (as defined in section 3 of the Securities
8 Exchange Act of 1934 (15 U.S.C. 78c))
9 that is registered under section 6 or 17A
10 of the Securities Exchange Act of 1934
11 (15 U.S.C. 78f and 78q-1);

12 “(viii) an investment company (as de-
13 fined in section 3 of the Investment Com-
14 pany Act of 1940 (15 U.S.C. 80a-3)) or
15 an investment adviser (as defined in sec-
16 tion 202(11) of the Investment Advisers
17 Act of 1940 (15 U.S.C. 80b-2(11))), if the
18 company or adviser is registered with the
19 Securities and Exchange Commission, has
20 filed an application for registration which
21 has not been denied, under the Investment
22 Company Act of 1940 (15 U.S.C. 80a-1 et
23 seq.) or the Investment Adviser Act of
24 1940 (15 U.S.C. 80b-1 et seq.), or is an
25 investment adviser described under section

1 203(l) of the Investment Advisers Act of
2 1940 (15 U.S.C. 80b–3(l));

3 “(ix) an insurance company (as de-
4 fined in section 2 of the Investment Com-
5 pany Act of 1940 (15 U.S.C. 80a–2));

6 “(x) a registered entity (as defined in
7 section 1a of the Commodity Exchange Act
8 (7 U.S.C. 1a)), or a futures commission
9 merchant, introducing broker, commodity
10 pool operator, or commodity trading advi-
11 sor (as defined in section 1a of the Com-
12 modity Exchange Act (7 U.S.C. 1a)) that
13 is registered with the Commodity Futures
14 Trading Commission;

15 “(xi) a public accounting firm reg-
16 istered in accordance with section 102 of
17 the Sarbanes-Oxley Act (15 U.S.C. 7212)
18 or an entity controlling, controlled by, or
19 under common control of such a firm;

20 “(xii) a public utility that provides
21 telecommunications service, electrical
22 power, natural gas, or water and sewer
23 services, within the United States;

24 “(xiii) a church, charity, nonprofit en-
25 tity, or other organization that is described

1 in section 501(c), 527, or 4947(a)(1) of
2 the Internal Revenue Code of 1986, that
3 has not been denied tax exempt status, and
4 that has filed the most recently due annual
5 information return with the Internal Rev-
6 enue Service, if required to file such a re-
7 turn;

8 “(xiv) a financial market utility des-
9 ignated by the Financial Stability Over-
10 sight Council under section 804 of the
11 Dodd-Frank Wall Street Reform and Con-
12 sumer Protection Act;

13 “(xv) an insurance producer (as de-
14 fined in section 334 of the Gramm-Leach-
15 Bliley Act);

16 “(xvi) any pooled investment vehicle
17 that is operated or advised by a person de-
18 scribed in clause (iii), (iv), (v), (vi), (viii),
19 (ix), or (xi);

20 “(xvii) any business concern that—

21 “(I) employs more than 20 em-
22 ployees on a full-time basis in the
23 United States;

24 “(II) files income tax returns in
25 the United States demonstrating more

1 than \$5,000,000 in gross receipts or
2 sales; and

3 “(III) has an operating presence
4 at a physical office within the United
5 States; or

6 “(xviii) any corporation or limited li-
7 ability company formed and owned by an
8 entity described in this clause or in clause
9 (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix),
10 (x), (xi), (xii), (xiii), (xiv), (xv), or (xvi);
11 and

12 “(D) do not include any individual busi-
13 ness concern or class of business concerns
14 which the Secretary of the Treasury and the
15 Attorney General of the United States have
16 jointly determined, by rule or otherwise, to be
17 exempt from the requirements of subsection (a),
18 if the Secretary and the Attorney General joint-
19 ly determine that requiring beneficial ownership
20 information from the business concern would
21 not serve the public interest and would not as-
22 sist law enforcement efforts to detect, prevent,
23 or prosecute terrorism, money laundering, tax
24 evasion, or other misconduct.

1 “(5) FINCEN.—The term ‘FinCEN’ means the
2 Financial Crimes Enforcement Network of the De-
3 partment of the Treasury.

4 “(6) INDIAN COUNTRY.—The term ‘Indian
5 country’ has the meaning given that term in section
6 1151 of title 18.

7 “(7) INDIAN TRIBE.—The term ‘Indian Tribe’
8 has the meaning given that term under section 102
9 of the Federally Recognized Indian Tribe List Act of
10 1994.

11 “(8) PERSONAL IDENTIFICATION CARD.—The
12 term ‘personal identification card’ means an identi-
13 fication document issued by a State, Indian Tribe,
14 or local government to an individual solely for the
15 purpose of identification of that individual.

16 “(9) STATE.—The term ‘State’ means any
17 State, commonwealth, territory, or possession of the
18 United States, the District of Columbia, the Com-
19 monwealth of Puerto Rico, the Commonwealth of the
20 Northern Mariana Islands, American Samoa, Guam,
21 or the United States Virgin Islands.”.

22 (2) RULEMAKING.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of enactment of this Act, the Sec-
25 retary of the Treasury shall issue regulations to

1 carry out this division and the amendments
2 made by this division, including, to the extent
3 necessary, to clarify the definitions in section
4 5333(d) of title 31, United States Code.

5 (B) REVISION OF FINAL RULE.—Not later
6 than 1 year after the date of enactment of this
7 Act, the Secretary of the Treasury shall revise
8 the final rule titled “Customer Due Diligence
9 Requirements for Financial Institutions” (May
10 11, 2016; 81 Fed. Reg. 29397) to—

11 (i) bring the rule into conformance
12 with this division and the amendments
13 made by this division;

14 (ii) account for financial institutions’
15 access to comprehensive beneficial owner-
16 ship information filed by corporations and
17 limited liability companies, under threat of
18 civil and criminal penalties, under this divi-
19 sion and the amendments made by this di-
20 vision; and

21 (iii) reduce any burdens on financial
22 institutions that are, in light of the enact-
23 ment of this division and the amendments
24 made by this division, unnecessary or du-
25 plicative.

1 (3) CONFORMING AMENDMENTS.—Title 31,
2 United States Code, is amended—

3 (A) in section 5321(a)—

4 (i) in paragraph (1), by striking “sec-
5 tions 5314 and 5315” each place it ap-
6 pears and inserting “sections 5314, 5315,
7 and 5333”; and

8 (ii) in paragraph (6), by inserting
9 “(except section 5333)” after “sub-
10 chapter” each place it appears; and

11 (B) in section 5322, by striking “section
12 5315 or 5324” each place it appears and insert-
13 ing “section 5315, 5324, or 5333”.

14 (4) TABLE OF CONTENTS.—The table of con-
15 tents of chapter 53 of title 31, United States Code,
16 is amended by inserting after the item relating to
17 section 5332 the following:

“5333. Transparent incorporation practices.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated \$20,000,000 for each of fis-
20 cal years 2021 and 2022 to the Financial Crimes Enforce-
21 ment Network to carry out this division and the amend-
22 ments made by this division.

23 (c) FEDERAL CONTRACTORS.—Not later than the
24 first day of the first full fiscal year beginning at least 1
25 year after the date of the enactment of this Act, the Ad-

1 ministrator for Federal Procurement Policy shall revise
2 the Federal Acquisition Regulation maintained under sec-
3 tion 1303(a)(1) of title 41, United States Code, to require
4 any contractor or subcontractor who is subject to the re-
5 quirement to disclose beneficial ownership information
6 under section 5333 of title 31, United States Code, to pro-
7 vide the information required to be disclosed under such
8 section to the Federal Government as part of any bid or
9 proposal for a contract with a value threshold in excess
10 of the simplified acquisition threshold under section 134
11 of title 41, United States Code.

12 **SEC. 6004. STUDIES AND REPORTS.**

13 (a) UPDATING OF BENEFICIAL OWNERSHIP INFOR-
14 MATION.—

15 (1) STUDY.—The Secretary of the Treasury, in
16 consultation with the Attorney General of the United
17 States, shall conduct a study to evaluate—

18 (A) the necessity of a requirement for cor-
19 porations and limited liability companies to up-
20 date the list of their beneficial owners within a
21 specified amount of time after the date of any
22 change in the list of beneficial owners or the in-
23 formation required to be provided relating to
24 each beneficial owner, taking into account the
25 annual filings required under section

1 5333(a)(1)(B)(i) of title 31, United States
2 Code, and the information contained in such
3 annual filings; and

4 (B) the burden that a requirement to up-
5 date the list of beneficial owners within a speci-
6 fied period of time after a change in such list
7 of beneficial owners would impose on corpora-
8 tions and limited liability companies.

9 (2) REPORT.—Not later than 1 year after the
10 date of enactment of this Act, the Secretary of the
11 Treasury shall submit a report on the study required
12 under paragraph (1) to the Committee on Financial
13 Services of the House of Representatives and the
14 Committee on Banking, Housing, and Urban Affairs
15 of the Senate.

16 (3) PUBLIC COMMENT.—The Secretary of the
17 Treasury shall seek and consider public input, com-
18 ments, and data in order to conduct the study re-
19 quired under subparagraph paragraph (1).

20 (b) OTHER LEGAL ENTITIES.—Not later than 2
21 years after the date of enactment of this Act, the Comp-
22 troller General of the United States shall conduct a study
23 and submit to the Congress a report—

24 (1) identifying each State or Indian Tribe that
25 has procedures that enable persons to form or reg-

1 ister under the laws of the State or Indian Tribe
2 partnerships, trusts, or other legal entities, and the
3 nature of those procedures;

4 (2) identifying each State or Indian Tribe that
5 requires persons seeking to form or register partner-
6 ships, trusts, or other legal entities under the laws
7 of the State or Indian Tribe to provide information
8 about the beneficial owners (as that term is defined
9 in section 5333(d)(1) of title 31, United States
10 Code, as added by this division) or beneficiaries of
11 such entities, and the nature of the required infor-
12 mation;

13 (3) evaluating whether the lack of available
14 beneficial ownership information for partnerships,
15 trusts, or other legal entities—

16 (A) raises concerns about the involvement
17 of such entities in terrorism, money laundering,
18 tax evasion, securities fraud, or other mis-
19 conduct;

20 (B) has impeded investigations into enti-
21 ties suspected of such misconduct; and

22 (C) increases the costs to financial institu-
23 tions of complying with due diligence require-
24 ments imposed under the Bank Secrecy Act, the

1 USA PATRIOT Act, or other applicable Fed-
2 eral, State, or Tribal law; and

3 (4) evaluating whether the failure of the United
4 States to require beneficial ownership information
5 for partnerships and trusts formed or registered in
6 the United States has elicited international criticism
7 and what steps, if any, the United States has taken
8 or is planning to take in response.

9 (c) EFFECTIVENESS OF INCORPORATION PRAC-
10 TICES.—Not later than 5 years after the date of enact-
11 ment of this Act, the Comptroller General of the United
12 States shall conduct a study and submit to the Congress
13 a report assessing the effectiveness of incorporation prac-
14 tices implemented under this division and the amendments
15 made by this division in—

16 (1) providing law enforcement agencies with
17 prompt access to reliable, useful, and complete bene-
18 ficial ownership information; and

19 (2) strengthening the capability of law enforce-
20 ment agencies to combat incorporation abuses, civil
21 and criminal misconduct, and detect, prevent, or
22 punish terrorism, money laundering, tax evasion, or
23 other misconduct.

24 (d) ANNUAL REPORT ON BENEFICIAL OWNERSHIP
25 INFORMATION.—

1 (1) REPORT.—The Secretary of the Treasury
2 shall issue an annual report to the Committee on Fi-
3 nancial Services of the House of Representatives and
4 the Committee on Banking, Housing, and Urban Af-
5 fairs of the Senate with respect to the beneficial
6 ownership information collected pursuant to section
7 5333 of title 31, United States Code, that con-
8 tains—

9 (A) aggregate data on the number of bene-
10 ficial owners per reporting corporation or lim-
11 ited liability company;

12 (B) the industries or type of business of
13 each reporting corporation or limited liability
14 company; and

15 (C) the locations of the beneficial owners.

16 (2) PRIVACY.—In issuing reports under para-
17 graph (1), the Secretary shall not reveal the identi-
18 ties of beneficial owners or names of the reporting
19 corporations or limited liability companies.

20 **SEC. 6005. DEFINITIONS.**

21 In this division, the terms “Bank Secrecy Act”, “ben-
22 eficial owner”, “corporation”, and “limited liability com-
23 pany” have the meaning given those terms, respectively,
24 under section 5333(d) of title 31, United States Code.

1 **DIVISION G—COUNTER ACT OF**
2 **2019**

3 **SEC. 7001. SHORT TITLE.**

4 This division may be cited as the “Coordinating Over-
5 sight, Upgrading and Innovating Technology, and Exam-
6 iner Reform Act of 2019” or the “COUNTER Act of
7 2019”.

8 **SEC. 7002. BANK SECRECY ACT DEFINITION.**

9 Section 5312(a) of title 31, United States Code, is
10 amended by adding at the end the following:

11 “(7) BANK SECRECY ACT.—The term ‘Bank Se-
12 crecy Act’ means—

13 “(A) section 21 of the Federal Deposit In-
14 surance Act;

15 “(B) chapter 2 of title I of Public Law 91–
16 508; and

17 “(C) this subchapter.”.

18 **TITLE I—STRENGTHENING**
19 **TREASURY**

20 **SEC. 7101. IMPROVING THE DEFINITION AND PURPOSE OF**
21 **THE BANK SECRECY ACT.**

22 Section 5311 of title 31, United States Code, is
23 amended—

1 (1) by inserting “to protect our national secu-
2 rity, to safeguard the integrity of the international
3 financial system, and” before “to require”; and

4 (2) by inserting “to law enforcement and” be-
5 fore “in criminal”.

6 **SEC. 7102. SPECIAL HIRING AUTHORITY.**

7 (a) IN GENERAL.—Section 310 of title 31, United
8 States Code, is amended—

9 (1) by redesignating subsection (d) as sub-
10 section (g); and

11 (2) by inserting after subsection (c) the fol-
12 lowing:

13 “(d) SPECIAL HIRING AUTHORITY.—

14 “(1) IN GENERAL.—The Secretary of the
15 Treasury may appoint, without regard to the provi-
16 sions of sections 3309 through 3318 of title 5, can-
17 didates directly to positions in the competitive serv-
18 ice (as defined in section 2102 of that title) in
19 FinCEN.

20 “(2) PRIMARY RESPONSIBILITIES.—The pri-
21 mary responsibility of candidates appointed pursuant
22 to paragraph (1) shall be to provide substantive sup-
23 port in support of the duties described in subpara-
24 graphs (A), (B), (E), and (F) of subsection (b)(2).”.

1 (b) REPORT.—Not later than 360 days after the date
2 of enactment of this Act, and every year thereafter for
3 7 years, the Director of the Financial Crimes Enforcement
4 Network shall submit a report to the Committee on Finan-
5 cial Services of the House of Representatives and the
6 Committee on Banking, Housing, and Urban Affairs of
7 the Senate that includes—

8 (1) the number of new employees hired since
9 the preceding report through the authorities de-
10 scribed under section 310(d) of title 31, United
11 States Code, along with position titles and associ-
12 ated pay grades for such hires; and

13 (2) a copy of any Federal Government survey of
14 staff perspectives at the Office of Terrorism and Fi-
15 nancial Intelligence, including findings regarding the
16 Office and the Financial Crimes Enforcement Net-
17 work from the most recently administered Federal
18 Employee Viewpoint Survey.

19 **SEC. 7103. CIVIL LIBERTIES AND PRIVACY OFFICER.**

20 (a) APPOINTMENT OF OFFICERS.—Not later than the
21 end of the 3-month period beginning on the date of enact-
22 ment of this Act, a Civil Liberties and Privacy Officer
23 shall be appointed, from among individuals who are attor-
24 neys with expertise in data privacy laws—

1 (1) within each Federal functional regulator, by
2 the head of the Federal functional regulator;

3 (2) within the Financial Crimes Enforcement
4 Network, by the Secretary of the Treasury; and

5 (3) within the Internal Revenue Service Small
6 Business and Self-Employed Tax Center, by the Sec-
7 retary of the Treasury.

8 (b) DUTIES.—Each Civil Liberties and Privacy Offi-
9 cer shall, with respect to the applicable regulator, Net-
10 work, or Center within which the Officer is located—

11 (1) be consulted each time Bank Secrecy Act or
12 anti-money laundering regulations affecting civil lib-
13 erties or privacy are developed or reviewed;

14 (2) be consulted on information-sharing pro-
15 grams, including those that provide access to person-
16 ally identifiable information;

17 (3) ensure coordination and clarity between
18 anti-money laundering, civil liberties, and privacy
19 regulations;

20 (4) contribute to the evaluation and regulation
21 of new technologies that may strengthen data pri-
22 vacy and the protection of personally identifiable in-
23 formation collected by each Federal functional regu-
24 lator; and

25 (5) develop metrics of program success.

1 (c) DEFINITIONS.—For purposes of this section:

2 (1) BANK SECRECY ACT.—The term “Bank Se-
3 crecy Act” has the meaning given that term under
4 section 5312 of title 31, United States Code.

5 (2) FEDERAL FUNCTIONAL REGULATOR.—The
6 term “Federal functional regulator” means the
7 Board of Governors of the Federal Reserve System,
8 the Comptroller of the Currency, the Federal De-
9 posit Insurance Corporation, the National Credit
10 Union Administration, the Securities and Exchange
11 Commission, and the Commodity Futures Trading
12 Commission.

13 **SEC. 7104. CIVIL LIBERTIES AND PRIVACY COUNCIL.**

14 (a) ESTABLISHMENT.—There is established the Civil
15 Liberties and Privacy Council (hereinafter in this section
16 referred to as the “Council”), which shall consist of the
17 Civil Liberties and Privacy Officers appointed pursuant to
18 section 7103.

19 (b) CHAIR.—The Director of the Financial Crimes
20 Enforcement Network shall serve as the Chair of the
21 Council.

22 (c) DUTY.—The members of the Council shall coordi-
23 nate on activities related to their duties as Civil Liberties
24 Privacy Officers, but may not supplant the individual
25 agency determinations on civil liberties and privacy.

1 (d) MEETINGS.—The meetings of the Council—

2 (1) shall be at the call of the Chair, but in no
3 case may the Council meet less than quarterly;

4 (2) may include open and partially closed ses-
5 sions, as determined necessary by the Council; and

6 (3) shall include participation by public and pri-
7 vate entities, law enforcement agencies, and a rep-
8 resentative of State bank supervisors (as defined
9 under section 3 of the Federal Deposit Insurance
10 Act (12 U.S.C. 1813)).

11 (e) REPORT.—The Chair of the Council shall issue
12 an annual report to the Congress on the program and pol-
13 icy activities, including the success of programs as meas-
14 ured by metrics of program success developed pursuant
15 to section 7103(b)(5), of the Council during the previous
16 year and any legislative recommendations that the Council
17 may have.

18 (f) NONAPPLICABILITY OF FACA.—The Federal Ad-
19 visory Committee Act (5 U.S.C. App.) shall not apply to
20 the Council.

21 **SEC. 7105. INTERNATIONAL COORDINATION.**

22 (a) IN GENERAL.—The Secretary of the Treasury
23 shall work with the Secretary's foreign counterparts, in-
24 cluding through the Financial Action Task Force, the
25 International Monetary Fund, the World Bank, the

1 Egmont Group of Financial Intelligence Units, the
2 Organisation for Economic Co-operation and Develop-
3 ment, and the United Nations, to promote stronger anti-
4 money laundering frameworks and enforcement of anti-
5 money laundering laws.

6 (b) COOPERATION GOAL.—In carrying out subsection
7 (a), the Secretary of the Treasury may work directly with
8 foreign counterparts and other organizations where the
9 goal of cooperation can best be met.

10 (c) INTERNATIONAL MONETARY FUND.—

11 (1) SUPPORT FOR CAPACITY OF THE INTER-
12 NATIONAL MONETARY FUND TO PREVENT MONEY
13 LAUNDERING AND FINANCING OF TERRORISM.—
14 Title XVI of the International Financial Institutions
15 Act (22 U.S.C. 262p et seq.) is amended by adding
16 at the end the following:

17 **“SEC. 1629. SUPPORT FOR CAPACITY OF THE INTER-**
18 **NATIONAL MONETARY FUND TO PREVENT**
19 **MONEY LAUNDERING AND FINANCING OF**
20 **TERRORISM.**

21 “The Secretary of the Treasury shall instruct the
22 United States Executive Director at the International
23 Monetary Fund to support the increased use of the admin-
24 istrative budget of the Fund for technical assistance that

1 strengthens the capacity of Fund members to prevent
2 money laundering and the financing of terrorism.”.

3 (2) NATIONAL ADVISORY COUNCIL REPORT TO
4 CONGRESS.—The Chairman of the National Advisory
5 Council on International Monetary and Financial
6 Policies shall include in the report required by sec-
7 tion 1701 of the International Financial Institutions
8 Act (22 U.S.C. 262r) a description of—

9 (A) the activities of the International Mon-
10 etary Fund in the most recently completed fis-
11 cal year to provide technical assistance that
12 strengthens the capacity of Fund members to
13 prevent money laundering and the financing of
14 terrorism, and the effectiveness of the assist-
15 ance; and

16 (B) the efficacy of efforts by the United
17 States to support such technical assistance
18 through the use of the Fund’s administrative
19 budget, and the level of such support.

20 (3) SUNSET.—Effective on the date that is the
21 end of the 4-year period beginning on the date of en-
22 actment of this Act, section 1629 of the Inter-
23 national Financial Institutions Act, as added by
24 paragraph (1), is repealed.

1 **SEC. 7106. TREASURY ATTACHÉS PROGRAM.**

2 (a) IN GENERAL.—Title 31, United States Code, is
3 amended by inserting after section 315 the following:

4 **“§ 316. Treasury Attachés Program**

5 “(a) IN GENERAL.—There is established the Treas-
6 ury Attachés Program, under which the Secretary of the
7 Treasury shall appoint employees of the Department of
8 the Treasury, after nomination by the Director of the Fi-
9 nancial Crimes Enforcement Network (‘FinCEN’), as a
10 Treasury attaché, who shall—

11 “(1) be knowledgeable about the Bank Secrecy
12 Act and anti-money laundering issues;

13 “(2) be co-located in a United States embassy;

14 “(3) perform outreach with respect to Bank Se-
15 crecy Act and anti-money laundering issues;

16 “(4) establish and maintain relationships with
17 foreign counterparts, including employees of min-
18 istries of finance, central banks, and other relevant
19 official entities;

20 “(5) conduct outreach to local and foreign fi-
21 nancial institutions and other commercial actors, in-
22 cluding—

23 “(A) information exchanges through
24 FinCEN and FinCEN programs; and

25 “(B) soliciting buy-in and cooperation for
26 the implementation of—

1 “(i) United States and multilateral
2 sanctions; and

3 “(ii) international standards on anti-
4 money laundering and the countering of
5 the financing of terrorism; and

6 “(6) perform such other actions as the Sec-
7 retary determines appropriate.

8 “(b) NUMBER OF ATTACHÉS.—The number of Treas-
9 ury attachés appointed under this section at any one time
10 shall be not fewer than 6 more employees than the number
11 of employees of the Department of the Treasury serving
12 as Treasury attachés on March 1, 2020.

13 “(c) COMPENSATION.—Each Treasury attaché ap-
14 pointed under this section and located at a United States
15 embassy shall receive compensation at the higher of—

16 “(1) the rate of compensation provided to a
17 Foreign Service officer at a comparable career level
18 serving at the same embassy; or

19 “(2) the rate of compensation the Treasury
20 attaché would otherwise have received, absent the
21 application of this subsection.

22 “(d) BANK SECRECY ACT DEFINED.—In this section,
23 the term ‘Bank Secrecy Act’ has the meaning given that
24 term under section 5312.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for chapter 3 of title 31, United States Code, is amended
3 by inserting after the item relating to section 315 the fol-
4 lowing:

“316. Treasury Attachés Program.”.

5 **SEC. 7107. INCREASING TECHNICAL ASSISTANCE FOR**
6 **INTERNATIONAL COOPERATION.**

7 (a) IN GENERAL.—There is authorized to be appro-
8 priated for each of fiscal years 2021 through 2025 to the
9 Secretary of the Treasury for purposes of providing tech-
10 nical assistance that promotes compliance with inter-
11 national standards and best practices, including in par-
12 ticular those aimed at the establishment of effective anti-
13 money laundering and countering the financing of ter-
14 rorism regimes, in an amount equal to twice the amount
15 authorized for such purpose for fiscal year 2020.

16 (b) ACTIVITY AND EVALUATION REPORT.—Not later
17 than 360 days after enactment of this Act, and every year
18 thereafter for 5 years, the Secretary of the Treasury shall
19 issue a report to the Congress on the assistance (as de-
20 scribed under subsection (a)) of the Office of Technical
21 Assistance of the Department of the Treasury con-
22 taining—

23 (1) a narrative detailing the strategic goals of
24 the Office in the previous year, with an explanation

1 of how technical assistance provided in the previous
2 year advances the goals;

3 (2) a description of technical assistance pro-
4 vided by the Office in the previous year, including
5 the objectives and delivery methods of the assist-
6 ance;

7 (3) a list of beneficiaries and providers (other
8 than Office staff) of the technical assistance;

9 (4) a description of how technical assistance
10 provided by the Office complements, duplicates, or
11 otherwise affects or is affected by technical assist-
12 ance provided by the international financial institu-
13 tions (as defined under section 1701(c) of the Inter-
14 national Financial Institutions Act); and

15 (5) a copy of any Federal Government survey of
16 staff perspectives at the Office of Technical Assist-
17 ance, including any findings regarding the Office
18 from the most recently administered Federal Em-
19 ployee Viewpoint Survey.

20 **SEC. 7108. FINCEN DOMESTIC LIAISONS.**

21 Section 310 of title 31, United States Code, as
22 amended by section 7102, is further amended by inserting
23 after subsection (d) the following:

24 “(e) FINCEN DOMESTIC LIAISONS.—

1 “(1) IN GENERAL.—The Director of FinCEN
2 shall appoint at least 6 senior FinCEN employees as
3 FinCEN Domestic Liaisons, who shall—

4 “(A) each be assigned to focus on a spe-
5 cific region of the United States;

6 “(B) be located at an office in such region
7 (or co-located at an office of the Board of Gov-
8 ernors of the Federal Reserve System in such
9 region); and

10 “(C) perform outreach to BSA officers at
11 financial institutions (including non-bank finan-
12 cial institutions) and persons who are not finan-
13 cial institutions, especially with respect to ac-
14 tions taken by FinCEN that require specific ac-
15 tions by, or have specific effects on, such insti-
16 tutions or persons, as determined by the Direc-
17 tor.

18 “(2) DEFINITIONS.—In this subsection:

19 “(A) BSA OFFICER.—The term ‘BSA offi-
20 cer’ means an employee of a financial institu-
21 tion whose primary job responsibility involves
22 compliance with the Bank Secrecy Act, as such
23 term is defined under section 5312.

1 “(B) FINANCIAL INSTITUTION.—The term
2 ‘financial institution’ has the meaning given
3 that term under section 5312.”.

4 **SEC. 7109. FINCEN EXCHANGE.**

5 Section 310 of title 31, United States Code, as
6 amended by section 7108, is further amended by inserting
7 after subsection (e) the following:

8 “(f) FINCEN EXCHANGE.—

9 “(1) ESTABLISHMENT.—The FinCEN Ex-
10 change is hereby established within FinCEN, which
11 shall consist of the FinCEN Exchange program of
12 FinCEN in existence on the day before the date of
13 enactment of this paragraph.

14 “(2) PURPOSE.—The FinCEN Exchange shall
15 facilitate a voluntary public-private information
16 sharing partnership among law enforcement, finan-
17 cial institutions, and FinCEN to—

18 “(A) effectively and efficiently combat
19 money laundering, terrorism financing, orga-
20 nized crime, and other financial crimes;

21 “(B) protect the financial system from il-
22 licit use; and

23 “(C) promote national security.

24 “(3) REPORT.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this subsection,
3 and annually thereafter for the next 5 years,
4 the Secretary of the Treasury shall submit to
5 the Committee on Financial Services of the
6 House of Representatives and the Committee
7 on Banking, Housing, and Urban Affairs of the
8 Senate a report containing—

9 “(i) an analysis of the efforts under-
10 taken by the FinCEN Exchange and the
11 results of such efforts;

12 “(ii) an analysis of the extent and ef-
13 fectiveness of the FinCEN Exchange, in-
14 cluding any benefits realized by law en-
15 forcement from partnership with financial
16 institutions; and

17 “(iii) any legislative, administrative,
18 or other recommendations the Secretary
19 may have to strengthen FinCEN Exchange
20 efforts.

21 “(B) CLASSIFIED ANNEX.—Each report
22 under subparagraph (A) may include a classi-
23 fied annex.

24 “(4) INFORMATION SHARING REQUIREMENT.—
25 Information shared pursuant to this subsection shall

1 be shared in compliance with all other applicable
2 Federal laws and regulations.

3 “(5) RULE OF CONSTRUCTION.—Nothing under
4 this subsection may be construed to create new in-
5 formation sharing authorities related to the Bank
6 Secrecy Act (as such term is defined under section
7 5312 of title 31, United States Code).

8 “(6) FINANCIAL INSTITUTION DEFINED.—In
9 this subsection, the term ‘financial institution’ has
10 the meaning given that term under section 5312.”.

11 **SEC. 7110. STUDY AND STRATEGY ON TRADE-BASED MONEY**
12 **LAUNDERING.**

13 (a) STUDY.—The Secretary of the Treasury shall
14 carry out a study, in consultation with appropriate private
15 sector stakeholders and Federal departments and agen-
16 cies, on trade-based money laundering.

17 (b) REPORT.—Not later than the end of the 1-year
18 period beginning on the date of the enactment of this Act,
19 the Secretary shall issue a report to the Congress con-
20 taining—

21 (1) all findings and determinations made in car-
22 rying out the study required under subsection (a);
23 and

24 (2) proposed strategies to combat trade-based
25 money laundering.

1 (c) CLASSIFIED ANNEX.—The report required under
2 this section may include a classified annex.

3 (d) CONTRACTING AUTHORITY.—The Secretary may
4 contract with a private third-party to carry out the study
5 required under this section. The authority of the Secretary
6 to enter into contracts under this subsection shall be in
7 effect for each fiscal year only to the extent and in the
8 amounts as are provided in advance in appropriations
9 Acts.

10 **SEC. 7111. STUDY AND STRATEGY ON DE-RISKING.**

11 (a) REVIEW.—The Secretary of the Treasury, in con-
12 sultation with appropriate private sector stakeholders, ex-
13 aminers, the Federal functional regulators (as defined
14 under section 7103), State bank supervisors, and other
15 relevant stakeholders, shall undertake a formal review
16 of—

17 (1) any adverse consequences of financial insti-
18 tutions de-risking entire categories of relationships,
19 including charities, embassy accounts, money serv-
20 ices businesses (as defined under section
21 1010.100(ff) of title 31, Code of Federal Regula-
22 tions) and their agents, countries, international and
23 domestic regions, and respondent banks;

24 (2) the reasons why financial institutions are
25 engaging in de-risking;

1 (3) the association with and effects of de-risk-
2 ing on money laundering and financial crime actors
3 and activities;

4 (4) the most appropriate ways to promote fi-
5 nancial inclusion, particularly with respect to devel-
6 oping countries, while maintaining compliance with
7 the Bank Secrecy Act, including an assessment of
8 policy options to—

9 (A) more effectively tailor Federal actions
10 and penalties to the size of foreign financial in-
11 stitutions and any capacity limitations of for-
12 eign governments; and

13 (B) reduce compliance costs that may lead
14 to the adverse consequences described in para-
15 graph (1);

16 (5) formal and informal feedback provided by
17 examiners that may have led to de-risking;

18 (6) the relationship between resources dedicated
19 to compliance and overall sophistication of compli-
20 ance efforts at entities that may be experiencing de-
21 risking versus those that have not experienced de-
22 risking; and

23 (7) any best practices from the private sector
24 that facilitate correspondent bank relationships.

1 (b) DE-RISKING STRATEGY.—The Secretary shall de-
2 velop a strategy to reduce de-risking and adverse con-
3 sequences related to de-risking.

4 (c) REPORT.—Not later than the end of the 1-year
5 period beginning on the date of the enactment of this Act,
6 the Secretary, in consultation with the Federal functional
7 regulators, State bank supervisors, and other relevant
8 stakeholders, shall issue a report to the Congress con-
9 taining—

10 (1) all findings and determinations made in car-
11 rying out the study required under subsection (a);
12 and

13 (2) the strategy developed pursuant to sub-
14 section (b).

15 (d) DEFINITIONS.—In this section:

16 (1) DE-RISKING.—The term “de-risking”
17 means the wholesale closing of accounts or limiting
18 of financial services for a category of customer due
19 to unsubstantiated risk as it relates to compliance
20 with the Bank Secrecy Act.

21 (2) BSA TERMS.—The terms “Bank Secrecy
22 Act” and “financial institution” have the meaning
23 given those terms, respectively, under section 5312
24 off title 31, United States Code.

1 (3) STATE BANK SUPERVISOR.—The term
2 “State bank supervisor” has the meaning given that
3 term under section 3 of the Federal Deposit Insur-
4 ance Act (12 U.S.C. 1813).

5 **SEC. 7112. AML EXAMINATION AUTHORITY DELEGATION**
6 **STUDY.**

7 (a) STUDY.—The Secretary of the Treasury, in con-
8 sultation with State bank supervisors (as defined under
9 section 3 of the Federal Deposit Insurance Act (12 U.S.C.
10 1813)) and other relevant stakeholders, shall carry out a
11 study on the Secretary’s delegation of examination author-
12 ity under the Bank Secrecy Act, including—

13 (1) an evaluation of the efficacy of the delega-
14 tion, especially with respect to the mission of the
15 Bank Secrecy Act;

16 (2) whether the delegated agencies have appro-
17 priate resources to perform their delegated respon-
18 sibilities; and

19 (3) whether the examiners in delegated agencies
20 have sufficient training and support to perform their
21 responsibilities.

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Secretary of the Treasury
24 shall submit to the Committee on Financial Services of
25 the House of Representatives and the Committee on

1 Banking, Housing, and Urban Affairs of the Senate a re-
2 port containing—

3 (1) all findings and determinations made in car-
4 rying out the study required under subsection (a);
5 and

6 (2) recommendations to improve the efficacy of
7 delegation authority, including the potential for de-
8 legation of any or all such authority where it may
9 be appropriate.

10 (c) BANK SECRECY ACT DEFINED.—The term
11 “Bank Secrecy Act” has the meaning given that term
12 under section 5312 of title 31, United States Code.

13 **SEC. 7113. STUDY AND STRATEGY ON CHINESE MONEY**
14 **LAUNDERING.**

15 (a) STUDY.—The Secretary of the Treasury shall
16 carry out a study on the extent and effect of Chinese
17 money laundering activities in the United States, including
18 territories and possessions of the United States, and
19 worldwide.

20 (b) STRATEGY TO COMBAT CHINESE MONEY LAUN-
21 DERING.—Upon the completion of the study required
22 under subsection (a), the Secretary shall, in consultation
23 with such other Federal departments and agencies as the
24 Secretary determines appropriate, develop a strategy to
25 combat Chinese money laundering activities.

1 (c) REPORT.—Not later than the end of the 1-year
2 period beginning on the date of enactment of this Act, the
3 Secretary of the Treasury shall issue a report to Congress
4 containing—

5 (1) all findings and determinations made in car-
6 rying out the study required under subsection (a);
7 and

8 (2) the strategy developed under subsection (b).

9 **TITLE II—IMPROVING AML/CFT**
10 **OVERSIGHT**

11 **SEC. 7201. PILOT PROGRAM ON SHARING OF SUSPICIOUS**
12 **ACTIVITY REPORTS WITHIN A FINANCIAL**
13 **GROUP.**

14 (a) IN GENERAL.—

15 (1) SHARING WITH FOREIGN BRANCHES AND
16 AFFILIATES.—Section 5318(g) of title 31, United
17 States Code, is amended by adding at the end the
18 following:

19 “(5) PILOT PROGRAM ON SHARING WITH FOR-
20 EIGN BRANCHES, SUBSIDIARIES, AND AFFILIATES.—

21 “(A) IN GENERAL.—The Secretary of the
22 Treasury shall issue rules establishing the pilot
23 program described under subparagraph (B),
24 subject to such controls and restrictions as the
25 Director of the Financial Crimes Enforcement

1 Network determines appropriate, including con-
2 trols and restrictions regarding participation by
3 financial institutions and jurisdictions in the
4 pilot program. In prescribing such rules, the
5 Secretary shall ensure that the sharing of infor-
6 mation described under such subparagraph (B)
7 is subject to appropriate standards and require-
8 ments regarding data security and the confiden-
9 tiality of personally identifiable information.

10 “(B) PILOT PROGRAM DESCRIBED.—The
11 pilot program required under this paragraph
12 shall—

13 “(i) permit a financial institution with
14 a reporting obligation under this sub-
15 section to share reports (and information
16 on such reports) under this subsection with
17 the institution’s foreign branches, subsidi-
18 aries, and affiliates for the purpose of com-
19 bating illicit finance risks, notwithstanding
20 any other provision of law except subpara-
21 graphs (A) and (C);

22 “(ii) terminate on the date that is 5
23 years after the date of enactment of this
24 paragraph, except that the Secretary may
25 extend the pilot program for up to 2 years

1 upon submitting a report to the Committee
2 on Financial Services of the House of Rep-
3 resentatives and the Committee on Bank-
4 ing, Housing, and Urban Affairs of the
5 Senate that includes—

6 “(I) a certification that the ex-
7 tension is in the national interest of
8 the United States, with a detailed ex-
9 planation of the reasons therefor;

10 “(II) an evaluation of the useful-
11 ness of the pilot program, including a
12 detailed analysis of any illicit activity
13 identified or prevented as a result of
14 the program; and

15 “(III) a detailed legislative pro-
16 posal providing for a long-term exten-
17 sion of the pilot program activities, in-
18 cluding expected budgetary resources
19 for the activities, if the Secretary de-
20 termines that a long-term extension is
21 appropriate.

22 “(C) PROHIBITION INVOLVING CERTAIN
23 JURISDICTIONS.—In issuing the regulations re-
24 quired under subparagraph (A), the Secretary
25 may not permit a financial institution to share

1 information on reports under this subsection
2 with a foreign branch, subsidiary, or affiliate lo-
3 cated in—

4 “(i) the People’s Republic of China;

5 “(ii) the Russian Federation; or

6 “(iii) a jurisdiction that—

7 “(I) is subject to counter-
8 measures imposed by the Federal
9 Government;

10 “(II) is a state sponsor of ter-
11 rorism; or

12 “(III) the Secretary has deter-
13 mined cannot reasonably protect the
14 privacy and confidentiality of such in-
15 formation or would otherwise use such
16 information in a manner that is not
17 consistent with the national interest of
18 the United States.

19 “(D) IMPLEMENTATION UPDATES.—Not
20 later than 360 days after the date rules are
21 issued under subparagraph (A), and annually
22 thereafter for 3 years, the Secretary, or the
23 Secretary’s designee, shall brief the Committee
24 on Financial Services of the House of Rep-

1 representatives and the Committee on Banking,
2 Housing, and Urban Affairs of the Senate on—

3 “(i) the degree of any information
4 sharing permitted under the pilot program,
5 and a description of criteria used by the
6 Secretary to evaluate the appropriateness
7 of the information sharing;

8 “(ii) the effectiveness of the pilot pro-
9 gram in identifying or preventing the viola-
10 tion of a United States law or regulation,
11 and mechanisms that may improve such ef-
12 fectiveness; and

13 “(iii) any recommendations to amend
14 the design of the pilot program.

15 “(E) RULE OF CONSTRUCTION.—Nothing
16 in this paragraph shall be construed as limiting
17 the Secretary’s authority under provisions of
18 law other than this paragraph to establish other
19 permissible purposes or methods for a financial
20 institution sharing reports (and information on
21 such reports) under this subsection with the in-
22 stitution’s foreign headquarters or with other
23 branches of the same institution.

24 “(F) NOTICE OF USE OF OTHER AUTHOR-
25 ITY.—If the Secretary, pursuant to any author-

ity other than that provided under this paragraph, permits a financial institution to share information on reports under this subsection with a foreign branch, subsidiary, or affiliate located in a foreign jurisdiction, the Secretary shall notify the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of such permission and the applicable foreign jurisdiction.

“(6) TREATMENT OF FOREIGN JURISDICTION-ORIGINATED REPORTS.—A report received by a financial institution from a foreign affiliate with respect to a suspicious transaction relevant to a possible violation of law or regulation shall be subject to the same confidentiality requirements provided under this subsection for a report of a suspicious transaction described under paragraph (1).”.

(2) NOTIFICATION PROHIBITIONS.—Section 5318(g)(2)(A) of title 31, United States Code, is amended—

(A) in clause (i), by inserting after “transaction has been reported” the following: “or otherwise reveal any information that would re-

1 veal that the transaction has been reported”;
2 and

3 (B) in clause (ii), by inserting after “trans-
4 action has been reported,” the following: “or
5 otherwise reveal any information that would re-
6 veal that the transaction has been reported,”.

7 (b) RULEMAKING.—Not later than the end of the
8 360-day period beginning on the date of enactment of this
9 Act, the Secretary of the Treasury shall issue regulations
10 to carry out the amendments made by this section.

11 **SEC. 7202. SHARING OF COMPLIANCE RESOURCES.**

12 (a) IN GENERAL.—Section 5318 of title 31, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(o) SHARING OF COMPLIANCE RESOURCES.—

16 “(1) SHARING PERMITTED.—Two or more fi-
17 nancial institutions may enter into collaborative ar-
18 rangements in order to more efficiently comply with
19 the requirements of this subchapter.

20 “(2) OUTREACH.—The Secretary of the Treas-
21 ury and the appropriate supervising agencies shall
22 carry out an outreach program to provide financial
23 institutions with information, including best prac-
24 tices, with respect to the sharing of resources de-
25 scribed under paragraph (1).”.

1 (b) RULE OF CONSTRUCTION.—The amendment
2 made by subsection (a) may not be construed to require
3 financial institutions to share resources.

4 **SEC. 7203. GAO STUDY ON FEEDBACK LOOPS.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall carry out a study on—

7 (1) best practices within the United States Gov-
8 ernment for providing feedback (“feedback loop”) to
9 relevant parties (including regulated private entities)
10 on the usage and usefulness of personally identifi-
11 able information (“PII”), sensitive-but-unclassified
12 (“SBU”) data, or similar information provided by
13 such parties to Government users of such informa-
14 tion and data (including law enforcement or regu-
15 lators); and

16 (2) any practices or standards inside or outside
17 the United States for providing feedback through
18 sensitive information and public-private partnership
19 information sharing efforts, specifically related to ef-
20 forts to combat money laundering and other forms
21 of illicit finance.

22 (b) REPORT.—Not later than the end of the 18-
23 month period beginning on the date of the enactment of
24 this Act, the Comptroller General shall issue a report to
25 the Committee on Banking, Housing, and Urban Affairs

1 of the Senate and the Committee on Financial Services
2 of the House of Representatives containing—

3 (1) all findings and determinations made in car-
4 rying out the study required under subsection (a);

5 (2) with respect to each of paragraphs (1) and
6 (2) of subsection (a), any best practices or signifi-
7 cant concerns identified by the Comptroller General,
8 and their applicability to public-private partnerships
9 and feedback loops with respect to United States ef-
10 forts to combat money laundering and other forms
11 of illicit finance; and

12 (3) recommendations to reduce or eliminate any
13 unnecessary Government collection of the informa-
14 tion described under subsection (a)(1).

15 **SEC. 7204. FINCEN STUDY ON BSA VALUE.**

16 (a) STUDY.—The Director of the Financial Crimes
17 Enforcement Network shall carry out a study on Bank Se-
18 crecy Act value.

19 (b) REPORT.—Not later than the end of the 30-day
20 period beginning on the date the study under subsection
21 (a) is completed, the Director shall issue a report to the
22 Committee on Financial Services of the House of Rep-
23 resentatives and the Committee on Banking, Housing, and
24 Urban Affairs of the Senate containing all findings and

1 determinations made in carrying out the study required
2 under this section.

3 (c) CLASSIFIED ANNEX.—The report required under
4 this section may include a classified annex, if the Director
5 determines it appropriate.

6 (d) BANK SECRECY ACT DEFINED.—For purposes of
7 this section, the term “Bank Secrecy Act” has the mean-
8 ing given that term under section 5312 of title 31, United
9 States Code.

10 **SEC. 7205. SHARING OF THREAT PATTERN AND TREND IN-**
11 **FORMATION.**

12 Section 5318(g) of title 31, United States Code, as
13 amended by section 7201(a)(1), is further amended by
14 adding at the end the following:

15 “(7) SHARING OF THREAT PATTERN AND
16 TREND INFORMATION.—

17 “(A) SAR ACTIVITY REVIEW.—The Direc-
18 tor of the Financial Crimes Enforcement Net-
19 work shall restart publication of the ‘SAR Ac-
20 tivity Review – Trends, Tips & Issues’, on not
21 less than a semi-annual basis, to provide mean-
22 ingful information about the preparation, use,
23 and value of reports filed under this subsection
24 by financial institutions, as well as other re-

ports filed by financial institutions under the Bank Secrecy Act.

“(B) INCLUSION OF TYPOLOGIES.—In each publication described under subparagraph (A), the Director shall provide financial institutions with typologies, including data that can be adapted in algorithms (including for artificial intelligence and machine learning programs) where appropriate, on emerging money laundering and counter terror financing threat patterns and trends.

“(C) TYPOLOGY DEFINED.—For purposes of this paragraph, the term ‘typology’ means the various techniques used to launder money or finance terrorism.”.

SEC. 7206. MODERNIZATION AND UPGRADING WHISTLE-BLOWER PROTECTIONS.

(a) REWARDS.—Section 5323(d) of title 31, United States Code, is amended to read as follows:

“(d) SOURCE OF REWARDS.—For the purposes of paying a reward under this section, the Secretary may, subject to amounts made available in advance by appropriation Acts, use criminal fine, civil penalty, or forfeiture amounts recovered based on the original information with respect to which the reward is being paid.”.

1 (b) WHISTLEBLOWER INCENTIVES.—Chapter 53 of
2 title 31, United States Code, is amended—

3 (1) by inserting after section 5323 the fol-
4 lowing:

5 **“§ 5323A. Whistleblower incentives**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COVERED JUDICIAL OR ADMINISTRATIVE
8 ACTION.—The term ‘covered judicial or administra-
9 tive action’ means any judicial or administrative ac-
10 tion brought by FinCEN under the Bank Secrecy
11 Act that results in monetary sanctions exceeding
12 \$1,000,000.

13 “(2) FINCEN.—The term ‘FinCEN’ means the
14 Financial Crimes Enforcement Network.

15 “(3) MONETARY SANCTIONS.—The term ‘mone-
16 tary sanctions’, when used with respect to any judi-
17 cial or administrative action, means—

18 “(A) any monies, including penalties,
19 disgorgement, and interest, ordered to be paid;
20 and

21 “(B) any monies deposited into a
22 disgorgement fund as a result of such action or
23 any settlement of such action.

24 “(4) ORIGINAL INFORMATION.—The term
25 ‘original information’ means information that—

1 “(A) is derived from the independent
2 knowledge or analysis of a whistleblower;

3 “(B) is not known to FinCEN from any
4 other source, unless the whistleblower is the
5 original source of the information; and

6 “(C) is not exclusively derived from an al-
7 legation made in a judicial or administrative
8 hearing, in a governmental report, hearing,
9 audit, or investigation, or from the news media,
10 unless the whistleblower is a source of the infor-
11 mation.

12 “(5) RELATED ACTION.—The term ‘related ac-
13 tion’, when used with respect to any judicial or ad-
14 ministrative action brought by FinCEN, means any
15 judicial or administrative action that is based upon
16 original information provided by a whistleblower that
17 led to the successful enforcement of the action.

18 “(6) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of the Treasury.

20 “(7) WHISTLEBLOWER.—The term ‘whistle-
21 blower’ means any individual who provides, or 2 or
22 more individuals acting jointly who provide, informa-
23 tion relating to a violation of laws enforced by
24 FinCEN, in a manner established, by rule or regula-
25 tion, by FinCEN.

1 “(b) AWARDS.—

2 “(1) IN GENERAL.—In any covered judicial or
3 administrative action, or related action, the Sec-
4 retary, under such rules as the Secretary may issue
5 and subject to subsection (c), shall pay an award or
6 awards to 1 or more whistleblowers who voluntarily
7 provided original information to FinCEN that led to
8 the successful enforcement of the covered judicial or
9 administrative action, or related action, in an aggre-
10 gate amount equal to not more than 30 percent, in
11 total, of what has been collected of the monetary
12 sanctions imposed in the action.

13 “(2) SOURCE OF AWARDS.—For the purposes of
14 paying any award under paragraph (1), the Sec-
15 retary may, subject to amounts made available in
16 advance by appropriation Acts, use monetary sanc-
17 tion amounts recovered based on the original infor-
18 mation with respect to which the award is being
19 paid.

20 “(c) DETERMINATION OF AMOUNT OF AWARD; DE-
21 NIAL OF AWARD.—

22 “(1) DETERMINATION OF AMOUNT OF
23 AWARD.—

1 “(A) DISCRETION.—The determination of
2 the amount of an award made under subsection
3 (b) shall be in the discretion of the Secretary.

4 “(B) CRITERIA.—In responding to a dis-
5 closure and determining the amount of an
6 award made, FinCEN staff shall meet with the
7 whistleblower to discuss evidence disclosed and
8 rebuttals to the disclosure, and shall take into
9 consideration—

10 “(i) the significance of the informa-
11 tion provided by the whistleblower to the
12 success of the covered judicial or adminis-
13 trative action;

14 “(ii) the degree of assistance provided
15 by the whistleblower and any legal rep-
16 resentative of the whistleblower in a cov-
17 ered judicial or administrative action;

18 “(iii) the mission of FinCEN in deter-
19 ring violations of the law by making
20 awards to whistleblowers who provide in-
21 formation that lead to the successful en-
22 forcement of such laws; and

23 “(iv) such additional relevant factors
24 as the Secretary may establish by rule.

1 “(2) DENIAL OF AWARD.—No award under
2 subsection (b) shall be made—

3 “(A) to any whistleblower who is, or was at
4 the time the whistleblower acquired the original
5 information submitted to FinCEN, a member,
6 officer, or employee of—

7 “(i) an appropriate regulatory agency;

8 “(ii) the Department of Justice;

9 “(iii) a self-regulatory organization; or

10 “(iv) a law enforcement organization;

11 “(B) to any whistleblower who is convicted
12 of a criminal violation, or who the Secretary
13 has a reasonable basis to believe committed a
14 criminal violation, related to the judicial or ad-
15 ministrative action for which the whistleblower
16 otherwise could receive an award under this sec-
17 tion;

18 “(C) to any whistleblower who gains the
19 information through the performance of an
20 audit of financial statements required under the
21 Bank Secrecy Act and for whom such submis-
22 sion would be contrary to its requirements; or

23 “(D) to any whistleblower who fails to sub-
24 mit information to FinCEN in such form as the
25 Secretary may, by rule, require.

1 “(3) STATEMENT OF REASONS.—For any deci-
2 sion granting or denying an award, the Secretary
3 shall provide to the whistleblower a statement of rea-
4 sons that includes findings of fact and conclusions of
5 law for all material issues.

6 “(d) REPRESENTATION.—

7 “(1) PERMITTED REPRESENTATION.—Any
8 whistleblower who makes a claim for an award under
9 subsection (b) may be represented by counsel.

10 “(2) REQUIRED REPRESENTATION.—

11 “(A) IN GENERAL.—Any whistleblower
12 who anonymously makes a claim for an award
13 under subsection (b) shall be represented by
14 counsel if the whistleblower anonymously sub-
15 mits the information upon which the claim is
16 based.

17 “(B) DISCLOSURE OF IDENTITY.—Prior to
18 the payment of an award, a whistleblower shall
19 disclose their identity and provide such other
20 information as the Secretary may require, di-
21 rectly or through counsel for the whistleblower.

22 “(e) APPEALS.—Any determination made under this
23 section, including whether, to whom, or in what amount
24 to make awards, shall be in the discretion of the Secretary.
25 Any such determination, except the determination of the

1 amount of an award if the award was made in accordance
 2 with subsection (b), may be appealed to the appropriate
 3 court of appeals of the United States not more than 30
 4 days after the determination is issued by the Secretary.
 5 The court shall review the determination made by the Sec-
 6 retary in accordance with section 706 of title 5.

7 “(f) EMPLOYEE PROTECTIONS.—The Secretary of
 8 the Treasury shall issue regulations protecting a whistle-
 9 blower from retaliation, which shall be as close as prac-
 10 ticable to the employee protections provided for under sec-
 11 tion 1057 of the Consumer Financial Protection Act of
 12 2010.”; and

13 (2) in the table of contents for such chapter, by
 14 inserting after the item relating to section 5323 the
 15 following new item:

“5323A. Whistleblower incentives.”.

16 **SEC. 7207. CERTAIN VIOLATORS BARRED FROM SERVING**
 17 **ON BOARDS OF UNITED STATES FINANCIAL**
 18 **INSTITUTIONS.**

19 Section 5321 of title 31, United States Code, is
 20 amended by adding at the end the following:

21 “(f) CERTAIN VIOLATORS BARRED FROM SERVING
 22 ON BOARDS OF UNITED STATES FINANCIAL INSTITU-
 23 TIONS.—

24 “(1) IN GENERAL.—An individual found to
 25 have committed an egregious violation of a provision

1 of (or rule issued under) the Bank Secrecy Act shall
2 be barred from serving on the board of directors of
3 a United States financial institution for a 10-year
4 period beginning on the date of such finding.

5 “(2) EGREGIOUS VIOLATION DEFINED.—With
6 respect to an individual, the term ‘egregious viola-
7 tion’ means—

8 “(A) a felony criminal violation for which
9 the individual was convicted; and

10 “(B) a civil violation where the individual
11 willfully committed such violation and the viola-
12 tion facilitated money laundering or the financ-
13 ing of terrorism.”.

14 **SEC. 7208. ADDITIONAL DAMAGES FOR REPEAT BANK SE-**
15 **CRECY ACT VIOLATORS.**

16 (a) IN GENERAL.—Section 5321 of title 31, United
17 States Code, as amended by section 7208, is further
18 amended by adding at the end the following:

19 “(g) ADDITIONAL DAMAGES FOR REPEAT VIOLA-
20 TORS.—In addition to any other fines permitted by this
21 section and section 5322, with respect to a person who
22 has previously been convicted of a criminal provision of
23 (or rule issued under) the Bank Secrecy Act or who has
24 admitted, as part of a deferred- or non-prosecution agree-
25 ment, to having previously committed a violation of a

1 criminal provision of (or rule issued under) the Bank Se-
2 crecy Act, the Secretary may impose an additional civil
3 penalty against such person for each additional such viola-
4 tion in an amount equal to up three times the profit
5 gained or loss avoided by such person as a result of the
6 violation.”.

7 (b) PROSPECTIVE APPLICATION OF AMENDMENT.—
8 For purposes of determining whether a person has com-
9 mitted a previous violation under section 5321(g) of title
10 31, United States Code, such determination shall only in-
11 clude violations occurring after the date of enactment of
12 this Act.

13 **SEC. 7209. JUSTICE ANNUAL REPORT ON DEFERRED AND**
14 **NON-PROSECUTION AGREEMENTS.**

15 (a) ANNUAL REPORT.—The Attorney General shall
16 issue an annual report, every year for the 5 years begin-
17 ning on the date of enactment of this Act, to the Commit-
18 tees on Financial Services and the Judiciary of the House
19 of Representatives and the Committees on Banking, Hous-
20 ing, and Urban Affairs and the Judiciary of the Senate
21 containing—

22 (1) a list of deferred prosecution agreements
23 and non-prosecution agreements that the Attorney
24 General has entered into during the previous year

1 with any person with respect to a violation or sus-
2 pected violation of the Bank Secrecy Act;

3 (2) the justification for entering into each such
4 agreement;

5 (3) the list of factors that were taken into ac-
6 count in determining that the Attorney General
7 should enter into each such agreement; and

8 (4) the extent of coordination the Attorney
9 General conducted with the Financial Crimes En-
10 forcement Network prior to entering into each such
11 agreement.

12 (b) CLASSIFIED ANNEX.—Each report under sub-
13 section (a) may include a classified annex.

14 (c) BANK SECRECY ACT DEFINED.—For purposes of
15 this section, the term “Bank Secrecy Act” has the mean-
16 ing given that term under section 5312 of title 31, United
17 States Code.

18 **SEC. 7210. RETURN OF PROFITS AND BONUSES.**

19 (a) IN GENERAL.—Section 5322 of title 31, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 “(e) RETURN OF PROFITS AND BONUSES.—A person
23 convicted of violating a provision of (or rule issued under)
24 the Bank Secrecy Act shall—

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to prohibit a financial institution from requiring the repayment of a bonus paid to a partner, director, officer, or employee if the financial institution determines that the partner, director, officer, or employee engaged in unethical, but non-criminal, activities.

21 (a) IN GENERAL.—Section 5312(a)(2) of title 31,
22 United States Code, is amended—

HR 6395 PCS

1 (2) by redesignating subparagraph (Z) as sub-
2 paragraph (AA); and

3 (3) by inserting after subsection (Y) the fol-
4 lowing:

5 “(Z) a person trading or acting as an
6 intermediary in the trade of antiquities, includ-
7 ing an advisor, consultant or any other person
8 who engages as a business in the solicitation of
9 the sale of antiquities; or”.

10 (b) STUDY ON THE FACILITATION OF MONEY LAUN-
11 DERING AND TERROR FINANCE THROUGH THE TRADE OF
12 WORKS OF ART OR ANTIQUITIES.—

13 (1) STUDY.—The Secretary of the Treasury, in
14 coordination with Federal Bureau of Investigation,
15 the Attorney General, and Homeland Security Inves-
16 tigations, shall perform a study on the facilitation of
17 money laundering and terror finance through the
18 trade of works of art or antiquities, including an
19 analysis of—

20 (A) the extent to which the facilitation of
21 money laundering and terror finance through
22 the trade of works of art or antiquities may
23 enter or affect the financial system of the
24 United States, including any qualitative data or
25 statistics;

1 (B) whether thresholds and definitions
2 should apply in determining which entities to
3 regulate;

4 (C) an evaluation of which markets, by
5 size, entity type, domestic or international geo-
6 graphical locations, or otherwise, should be sub-
7 ject to regulations, but only to the extent such
8 markets are not already required to report on
9 the trade of works of art or antiquities to the
10 Federal Government;

11 (D) an evaluation of whether certain ex-
12 emptions should apply; and

13 (E) any other points of study or analysis
14 the Secretary determines necessary or appro-
15 priate.

16 (2) REPORT.—Not later than the end of the
17 180-day period beginning on the date of the enact-
18 ment of this Act, the Secretary of the Treasury shall
19 issue a report to the Committee on Financial Serv-
20 ices of the House of Representatives and the Com-
21 mittee on Banking, Housing, and Urban Affairs of
22 the Senate containing all findings and determina-
23 tions made in carrying out the study required under
24 paragraph (1).

1 (c) RULEMAKING.—Not later than the end of the
2 180-day period beginning on the date the Secretary issues
3 the report required under subsection (b)(2), the Secretary
4 shall issue regulations to carry out the amendments made
5 by subsection (a).

6 **SEC. 7212. GEOGRAPHIC TARGETING ORDER.**

7 The Secretary of the Treasury shall issue a geo-
8 graphic targeting order, similar to the order issued by the
9 Financial Crimes Enforcement Network on November 15,
10 2018, that—

11 (1) applies to commercial real estate to the
12 same extent, with the exception of having the same
13 thresholds, as the order issued by FinCEN on No-
14 vember 15, 2018, applies to residential real estate;
15 and

16 (2) establishes a specific threshold for commer-
17 cial real estate.

18 **SEC. 7213. STUDY AND REVISIONS TO CURRENCY TRANS-**
19 **ACTION REPORTS AND SUSPICIOUS ACTIVITY**
20 **REPORTS.**

21 (a) CURRENCY TRANSACTION REPORTS.—

22 (1) CTR INDEXED FOR INFLATION.—

23 (A) IN GENERAL.—Every 5 years after the
24 date of enactment of this Act, the Secretary of
25 the Treasury shall revise regulations issued

1 with respect to section 5313 of title 31, United
2 States Code, to update each \$10,000 threshold
3 amount in such regulation to reflect the change
4 in the Consumer Price Index for All Urban
5 Consumers published by the Department of
6 Labor, rounded to the nearest \$100. For pur-
7 poses of calculating the change described in the
8 previous sentence, the Secretary shall use
9 \$10,000 as the base amount and the date of en-
10 actment of this Act as the base date.

11 (B) EXCEPTION.—Notwithstanding sub-
12 paragraph (A), the Secretary may make appro-
13 priate adjustments to the threshold amounts
14 described under subparagraph (A) in high-risk
15 areas (e.g., High Intensity Financial Crime
16 Areas or HIFCAs), if the Secretary has demon-
17 strable evidence that shows a threshold raise
18 would increase serious crimes, such as traf-
19 ficking, or endanger national security.

20 (2) GAO CTR STUDY.—

21 (A) STUDY.—The Comptroller General of
22 the United States shall carry out a study of
23 currency transaction reports. Such study shall
24 include—

1 (i) a review (carried out in consulta-
2 tion with the Secretary of the Treasury,
3 the Financial Crimes Enforcement Net-
4 work, the United States Attorney General,
5 the State Attorneys General, and State,
6 Tribal, and local law enforcement) of the
7 effectiveness of the current currency trans-
8 action reporting regime;

9 (ii) an analysis of the importance of
10 currency transaction reports to law en-
11 forcement; and

12 (iii) an analysis of the effects of rais-
13 ing the currency transaction report thresh-
14 old.

15 (B) REPORT.—Not later than the end of
16 the 1-year period beginning on the date of en-
17 actment of this Act, the Comptroller General
18 shall issue a report to the Secretary of the
19 Treasury and the Congress containing—

20 (i) all findings and determinations
21 made in carrying out the study required
22 under subparagraph (A); and

23 (ii) recommendations for improving
24 the current currency transaction reporting
25 regime.

1 (b) MODIFIED SARs STUDY AND DESIGN.—

2 (1) STUDY.—The Director of the Financial
3 Crimes Enforcement Network shall carry out a
4 study, in consultation with industry stakeholders (in-
5 cluding money services businesses, community
6 banks, and credit unions), the Federal functional
7 regulators, State bank supervisors, and law enforce-
8 ment, of the design of a modified suspicious activity
9 report form for certain customers and activities.

10 Such study shall include—

11 (A) an examination of appropriate optimal
12 SARs thresholds to determine the level at which
13 a modified SARs form could be employed;

14 (B) an evaluation of which customers or
15 transactions would be appropriate for a modi-
16 fied SAR, including—

17 (i) seasoned business customers;

18 (ii) financial technology (Fintech)
19 firms;

20 (iii) structuring transactions; and

21 (iv) any other customer or transaction
22 that may be appropriate for a modified
23 SAR; and

24 (C) an analysis of the most effective meth-
25 ods to reduce the regulatory burden imposed on

1 financial institutions in complying with the
2 Bank Secrecy Act, including an analysis of the
3 effect of—

4 (i) modifying thresholds;

5 (ii) shortening forms;

6 (iii) combining Bank Secrecy Act
7 forms;

8 (iv) filing reports in periodic batches;

9 and

10 (v) any other method that may reduce
11 the regulatory burden.

12 (2) STUDY CONSIDERATIONS.—In carrying out
13 the study required under paragraph (1), the Direc-
14 tor shall seek to balance law enforcement priorities,
15 regulatory burdens experienced by financial institu-
16 tions, and the requirement for reports to have a
17 “high degree of usefulness to law enforcement”
18 under the Bank Secrecy Act.

19 (3) REPORT.—Not later than the end of the 1-
20 year period beginning on the date of enactment of
21 this Act, the Director shall issue a report to Con-
22 gress containing—

23 (A) all findings and determinations made
24 in carrying out the study required under sub-
25 section (a); and

1 (B) sample designs of modified SARs
2 forms based on the study results.

3 (4) CONTRACTING AUTHORITY.—The Director
4 may contract with a private third-party to carry out
5 the study required under this subsection. The au-
6 thority of the Director to enter into contracts under
7 this paragraph shall be in effect for each fiscal year
8 only to the extent and in the amounts as are pro-
9 vided in advance in appropriations Acts.

10 (c) DEFINITIONS.—For purposes of this section:

11 (1) BANK SECRECY ACT.—The term “Bank Se-
12 crecy Act” has the meaning given that term under
13 section 5312 of title 31, United States Code.

14 (2) FEDERAL FUNCTIONAL REGULATOR.—The
15 term “Federal functional regulator” has the mean-
16 ing given that term under section 7103.

17 (3) REGULATORY BURDEN.—The term “regu-
18 latory burden” means the man-hours to complete fil-
19 ings, cost of data collection and analysis, and other
20 considerations of chapter 35 of title 44, United
21 States Code (commonly referred to as the Paper-
22 work Reduction Act).

23 (4) SAR; SUSPICIOUS ACTIVITY REPORT.—The
24 term “SAR” and “suspicious activity report” mean

1 a report of a suspicious transaction under section
2 5318(g) of title 31, United States Code.

3 (5) SEASONED BUSINESS CUSTOMER.—The
4 term “seasoned business customer”, shall have such
5 meaning as the Secretary of the Treasury shall pre-
6 scribe, which shall include any person that—

7 (A) is incorporated or organized under the
8 laws of the United States or any State, or is
9 registered as, licensed by, or otherwise eligible
10 to do business within the United States, a
11 State, or political subdivision of a State;

12 (B) has maintained an account with a fi-
13 nancial institution for a length of time as deter-
14 mined by the Secretary; and

15 (C) meet such other requirements as the
16 Secretary may determine necessary or appro-
17 priate.

18 (6) STATE BANK SUPERVISOR.—The term
19 “State bank supervisor” has the meaning given that
20 term under section 3 of the Federal Deposit Insur-
21 ance Act (12 U.S.C. 1813).

1 **SEC. 7214. STREAMLINING REQUIREMENTS FOR CURRENCY**
2 **TRANSACTION REPORTS AND SUSPICIOUS**
3 **ACTIVITY REPORTS.**

4 (a) REVIEW.—The Secretary of the Treasury (in con-
5 sultation with Federal law enforcement agencies, the Di-
6 rector of National Intelligence, the Federal functional reg-
7 ulators, State bank supervisors, and other relevant stake-
8 holders) shall undertake a formal review of the current
9 financial institution reporting requirements under the
10 Bank Secrecy Act and its implementing regulations and
11 propose changes to further reduce regulatory burdens, and
12 ensure that the information provided is of a “high degree
13 of usefulness” to law enforcement, as set forth under sec-
14 tion 5311 of title 31, United States Code.

15 (b) CONTENTS.—The review required under sub-
16 section (a) shall include a study of—

17 (1) whether the timeframe for filing a sus-
18 picious activity report should be increased from 30
19 days;

20 (2) whether or not currency transaction report
21 and suspicious activity report thresholds should be
22 tied to inflation or otherwise periodically be ad-
23 justed;

24 (3) whether the circumstances under which a fi-
25 nancial institution determines whether to file a “con-
26 tinuing suspicious activity report”, or the processes

1 followed by a financial institution in determining
2 whether to file a “continuing suspicious activity re-
3 port” (or both) can be narrowed;

4 (4) analyzing the fields designated as “critical”
5 on the suspicious activity report form and whether
6 the number of fields should be reduced;

7 (5) the increased use of exemption provisions to
8 reduce currency transaction reports that are of little
9 or no value to law enforcement efforts;

10 (6) the current financial institution reporting
11 requirements under the Bank Secrecy Act and its
12 implementing regulations and guidance; and

13 (7) such other items as the Secretary deter-
14 mines appropriate.

15 (c) REPORT.—Not later than the end of the 1-year
16 period beginning on the date of the enactment of this Act,
17 the Secretary of the Treasury, in consultation with law
18 enforcement and persons subject to Bank Secrecy Act re-
19 quirements, shall issue a report to the Congress containing
20 all findings and determinations made in carrying out the
21 review required under subsection (a).

22 (d) DEFINITIONS.—For purposes of this section:

23 (1) FEDERAL FUNCTIONAL REGULATOR.—The
24 term “Federal functional regulator” has the mean-
25 ing given that term under section 7103.

1 (2) STATE BANK SUPERVISOR.—The term
 2 “State bank supervisor” has the meaning given that
 3 term under section 3 of the Federal Deposit Insur-
 4 ance Act (12 U.S.C. 1813).

5 (3) OTHER TERMS.—The terms “Bank Secrecy
 6 Act” and “financial institution” have the meaning
 7 given those terms, respectively, under section 5312
 8 of title 31, United States Code.

9 **TITLE III—MODERNIZING THE** 10 **AML SYSTEM**

11 **SEC. 7301. ENCOURAGING INNOVATION IN BSA COMPLI-** 12 **ANCE.**

13 Section 5318 of title 31, United States Code, as
 14 amended by section 7202, is further amended by adding
 15 at the end the following:

16 “(p) ENCOURAGING INNOVATION IN COMPLIANCE.—

17 “(1) IN GENERAL.—The Federal functional reg-
 18 ulators shall encourage financial institutions to con-
 19 sider, evaluate, and, where appropriate, responsibly
 20 implement innovative approaches to meet the re-
 21 quirements of this subchapter, including through the
 22 use of innovation pilot programs.

23 “(2) EXEMPTIVE RELIEF.—The Secretary, pur-
 24 suant to subsection (a), may provide exemptions
 25 from the requirements of this subchapter if the Sec-

1 retary determines such exemptions are necessary to
2 facilitate the testing and potential use of new tech-
3 nologies and other innovations.

4 “(3) RULE OF CONSTRUCTION.—This sub-
5 section may not be construed to require financial in-
6 stitutions to consider, evaluate, or implement innova-
7 tive approaches to meet the requirements of the
8 Bank Secrecy Act.

9 “(4) FEDERAL FUNCTIONAL REGULATOR DE-
10 FINED.—In this subsection, the term ‘Federal func-
11 tional regulator’ means the Board of Governors of
12 the Federal Reserve System, the Comptroller of the
13 Currency, the Federal Deposit Insurance Corpora-
14 tion, the National Credit Union Administration, the
15 Securities and Exchange Commission, and the Com-
16 modity Futures Trading Commission.”.

17 **SEC. 7302. INNOVATION LABS.**

18 (a) IN GENERAL.—Subchapter II of chapter 53 of
19 title 31, United States Code, is amended by adding at the
20 end the following:

21 **“§ 5333. Innovation Labs**

22 “(a) ESTABLISHMENT.—There is established within
23 the Department of the Treasury and each Federal func-
24 tional regulator an Innovation Lab.

1 “(b) DIRECTOR.—The head of each Innovation Lab
2 shall be a Director, to be appointed by the Secretary of
3 the Treasury or the head of the Federal functional regu-
4 lator, as applicable.

5 “(c) DUTIES.—The duties of the Innovation Lab
6 shall be—

7 “(1) to provide outreach to law enforcement
8 agencies, State bank supervisors, financial institu-
9 tions, and other persons (including vendors and
10 technology companies) with respect to innovation
11 and new technologies that may be used to comply
12 with the requirements of the Bank Secrecy Act;

13 “(2) to support the implementation of respon-
14 sible innovation and new technology, in a manner
15 that complies with the requirements of the Bank Se-
16 crecy Act;

17 “(3) to explore opportunities for public-private
18 partnerships; and

19 “(4) to develop metrics of success.

20 “(d) FINCEN LAB.—The Innovation Lab established
21 under subsection (a) within the Department of the Treas-
22 ury shall be a lab within the Financial Crimes Enforce-
23 ment Network.

24 “(e) DEFINITIONS.—In this section:

1 “(1) FEDERAL FUNCTIONAL REGULATOR.—The
 2 term ‘Federal functional regulator’ means the Board
 3 of Governors of the Federal Reserve System, the
 4 Comptroller of the Currency, the Federal Deposit
 5 Insurance Corporation, the National Credit Union
 6 Administration, the Securities and Exchange Com-
 7 mission, and the Commodity Futures Trading Com-
 8 mission.

9 “(2) STATE BANK SUPERVISOR.—The term
 10 ‘State bank supervisor’ has the meaning given that
 11 term under section 3 of the Federal Deposit Insur-
 12 ance Act (12 U.S.C. 1813).”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 for subchapter II of chapter 53 of title 31, United States
 15 Code, is amended by adding at the end the following:

“5333. Innovation Labs.”.

16 **SEC. 7303. INNOVATION COUNCIL.**

17 (a) IN GENERAL.—Subchapter II of chapter 53 of
 18 Title 31, United States Code, as amended by section 7302,
 19 is further amended by adding at the end the following:

20 **“§ 5334. Innovation Council**

21 “(a) ESTABLISHMENT.—There is established the In-
 22 novation Council (hereinafter in this section referred to
 23 as the ‘Council’), which shall consist of each Director of
 24 an Innovation Lab established under section 5334, a rep-
 25 resentative of State bank supervisors (as defined under

1 section 3 of the Federal Deposit Insurance Act (12 U.S.C.
2 1813)), and the Director of the Financial Crimes Enforce-
3 ment Network.

4 “(b) CHAIR.—The Director of the Innovation Lab of
5 the Department of the Treasury shall serve as the Chair
6 of the Council.

7 “(c) DUTY.—The members of the Council shall co-
8 ordinate on activities related to innovation under the Bank
9 Secrecy Act, but may not supplant individual agency de-
10 terminations on innovation.

11 “(d) MEETINGS.—The meetings of the Council—

12 “(1) shall be at the call of the Chair, but in no
13 case may the Council meet less than semi-annually;

14 “(2) may include open and closed sessions, as
15 determined necessary by the Council; and

16 “(3) shall include participation by public and
17 private entities and law enforcement agencies.

18 “(e) REPORT.—The Council shall issue an annual re-
19 port, for each of the 7 years beginning on the date of en-
20 actment of this section, to the Secretary of the Treasury
21 on the activities of the Council during the previous year,
22 including the success of programs as measured by metrics
23 of success developed pursuant to section 5334(c)(4), and
24 any regulatory or legislative recommendations that the
25 Council may have.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for subchapter II of chapter 53 of title 31, United States
3 Code, is amended by adding the end the following:

“5334. Innovation Council.”.

4 **SEC. 7304. TESTING METHODS RULEMAKING.**

5 (a) IN GENERAL.—Section 5318 of title 31, United
6 States Code, as amended by section 7301, is further
7 amended by adding at the end the following:

8 “(q) TESTING.—

9 “(1) IN GENERAL.—The Secretary of the
10 Treasury, in consultation with the head of each
11 agency to which the Secretary has delegated duties
12 or powers under subsection (a), shall issue a rule to
13 specify—

14 “(A) with respect to technology and related
15 technology-internal processes (‘new technology’)
16 designed to facilitate compliance with the Bank
17 Secrecy Act requirements, the standards by
18 which financial institutions are to test new
19 technology; and

20 “(B) in what instances or under what cir-
21 cumstance and criteria a financial institution
22 may replace or terminate legacy technology and
23 processes for any examinable technology or
24 process without the replacement or termination
25 being determined an examination deficiency.

1 “(2) STANDARDS.—The standards described
2 under paragraph (1) may include—

3 “(A) an emphasis on using innovative ap-
4 proaches, such as machine learning, rather than
5 rules-based systems;

6 “(B) risk-based back-testing of the regime
7 to facilitate calibration of relevant systems;

8 “(C) requirements for appropriate data
9 privacy and security; and

10 “(D) a requirement that the algorithms
11 used by the regime be disclosed to the Financial
12 Crimes Enforcement Network, upon request.

13 “(3) CONFIDENTIALITY OF ALGORITHMS.—If a
14 financial institution or any director, officer, em-
15 ployee, or agent of any financial institution, volun-
16 tarily or pursuant to this subsection or any other au-
17 thority, discloses the institution’s algorithms to a
18 Government agency, such algorithms and any mate-
19 rials associated with the creation of such algorithms
20 shall be considered confidential and not subject to
21 public disclosure.”.

22 (b) UPDATE OF MANUAL.—The Financial Institu-
23 tions Examination Council shall ensure—

1 (1) that any manual prepared by the Council is
2 updated to reflect the rulemaking required by the
3 amendment made by subsection (a); and

4 (2) that financial institutions are not penalized
5 for the decisions based on such rulemaking to re-
6 place or terminate technology used for compliance
7 with the Bank Secrecy Act (as defined under section
8 5312 of title 31, United States Code) or other anti-
9 money laundering laws.

10 **SEC. 7305. FINCEN STUDY ON USE OF EMERGING TECH-**
11 **NOLOGIES.**

12 (a) STUDY.—

13 (1) IN GENERAL.—The Director of the Finan-
14 cial Crimes Enforcement Network (“FinCEN”) shall
15 carry out a study on—

16 (A) the status of implementation and in-
17 ternal use of emerging technologies, including
18 artificial intelligence (“AI”), digital identity
19 technologies, blockchain technologies, and other
20 innovative technologies within FinCEN;

21 (B) whether AI, digital identity tech-
22 nologies, blockchain technologies, and other in-
23 novative technologies can be further leveraged
24 to make FinCEN’s data analysis more efficient
25 and effective; and

1 (C) how FinCEN could better utilize AI,
2 digital identity technologies, blockchain tech-
3 nologies, and other innovative technologies to
4 more actively analyze and disseminate the infor-
5 mation it collects and stores to provide inves-
6 tigative leads to Federal, State, Tribal, and
7 local law enforcement, and other Federal agen-
8 cies (collective, “Agencies”), and better support
9 its ongoing investigations when referring a case
10 to the Agencies.

11 (2) INCLUSION OF GTO DATA.—The study re-
12 quired under this subsection shall include data col-
13 lected through the Geographic Targeting Orders
14 (“GTO”) program.

15 (3) CONSULTATION.—In conducting the study
16 required under this subsection, FinCEN shall con-
17 sult with the Directors of the Innovations Labs es-
18 tablished in section 7302.

19 (b) REPORT.—Not later than the end of the 6-month
20 period beginning on the date of the enactment of this Act,
21 the Director shall issue a report to the Committee on
22 Banking, Housing, and Urban Affairs of the Senate and
23 the Committee on Financial Services of the House of Rep-
24 resentatives containing—

1 (1) all findings and determinations made in car-
2 rying out the study required under subsection (a);

3 (2) with respect to each of subparagraphs (A),
4 (B) and (C) of subsection (a)(1), any best practices
5 or significant concerns identified by the Director,
6 and their applicability to AI, digital identity tech-
7 nologies, blockchain technologies, and other innova-
8 tive technologies with respect to United States ef-
9 forts to combat money laundering and other forms
10 of illicit finance; and

11 (3) any policy recommendations that could fa-
12 cilitate and improve communication and coordination
13 between the private sector, FinCEN, and Agencies
14 through the implementation of innovative ap-
15 proaches, in order to meet their Bank Secrecy Act
16 (as defined under section 5312 of title 31, United
17 States Code) and anti-money laundering compliance
18 obligations.

19 **SEC. 7306. DISCRETIONARY SURPLUS FUNDS.**

20 The dollar amount specified under section 7(a)(3)(A)
21 of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is
22 reduced by \$37,000,000.

1 **DIVISION H—ELIJAH E. CUM-**
2 **MINGS COAST GUARD AU-**
3 **THORIZATION ACT OF 2020**

4 **SEC. 101. SHORT TITLE.**

5 This division may be cited as the “Elijah E. Cum-
6 mings Coast Guard Authorization Act of 2020”.

7 **SEC. 102. DEFINITION OF COMMANDANT.**

8 In this division, the term “Commandant” means the
9 Commandant of the Coast Guard.

10 **TITLE I—AUTHORIZATIONS**

11 **SEC. 8001. AUTHORIZATIONS OF APPROPRIATIONS.**

12 Section 4902 of title 14, United States Code, is
13 amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “year 2019” and inserting “years 2020 and
16 2021”;

17 (2) in paragraph (1)(A), by striking “provided
18 for, \$7,914,195,000 for fiscal year 2019.” and in-
19 serting “provided for—

20 “(i) \$8,151,620,850 for fiscal year 2020;
21 and

22 “(ii) \$8,396,169,475 for fiscal year
23 2021.”;

24 (3) in paragraph (1)(B), by striking “subpara-
25 graph (A)—” and inserting “subparagraph (A)(i),

1 \$17,035,000 shall be for environmental compliance
2 and restoration.”;

3 (4) by striking clauses (i) and (ii) of paragraph
4 (1)(B);

5 (5) in paragraph (1), by adding at the end the
6 following:

7 “(C) Of the amount authorized under subpara-
8 graph, (A)(ii) \$17,376,000 shall be for environ-
9 mental compliance and restoration.”;

10 (6) in paragraph (2)—

11 (A) by striking “For the procurement” and
12 inserting “(A) For the procurement”;

13 (B) by striking “and equipment,
14 \$2,694,745,000 for fiscal year 2019.” and in-
15 serting “and equipment—

16 “(i) \$2,794,745,000 for fiscal year 2020;
17 and

18 “(ii) \$3,312,114,000 for fiscal year
19 2021.”; and

20 (C) by adding at the end the following:

21 “(B) Of the amounts authorized under subpara-
22 graph (A), the following amounts shall be for the al-
23 teration of bridges:

24 “(i) \$10,000,000 for fiscal year 2020; and

25 “(ii) \$20,000,000 for fiscal year 2021.”;

(7) in paragraph (3), by striking “and equipment, \$29,141,000 for fiscal year 2019.” and inserting “and equipment—

“(A) \$13,834,000 for fiscal year 2020; and

“(B) \$14,111,000 for fiscal year 2021.”;

and

(8) by adding at the end the following:

“(4) For the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense—

“(A) \$205,107,000 for fiscal year 2020;

and

“(B) \$209,209,000 for fiscal year 2021.”.

**SEC. 8002. AUTHORIZED LEVELS OF MILITARY STRENGTH
AND TRAINING.**

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a), by striking “43,000 for fiscal year 2018 and 44,500 for fiscal year 2019” and inserting “44,500 for each of fiscal years 2020 and 2021”; and

(2) in subsection (b), by striking “fiscal years 2018 and 2019” and inserting “fiscal years 2020 and 2021”.

1 **SEC. 8003. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this division, for the purpose
3 of complying with the Statutory Pay-As-You-Go Act of
4 2010, shall be determined by reference to the latest state-
5 ment titled “Budgetary Effects of PAYGO Legislation”
6 for this division, submitted for printing in the Congres-
7 sional Record by the Chairman of the House Budget Com-
8 mittee, provided that such statement has been submitted
9 prior to the vote on passage.

10 **SEC. 8004. AVAILABILITY OF AMOUNTS FOR ACQUISITION**
11 **OF ADDITIONAL NATIONAL SECURITY CUT-**
12 **TER.**

13 (a) IN GENERAL.—Of the amounts authorized to be
14 appropriated by—

15 (1) section 4902(2)(A)(i) of title 14, United
16 States Code, as amended by section 8001 of this di-
17 vision, \$100,000,000 for fiscal year 2020; and

18 (2) section 4902(2)(A)(ii) of title 14, United
19 States Code, as amended by section 8001 of this di-
20 vision, \$550,000,000 for fiscal year 2021,

21 is authorized for the acquisition of a National Security
22 Cutter.

23 (b) TREATMENT OF ACQUIRED CUTTER.—Any cutter
24 acquired using amounts available pursuant to subsection
25 (a) shall be in addition to the National Security Cutters

1 approved under the existing acquisition baseline in the
2 program of record for the National Security Cutter.

3 **SEC. 8005. PROCUREMENT AUTHORITY FOR POLAR SECU-**
4 **RITY CUTTERS.**

5 (a) FUNDING.—Of the amounts authorized to be ap-
6 propriated by—

7 (1) section 4902(2)(A)(i) of title 14, United
8 States Code, as amended by section 8001 of this di-
9 vision, \$135,000,000 for fiscal year 2020; and

10 (2) section 4902(2)(A)(ii) of title 14, United
11 States Code, as amended by section 8001 of this di-
12 vision, \$610,000,000 for fiscal year 2021,

13 is authorized for construction of a Polar Security Cutter.

14 (b) PROHIBITION ON CONTRACTS OR USE OF FUNDS
15 FOR DEVELOPMENT OF COMMON HULL DESIGN.—Not-
16 withstanding any other provision of law, the Secretary of
17 the department in which the Coast Guard is operating
18 may not enter into any contract for, and no funds shall
19 be obligated or expended on, the development of a common
20 hull design for medium Polar Security Cutters and Great
21 Lakes icebreakers.

22 **SEC. 8006. SENSE OF THE CONGRESS ON NEED FOR NEW**
23 **GREAT LAKES ICEBREAKER.**

24 (a) FINDINGS.—The Congress finds the following:

1 (1) The Great Lakes shipping industry is cru-
2 cial to the American economy, including the United
3 States manufacturing base, providing important eco-
4 nomic and national security benefits.

5 (2) A recent study found that the Great Lakes
6 shipping industry supports 237,000 jobs and tens of
7 billions of dollars in economic activity.

8 (3) United States Coast Guard icebreaking ca-
9 pacity is crucial to full utilization of the Great Lakes
10 shipping system, as during the winter icebreaking
11 season up to 15 percent of annual cargo loads are
12 delivered, and many industries would have to reduce
13 their production if Coast Guard icebreaking services
14 were not provided.

15 (4) Six of the Coast Guard's nine icebreaking
16 cutters in the Great Lakes are more than 30 years
17 old and are frequently inoperable during the winter
18 icebreaking season, including those that have com-
19 pleted a recent service life extension program.

20 (5) During the previous 10 winters, Coast
21 Guard Great Lakes icebreaking cutters have been in-
22 operable for an average of 65 cutter-days during the
23 winter icebreaking season, with this annual lost ca-
24 pability exceeding 100 cutter days, with a high of
25 246 cutter days during the winter of 2017–2018.

1 (6) The 2019 ice season provides further proof
2 that current Coast Guard icebreaking capacity is in-
3 adequate for the needs of the Great Lakes shipping
4 industry, as only six of the nine icebreaking cutters
5 are operational, and millions of tons of cargo was
6 not loaded or was delayed due to inadequate Coast
7 Guard icebreaking assets during a historically aver-
8 age winter for Great Lakes ice coverage.

9 (7) The Congress has authorized the Coast
10 Guard to acquire a new Great Lakes icebreaker as
11 capable as Coast Guard Cutter *Mackinaw* (WLBB-
12 30), the most capable Great Lakes icebreaker, and
13 \$10 million has been appropriated to fund the de-
14 sign and initial acquisition work for this icebreaker.

15 (8) The Coast Guard has not initiated a new
16 acquisition program for this Great Lakes icebreaker.

17 (b) SENSE OF THE CONGRESS.—It is the sense of
18 the Congress of the United States that a new Coast Guard
19 icebreaker as capable as Coast Guard Cutter *Mackinaw*
20 (WLBB-30) is needed on the Great Lakes, and the Coast
21 Guard should acquire this icebreaker as soon as possible.

22 **SEC. 8007. PROCUREMENT AUTHORITY FOR GREAT LAKES**
23 **ICEBREAKER.**

24 (a) IN GENERAL.—Of the amounts authorized to be
25 appropriated by section 4902(2)(A)(ii) of title 14, United

1 States Code, as amended by section 8001 of this division,
2 \$160,000,000 for fiscal year 2021 is authorized for the
3 acquisition of a Great Lakes icebreaker at least as capable
4 as *USCGC Mackinaw* (WLBB–30).

5 (b) REPORT.—Not later than 30 days after the date
6 of the enactment of this Act, the Commandant shall sub-
7 mit to the Committee on Commerce, Science, and Trans-
8 portation of the Senate and the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 a plan for acquiring an icebreaker as required by section
11 820(b) of the Frank LoBiondo Coast Guard Authorization
12 Act of 2018 (Public Law 115–282).

13 **SEC. 8008. POLAR SECURITY CUTTER ACQUISITION RE-**
14 **PORT.**

15 Not later than 1 year after the date of the enactment
16 of this Act, the Commandant shall submit to the Commit-
17 tees on Transportation and Infrastructure and Armed
18 Services of the House of Representatives, and the Com-
19 mittees on Commerce, Science, and Transportation and
20 Armed Services of the Senate a report on—

21 (1) the extent to which specifications, key draw-
22 ings, and detail design for the Polar Security Cutter
23 are complete before the start of construction;

1 (2) the extent to which Polar Security Cutter
2 hulls numbers one, two, and three are science ready;
3 and

4 (3) what actions will be taken to ensure that
5 Polar Security Cutter hull number four is science ca-
6 pable, as described in the National Academies of
7 Sciences, Engineering, and Medicine’s Committee on
8 Polar Icebreaker Cost Assessment letter report enti-
9 tled “Acquisition and Operation of Polar Ice-
10 breakers: Fulfilling the Nation’s Needs” and dated
11 July 11, 2017.

12 **SEC. 8009. SHORESIDE INFRASTRUCTURE.**

13 Of the amounts authorized to be appropriated by sec-
14 tion 4902(2)(A) of title 14, United States Code, as amend-
15 ed by section 8001 of this division, for each of fiscal years
16 2020 and 2021, \$167,500,000 is authorized for the Sec-
17 retary of the department in which the Coast Guard is op-
18 erating to fund the acquisition, construction, rebuilding,
19 or improvement of the Coast Guard shoreside infrastruc-
20 ture and facilities necessary to support Coast Guard oper-
21 ations and readiness.

22 **SEC. 8010. MAJOR ACQUISITION SYSTEMS INFRASTRUC-**
23 **TURE.**

24 Of the amounts authorized to be appropriated by sec-
25 tion 4902(2)(A)(ii) of title 14, United States Code, as

1 amended by section 8001 of this division, \$105,000,000
2 is authorized for the hangar replacement listed in the fis-
3 cal year 2020 Unfunded Priority List.

4 **SEC. 8011. POLAR ICEBREAKERS.**

5 (a) IN GENERAL.—Section 561 of title 14, United
6 States Code, is amended to read as follows:

7 **“§ 561. Icebreaking in polar regions**

8 “(a) PROCUREMENT AUTHORITY.—

9 “(1) IN GENERAL.—The Secretary may enter
10 into one or more contracts for the procurement of—

11 “(A) the Polar Security Cutters approved
12 as part of a major acquisition program as of
13 November 1, 2019; and

14 “(B) 3 additional Polar Security Cutters.

15 “(2) CONDITION FOR OUT-YEAR CONTRACT
16 PAYMENTS.—A contract entered into under para-
17 graph (1) shall provide that any obligation of the
18 United States to make a payment under the contract
19 during a fiscal year after fiscal year 2019 is subject
20 to the availability of appropriations or funds for that
21 purpose for such later fiscal year.

22 “(b) PLANNING.—The Secretary shall facilitate plan-
23 ning for the design, procurement, maintenance, deploy-
24 ment, and operation of icebreakers as needed to support
25 the statutory missions of the Coast Guard in the polar

1 regions by allocating all funds to support icebreaking oper-
2 ations in such regions, except for recurring incremental
3 costs associated with specific projects, to the Coast Guard.

4 “(c) REIMBURSEMENT.—Nothing in this section shall
5 preclude the Secretary from seeking reimbursement for
6 operation and maintenance costs of the *Polar Star*, *Healy*,
7 or any other Polar Security Cutter from other Federal
8 agencies and entities, including foreign countries, that
9 benefit from the use of those vessels.

10 “(d) RESTRICTION.—

11 “(1) IN GENERAL.—The Commandant may
12 not—

13 “(A) transfer, relinquish ownership of, dis-
14 mantle, or recycle the *Polar Sea* or *Polar Star*;

15 “(B) change the current homeport of the
16 *Polar Sea* or *Polar Star*; or

17 “(C) expend any funds—

18 “(i) for any expenses directly or indi-
19 rectly associated with the decommissioning
20 of the *Polar Sea* or *Polar Star*, including
21 expenses for dock use or other goods and
22 services;

23 “(ii) for any personnel expenses di-
24 rectly or indirectly associated with the de-
25 commissioning of the *Polar Sea* or *Polar*

1 *Star*, including expenses for a decommis-
2 sioning officer;

3 “(iii) for any expenses associated with
4 a decommissioning ceremony for the *Polar*
5 *Sea* or *Polar Star*;

6 “(iv) to appoint a decommissioning of-
7 ficer to be affiliated with the *Polar Sea* or
8 *Polar Star*; or

9 “(v) to place the *Polar Sea* or *Polar*
10 *Star* in inactive status.

11 “(2) SUNSET.—This subsection shall cease to
12 have effect on September 30, 2022.

13 “(e) LIMITATION.—

14 “(1) IN GENERAL.—The Secretary may not ex-
15 pend amounts appropriated for the Coast Guard for
16 any of fiscal years 2015 through 2024, for—

17 “(A) design activities related to a capa-
18 bility of a Polar Security Cutter that is based
19 solely on an operational requirement of a Fed-
20 eral department or agency other than the Coast
21 Guard, except for amounts appropriated for de-
22 sign activities for a fiscal year before fiscal year
23 2016; or

1 “(B) long-lead-time materials, production,
2 or postdelivery activities related to such a capa-
3 bility.

4 “(2) OTHER AMOUNTS.—Amounts made avail-
5 able to the Secretary under an agreement with a
6 Federal department or agency other than the Coast
7 Guard and expended on a capability of a Polar Secu-
8 rity Cutter that is based solely on an operational re-
9 quirement of such Federal department or agency
10 shall not be treated as amounts expended by the
11 Secretary for purposes of the limitation under para-
12 graph (1).

13 “(f) ENHANCED MAINTENANCE PROGRAM FOR THE
14 *POLAR STAR*.—

15 “(1) IN GENERAL.—Subject to the availability
16 of appropriations, the Commandant shall conduct an
17 enhanced maintenance program on the Polar Star to
18 extend the service life of such vessel until at least
19 December 31, 2025.

20 “(2) AUTHORIZATION OF APPROPRIATIONS.—
21 The Commandant may use funds made available
22 pursuant to section 4902(1)(A), to carry out this
23 subsection.

24 “(g) DEFINITIONS.—In this section:

1 “(1) POLAR SEA.—The term ‘*Polar Sea*’ means
2 Coast Guard Cutter *Polar Sea* (WAGB 11).

3 “(2) POLAR STAR.—The term ‘*Polar Star*’
4 means Coast Guard Cutter *Polar Star* (WAGB 10).

5 “(3) HEALY.—The term ‘*Healy*’ means Coast
6 Guard Cutter *Healy* (WAGB 20).”.

7 (b) CONTRACTING FOR MAJOR ACQUISITIONS PRO-
8 GRAMS.—Section 1137(a) of title 14, United States Code,
9 is amended by inserting “and 3 Polar Security Cutters
10 in addition to those approved as part of a major acqui-
11 sition program on November 1, 2019” before the period at
12 the end.

13 (c) REPEALS.—

14 (1) COAST GUARD AND MARITIME TRANSPOR-
15 TATION ACT OF 2006.—Section 210 of the Coast
16 Guard and Maritime Transportation Act of 2006
17 (14 U.S.C. 504 note) is repealed.

18 (2) COAST GUARD AND MARITIME TRANSPOR-
19 TATION ACT OF 2012.—Section 222 of the Coast
20 Guard and Maritime Transportation Act of 2012
21 (Public Law 112–213) is repealed.

22 (3) HOWARD COBLE COAST GUARD AND MARI-
23 TIME TRANSPORTATION ACT OF 2014.—Section 505
24 of the Howard Coble Coast Guard and Maritime

1 Transportation Act of 2014 (Public Law 113–281)
2 is repealed.

3 (4) FRANK LOBIONDO COAST GUARD AUTHOR-
4 IZATION ACT OF 2018.—Section 821 of the Frank
5 LoBiondo Coast Guard Authorization Act of 2018
6 (Public Law 115–282) is repealed.

7 **SEC. 8012. ACQUISITION OF FAST RESPONSE CUTTER.**

8 (a) IN GENERAL.—Of the amounts authorized to be
9 appropriated under section 4902(2)(A)(ii) of title 14,
10 United States Code, as amended by section 8001 of this
11 division, \$265,000,000 for fiscal year 2021 shall be made
12 available for the acquisition of four Fast Responses Cut-
13 ters.

14 (b) TREATMENT OF ACQUIRED CUTTERS.—Any cut-
15 ter acquired pursuant to subsection (a) shall be in addition
16 to the 58 cutters approved under the existing acquisition
17 baseline.

18 **TITLE II—COAST GUARD**
19 **Subtitle A—Military Personnel**
20 **Matters**

21 **SEC. 9101. GRADE ON RETIREMENT.**

22 (a) RETIREMENT OF COMMANDANT OR VICE COM-
23 MANDANT.—Section 303 of title 14, United States Code,
24 is amended by adding at the end the following:

1 “(d) Retirement under this section is subject to sec-
2 tion 2501(a) of this title.”.

3 (b) RETIREMENT.—Section 306 of title 14, United
4 States Code, is amended—

5 (1) in subsection (a), by inserting “satisfac-
6 torily, as determined under section 2501 of this
7 title” before the period;

8 (2) in subsection (b), by inserting “satisfac-
9 torily, as determined under section 2501 of this
10 title” before the period; and

11 (3) in subsection (c), by inserting “if perform-
12 ance of duties in such grade is determined to have
13 been satisfactory pursuant to section 2501 of this
14 title” before the period.

15 (c) GRADE ON RETIREMENT.—Section 2501 of title
16 14, United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by striking “Any commissioned officer,
19 other than a commissioned warrant officer,”
20 and inserting “COMMISSIONED OFFICERS.—
21 “(1) IN GENERAL.—A commissioned officer”;

22 (B) by striking “him” and inserting “the
23 commissioned officer”;

24 (C) by striking “his” and inserting “the
25 commissioned officer’s”; and

1 (D) by adding at the end the following:

2 “(2) CONDITIONAL DETERMINATION.—When a
3 commissioned officer is under investigation for al-
4 leged misconduct at the time of retirement—

5 “(A) the Secretary may conditionally de-
6 termine the highest grade of satisfactory service
7 of the commissioned officer pending completion
8 of the investigation; and

9 “(B) the grade under subparagraph (A) is
10 subject to resolution under subsection (c)(2).”;
11 (2) in subsection (b)—

12 (A) by inserting “WARRANT OFFICERS.—
13 ” after “(b)”;

14 (B) by striking “him” and inserting “the
15 warrant officer”; and

16 (C) by striking “his” and inserting “the
17 warrant officer’s”; and

18 (3) by adding at the end the following:

19 “(c) RETIREMENT IN LOWER GRADE.—

20 “(1) MISCONDUCT IN LOWER GRADE.—In the
21 case of a commissioned officer whom the Secretary
22 determines committed misconduct in a lower grade,
23 the Secretary may determine the commissioned offi-
24 cer has not served satisfactorily in any grade equal
25 to or higher than that lower grade.

1 “(2) ADVERSE FINDINGS.—A determination of
2 the retired grade of a commissioned officer shall be
3 resolved following a conditional determination under
4 subsection (a)(2) if the investigation of or personnel
5 action against the commissioned officer results in
6 adverse findings.

7 “(3) RECALCULATION OF RETIRED PAY.—If the
8 retired grade of a commissioned officer is reduced
9 pursuant to this subsection, the retired pay of the
10 commissioned officer shall be recalculated under
11 chapter 71 of title 10, and any modification of the
12 retired pay of the commissioned officer shall go into
13 effect on the effective date of the reduction in re-
14 tired grade.

15 “(d) FINALITY OF RETIRED GRADE DETERMINA-
16 TIONS.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), a determination of the retired grade of a
19 commissioned officer under this section is adminis-
20 tratively final on the day the commissioned officer is
21 retired, and may not be reopened.

22 “(2) REOPENING DETERMINATIONS.—A deter-
23 mination of the retired grade of a commissioned offi-
24 cer may be reopened if—

1 “(A) the retirement or retired grade of the
2 commissioned officer was procured by fraud;

3 “(B) substantial evidence comes to light
4 after the retirement that could have led to a
5 lower retired grade under this section and such
6 evidence was known by competent authority at
7 the time of retirement;

8 “(C) a mistake of law or calculation was
9 made in the determination of the retired grade;

10 “(D) in the case of a retired grade fol-
11 lowing a conditional determination under sub-
12 section (a)(2), the investigation of or personnel
13 action against the commissioned officer results
14 in adverse findings; or

15 “(E) the Secretary determines, under regu-
16 lations prescribed by the Secretary, that good
17 cause exists to reopen the determination.

18 “(3) REQUIREMENTS.—If a determination of
19 the retired grade of a commissioned officer is re-
20 opened under paragraph (2), the Secretary—

21 “(A) shall notify the commissioned officer
22 of the reopening; and

23 “(B) may not make an adverse determina-
24 tion on the retired grade of the commissioned
25 officer until the commissioned officer has had a

1 reasonable opportunity to respond regarding the
2 basis of the reopening.

3 “(4) RECALCULATION OF RETIRED PAY.—If the
4 retired grade of a commissioned officer is reduced
5 through the reopening of the commissioned officer’s
6 retired grade under paragraph (2), the retired pay
7 of the commissioned officer shall be recalculated
8 under chapter 71 of title 10, and any modification
9 of the retired pay of the commissioned officer shall
10 go into effect on the effective date of the reduction
11 in retired grade.

12 “(e) INAPPLICABILITY TO COMMISSIONED WARRANT
13 OFFICERS.—This section, including subsection (b), shall
14 not apply to commissioned warrant officers.”.

15 **SEC. 9102. AUTHORITY FOR OFFICERS TO OPT OUT OF PRO-**
16 **MOTION BOARD CONSIDERATION.**

17 (a) ELIGIBILITY OF OFFICERS FOR CONSIDERATION
18 FOR PROMOTION.—Section 2113 of title 14, United States
19 Code, is amended by adding at the end the following:

20 “(g)(1) Notwithstanding subsection (a), the Com-
21 mandant may provide that an officer may, upon the offi-
22 cer’s request and with the approval of the Commandant,
23 be excluded from consideration by a selection board con-
24 vened under section 2106.

1 “(2) The Commandant shall approve a request under
2 paragraph (1) only if—

3 “(A) the basis for the request is to allow the of-
4 ficer to complete a broadening assignment, advanced
5 education, another assignment of significant value to
6 the Coast Guard, a career progression requirement
7 delayed by the assignment or education, or a quali-
8 fying personal or professional circumstance, as de-
9 termined by the Commandant;

10 “(B) the Commandant determines the exclusion
11 from consideration is in the best interest of the
12 Coast Guard; and

13 “(C) the officer has not previously failed of se-
14 lection for promotion to the grade for which the offi-
15 cer requests the exclusion from consideration.”.

16 (b) ELIGIBILITY OF RESERVE OFFICER FOR PRO-
17 MOTION.—Section 3743 of title 14, United States Code,
18 is amended to read as follows:

19 **“§ 3743. Eligibility for promotion**

20 “(a) IN GENERAL.—Except as provided in subsection
21 (b), a Reserve officer is eligible for consideration for pro-
22 motion and for promotion under this subchapter if that
23 officer is in an active status.

24 “(b) EXCEPTION.—A Reserve officer who has been
25 considered but not recommended for retention in an active

1 status by a board convened under subsection 3752(a) of
2 this title is not eligible for consideration for promotion.

3 “(c) REQUEST FOR EXCLUSION.—

4 “(1) IN GENERAL.—The Commandant may pro-
5 vide that an officer may, upon the officer’s request
6 and with the approval of the Commandant, be ex-
7 cluded from consideration by a selection board con-
8 vened under section 3740(b) of this title to consider
9 officers for promotion to the next higher grade.

10 “(2) APPROVAL OF REQUEST.—The Com-
11 mandant shall approve a request under paragraph
12 (1) only if—

13 “(A) the basis for the request is to allow
14 an officer to complete a broadening assignment,
15 advanced education, another assignment of sig-
16 nificant value to the Coast Guard, a career pro-
17 gression requirement delayed by the assignment
18 or education, or a qualifying personal or profes-
19 sional circumstance, as determined by the Com-
20 mandant;

21 “(B) the Commandant determines the ex-
22 clusion from consideration is in the best inter-
23 est of the Coast Guard; and

24 “(C) the officer has not previously failed of
25 selection for promotion to the grade for which

1 the officer requests the exclusion from consider-
2 ation.”.

3 **SEC. 9103. TEMPORARY PROMOTION AUTHORITY FOR OFFI-**
4 **CERS IN CERTAIN GRADES WITH CRITICAL**
5 **SKILLS.**

6 (a) IN GENERAL.—Subchapter I of chapter 21 of title
7 14, United States Code, is amended by adding at the end
8 the following:

9 **“§ 2130. Promotion to certain grades for officers with**
10 **critical skills: captain, commander, lieu-**
11 **tenant commander, lieutenant**

12 “(a) IN GENERAL.—An officer in the grade of lieu-
13 tenant (junior grade), lieutenant, lieutenant commander,
14 or commander who is described in subsection (b) may be
15 temporarily promoted to the grade of lieutenant, lieuten-
16 ant commander, commander, or captain under regulations
17 prescribed by the Secretary. Appointments under this sec-
18 tion shall be made by the President, by and with the advice
19 and consent of the Senate.

20 “(b) COVERED OFFICERS.—An officer described in
21 this subsection is any officer in a grade specified in sub-
22 section (a) who—

23 “(1) has a skill in which the Coast Guard has
24 a critical shortage of personnel (as determined by
25 the Secretary); and

1 “(2) is serving in a position (as determined by
2 the Secretary) that—

3 “(A) is designated to be held by a lieuten-
4 ant, lieutenant commander, commander, or cap-
5 tain; and

6 “(B) requires that an officer serving in
7 such position have the skill possessed by such
8 officer.

9 “(c) PRESERVATION OF POSITION AND STATUS OF
10 OFFICERS APPOINTED.—

11 “(1) The temporary positions authorized under
12 this section shall not be counted among or included
13 in the list of positions on the active duty promotion
14 list.

15 “(2) An appointment under this section does
16 not change the position on the active duty list or the
17 permanent, probationary, or acting status of the of-
18 ficer so appointed, prejudice the officer in regard to
19 other promotions or appointments, or abridge the
20 rights or benefits of the officer.

21 “(d) BOARD RECOMMENDATION REQUIRED.—A tem-
22 porary promotion under this section may be made only
23 upon the recommendation of a board of officers convened
24 by the Secretary for the purpose of recommending officers
25 for such promotions.

1 “(e) ACCEPTANCE AND EFFECTIVE DATE OF AP-
2 POINTMENT.—Each appointment under this section, un-
3 less expressly declined, is, without formal acceptance, re-
4 garded as accepted on the date such appointment is made,
5 and a member so appointed is entitled to the pay and al-
6 lowances of the grade of the temporary promotion under
7 this section beginning on the date the appointment is
8 made.

9 “(f) TERMINATION OF APPOINTMENT.—Unless soon-
10 er terminated, an appointment under this section termi-
11 nates—

12 “(1) on the date the officer who received the
13 appointment is promoted to the permanent grade of
14 lieutenant, lieutenant commander, commander, or
15 captain;

16 “(2) on the date the officer is detached from a
17 position described in subsection (b)(2), unless the of-
18 ficer is on a promotion list to the permanent grade
19 of lieutenant, lieutenant commander, commander, or
20 captain, in which case the appointment terminates
21 on the date the officer is promoted to that grade;

22 “(3) when the appointment officer determines
23 that the officer who received the appointment has
24 engaged in misconduct or has displayed substandard
25 performance; or

1 “(4) when otherwise determined by the Com-
 2 mandant to be in the best interests of the Coast
 3 Guard.

4 “(g) LIMITATION ON NUMBER OF ELIGIBLE POSI-
 5 TIONS.—An appointment under this section may only be
 6 made for service in a position designated by the Secretary
 7 for the purposes of this section. The number of positions
 8 so designated may not exceed the following percentages
 9 of the respective grades:

10 “(1) As lieutenant, 0.5 percent.

11 “(2) As lieutenant commander, 3.0 percent.

12 “(3) As commander, 2.6 percent.

13 “(4) As captain, 2.6 percent.”.

14 (b) CLERICAL AMENDMENT.—The analysis for sub-
 15 chapter I of chapter 21 of title 14, United States Code,
 16 is amended by adding at the end the following:

“2130. Promotion to certain grades for officers with critical skills: captain, com-
 mander, lieutenant commander, lieutenant.”.

17 **SEC. 9104. CAREER INTERMISSION PROGRAM.**

18 (a) IN GENERAL.—Subchapter I of chapter 25 of title
 19 14, United States Code, is amended by adding at the end
 20 the following:

21 **“§ 2514. Career flexibility to enhance retention of**
 22 **members**

23 “(a) PROGRAMS AUTHORIZED.—The Commandant
 24 may carry out a program under which members of the

1 Coast Guard may be inactivated from active service in
2 order to meet personal or professional needs and returned
3 to active service at the end of such period of inactivation
4 from active service.

5 “(b) PERIOD OF INACTIVATION FROM ACTIVE SERV-
6 ICE; EFFECT OF INACTIVATION.—

7 “(1) IN GENERAL.—The period of inactivation
8 from active service under a program under this sec-
9 tion of a member participating in the program shall
10 be such period as the Commandant shall specify in
11 the agreement of the member under subsection (c),
12 except that such period may not exceed 3 years.

13 “(2) EXCLUSION FROM YEARS OF SERVICE.—
14 Any service by a Reserve officer while participating
15 in a program under this section shall be excluded
16 from computation of the total years of service of
17 that officer pursuant to section 14706(a) of title 10.

18 “(3) EXCLUSION FROM RETIREMENT.—Any pe-
19 riod of participation of a member in a program
20 under this section shall not count toward—

21 “(A) eligibility for retirement or transfer
22 to the Ready Reserve under either chapter 841
23 or 1223 of title 10; or

24 “(B) computation of retired or retainer
25 pay under chapter 71 or 1223 of title 10.

1 “(c) AGREEMENT.—Each member of the Coast
2 Guard who participates in a program under this section
3 shall enter into a written agreement with the Commandant
4 under which that member shall agree as follows:

5 “(1) To accept an appointment or enlist, as ap-
6 plicable, and serve in the Coast Guard Ready Re-
7 serve during the period of the inactivation of the
8 member from active service under the program.

9 “(2) To undergo during the period of the inac-
10 tivation of the member from active service under the
11 program such inactive service training as the Com-
12 mandant shall require in order to ensure that the
13 member retains proficiency, at a level determined by
14 the Commandant to be sufficient, in the military
15 skills, professional qualifications, and physical readi-
16 ness of the member during the inactivation of the
17 member from active service.

18 “(3) Following completion of the period of the
19 inactivation of the member from active service under
20 the program, to serve 2 months as a member of the
21 Coast Guard on active service for each month of the
22 period of the inactivation of the member from active
23 service under the program.

24 “(d) CONDITIONS OF RELEASE.—The Commandant
25 shall prescribe regulations specifying the guidelines re-

1 garding the conditions of release that must be considered
2 and addressed in the agreement required by subsection
3 (c). At a minimum, the Commandant shall prescribe the
4 procedures and standards to be used to instruct a member
5 on the obligations to be assumed by the member under
6 paragraph (2) of such subsection while the member is re-
7 leased from active service.

8 “(e) ORDER TO ACTIVE SERVICE.—Under regula-
9 tions prescribed by the Commandant, a member of the
10 Coast Guard participating in a program under this section
11 may, in the discretion of the Commandant, be required
12 to terminate participation in the program and be ordered
13 to active service.

14 “(f) PAY AND ALLOWANCES.—

15 “(1) BASIC PAY.—During each month of par-
16 ticipation in a program under this section, a member
17 who participates in the program shall be paid basic
18 pay in an amount equal to two-thirtieths of the
19 amount of monthly basic pay to which the member
20 would otherwise be entitled under section 204 of title
21 37 as a member of the uniformed services on active
22 service in the grade and years of service of the mem-
23 ber when the member commences participation in
24 the program.

25 “(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

1 “(A) PROHIBITION.—A member who par-
2 ticipates in such a program shall not, while par-
3 ticipating in the program, be paid any special
4 or incentive pay or bonus to which the member
5 is otherwise entitled under an agreement under
6 chapter 5 of title 37 that is in force when the
7 member commences participation in the pro-
8 gram.

9 “(B) NOT TREATED AS FAILURE TO PER-
10 FORM SERVICES.—The inactivation from active
11 service of a member participating in a program
12 shall not be treated as a failure of the member
13 to perform any period of service required of the
14 member in connection with an agreement for a
15 special or incentive pay or bonus under chapter
16 5 of title 37 that is in force when the member
17 commences participation in the program.

18 “(3) RETURN TO ACTIVE SERVICE.—

19 “(A) SPECIAL OR INCENTIVE PAY OR
20 BONUS.—Subject to subparagraph (B), upon
21 the return of a member to active service after
22 completion by the member of participation in a
23 program—

24 “(i) any agreement entered into by
25 the member under chapter 5 of title 37 for

1 the payment of a special or incentive pay
2 or bonus that was in force when the mem-
3 ber commenced participation in the pro-
4 gram shall be revived, with the term of
5 such agreement after revival being the pe-
6 riod of the agreement remaining to run
7 when the member commenced participation
8 in the program; and

9 “(ii) any special or incentive pay or
10 bonus shall be payable to the member in
11 accordance with the terms of the agree-
12 ment concerned for the term specified in
13 clause (i).

14 “(B) LIMITATION.—

15 “(i) IN GENERAL.—Subparagraph (A)
16 shall not apply to any special or incentive
17 pay or bonus otherwise covered by such
18 subparagraph with respect to a member if,
19 at the time of the return of the member to
20 active service as described in that subpara-
21 graph—

22 “(I) such pay or bonus is no
23 longer authorized by law; or

24 “(II) the member does not satisfy
25 eligibility criteria for such pay or

1 bonus as in effect at the time of the
2 return of the member to active serv-
3 ice.

4 “(ii) PAY OR BONUS CEASES BEING
5 AUTHORIZED.—Subparagraph (A) shall
6 cease to apply to any special or incentive
7 pay or bonus otherwise covered by such
8 subparagraph with respect to a member if,
9 during the term of the revived agreement
10 of the member under subparagraph (A)(i),
11 such pay or bonus ceases being authorized
12 by law.

13 “(C) REPAYMENT.—A member who is in-
14 eligible for payment of a special or incentive
15 pay or bonus otherwise covered by this para-
16 graph by reason of subparagraph (B)(i)(II)
17 shall be subject to the requirements for repay-
18 ment of such pay or bonus in accordance with
19 the terms of the applicable agreement of the
20 member under chapter 5 of title 37.

21 “(D) REQUIRED SERVICE IS ADDI-
22 TIONAL.—Any service required of a member
23 under an agreement covered by this paragraph
24 after the member returns to active service as
25 described in subparagraph (A) shall be in addi-

1 tion to any service required of the member
2 under an agreement under subsection (c).

3 “(4) TRAVEL AND TRANSPORTATION ALLOW-
4 ANCE.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), a member who participates in a pro-
7 gram is entitled, while participating in the pro-
8 gram, to the travel and transportation allow-
9 ances authorized by section 474 of title 37
10 for—

11 “(i) travel performed from the resi-
12 dence of the member, at the time of release
13 from active service to participate in the
14 program, to the location in the United
15 States designated by the member as the
16 member’s residence during the period of
17 participation in the program; and

18 “(ii) travel performed to the residence
19 of the member upon return to active serv-
20 ice at the end of the participation of the
21 member in the program.

22 “(B) SINGLE RESIDENCE.—An allowance
23 is payable under this paragraph only with re-
24 spect to travel of a member to and from a sin-
25 gle residence.

1 “(5) LEAVE BALANCE.—A member who partici-
2 pates in a program is entitled to carry forward the
3 leave balance existing as of the day on which the
4 member begins participation and accumulated in ac-
5 cordance with section 701 of title 10, but not to ex-
6 ceed 60 days.

7 “(g) PROMOTION.—

8 “(1) OFFICERS.—

9 “(A) IN GENERAL.—An officer partici-
10 pating in a program under this section shall
11 not, while participating in the program, be eligi-
12 ble for consideration for promotion under chap-
13 ter 21 or 37 of this title.

14 “(B) RETURN TO SERVICE.—Upon the re-
15 turn of an officer to active service after comple-
16 tion by the officer of participation in a pro-
17 gram—

18 “(i) the Commandant may adjust the
19 date of rank of the officer in such manner
20 as the Commandant may prescribe in regu-
21 lations for purposes of this section; and

22 “(ii) the officer shall be eligible for
23 consideration for promotion when officers
24 of the same competitive category, grade,

1 and seniority are eligible for consideration
2 for promotion.

3 “(2) ENLISTED MEMBERS.—An enlisted mem-
4 ber participating in a program under this section
5 shall not be eligible for consideration for advance-
6 ment during the period that—

7 “(A) begins on the date of the inactivation
8 of the member from active service under the
9 program; and

10 “(B) ends at such time after the return of
11 the member to active service under the program
12 that the member is treatable as eligible for pro-
13 motion by reason of time in grade and such
14 other requirements as the Commandant shall
15 prescribe in regulations for purposes of the pro-
16 gram.

17 “(h) CONTINUED ENTITLEMENTS.—A member par-
18 ticipating in a program under this section shall, while par-
19 ticipating in the program, be treated as a member of the
20 Armed Forces on active duty for a period of more than
21 30 days for purposes of—

22 “(1) the entitlement of the member and of the
23 dependents of the member to medical and dental
24 care under the provisions of chapter 55 of title 10;
25 and

1 “(2) retirement or separation for physical dis-
2 ability under the provisions of chapter 61 of title 10
3 and chapters 21 and 23 of this title.”.

4 (b) CLERICAL AMENDMENT.—The analysis for sub-
5 chapter I of chapter 25 of title 14, United States Code,
6 is amended by adding at the end the following:

“2514. Career flexibility to enhance retention of members.”.

7 **SEC. 9105. DIRECT COMMISSIONING AUTHORITY FOR INDIV-**
8 **VIDUALS WITH CRITICAL SKILLS.**

9 (a) IN GENERAL.—Subchapter II of chapter 37 of
10 title 14, United States Code, is amended by inserting after
11 section 3738 the following:

12 **“§ 3738a. Direct commissioning authority for individ-**
13 **uals with critical skills**

14 “An individual with critical skills that the Com-
15 mandant considers necessary for the Coast Guard to com-
16 plete its missions who is not currently serving as an officer
17 in the Coast Guard may be commissioned into the Coast
18 Guard at a grade up to and including commander.”.

19 (b) CLERICAL AMENDMENT.—The analysis for sub-
20 chapter II of chapter 37 of title 14, United States Code,
21 is amended by inserting after the item relating to section
22 3738 the following:

“3738a. Direct commissioning authority for individuals with critical skills.”.

23 (c) TECHNICAL AMENDMENT.—The heading for the
24 first chapter of subtitle III of title 14, United States Code,

1 is amended by striking “**CHAPTER 1**” and inserting
2 “**CHAPTER 37**”.

3 **SEC. 9106. EMPLOYMENT ASSISTANCE.**

4 (a) IN GENERAL.—Subchapter I of chapter 27 of title
5 14, United States Code, is amended by adding at the end
6 the following:

7 “§ 2713. **Employment assistance**

8 “(a) IN GENERAL.—In order to improve the accuracy
9 and completeness of a certification or verification of job
10 skills and experience required by section 1143(a)(1) of
11 title 10, the Secretary shall—

12 “(1) establish a database to record all training
13 performed by members of the Coast Guard that may
14 have application to employment in the civilian sector;
15 and

16 “(2) make unclassified information regarding
17 such information available to States and other po-
18 tential employers referred to in section 1143(c) of
19 title 10 so that States and other potential employers
20 may allow military training to satisfy licensing or
21 certification requirements to engage in a civilian pro-
22 fession.

23 “(b) FORM OF CERTIFICATION OR VERIFICATION.—
24 The Secretary shall ensure that a certification or
25 verification of job skills and experience required by section

1 1143(a)(1) of title 10 is rendered in such a way that
 2 States and other potential employers can confirm the ac-
 3 curacy and authenticity of the certification or verification.

4 “(c) REQUESTS BY STATES.—A State may request
 5 that the Secretary confirm the accuracy and authenticity
 6 of a certification or verification of job skills and experience
 7 provided under section 1143(c) of title 10.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
 9 subchapter is amended by adding at the end the following:

“2713. Employment assistance.”.

10 **Subtitle B—Organization and** 11 **Management Matters**

12 **SEC. 9201. CONGRESSIONAL AFFAIRS; DIRECTOR.**

13 (a) IN GENERAL.—Chapter 3 of title 14, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 **“§ 321. Congressional affairs; Director**

17 “The Commandant shall appoint a Director of Con-
 18 gressional Affairs from among officers of the Coast Guard
 19 who are in a grade above captain. The Director of Con-
 20 gressional Affairs is separate and distinct from the Direc-
 21 tor of Governmental and Public Affairs for the Coast
 22 Guard and is the principal advisor to the Commandant
 23 on all congressional and legislative matters for the Coast
 24 Guard and may have such additional functions as the
 25 Commandant may direct.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 3 of title 14, United States Code, is amended by add-
3 ing at the end the following:

“321. Congressional affairs; Director.”.

4 **SEC. 9202. LIMITATIONS ON CLAIMS.**

5 (a) ADMIRALTY CLAIMS.—Section 937(a) of title 14,
6 United States Code, is amended by striking “\$100,000”
7 and inserting “\$425,000”.

8 (b) CLAIMS FOR DAMAGE TO PROPERTY OF THE
9 UNITED STATES.—Section 938 of title 14, United States
10 Code, is amended by striking “\$100,000” and inserting
11 “\$425,000”.

12 **SEC. 9203. RENEWAL OF TEMPORARY EARLY RETIREMENT**
13 **AUTHORITY.**

14 Section 219 of the Coast Guard and Maritime Trans-
15 portation Act of 2012 (Public Law 112–213; 10 U.S.C.
16 1293 note) is amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “For fiscal years 2013 through 2018” and
19 inserting “For fiscal years 2019 through 2025”; and
20 (2) in paragraph (1), by striking “subsection
21 (c)(2)(A)” and inserting “subsection (c)(1)”.

22 **SEC. 9204. MAJOR ACQUISITIONS; OPERATION AND**
23 **SUSTAINMENT COSTS.**

24 Section 5103(e)(3) of title 14, United States Code,
25 is amended—

1 (1) by redesignating subparagraphs (B) and
2 (C) as subparagraphs (C) and (D), respectively; and

3 (2) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) operate and sustain the cutters and
6 aircraft described in paragraph (2);”.

7 **SEC. 9205. SUPPORT OF WOMEN SERVING IN THE COAST**
8 **GUARD.**

9 (a) ACTION PLAN.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the
12 Commandant shall—

13 (A) determine which recommendations in
14 the RAND gender diversity report can prac-
15 tically be implemented to promote gender di-
16 versity in the Coast Guard; and

17 (B) submit to the Committee on Transpor-
18 tation and Infrastructure of the House of Rep-
19 resentatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a re-
21 port on the actions the Coast Guard has taken,
22 or plans to take, to implement such rec-
23 ommendations.

1 (2) CURRICULUM AND TRAINING.—The Com-
2 mandant shall update curriculum and training mate-
3 rials used at—

4 (A) officer accession points, including the
5 Coast Guard Academy and the Leadership De-
6 velopment Center;

7 (B) enlisted member accession at the
8 United States Coast Guard Training Center
9 Cape May in Cape May, New Jersey; and

10 (C) the officer, enlisted member, and civil-
11 ian leadership courses managed by the Leader-
12 ship Development Center.

13 Such updates shall reflect actions the Coast Guard
14 has taken, or plans to take, to carry out the rec-
15 ommendations of the RAND gender diversity report.

16 (3) DEFINITION.—In this subsection, the term
17 “RAND gender diversity report” means the RAND
18 Corporation’s Homeland Security Operational Anal-
19 ysis Center 2019 report entitled “Improving Gender
20 Diversity in the U.S. Coast Guard: Identifying Bar-
21 riers to Female Retention”.

22 (b) ADVISORY BOARD ON WOMEN AT THE COAST
23 GUARD ACADEMY.—Chapter 19 of title 14, United States
24 Code, is amended—

1 (1) by redesignating section 1904 as section
2 1906;

3 (2) by inserting after section 1903 the fol-
4 lowing:

5 **“§ 1904. Advisory Board on Women at the Coast**
6 **Guard Academy**

7 “(a) IN GENERAL.—The Superintendent of the Acad-
8 emy shall establish at the Coast Guard Academy an advi-
9 sory board to be known as the Advisory Board on Women
10 at the Coast Guard Academy (referred to in this section
11 as the ‘Advisory Board’).

12 “(b) MEMBERSHIP.—The Advisory Board shall be
13 composed of not fewer than 12 current cadets of the Coast
14 Guard Academy, including not fewer than 3 cadets from
15 each current class.

16 “(c) APPOINTMENT; TERM.—Cadets shall serve on
17 the Advisory Board pursuant to appointment by the Su-
18 perintendent of the Academy. Appointments shall be made
19 not later than 60 days after the date of the swearing in
20 of a new class of cadets at the Academy. The term of
21 membership of a cadet on the Advisory Board shall be 1
22 academic year.

23 “(d) REAPPOINTMENT.—The Superintendent of the
24 Academy may reappoint not more than 6 cadets from the
25 previous term to serve on the Advisory Board for an addi-

1 tional academic year if the Superintendent of the Academy
2 determines such reappointment to be in the best interests
3 of the Coast Guard Academy.

4 “(e) MEETINGS.—The Advisory Board shall meet
5 with the Commandant at least once each academic year
6 on the activities of the Advisory Board. The Advisory
7 Board shall meet in person with the Superintendent of the
8 Academy not less than twice each academic year on the
9 duties of the Advisory Board.

10 “(f) DUTIES.—The Advisory Board shall identify op-
11 portunities and challenges facing cadets at the Academy
12 who are women, including an assessment of culture, lead-
13 ership development, and access to health care of cadets
14 at the Academy who are women.

15 “(g) WORKING GROUPS.—The Advisory Board may
16 establish one or more working groups to assist the Advi-
17 sory Board in carrying out its duties, including working
18 groups composed in part of cadets at the Academy who
19 are not current members of the Advisory Board.

20 “(h) REPORTS AND BRIEFINGS.—The Advisory
21 Board shall regularly provide the Commandant and the
22 Superintendent reports and briefings on the results of its
23 duties, including recommendations for actions to be taken
24 in light of such results. Such reports and briefings may
25 be provided in writing, in person, or both.”; and

1 (3) by amending the analysis for such chap-
2 ter—

3 (A) by amending the item relating to sec-
4 tion 1904 to read as follows:

“1904. Advisory Board on Women at the Coast Guard Academy.”; and

5 (B) by adding at the end the following:

“1906. Participation in Federal, State, or other educational research grants.”.

6 (c) ADVISORY BOARD ON WOMEN IN THE COAST
7 GUARD.—Chapter 25 of title 14, United States Code, is
8 amended—

9 (1) by redesignating subchapter II as sub-
10 chapter III;

11 (2) by inserting after subchapter I the fol-
12 lowing:

13 “SUBCHAPTER II—ADVISORY BOARD ON
14 WOMEN IN THE COAST GUARD

15 **“§ 2521. Advisory Board on Women in the Coast**
16 **Guard**

17 “(a) IN GENERAL.—The Commandant shall establish
18 within the Coast Guard an Advisory Board on Women in
19 the Coast Guard.

20 “(b) MEMBERSHIP.—The Advisory Board established
21 under subsection (a) shall be composed of such number
22 of members as the Commandant considers appropriate, se-
23 lected by the Commandant through a public selection proc-
24 ess from among applicants for membership on the Board.

1 The members of the Board shall, to the extent practicable,
2 represent the diversity of the Coast Guard. The members
3 of the Committee shall include an equal number of each
4 of the following:

5 “(1) Active duty officers of the Coast Guard.

6 “(2) Active duty enlisted members of the Coast
7 Guard.

8 “(3) Members of the Coast Guard Reserve.

9 “(4) Retired members of the Coast Guard.

10 “(c) DUTIES.—The Advisory Board established
11 under subsection (a)—

12 “(1) shall advise the Commandant on improve-
13 ments to the recruitment, retention, wellbeing, and
14 success of women serving in the Coast Guard and
15 attending the Coast Guard Academy, including rec-
16 ommendations for the report on gender diversity in
17 the Coast Guard required by section 5109 of chapter
18 51 of title 14;

19 “(2) may submit to the Commandant rec-
20 ommendations in connection with its duties under
21 this subsection, including recommendations to imple-
22 ment the advice described in paragraph (1); and

23 “(3) may brief Congress on its duties under
24 this subsection, including the advice described in

1 paragraph (1) and any recommendations described
2 in paragraph (2).”; and

3 (3) by amending the analysis for such chapter
4 by striking the items relating to subchapter II and
5 inserting the following:

“SUBCHAPTER II—ADVISORY BOARD ON WOMEN IN THE COAST GUARD

“2521. Advisory Board on Women in the Coast Guard.

“SUBCHAPTER III—LIGHTHOUSE SERVICE

“2531. Personnel of former Lighthouse Service.”.

6 (d) RECURRING REPORT.—

7 (1) IN GENERAL.—Chapter 51 of title 14,
8 United States Code, is amended by adding at the
9 end the following:

10 **“§ 5109. Report on gender diversity in the Coast**
11 **Guard**

12 “(a) IN GENERAL.—Not later than January 15,
13 2022, and biennially thereafter, the Commandant shall
14 submit to the Committee on Transportation and Infra-
15 structure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate a report on gender diversity in the Coast Guard.

18 “(b) CONTENTS.—The report required under sub-
19 section (a) shall contain the following:

20 “(1) GENDER DIVERSITY OVERVIEW.—An over-
21 view of Coast Guard active duty and reserve mem-
22 bers, including the number of officers and enlisted

1 members and the percentages of men and women in
2 each.

3 “(2) RECRUITMENT AND RETENTION.—

4 “(A) An analysis of the changes in the re-
5 cruitment and retention of women over the pre-
6 vious 2 years.

7 “(B) A discussion of any changes to Coast
8 Guard recruitment and retention over the pre-
9 vious 2 years that were aimed at increasing the
10 recruitment and retention of female members.

11 “(3) PARENTAL LEAVE.—

12 “(A) The number of men and women who
13 took parental leave during each year covered by
14 the report, including the average length of such
15 leave periods.

16 “(B) A discussion of the ways in which the
17 Coast Guard worked to mitigate the impacts of
18 parental leave on Coast Guard operations and
19 on the careers of the members taking such
20 leave.

21 “(4) LIMITATIONS.—An analysis of current
22 gender-based limitations on Coast Guard career op-
23 portunities, including discussion of—

24 “(A) shipboard opportunities;

1 “(B) opportunities to serve at remote
2 units; and

3 “(C) any other limitations on the opportu-
4 nities of female members.

5 “(5) PROGRESS UPDATE.—An update on the
6 Coast Guard’s progress on the implementation of the
7 action plan required under subsection (a) of section
8 9205 of the Elijah E. Cummings Coast Guard Au-
9 thorization Act of 2020.”.

10 (2) CLERICAL AMENDMENT.—The analysis for
11 chapter 51 of title 14, United States Code, is
12 amended by adding at the end the following:

“5109. Report on gender diversity in the Coast Guard.”.

13 **SEC. 9206. DISPOSITION OF INFRASTRUCTURE RELATED TO**
14 **E-LORAN.**

15 Section 914 of title 14, United States Code, is
16 amended—

17 (1) in subsection (a)—

18 (A) by striking “date” and inserting “later
19 of the date of the conveyance of the properties
20 directed under section 533(a) of the Coast
21 Guard Authorization Act of 2016 (Public Law
22 114–120) or the date”; and

23 (B) by striking “determination by the Sec-
24 retary” and inserting “determination by the

1 Secretary of Transportation under section
2 312(d) of title 49”; and

3 (2) in subsection (c), by striking paragraph (2)
4 and inserting the following:

5 “(2) AVAILABILITY OF PROCEEDS.—The pro-
6 ceeds of such sales, less the costs of sale incurred by
7 the General Services Administration, shall be depos-
8 ited into the Coast Guard Housing Fund for uses
9 authorized under section 2946 of this title.”.

10 **SEC. 9207. POSITIONS OF IMPORTANCE AND RESPONSI-**
11 **BILITY.**

12 Section 2103(c)(3) of title 14, United States Code,
13 is amended by striking “rear admiral (lower half)” and
14 inserting “vice admiral”.

15 **SEC. 9208. RESEARCH PROJECTS; TRANSACTIONS OTHER**
16 **THAN CONTRACTS AND GRANTS.**

17 (a) IN GENERAL.—Chapter 7 of title 14, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 719. Research projects; transactions other than**
21 **contracts and grants**

22 “(a) ADDITIONAL FORMS OF TRANSACTIONS AU-
23 THORIZED.—

24 “(1) IN GENERAL.—The Commandant may
25 enter into—

1 “(A) transactions (other than contracts,
2 cooperative agreements, and grants) in carrying
3 out basic, applied, and advanced research
4 projects; and

5 “(B) agreements with the Director of the
6 Defense Advanced Research Projects Agency,
7 the Secretary of a military department, or any
8 other official designated by the Secretary of De-
9 fense under section 2371b of title 10 to partici-
10 pate in prototype projects and follow-on produc-
11 tion contracts or transactions that are being
12 carried out by such official and are directly rel-
13 evant to the Coast Guard’s cyber capability and
14 Command, Control, Communications, Com-
15 puters, and intelligence initiatives.

16 “(2) ADDITIONAL AUTHORITY.—The authority
17 under this subsection is in addition to the authority
18 provided in section 717 to use contracts, cooperative
19 agreements, and grants in carrying out such
20 projects.

21 “(3) FUNDING.—In carrying out paragraph
22 (1)(B), the Commandant may use funds made avail-
23 able for—

24 “(A) operations and support;

1 “(B) research, development, test, and eval-
2 uation; and

3 “(C) procurement, construction, and im-
4 provement.

5 “(b) ADVANCE PAYMENTS.—The authority under
6 subsection (a) may be exercised without regard to section
7 3324 of title 31.

8 “(c) RECOVERY OF FUNDS.—

9 “(1) IN GENERAL.—Subject to subsection (d), a
10 cooperative agreement for performance of basic, ap-
11 plied, or advanced research authorized by section
12 717, and a transaction authorized by subsection (a),
13 may include a clause that requires a person or other
14 entity to make payments to the Coast Guard or any
15 other department or agency of the Federal Govern-
16 ment as a condition for receiving support under the
17 agreement or transaction, respectively.

18 “(2) AVAILABILITY OF FUNDS.—The amount of
19 any payment received by the Federal Government
20 pursuant to a requirement imposed under paragraph
21 (1) may be credited, to the extent authorized by the
22 Commandant, to an appropriate appropriations ac-
23 count. Amounts so credited shall be merged with
24 other funds in the account and shall be available for

1 the same purposes and the same period for which
2 other funds in such account are available.

3 “(d) CONDITIONS.—

4 “(1) IN GENERAL.—The Commandant shall en-
5 sure that to the extent that the Commandant deter-
6 mines practicable, no cooperative agreement con-
7 taining a clause described in subsection (c)(1), and
8 no transaction entered into under subsection (a),
9 provides for research that duplicates research being
10 conducted under existing programs carried out by
11 the Coast Guard.

12 “(2) OTHER AGREEMENTS NOT FEASIBLE.—A
13 cooperative agreement containing a clause described
14 in subsection (c)(1), or under a transaction author-
15 ized by subsection (a), may be used for a research
16 project only if the use of a standard contract, grant,
17 or cooperative agreement for such project is not fea-
18 sible or appropriate.

19 “(e) EDUCATION AND TRAINING.—The Commandant
20 shall—

21 “(1) ensure that management, technical, and
22 contracting personnel of the Coast Guard involved in
23 the award or administration of transactions under
24 this section or other innovative forms of contracting

1 are afforded opportunities for adequate education
2 and training; and

3 “(2) establish minimum levels and requirements
4 for continuous and experiential learning for such
5 personnel, including levels and requirements for ac-
6 quisition certification programs.

7 “(f) PROTECTION OF CERTAIN INFORMATION FROM
8 DISCLOSURE.—

9 “(1) IN GENERAL.—Disclosure of information
10 described in paragraph (2) is not required, and may
11 not be compelled, under section 552 of title 5 for 5
12 years after the date on which the information is re-
13 ceived by the Coast Guard.

14 “(2) LIMITATION.—

15 “(A) IN GENERAL.—Paragraph (1) applies
16 to information described in subparagraph (B)
17 that is in the records of the Coast Guard only
18 if the information was submitted to the Coast
19 Guard in a competitive or noncompetitive proc-
20 ess having the potential for resulting in an
21 award, to the party submitting the information,
22 of a cooperative agreement for performance of
23 basic, applied, or advanced research authorized
24 by section 717 or another transaction author-
25 ized by subsection (a).

1 “(B) INFORMATION DESCRIBED.—The in-
2 formation referred to in subparagraph (A) is
3 the following:

4 “(i) A proposal, proposal abstract,
5 and supporting documents.

6 “(ii) A business plan submitted on a
7 confidential basis.

8 “(iii) Technical information submitted
9 on a confidential basis.

10 “(g) REGULATIONS.—The Commandant shall pre-
11 scribe regulations, as necessary, to carry out this section.

12 “(h) ANNUAL REPORT.—On the date on which the
13 President submits to Congress a budget pursuant to sec-
14 tion 1105 of title 31, the Commandant shall submit to
15 the Committees on Appropriations and Transportation
16 and Infrastructure of the House of Representatives and
17 the Committees on Appropriations and Commerce,
18 Science, and Transportation of the Senate a report de-
19 scribing each use of the authority provided under this sec-
20 tion during the most recently completed fiscal year, includ-
21 ing details of each use consisting of—

22 “(1) the amount of each transaction;

23 “(2) the entities or organizations involved;

24 “(3) the product or service received;

1 “(4) the research project for which the product
2 or service was required; and

3 “(5) the extent of the cost sharing among Fed-
4 eral Government and non-Federal sources.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 7 of title 14, United States Code, is amended by add-
7 ing at the end the following:

“719. Research projects; transactions other than contracts and grants.”.

8 **SEC. 9209. ACQUISITION WORKFORCE AUTHORITIES.**

9 (a) IN GENERAL.—Subchapter I of chapter 11 of title
10 14, United States Code, is amended by adding at the end
11 the following:

12 **“§ 1111. Acquisition workforce authorities**

13 “(a) EXPEDITED HIRING AUTHORITY.—

14 “(1) IN GENERAL.—For the purposes of section
15 3304 of title 5, the Commandant may—

16 “(A) designate any category of acquisition
17 positions within the Coast Guard as shortage
18 category positions; and

19 “(B) use the authorities in such section to
20 recruit and appoint highly qualified persons di-
21 rectly to positions so designated.

22 “(2) REPORTS.—The Commandant shall in-
23 clude in reports under section 1102 information de-
24 scribed in such section regarding positions des-
25 ignated under this subsection.

1 “(b) REEMPLOYMENT AUTHORITY.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), if an annuitant receiving an annuity from
4 the Civil Service Retirement and Disability Fund be-
5 comes employed in any category of acquisition posi-
6 tions designated by the Commandant under sub-
7 section (a), the annuity of the annuitant so em-
8 ployed shall continue. The annuitant so reemployed
9 shall not be considered an employee for purposes of
10 subchapter III of chapter 83 or chapter 84 of title
11 5.

12 “(2)(A) ELECTION.—An annuitant retired
13 under section 8336(d)(1) or 8414(b)(1)(A) of title 5,
14 receiving an annuity from the Civil Service Retire-
15 ment and Disability Fund, who becomes employed in
16 any category of acquisition positions designated by
17 the Commandant under subsection (a) after the date
18 of the enactment of the Elijah E. Cummings Coast
19 Guard Authorization Act of 2020, may elect to be
20 subject to section 8344 or 8468 of such title (as the
21 case may be).

22 “(i) DEADLINE.—An election for coverage
23 under this subsection shall be filed not later
24 than 90 days after the Commandant takes rea-

1 sonable actions to notify an employee who may
2 file an election.

3 “(ii) COVERAGE.—If an employee files an
4 election under this subsection, coverage shall be
5 effective beginning on the first day of the first
6 applicable pay period beginning on or after the
7 date of the filing of the election.

8 “(B) APPLICATION.—Paragraph (1) shall apply
9 to an individual who is eligible to file an election
10 under subparagraph (A) and does not file a timely
11 election under clause (i) of such subparagraph.”.

12 (b) CLERICAL AMENDMENT.—The analysis for sub-
13 chapter I of chapter 11 of title 14, United States Code,
14 is amended by adding at the end the following:

“1111. Acquisition workforce authorities.”.

15 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
16 404 of the Coast Guard Authorization Act of 2010 (Public
17 Law 111–281) is repealed.

18 **SEC. 9210. VESSEL CONVERSION, ALTERATION, AND RE-**
19 **PAIR PROJECTS.**

20 (a) IN GENERAL.—Notwithstanding any provision of
21 the Small Business Act (15 U.S.C. 631 et seq.) and any
22 regulation or policy implementing such Act, the Com-
23 mandant may use full and open competitive procedures,
24 as prescribed in section 2304 of title 10, United States

1 Code, to acquire maintenance and repair services for ves-
2 sels with a homeport in Coast Guard District 17.

3 (b) APPLICABILITY.—Subsection (a) shall apply only
4 if there are not at least 2 qualified small businesses lo-
5 cated in Coast Guard District 17 that are able and avail-
6 able to provide the services described in such subsection.

7 (c) LIMITATION.—The full and open competitive pro-
8 cedures described in subsection (a) may only be used to
9 acquire such services from a business located in Coast
10 Guard District 17 that is able and available to provide
11 such services.

12 **SEC. 9211. MODIFICATION OF ACQUISITION PROCESS AND**
13 **PROCEDURES.**

14 (a) EXTRAORDINARY RELIEF.—

15 (1) IN GENERAL.—Subchapter III of chapter
16 11 of title 14, United States Code, is amended by
17 adding at the end the following:

18 **“§ 1157. Extraordinary relief**

19 “(a) IN GENERAL.—With respect to any prime con-
20 tracting entity receiving extraordinary relief pursuant to
21 the Act entitled ‘An Act to authorize the making, amend-
22 ment, and modification of contracts to facilitate the na-
23 tional defense’, approved August 28, 1958 (Public Law
24 85–804; 50 U.S.C. 1432 et seq.) for a major acquisition,
25 the Secretary shall not consider any further request by

1 the prime contracting entity for extraordinary relief under
2 such Act for such major acquisition.

3 “(b) INAPPLICABILITY TO SUBCONTRACTORS.—The
4 limitation under subsection (a) shall not apply to sub-
5 contractors of a prime contracting entity.

6 “(c) QUARTERLY REPORT.—Not less frequently than
7 quarterly during each fiscal year in which extraordinary
8 relief is approved or provided to an entity under the Act
9 referred to in subsection (a) for the acquisition of Offshore
10 Patrol Cutters, the Commandant shall provide to the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate and the Committee on Transportation and Infra-
13 structure of the House of Representatives a report that
14 describes in detail such relief and the compliance of the
15 entity with the oversight measures required as a condition
16 of receiving such relief.”.

17 (3) ANALYSIS FOR CHAPTER 11.—The analysis
18 for chapter 11 of title 14, United States Code, is
19 amended by inserting after the item relating to sec-
20 tion 1156 the following:

“1157. Extraordinary relief.”.

21 (b) NOTICE TO CONGRESS WITH RESPECT TO
22 BREACH OF CONTRACT.—Section 1135 of title 14, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 “(d) NOTICE TO CONGRESS WITH RESPECT TO
2 BREACH OF CONTRACT.—Not later than 48 hours after
3 the Commandant becomes aware that a major acquisition
4 contract cannot be carried out under the terms specified
5 in the contract, the Commandant shall provide a written
6 notification to the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on
8 Transportation and Infrastructure of the House of Rep-
9 resentatives that includes—

10 “(1) a description of the terms of the contract
11 that cannot be met; and

12 “(2) an assessment of whether the applicable
13 contract officer has issued a cease and desist order
14 to the contractor based on the breach of such terms
15 of the contract.”.

16 **SEC. 9212. ESTABLISHMENT AND PURPOSE OF FUND; DEFINITION.**
17

18 Section 1461(a) of title 10, United States Code, is
19 amended by inserting “and the Coast Guard” after “liabil-
20 ities of the Department of Defense”.

21 **SEC. 9213. PAYMENTS FROM FUND.**

22 Section 1463(a) of title 10, United States Code, is
23 amended—

1 (1) in paragraph (1) by striking “and Marine
2 Corps” and inserting “Marine Corps, and Coast
3 Guard”;

4 (2) in paragraph (2) by striking “(other than
5 retired pay payable by the Secretary of Homeland
6 Security)”; and

7 (3) in paragraph (4) by inserting “and the De-
8 partment of Homeland Security that” after “De-
9 partment of Defense”.

10 **SEC. 9214. DETERMINATION OF CONTRIBUTIONS TO FUND.**

11 Section 1465 of title 10, United States Code, is
12 amended—

13 (1) in subsection (a)—

14 (A) by striking “(a) NOT” and inserting
15 the following:

16 “(a)(1) Not”; and

17 (B) by adding at the end the following:

18 “(2) Not later than October 1, 2022, the Board of
19 Actuaries shall determine the amount that is the present
20 value (as of September 30, 2022) of future benefits pay-
21 able from the Fund that are attributable to service in the
22 Coast Guard performed before October 1, 2022. That
23 amount is the original Coast Guard unfunded liability of
24 the Fund. The Board shall determine the period of time
25 over which the original Coast Guard unfunded liability

1 should be liquidated and shall determine an amortization
2 schedule for the liquidation of such liability over that pe-
3 riod. Contributions to the Fund for the liquidation of the
4 original Coast Guard unfunded liability in accordance with
5 such schedule shall be made as provided in section 1466(b)
6 of this title.”;

7 (2) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) in the matter preceding subpara-
10 graph (A)—

11 (I) by inserting “, in consultation
12 with the Secretary of the department
13 in which the Coast Guard is oper-
14 ating,” after “Secretary of Defense” ;
15 and

16 (II) by inserting “and Coast
17 Guard” after “Department of De-
18 fense”;

19 (ii) in subparagraph (A)(ii) by strik-
20 ing “(other than the Coast Guard)” and
21 inserting “members of the Armed Forces”;
22 and

23 (iii) in subparagraph (B)(ii) by strik-
24 ing “(other than the Coast Guard)”;

1 (B) in paragraph (2) by inserting “the
2 Coast Guard Retired Pay account and the”
3 after “appropriated to”; and

4 (C) in paragraph (3) by inserting “and
5 Coast Guard” after “Department of Defense”;
6 (3) in subsection (c)—

7 (A) in paragraph (1)—

8 (i) in the matter preceding subpara-
9 graph (A) by inserting “, in consultation
10 with the Secretary of the department in
11 which the Coast Guard is operating,” after
12 “Secretary of Defense”;

13 (ii) in subparagraph (A) by striking
14 “(other than the Coast Guard)” and in-
15 serting “members of the Armed Forces”;

16 (iii) in subparagraph (B) by striking
17 “(other than the Coast Guard)”;

18 (B) in paragraph (2) by inserting “, in
19 consultation with the Secretary of the depart-
20 ment in which the Coast Guard is operating,”
21 after “Secretary of Defense”;

22 (C) in paragraph (3) by inserting “, in
23 consultation with the Secretary of the depart-
24 ment in which the Coast Guard is operating,”
25 after “Secretary of Defense”;

1 (4) in subsection (e) by striking “Secretary of
2 Defense shall” and inserting “Secretary of Defense
3 and, with regard to the Coast Guard, the Secretary
4 of the department in which the Coast Guard is oper-
5 ating”.

6 **SEC. 9215. PAYMENTS INTO FUND.**

7 Section 1466 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph

11 (1)—

12 (i) by striking “Secretary of Defense
13 shall” and inserting “Secretary of Defense
14 and the Secretary of the department in
15 which the Coast Guard is operating, with
16 respect to the Coast guard, shall”; and

17 (ii) by striking “each month as the
18 Department of Defense contribution” and
19 inserting “each month the respective pro
20 rata share contribution of the Secretary of
21 Defense and the Secretary of the depart-
22 ment in which the Coast Guard is oper-
23 ating”; and

24 (B) in paragraph (1)(B) by striking
25 “(other than the Coast Guard)”; and

1 (C) by striking the flush language fol-
2 lowing paragraph (1)(B) and inserting the fol-
3 lowing new subsection:

4 “(b) Amounts paid into the Fund under this sub-
5 section shall be paid from funds available for as appro-
6 priate—

7 “(1) the pay of members of the armed forces
8 under the jurisdiction of the Secretary of a military
9 department; or

10 “(2) the Retired Pay appropriation for the
11 Coast Guard.”;

12 (2) by redesignating subsections (b) and (c) as
13 subsections (c) and (d), respectively; and

14 (3) in subsection (c) (as so redesignated)—

15 (A) in paragraph (2)(A) by striking “liabil-
16 ity of the Fund.” and inserting “liabilities of
17 the Fund for the Department of Defense and
18 the Coast Guard.”; and

19 (B) in paragraph (3) by inserting “and the
20 Secretary of the Department in which the Coast
21 Guard is operating” before “shall promptly”.

1 **Subtitle C—Access to Child Care**
2 **for Coast Guard Families**

3 **SEC. 9301. REPORT ON CHILD CARE AND SCHOOL-AGE**
4 **CARE ASSISTANCE FOR QUALIFIED FAMILIES.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of the enactment of this Act, the Comptroller
7 General of the United States shall submit to the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate and the Committee on Transportation and Infra-
10 structure of the House of Representatives a report on
11 child care and school-age care options available to quali-
12 fied families.

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

15 (1) FINANCIAL ASSISTANCE.—

16 (A) An assessment of—

17 (i) the subsidies and financial assist-
18 ance for child care and school-age care
19 made available by the Coast Guard to
20 qualified families; and

21 (ii) the extent to which qualified fami-
22 lies have taken advantage of such subsidies
23 and assistance.

24 (B) The average number of days be-
25 tween—

1 (i) the date on which an application
2 for a subsidy or other financial assistance
3 for child care or school-age care is sub-
4 mitted by a qualified family; and

5 (ii) upon approval of an application,
6 the date on which such subsidy or assist-
7 ance is received by the qualified family.

8 (C) Recommendations for streamlining the
9 payment of such subsidies and financial assist-
10 ance.

11 (D) The amount of funding allocated to
12 such subsidies and financial assistance.

13 (E) The remaining costs for child care or
14 school-age care to qualified families that are not
15 covered by the Coast Guard.

16 (F) A description of barriers to access to
17 such subsidies and financial assistance.

18 (G) The number of qualified families that
19 do not receive any such subsidies or financial
20 assistance.

21 (2) REGULATION OF CHILD CARE SERVICES.—

22 (A) An assessment of—

23 (i) the regulations of States with re-
24 spect to child care services (such as staff-
25 ing, space and furnishings, safety, cur-

riculum requirements, and allowable care hours); and

(ii) the effect that differences in such regulations may have on access to child care for qualified families.

(B) An assessment of—

(i) the regulations of the Coast Guard and the Department of Defense with respect to child development centers and other child care providers (including school-age care providers), and a comparison of such regulations with similar State regulations; and

(ii) the effect that such regulations may have on access to child care and school-age care for qualified families.

(C) The number of qualified families, and children, that do not have access to a Coast Guard child development center for child care.

(3) PARITY WITH DEPARTMENT OF DEFENSE.—The differences between child care and school-age care services offered by the Coast Guard and child care and school-age care authorities of the Coast Guard and the Department of Defense relating to the following:

1 (A) Authorized uses of appropriated funds
2 for child care and school-age care services.

3 (B) Access to, and total capacity of, Coast
4 Guard child development centers and Depart-
5 ment of Defense child development centers.

6 (C) Child care and school-age care pro-
7 grams or policy.

8 (D) Coast Guard and Department of De-
9 fense programs to provide additional assistance
10 to members and civilian employees with respect
11 to child care and school-age care options.

12 (E) Respite care programs.

13 (F) Nonappropriated funds.

14 (G) Coast Guard family child care centers.

15 (H) Coast Guard and Department of De-
16 fense publicly available online resources for
17 families seeking military child care and school-
18 age care.

19 (4) FEASIBILITY.—An analysis of the feasibility
20 of the Commandant entering into agreements with
21 private child care and school-age care service pro-
22 viders to provide child care and school-age care for
23 qualified families.

24 (5) AVAILABILITY.—An analysis of the avail-
25 ability of child care and school-age care for qualified

families, including accessibility after normal work hours, proximity, and total capacity.

(6) RECOMMENDATIONS.—Recommendations—

(A) to improve access to child care and school-age care for qualified families;

(B) to ensure parity between the Coast Guard and the Department of Defense with respect to child care and school-age care;

(C) to expand access to child care and school-age care for all qualified families, including qualified families that have a child with special needs; and

(D) to ensure that regional child care and child development center needs at the unit, sector, or district level are identified, assessed, and reasonably evaluated by the Commandant for future infrastructure needs.

(7) OTHER MATTERS.—A description or analysis of any other matter the Comptroller General considers relevant to the improvement of expanded access to child care and school-age care for qualified families.

**SEC. 9302. REVIEW OF FAMILY SUPPORT SERVICES
WEBSITE AND ONLINE TRACKING SYSTEM.**

(a) MEMORANDUM OF UNDERSTANDING.—

1 (1) IN GENERAL.—The Commandant shall
2 enter into a memorandum of understanding with the
3 Secretary of Defense to enable qualified families to
4 access the website at <https://militarychildcare.com>
5 (or a successor website) for purposes of Coast Guard
6 family access to information with respect to State-
7 accredited child development centers and other child
8 care support services as such services become avail-
9 able from the Department of Defense through such
10 website. The memorandum shall provide for the ex-
11 pansion of the geographical areas covered by such
12 website, including regions in which qualified families
13 live that are not yet covered by the program.

14 (2) INCLUSION OF CHILD DEVELOPMENT CEN-
15 TERS ACCESSIBLE UNDER PILOT PROGRAM.—The in-
16 formation accessible pursuant to the memorandum
17 of understanding required by paragraph (1) shall in-
18 clude information with respect to any child develop-
19 ment center accessible pursuant to the pilot program
20 under section 9304.

21 (3) ELECTRONIC REGISTRATION, PAYMENT,
22 AND TRACKING SYSTEM.—Not later than 1 year
23 after the date of the enactment of this Act, the
24 Commandant shall develop and maintain an internet

1 website of the Coast Guard accessible to qualified
2 families to carry out the following activities:

3 (A) Register children for a Coast Guard
4 child development center.

5 (B) Make online child care payments to a
6 Coast Guard child development center.

7 (C) Track the status of a child on the wait
8 list of a Coast Guard child development center,
9 including the placement and position of the
10 child on the wait list.

11 (b) WAIT LIST.—

12 (1) IN GENERAL.—The Commandant shall
13 maintain a record of the wait list for each Coast
14 Guard child development center.

15 (2) MATTERS TO BE INCLUDED.—Each record
16 under paragraph (1) shall include the following:

17 (A) The total number of children of quali-
18 fied families on the wait list.

19 (B) With respect to each child on the wait
20 list—

21 (i) the age of the child;

22 (ii) the number of days the child has
23 been on the wait list;

24 (iii) the position of the child on the
25 wait list;

- 1 (iv) any special needs consideration;
2 and
3 (v) information on whether a sibling
4 of the child is on the wait list of, or cur-
5 rently enrolled in, the Coast Guard child
6 development center concerned.

7 (3) REQUIREMENT TO ARCHIVE.—Information
8 placed in the record of a Coast Guard child develop-
9 ment center under paragraph (1) shall be archived
10 for a period of not less than 10 years after the date
11 of its placement in the record.

12 **SEC. 9303. STUDY AND SURVEY ON COAST GUARD CHILD**
13 **CARE NEEDS.**

14 (a) STUDY.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, and for each
17 of the 2 fiscal years thereafter, the Commandant
18 shall conduct a study on the child care needs of
19 qualified families that incorporates—

20 (A) the results of the survey under sub-
21 section (b); and

22 (B) any other information the Com-
23 mandant considers appropriate to ensure ade-
24 quate tracking and future needs-based assess-

1 ments with respect to adequate access to Coast
2 Guard child development centers.

3 (2) CONSULTATION.—In conducting a study
4 under paragraph (1), the Commandant may consult
5 a federally funded research and development center.

6 (3) SCOPE OF DATA.—The data obtained
7 through each study under paragraph (1) shall be ob-
8 tained on a regional basis, including by Coast Guard
9 unit, sector, and district.

10 (b) SURVEY.—

11 (1) IN GENERAL.—Together with each study
12 under subsection (a), and annually as the Com-
13 mandant considers appropriate, the Commandant
14 shall carry out a survey of individuals described in
15 paragraph (2) on access to Coast Guard child devel-
16 opment centers.

17 (2) PARTICIPANTS.—

18 (A) IN GENERAL.—The Commandant shall
19 seek the participation in the survey of the fol-
20 lowing Coast Guard individuals:

21 (i) Commanding officers, regardless of
22 whether the commanding officers have chil-
23 dren.

24 (ii) Regular and reserve personnel.

1 (iii) Spouses of individuals described
2 in clauses (i) and (ii).

3 (B) SCOPE OF PARTICIPATION.—Individ-
4 uals described in clauses (i) through (iii) of sub-
5 paragraph (A) shall be surveyed regardless of
6 whether such individuals use or have access to
7 Coast Guard child development centers or other
8 Federal child care facilities.

9 (C) VOLUNTARY PARTICIPATION.—Partici-
10 pation of any individual described in subpara-
11 graph (A) in a survey shall be on a voluntary
12 basis.

13 (c) AVAILABILITY.—On request, the Commandant
14 shall submit to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives the results of any study or survey under this
18 section.

19 **SEC. 9304. PILOT PROGRAM TO EXPAND ACCESS TO CHILD**
20 **CARE.**

21 (a) IN GENERAL.—Commencing not later than 60
22 days after the date on which the report under section 9301
23 is submitted, the Commandant shall carry out a pilot pro-
24 gram, based on the recommendations provided in such re-

1 port, to expand access to public or private child develop-
2 ment centers for qualified families.

3 (b) DURATION.—The duration of the pilot program
4 under subsection (a) shall be not more than 3 years begin-
5 ning on the date on which the pilot program is established.

6 (c) DISCHARGE ON DISTRICT BASIS.—The Com-
7 mandant—

8 (1) may carry out the pilot program on a dis-
9 trict basis; and

10 (2) shall include in the pilot program remote
11 and urban locations.

12 (d) RESERVATION OF CHILD CARE SLOTS.—As part
13 of the pilot program, the Commandant shall seek to enter
14 into one or more memoranda of understanding with one
15 or more child development centers to reserve slots for
16 qualified families in locations in which—

17 (1) the Coast Guard lacks a Coast Guard child
18 development center; or

19 (2) the wait lists for the nearest Coast Guard
20 child development center or Department of Defense
21 child development center, where applicable, indicate
22 that qualified families may not be accommodated.

23 (e) ANNUAL ASSESSMENT OF RESULTS.—As part of
24 any study conducted pursuant to section 9303(a) after the
25 end of the 1-year period beginning with the commence-

1 ment of the pilot program, the Commandant shall also un-
2 dertake a current assessment of the impact of the pilot
3 program on access to child development centers for quali-
4 fied families. The Commandant shall include the results
5 of any such assessment in the results of the most current
6 study or survey submitted pursuant to section 9303(a).

7 **SEC. 9305. IMPROVEMENTS TO COAST GUARD-OWNED FAM-**
8 **ILY HOUSING.**

9 Section 2922(b) of title 14, United States Code, is
10 amended by adding at the end the following:

11 “(4) To the maximum extent practicable, the
12 Commandant shall ensure that, in a location in
13 which Coast Guard family child care centers (as
14 such term is defined in section 9309 of the Elijah
15 E. Cummings Coast Guard Authorization Act of
16 2020) are necessary to meet the demand for child
17 care for qualified families (as such term is defined
18 in such section), not fewer than two housing units
19 are maintained in accordance with safety inspection
20 standards so as to accommodate family child care
21 providers.”.

1 **SEC. 9306. BRIEFING ON TRANSFER OF FAMILY CHILD**
2 **CARE PROVIDER QUALIFICATIONS AND CER-**
3 **TIFICATIONS.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Commandant shall
6 brief the Committee on Commerce, Science, and Transpor-
7 tation of the Senate and the Committee on Transportation
8 and Infrastructure of the House of Representatives on the
9 feasibility of developing a policy to allow the transfer of
10 a Coast Guard-mandated family child care provider quali-
11 fication or certification between Coast Guard-owned hous-
12 ing units if, as determined by the Commandant—

13 (1) the qualification or certification is not ex-
14 pired;

15 (2) the transfer of the qualification or certifi-
16 cation would not pose a danger to any child in the
17 care of the family child care provider; and

18 (3) the transfer would expedite the ability of
19 the family child care provider to establish, admin-
20 ister, and provide family home daycare in a Coast
21 Guard-owned housing unit.

22 (b) BRIEFING ELEMENT.—The briefing required by
23 subsection (a) shall include analysis of options for trans-
24 ferring a Coast Guard-mandated family child care pro-
25 vider qualification or certification as described in that sub-

1 section, and of any legal challenges associated with such
2 transfer.

3 (c) **RULE OF CONSTRUCTION.**—The policy under sub-
4 section (a) shall not be construed to supersede any other
5 applicable Federal, State, or local law (including regula-
6 tions) relating to the provision of child care services.

7 **SEC. 9307. INSPECTIONS OF COAST GUARD CHILD DEVELOP-**
8 **MENT CENTERS AND FAMILY CHILD CARE**
9 **PROVIDERS.**

10 (a) **INSPECTIONS.**—Section 2923 of title 14, United
11 States Code, is amended by striking subsection (b) and
12 inserting the following:

13 “(b) **INSPECTIONS.**—

14 “(1) **IN GENERAL.**—Not less than twice annu-
15 ally, the Commandant shall ensure that each Coast
16 Guard child development center is subject to an un-
17 announced inspection.

18 “(2) **RESPONSIBILITY FOR INSPECTIONS.**—Of
19 the biannual inspections under paragraph (1)—

20 “(A) 1 shall be carried out by a represent-
21 ative of the Coast Guard installation served by
22 the Coast Guard child development center con-
23 cerned; and

1 “(B) 1 shall be carried out by a represent-
2 ative of the Coast Guard child development
3 services work-life programs.”.

4 (b) FAMILY CHILD CARE PROVIDERS.—

5 (1) IN GENERAL.—Chapter 29 of title 14,
6 United States Code, is amended by adding at the
7 end the following:

8 **“§ 2926. Family child care providers**

9 “(a) IN GENERAL.—Not less frequently than quar-
10 terly, the Commandant shall ensure that each family child
11 care provider is subject to inspection.

12 “(b) RESPONSIBILITY FOR INSPECTIONS.—Of the
13 quarterly inspections under subsection (a) each year—

14 “(1) 3 inspections shall be carried out by a rep-
15 resentative of the Coast Guard installation served by
16 the family child care provider concerned; and

17 “(2) 1 inspection shall be carried out by a rep-
18 resentative of the Coast Guard child development
19 services work-life programs.”.

20 (2) CLERICAL AMENDMENT.—The analysis for
21 chapter 29 of title 14, United States Code, is
22 amended by adding at the end the following:

“2926. Family child care providers.”.

1 **SEC. 9308. EXPANDING OPPORTUNITIES FOR FAMILY CHILD**
2 **CARE.**

3 Not later than 1 year after the date of the enactment
4 of this Act, the Commandant shall—

5 (1) establish a procedure to allow Coast Guard
6 family child care centers to occur at off-base hous-
7 ing, including off-base housing owned or subsidized
8 by the Coast Guard; and

9 (2) establish a procedure to ensure that all re-
10 quirements with respect to such family child care
11 programs are met, including home inspections.

12 **SEC. 9309. DEFINITIONS.**

13 In this subtitle:

14 (1) COAST GUARD CHILD DEVELOPMENT CEN-
15 TER.—The term “Coast Guard child development
16 center” has the meaning given that term in section
17 2921(3) of title 14, United States Code.

18 (2) COAST GUARD FAMILY CHILD CARE CEN-
19 TER.—The term “Coast Guard family child care
20 center” means a location at which family home
21 daycare is provided.

22 (3) FAMILY CHILD CARE PROVIDER.—The term
23 “family child care provider” means an individual
24 who provides family home daycare.

1 (4) FAMILY HOME DAYCARE.—The term “fam-
2 ily home daycare” has the meaning given that term
3 in section 2921(5) of title 14, United States Code.

4 (5) QUALIFIED FAMILY.—The term “qualified
5 family” means any regular, reserve, or retired mem-
6 ber of the Coast Guard, and any civilian employee
7 of the Coast Guard, with one or more dependents.

8 **Subtitle D—Reports**

9 **SEC. 9401. MODIFICATIONS OF CERTAIN REPORTING RE-** 10 **QUIREMENTS.**

11 (a) ESPECIALLY HAZARDOUS CARGO.—Subsection
12 (e) of section 70103 of title 46, United States Code, is
13 amended to read as follows:

14 “(e) ESPECIALLY HAZARDOUS CARGO.—

15 “(1) ENFORCEMENT OF SECURITY ZONES.—
16 Consistent with other provisions of Federal law, the
17 Coast Guard shall coordinate and be responsible for
18 the enforcement of any Federal security zone estab-
19 lished by the Coast Guard around a vessel con-
20 taining especially hazardous cargo. The Coast Guard
21 shall allocate available resources so as to deter and
22 respond to a transportation security incident, to the
23 maximum extent practicable, and to protect lives or
24 protect property in danger.

1 “(2) ESPECIALLY HAZARDOUS CARGO DE-
2 FINED.—In this subsection, the term ‘especially haz-
3 ardous cargo’ means anhydrous ammonia, ammo-
4 nium nitrate, chlorine, liquefied natural gas, lique-
5 fied petroleum gas, and any other substance, mate-
6 rial, or group or class of material, in a particular
7 amount and form that the Secretary determines by
8 regulation poses a significant risk of creating a
9 transportation security incident while being trans-
10 ported in maritime commerce.”.

11 (b) COMPLIANCE WITH SECURITY STANDARDS.—
12 Section 809 of the Coast Guard and Maritime Transpor-
13 tation Act of 2004 (Public Law 108–293; 46 U.S.C.
14 70101 note) is amended by striking subsections (g) and
15 (i).

16 (c) MARINE SAFETY LONG-TERM STRATEGY.—Sec-
17 tion 2116 of title 46, United States Code, is amended—

18 (1) in subsection (a), by striking “The strategy
19 shall include the issuance of a triennial plan” and
20 inserting “The 5-year strategy shall include the
21 issuance of a plan”;

22 (2) in subsection (b)—

23 (A) in the subsection heading, by striking
24 “CONTENTS OF STRATEGY AND TRIENNIAL

1 PLANS” and inserting “5–YEAR STRATEGY AND
2 PLAN”;

3 (B) in paragraph (1), in the matter pre-
4 ceding subparagraph (A), by striking “strategy
5 and triennial plans” and inserting “5-year
6 strategy and plan”; and

7 (C) in paragraph (2)—

8 (i) in the matter preceding subpara-
9 graph (A), by striking “strategy and tri-
10 ennial plans” and inserting “5-year strat-
11 egy and plan”; and

12 (ii) in subparagraph (A), by striking
13 “plans” and inserting “plan”;

14 (3) in subsection (c)—

15 (A) by striking “Beginning with fiscal year
16 2020 and triennially thereafter, the Secretary”
17 and inserting “Not later than 5 years after the
18 date of the enactment of the Elijah E. Cum-
19 mings Coast Guard Authorization Act of 2020,
20 and every 5 years thereafter, the Secretary”;
21 and

22 (B) by striking “triennial”; and

23 (4) in subsection (d)—

24 (A) in paragraph (1), by striking “No less
25 frequently than semiannually” and inserting

1 “In conjunction with the submission of the 5-
2 year strategy and plan”; and

3 (B) in paragraph (2)—

4 (i) in the heading, by striking “RE-
5 PORT TO CONGRESS” and inserting “PERI-
6 ODIC BRIEFINGS”;

7 (ii) in the matter preceding subpara-
8 graph (A), by striking “report triennially”
9 and all that follows through “the Senate”
10 and inserting “periodically brief the Com-
11 mittee on Commerce, Science, and Trans-
12 portation of the Senate and the Committee
13 on Transportation and Infrastructure of
14 the House of Representatives”;

15 (iii) in subparagraph (A)—

16 (I) by striking “annual”; and

17 (II) by striking “for the year cov-
18 ered by the report” and inserting “for
19 the period covered by the briefing”;
20 and

21 (iv) in subparagraph (B)(ii), by strik-
22 ing “plans” and inserting “plan”.

23 (d) ABANDONED SEAFARERS FUND.—Section
24 11113(a) of title 46, United States Code, is amended—

1 (1) in paragraph (4), by striking “On the date”
2 and inserting “Except as provided in paragraph (5),
3 on the date”; and

4 (2) by adding at the end the following:

5 “(5) NO REPORT REQUIRED.—A report under
6 paragraph (4) shall not be required if there were no
7 expenditures from the Fund in the preceding fiscal
8 year. The Commandant shall notify Congress in the
9 event a report is not required under paragraph (4)
10 by reason of this paragraph.”.

11 (e) MAJOR ACQUISITION PROGRAM RISK ASSESS-
12 MENT.—Section 5107 of title 14, United States Code, is
13 amended—

14 (1) in subsection (a), by striking “April 15 and
15 October 15” and inserting “October 15”; and

16 (2) in subsection (b)—

17 (A) in paragraph (2), by striking “the 2
18 fiscal-year quarters preceding such assessment”
19 and inserting “the previous fiscal year”;

20 (B) in paragraph (3), by striking “such 2
21 fiscal-year quarters” and inserting “such fiscal
22 year”;

23 (C) in paragraph (4), by striking “such 2
24 fiscal-year quarters” and inserting “such fiscal
25 year”; and

1 (D) in paragraph (5), by striking “such 2
2 fiscal-year quarters” and inserting “such fiscal
3 year”.

4 **SEC. 9402. REPORT ON CYBERSECURITY WORKFORCE.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Commandant shall
7 submit to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives a report on how the Coast Guard plans to
11 establish a workforce with the cybersecurity expertise to
12 provide prevention assessments and response capacity to
13 Operational Technology and Industrial Control Systems in
14 national port and maritime environments.

15 (b) CONTENTS.—The report under subsection (a)
16 shall include the following:

17 (1) A description of the number and skills of
18 active duty and reserve Coast Guard members ex-
19 pected for initial operating capacity and full oper-
20 ating capacity of the workforce described in sub-
21 section (a).

22 (2) A description of the career development
23 path for officers and enlisted members participating
24 in the workforce.

1 (3) A determination of how the workforce will
2 fulfill the cybersecurity needs of the Area Maritime
3 Security Council and United States port environ-
4 ments.

5 (4) A determination of how the workforce will
6 integrate with the Hunt and Incident Response and
7 Assessment Teams of the Cyber and Infrastructure
8 Security Agency of the Department of Homeland Se-
9 curity.

10 (5) An assessment of successful models used by
11 other Armed Forces, including the National Guard,
12 to recruit, maintain, and utilize a cyber workforce,
13 including the use of Reserve personnel for that pur-
14 pose.

15 **SEC. 9403. REPORT ON NAVIGATION AND BRIDGE RE-**
16 **SOURCE MANAGEMENT.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Commandant shall
19 submit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives a report on the training and qualification
23 processes of the Coast Guard for deck watch officers, with
24 a specific focus on basic navigation, bridge resource man-
25 agement, crew rest, and qualification processes.

1 (b) CONTENTS.—The report under subsection (a)
2 shall include the following:

3 (1) Recommendations for improving prearrival
4 training, if necessary, and an assessment of how
5 commercial industry best practices on prearrival
6 training can be incorporated into military at sea
7 watchkeeping.

8 (2) A detailed description of the deck watch of-
9 ficer assessment process of the Coast Guard.

10 (3) A list of programs that have been approved
11 for credit toward merchant mariner credentials.

12 (4) A complete analysis of the gap between the
13 existing curriculum for deck watch officer training
14 and the Standards of Training, Certification, and
15 Watchkeeping for officer in charge of a navigational
16 watch at the operational level, Chief level, and Mas-
17 ter level.

18 (5) A complete analysis of the gap between the
19 existing training curriculum for deck watch officers
20 and the licensing requirement for 3rd mate unlim-
21 ited, Chief, and Master.

22 (6) An assessment of deck watch officer options
23 to complete the 3rd mate unlimited license and the
24 qualification under the Standards of Training, Cer-

1 tification, and Watchkeeping for officer in charge of
2 a navigational watch.

3 (7) An assessment of senior deck watch officer
4 options to complete the Chief Mate and Master un-
5 limited license and the qualification under the
6 Standards of Training, Certification, and
7 Watchkeeping for Chief Mate and Master.

8 **SEC. 9404. REPORT ON HELICOPTER LIFE-CYCLE SUPPORT**
9 **AND RECAPITALIZATION.**

10 Not later than 180 days after the date of the enact-
11 ment of this Act, the Commandant shall submit to the
12 Committee on Commerce, Science, and Transportation of
13 the Senate and the Committee on Transportation and In-
14 frastructure of the House of Representatives a report
15 that—

16 (1) includes an updated fleet life-cycle analysis
17 and service life extension plan that includes dynamic
18 components, and which clearly demonstrates the
19 mission viability of the MH-65 through anticipated
20 fleet recapitalization;

21 (2) includes a realistic sustainment budget nec-
22 essary to achieve the operational availability rates
23 necessary to meet MH-65 mission requirements
24 through fleet recapitalization;

1 (3) includes an update on the status of the
2 Coast Guard MH–65 helicopter recapitalization; and

3 (4) includes a description of any alternative,
4 available, and cost-effective Government and civil
5 systems, or updates, that the Coast Guard is consid-
6 ering for MH–65 operational missions, including
7 Coast Guard cutter deployability requirements, in
8 the event of delays to the future vertical lift program
9 of the Coast Guard.

10 **SEC. 9405. REPORT ON COAST GUARD RESPONSE CAPABILI-**
11 **TIES FOR CYBER INCIDENTS ON VESSELS EN-**
12 **TERING PORTS OR WATERS OF THE UNITED**
13 **STATES.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of the enactment of this Act, the Commandant shall
16 submit to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives a report on the response capabilities of the
20 Coast Guard with respect to cyber incidents on vessels en-
21 tering ports or waters of the United States.

22 (b) REVIEW.—The report under subsection (a) shall
23 include a review of each of the following:

24 (1) The number and type of commercial vessels
25 of the United States subject to regulations under

1 part 104 of title 33, Code of Federal Regulations (or
2 any corresponding similar regulation or ruling).

3 (2) Policies and guidance issued by the Com-
4 mandant, in accordance with guidelines on cyber risk
5 management of the International Maritime Organi-
6 zation, to vessels of the United States.

7 (3) Measures to be taken by owners or opera-
8 tors of commercial vessels of the United States to
9 increase cybersecurity posture on such vessels.

10 (4) Responses of the Commandant to cyber in-
11 cidents on vessels described in paragraph (1) prior
12 to the date of the enactment of this Act.

13 (5) Response protocols followed by personnel of
14 the Coast Guard to a cyber incident on any vessel
15 described in paragraph (1) experienced while that
16 vessel is traveling to ports or waters of the United
17 States.

18 (6) Oversight by the Commandant of—

19 (A) vessel-to-facility interface, as defined
20 in section 101.105 of title 33, Code of Federal
21 Regulations (or any corresponding similar regu-
22 lation or ruling); and

23 (B) actions taken by the Coast Guard in
24 coordination with vessel and facility owners and
25 operators to protect commercial vessels and

1 port facility infrastructure from cyber attacks
2 and proliferation.

3 (7) Requirements of the Commandant for the
4 reporting of cyber incidents that occur on the vessels
5 described in paragraph (1).

6 (c) RECOMMENDATIONS AND APPROPRIATIONS.—
7 The Commandant shall include in the report under sub-
8 section (a)—

9 (1) recommendations—

10 (A) to improve cyber incident response;
11 and

12 (B) for policies to address gaps identified
13 by the review under subsection (b); and

14 (2) a description of authorities and appropria-
15 tions necessary to improve the preparedness of the
16 Coast Guard for cyber incidents on vessels entering
17 ports or waters of the United States and the ability
18 of the Coast Guard to prevent and respond to such
19 incidents.

20 (d) FORM.—The report required under subsection (a)
21 shall be submitted in unclassified form, but may contain
22 a classified annex.

23 (e) VESSEL OF THE UNITED STATES DEFINED.—In
24 this section, the term “vessel of the United States” has

1 the meaning given such term in section 116 of title 46,
2 United States Code.

3 **SEC. 9406. STUDY AND REPORT ON COAST GUARD INTER-**
4 **DICTION OF ILLICIT DRUGS IN TRANSIT**
5 **ZONES.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The Coast Guard seizes an average of 1,221
9 pounds of cocaine and 85 pounds of marijuana each
10 day in the transit zones of the Eastern Pacific
11 Ocean, Caribbean Sea, and Southern maritime bor-
12 der approaches.

13 (2) The Joint Interagency Task Force—South
14 (JIATF—South) estimates that it has a spectrum of
15 actionable intelligence on more than 80 percent of
16 drug movements into the United States from Central
17 America and South America.

18 (3) The Coast Guard must balance asset alloca-
19 tion across 11 statutory missions. As such, the
20 Coast Guard interdicts less than 10 percent of mari-
21 time noncommercial smuggling of illicit drugs into
22 the United States from Central America and South
23 America.

1 (4) In 2017, the Government Accountability Of-
2 fice recommended that the Commandant of the
3 Coast Guard—

4 (A) develop new performance goals relating
5 to the interdiction of illicit drugs smuggled into
6 the United States, or describe the manner in
7 which existing goals are sufficient;

8 (B) report such goals to the public;

9 (C) assess the extent to which limitations
10 in performance data with respect to such goals
11 are documented;

12 (D) document measurable corrective ac-
13 tions and implementation timeframes with re-
14 spect to such goals; and

15 (E) document efforts to monitor implemen-
16 tation of such corrective actions.

17 (b) STUDY.—The Secretary of the Department in
18 which the Coast Guard is operating, in coordination with
19 the Secretary of Defense and the heads of other relevant
20 Federal agencies, shall conduct a study in order to identify
21 gaps in resources that contribute to low interdiction rates
22 for maritime noncommercial smuggling of illicit drugs into
23 the United States from Central America and South Amer-
24 ica despite having actionable intelligence on more than 80
25 percent of drug movements in the transit zones of the

1 Eastern Pacific Ocean, Caribbean Sea, and Southern mar-
2 itime border approaches.

3 (c) REPORT.—Not later than 1 year after the date
4 of the enactment of this Act, the Secretary of the Depart-
5 ment in which the Coast Guard is operating shall submit
6 to the Committee on Commerce, Science, and Transpor-
7 tation of the Senate and the Committee on Transportation
8 and Infrastructure of the House of Representatives a re-
9 port on the results of the study under subsection (b). Such
10 report shall include—

11 (1) a statement of the Coast Guard mission re-
12 quirements for drug interdiction in the Caribbean
13 basin;

14 (2) the number of maritime surveillance hours
15 and Coast Guard assets used in each of fiscal years
16 2017 through 2019 to counter the illicit trafficking
17 of drugs and other related threats throughout the
18 Caribbean basin; and

19 (3) a determination of whether such hours and
20 assets satisfied the Coast Guard mission require-
21 ments for drug interdiction in the Caribbean basin.

22 (d) FORM.—The report required under subsection (a)
23 shall be submitted in unclassified form, but may contain
24 a classified annex.

1 **SEC. 9407. REPORT ON LIABILITY LIMITS SET IN SECTION**
2 **1004 OF THE OIL POLLUTION ACT OF 1990.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Commandant shall submit to the
5 Committee on Commerce, Science, and Transportation of
6 the Senate and the Committee on Transportation and In-
7 frastructure of the House of Representatives a report set-
8 ting forth the following:

9 (1) Each liability limit set under section 1004
10 of the Oil Pollution Act of 1990 (33 U.S.C. 2704),
11 including the statutory or regulatory authority es-
12 tablishing such limit.

13 (2) If the Commandant determines that any li-
14 ability limit listed in such section should be modi-
15 fied—

16 (A) a description of the modification;

17 (B) a justification for such modification;

18 and

19 (C) a recommendation for legislative or
20 regulatory action to achieve such modification.

21 **SEC. 9408. REPORT ON COAST GUARD DEFENSE READINESS**
22 **RESOURCES ALLOCATION.**

23 (a) **REPORT REQUIRED.**—Not later than 180 days
24 after the date of the enactment of this Act, the Comp-
25 troller General of the United States shall submit to the
26 Committee on Transportation and Infrastructure of the

1 House of Representatives and the Committee on Com-
2 merce, Science, and Transportation of the Senate a report
3 on the allocation of resources by the Coast Guard to sup-
4 port its defense readiness mission.

5 (b) CONTENTS.—The report required by subsection
6 (a) shall include the following elements:

7 (1) Funding levels allocated by the Coast Guard
8 to support defense readiness missions for each of the
9 past 10 fiscal years.

10 (2) Funding levels transferred or otherwise pro-
11 vided by the Department of Defense to the Coast
12 Guard in support of the Coast Guard's defense read-
13 iness missions for each of the past 10 fiscal years.

14 (3) The number of Coast Guard detachments
15 assigned in support of the Coast Guard's defense
16 readiness mission for each of the past 10 fiscal
17 years.

18 (c) ASSESSMENT.—In addition to the elements de-
19 tailed in subsection (b), the report shall include an assess-
20 ment of the impacts on the Coast Guard's non-defense
21 mission readiness and operational capabilities due to the
22 annual levels of reimbursement provided by the Depart-
23 ment of Defense to compensate the Coast Guard for its
24 expenses to fulfill its defense readiness mission.

1 **SEC. 9409. REPORT ON THE FEASIBILITY OF LIQUEFIED**
2 **NATURAL GAS FUELED VESSELS.**

3 Not later than 1 year after the date of the enactment
4 of this Act, the Commandant shall submit to the Com-
5 mittee on Transportation and Infrastructure of the House
6 of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report on the
8 following:

9 (1) The feasibility, safety, and cost effectiveness
10 of using liquefied natural gas to fuel new Coast
11 Guard vessels.

12 (2) The feasibility, safety, and cost effectiveness
13 of converting existing vessels to run on liquefied nat-
14 ural gas fuels.

15 (3) The operational feasibility of using liquefied
16 natural gas to fuel Coast Guard vessels.

17 **SEC. 9410. COAST GUARD AUTHORITIES STUDY.**

18 (a) IN GENERAL.—The Secretary of the department
19 in which the Coast Guard is operating shall seek to enter
20 into an arrangement with the National Academy of
21 Sciences not later than 60 days after the date of the enact-
22 ment of this Act under which the Academy shall prepare
23 an assessment of Coast Guard authorities.

24 (b) ASSESSMENT.—The assessment under subsection
25 (a) shall provide—

1 (1) an examination of emerging issues that may
2 require Coast Guard oversight, regulation, or action;

3 (2) a description of potential limitations and
4 shortcomings of relying on current Coast Guard au-
5 thorities to address emerging issues; and

6 (3) an overview of adjustments and additions
7 that could be made to existing Coast Guard authori-
8 ties to fully address emerging issues.

9 (c) REPORT TO THE CONGRESS.—Not later than 1
10 year after entering into an arrangement with the Sec-
11 retary under subsection (a), the National Academy of
12 Sciences shall submit to the Committee on Transportation
13 and Infrastructure of the House of Representatives and
14 the Committee on Commerce, Science, and Transportation
15 of the Senate the assessment under this section.

16 (d) EMERGING ISSUES.—In this section, the term
17 “emerging issues” means changes in the maritime indus-
18 try and environment that in the determination of the Na-
19 tional Academy of Sciences are reasonably likely to occur
20 within 10 years after the date of the enactment of this
21 Act, including—

22 (1) the introduction of new technologies in the
23 maritime domain;

24 (2) the advent of new processes or operational
25 activities in the maritime domain; and

1 (3) changes in the use of navigable waterways.

2 (e) FORM.—The assessment required under sub-
3 section (a) shall be submitted in unclassified form, but
4 may contain a classified annex.

5 **SEC. 9411. REPORT ON EFFECTS OF CLIMATE CHANGE ON**
6 **COAST GUARD.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this Act, the Commandant shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on vulnerabilities of Coast Guard installa-
13 tions and requirements resulting from climate change over
14 the next 20 years.

15 (b) ELEMENTS.—The report under subsection (a)
16 shall include the following:

17 (1) A list of the 10 most vulnerable Coast
18 Guard installations based on the effects of climate
19 change, including rising sea tides, increased flooding,
20 drought, desertification, wildfires, thawing perma-
21 frost, or any other categories the Commandant de-
22 termines necessary.

23 (2) An overview of—

24 (A) mitigations that may be necessary to
25 ensure the continued operational viability and

1 to increase the resiliency of the identified vul-
2 nerable installations; and

3 (B) the cost of such mitigations.

4 (3) A discussion of the climate-change-related
5 effects on the Coast Guard, including—

6 (A) the increase in the frequency of hu-
7 manitarian assistance and disaster relief mis-
8 sions; and

9 (B) campaign plans, contingency plans,
10 and operational posture of the Coast Guard.

11 (4) An overview of mitigations that may be nec-
12 essary to ensure mission resiliency and the cost of
13 such mitigations.

14 (c) FORM.—The report required under subsection (a)
15 shall be submitted in unclassified form, but may contain
16 a classified annex.

17 **SEC. 9412. SHORE INFRASTRUCTURE.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Commandant
20 shall—

21 (1) develop a plan to standardize Coast Guard
22 facility condition assessments;

23 (2) establish shore infrastructure performance
24 goals, measures, and baselines to track the effective-

1 ness of maintenance and repair investments and pro-
2 vide feedback on progress made;

3 (3) develop a process to routinely align the
4 Coast Guard shore infrastructure portfolio with mis-
5 sion needs, including disposing of unneeded assets;

6 (4) establish guidance for planning boards to
7 document inputs, deliberations, and project
8 prioritization decisions for infrastructure mainte-
9 nance projects;

10 (5) employ models for Coast Guard infrastruc-
11 ture asset lines for—

12 (A) predicting the outcome of investments
13 in shore infrastructure;

14 (B) analyzing tradeoffs; and

15 (C) optimizing decisions among competing
16 investments;

17 (6) include supporting details about competing
18 project alternatives and report tradeoffs in congres-
19 sional budget requests and related reports; and

20 (7) explore the development of real property
21 management expertise within the Coast Guard work-
22 force, including members of the Senior Executive
23 Service.

24 (b) BRIEFING.—Not later than December 31, 2020,
25 the Commandant shall brief the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives
2 and the Committee on Commerce, Science, and Transpor-
3 tation of the Senate on the status of the actions required
4 under subsection (a).

5 **SEC. 9413. COAST GUARD HOUSING; STATUS AND AUTHORI-**
6 **TIES BRIEFING.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Commandant shall provide to the
9 Committee on Transportation and Infrastructure of the
10 House of Representatives and the Committee on Com-
11 merce, Science, and Transportation of the Senate a brief-
12 ing on Coast Guard housing, including—

13 (1) a description of the material condition of
14 Coast Guard housing facilities;

15 (2) the amount of current Coast Guard housing
16 construction and deferred maintenance backlogs;

17 (3) an overview of the manner in which the
18 Coast Guard manages and maintains housing facili-
19 ties;

20 (4) a discussion of whether reauthorizing hous-
21 ing authorities for the Coast Guard similar to those
22 provided in section 208 of the Coast Guard Author-
23 ization Act of 1996 (Public Law 104–324); and

1 (5) recommendations regarding how the Con-
2 gress could adjust those authorities to prevent mis-
3 management of Coast Guard housing facilities.

4 **SEC. 9414. PHYSICAL ACCESS CONTROL SYSTEM REPORT.**

5 Not later 180 days after the date of the enactment
6 of this Act, and annually for each of the 4 years there-
7 after, the Commandant shall submit to the Committee on
8 Transportation and Infrastructure of the House of Rep-
9 resentatives and the Committee on Commerce, Science,
10 and Transportation of the Senate a report regarding the
11 status of the Coast Guard's compliance with Homeland
12 Security Presidential Directive 12 (HSPD-12) and Fed-
13 eral Information Processing Standard 201 (FIPS-201),
14 including—

15 (1) the status of Coast Guard efforts to field a
16 comprehensive Physical Access Control System at
17 Coast Guard installations and locations necessary to
18 bring the Service into compliance with HSPD-12
19 and FIPS-201B;

20 (2) the status of the selection of a technological
21 solution;

22 (3) the estimated phases and timeframe to com-
23 plete the implementation of such a system; and

24 (4) the estimated cost for each phase of the
25 project.

1 **SEC. 9415. STUDY ON CERTIFICATE OF COMPLIANCE IN-**
2 **SPECTION PROGRAM WITH RESPECT TO VES-**
3 **SELS THAT CARRY BULK LIQUEFIED GASES**
4 **AS CARGO AND LIQUEFIED NATURAL GAS**
5 **TANK VESSELS.**

6 (a) GAO REPORT.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of the enactment of this Act, the Comp-
9 troller General of the United States shall submit to
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives a report on the resources, regula-
14 tions, policies, protocols, and other actions designed
15 to carry out the Coast Guard Certificate of Compli-
16 ance program with respect to liquefied natural gas
17 tank vessels (including examinations under section
18 153.808 of title 46, Code of Federal Regulations)
19 and vessels that carry bulk liquefied gases as cargo
20 (including examinations under part 154 of title 46,
21 Code of Federal Regulations) for purposes of main-
22 taining the efficiency of examinations under that
23 program.

24 (2) CONTENTS.—The report under paragraph
25 (1) shall include an assessment of the adequacy of
26 current Coast Guard resources, regulations, policies,

1 and protocols to maintain vessel examination effi-
2 ciency while carrying out the program referred to in
3 paragraph (1) as United States bulk liquefied gases
4 cargo, liquefied natural gas exports, and associated
5 vessel traffic at United States ports increase.

6 (b) NATIONAL ACADEMIES STUDY.—

7 (1) IN GENERAL.—Not later than 6 months
8 after the date on which the report required under
9 subsection (a) is submitted, the Commandant shall
10 enter into an agreement with the National Acad-
11 emies under which the National Academies shall—

12 (A) conduct an evaluation of the con-
13 straints and challenges to maintaining examina-
14 tion efficiency under the program as United
15 States bulk liquefied gases cargo, liquefied nat-
16 ural gas exports, and associated vessel traffic at
17 United States ports increase; and

18 (B) issue recommendations for changes to
19 resources, regulations, policies, and protocols to
20 maintain the efficiency of the program, includ-
21 ing analysis of the following alternatives:

22 (i) Establishment of a Coast Guard
23 marine examination unit near the Panama
24 Canal to conduct inspections under the
25 program on liquefied natural gas tank ves-

1 sels bound for the United States, similar to
2 Coast Guard operations carried out by
3 Coast Guard Activities Europe and Coast
4 Guard Activities Far East, including the
5 effects of the establishment of such a unit
6 on the domestic aspects of the program.

7 (ii) Management of all marine exam-
8 iners with gas carrier qualification within
9 each Coast Guard District by a single Offi-
10 cer in Charge, Marine Inspection (as de-
11 fined in section 50.10–10 of title 46, Code
12 of Federal Regulations) to improve the ef-
13 ficiency of their vessel examination assign-
14 ments.

15 (iii) Extension of the duration of as-
16 signment of marine examiners with a gas
17 carrier qualification at Coast Guard units
18 that most frequently inspect vessels that
19 carry bulk liquefied gases as cargo and liq-
20 uefied natural gas tank vessels.

21 (iv) Increase in the use of civilians to
22 conduct and support examinations under
23 the program.

24 (v) Extension of the duration of cer-
25 tificates of compliance under the program

1 for vessels that carry bulk liquefied gases
2 as cargo and liquefied natural gas tank
3 vessels that are less than 10 years of age
4 and participate in a Coast Guard vessel
5 quality program.

6 **SEC. 9416. COMPTROLLER GENERAL OF THE UNITED**
7 **STATES REVIEW AND REPORT ON COAST**
8 **GUARD'S INTERNATIONAL PORT SECURITY**
9 **PROGRAM.**

10 (a) GAO REPORT.—Not later than 1 year after the
11 date of the enactment of this Act, the Comptroller General
12 of the United States shall submit to the Committee on
13 Commerce, Science, and Transportation of the Senate and
14 the Committee on Transportation and Infrastructure of
15 the House of Representatives a report setting forth the
16 results of a comprehensive review, conducted by the Comp-
17 troller General for purposes of the report, on the Coast
18 Guard's International Port Security Program, including
19 the findings, and any recommendations for improvement
20 of the program, of the Comptroller General.

21 (b) REQUIRED ELEMENTS OF REVIEW.—The review
22 required under subsection (a) shall include—

23 (1) review of the actions of the Coast Guard
24 under the Coast Guard's International Port Security

1 Program, since 2014, to enhance foreign port in-
2 spections;

3 (2) review of the actions of the Coast Guard to
4 recognize and monitor port inspection programs of
5 foreign governments;

6 (3) identification and review of the actions the
7 Coast Guard takes to address any deficiencies it ob-
8 serves during visits at foreign ports;

9 (4) identify and review the benchmarks of the
10 Coast Guard for measuring the effectiveness of the
11 program; and

12 (5) review of the extent to which the Coast
13 Guard and United States Customs and Border Pro-
14 tection coordinate efforts to screen and inspect cargo
15 at foreign ports.

16 **SEC. 9417. COMPTROLLER GENERAL OF THE UNITED**
17 **STATES REVIEW AND REPORT ON SURGE CA-**
18 **PACITY OF THE COAST GUARD.**

19 (a) GAO REPORT.—Not later than 60 days after the
20 date of the enactment of this Act, the Comptroller General
21 of the United States shall submit to the Committee on
22 Commerce, Science, and Transportation of the Senate and
23 the Committee on Transportation and Infrastructure of
24 the House of Representatives a report setting for the re-
25 sults of a comprehensive review, conducted by the Comp-

1 troller General for purposes of the report, on the surge
2 capacity of the Coast Guard to respond to a catastrophic
3 incident (such as a hurricane), including the findings, and
4 any recommendations for improvement, of the Comptroller
5 General.

6 (b) REQUIRED ELEMENTS OF REVIEW.—The review
7 required under subsection (a) shall include—

8 (1) a description and review of each Coast
9 Guard deployment in response to a catastrophic inci-
10 dent after 2005;

11 (2) identification of best practices informed by
12 the deployments described in paragraph (1);

13 (3) a review of the ability of the surge force of
14 the Coast Guard to meet the demands of the re-
15 sponse roles in which it was serving during each de-
16 ployment described in paragraph (1);

17 (4) identification of any statutory or regulatory
18 impediments, such as adaptability, planning, train-
19 ing, mobilization, or information and resource inte-
20 gration, to the surge capacity of the Coast Guard in
21 response to a catastrophic incident;

22 (5) review of the impacts of a surge of the
23 Coast Guard in response to a catastrophic incident
24 on the capacity of the Coast Guard to perform its
25 statutory missions;

1 (6) review of the capability of the Coast Guard
2 to surge in response to concurrent or subsequent
3 catastrophic incidents; and

4 (7) review and description of existing voluntary
5 and involuntary deployments of Coast Guard per-
6 sonnel and assets in support of a United States Cus-
7 toms and Border Protection response to a national
8 emergency (as defined in Presidential Proclamation
9 9844) on the surge capacity of the Coast Guard in
10 the event of a catastrophic incident.

11 (c) DEFINITIONS.—In this section, the terms “cata-
12 strophic incident” and “surge capacity” have the meaning
13 given such terms in section 602 of the Post-Katrina Emer-
14 gency Management Reform Act of 2006 (6 U.S.C. 701).

15 **SEC. 9418. COMPTROLLER GENERAL OF THE UNITED**
16 **STATES REVIEW AND REPORT ON MARINE IN-**
17 **SPECTIONS PROGRAM OF COAST GUARD.**

18 (a) GAO REPORT.—Not later than 1 year after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall submit to the Committee on
21 Commerce, Science, and Transportation of the Senate and
22 the Committee on Transportation and Infrastructure of
23 the House of Representatives a report setting forth the
24 results of a comprehensive review, conducted by the Comp-
25 troller General for purposes of the report, on the marine

1 inspections program of the Coast Guard, including the
2 findings, and any recommendations for improvement of
3 the program, of the Comptroller General.

4 (b) REQUIRED ELEMENTS OF REVIEW.—The review
5 required under subsection (a) shall include—

6 (1) an analysis of the demand for marine in-
7 spectors;

8 (2) an identification of the number of fully
9 qualified marine inspectors;

10 (3) a determination of whether the number of
11 marine inspectors identified in paragraph (2) is suf-
12 ficient to meet the demand described in paragraph
13 (1);

14 (4) a review of the enlisted marine inspector
15 workforce compared to the civilian marine inspector
16 workforce and whether there is any discernable dis-
17 tinction or impact between such workforces in the
18 performance of the marine safety mission;

19 (5) an evaluation of the training continuum of
20 marine inspectors;

21 (6) a description and review of what actions, if
22 any, the Coast Guard is taking to adapt to the cur-
23 rent rise in United States export of crude oil and
24 other fuels, such as implementing a safety inspection
25 regime for barges; and

1 (7) an analysis of extending tours of duty for
2 marine inspectors and increasing the number of ci-
3 vilian marine inspectors.

4 **SEC. 9419. COMPTROLLER GENERAL OF THE UNITED**
5 **STATES REVIEW AND REPORT ON INFORMA-**
6 **TION TECHNOLOGY PROGRAM OF COAST**
7 **GUARD.**

8 (a) GAO REPORT.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of the enactment of this Act, the Comp-
11 troller General of the United States shall submit to
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives a report setting forth the results of
16 a comprehensive review, conducted by the Comp-
17 troller General for purposes of the report, on the
18 Coast Guard Command, Control, Communications,
19 Computers, Cyber, and Intelligence Service Center,
20 including the findings, and any recommendations for
21 improvement of the program, of the Comptroller
22 General.

23 (2) REQUIRED ELEMENTS OF REVIEW.—The
24 review required under paragraph (1) shall include—

1 (A) analysis of how the Coast Guard man-
2 ages its information technology program, in-
3 cluding information technology acquisitions, to
4 meet its various mission needs and reporting re-
5 quirements;

6 (B) analysis of the adequacy of the phys-
7 ical information technology infrastructure with-
8 in Coast Guard districts, including network in-
9 frastructure, for meeting mission needs and re-
10 porting requirements;

11 (C) analysis of whether and, if so, how the
12 Coast Guard—

13 (i) identifies and satisfies any knowl-
14 edge and skill requirements; and

15 (ii) recruits, trains, and develops its
16 information technology personnel;

17 (D) analysis of whether and, if so, how the
18 Coast Guard separates information technology
19 from operational technology for cybersecurity
20 purposes;

21 (E) analysis of how the Coast Guard in-
22 tends to update its Marine Information for
23 Safety and Law Enforcement system, per-
24 sonnel, accounting and other databases, and im-

1 plement an electronic health records system;
2 and

3 (F) analysis of the goals and acquisition
4 strategies for all proposed Coast Guard enter-
5 prise-wide cloud computing service procure-
6 ments.

7 (b) REVIEW ON CLOUD COMPUTING.—Not later than
8 180 days after the date of the enactment of this Act, the
9 Commandant shall submit to the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation of the Senate a detailed description of the Coast
13 Guard’s strategy to implement cloud computing for the en-
14 tire Coast Guard, including—

15 (1) the goals and acquisition strategies for all
16 proposed enterprise-wide cloud computing service
17 procurements;

18 (2) a strategy to sustain competition and inno-
19 vation throughout the period of performance of each
20 contract for procurement of cloud-computing goods
21 and services for the Coast Guard, including defining
22 opportunities for multiple cloud-service providers
23 and insertion of new technologies;

1 (3) an assessment of potential threats and secu-
2 rity vulnerabilities of the strategy, and plans to miti-
3 gate such risks; and

4 (4) an estimate of the cost and timeline to im-
5 plement cloud computing service for all Coast Guard
6 computing.

7 **SEC. 9420. COMPTROLLER GENERAL OF THE UNITED**
8 **STATES STUDY AND REPORT ON ACCESS TO**
9 **HEALTH CARE BY MEMBERS OF COAST**
10 **GUARD AND DEPENDENTS.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Comptroller General of
13 the United States shall conduct a study that exam-
14 ines access to, experience with, and needs under the
15 TRICARE program of members of the Coast Guard
16 and their dependents.

17 (2) ELEMENTS.—The study conducted under
18 paragraph (1) shall analyze the following:

19 (A) The record of the TRICARE program
20 in meeting the standards for care for primary
21 and specialty care for members of the Coast
22 Guard and dependents of those members, in-
23 cluding members stationed in remote units.

1 (B) The accuracy and update periodicity of
2 lists of providers under the TRICARE program
3 in areas serving Coast Guard families.

4 (C) The wait times under the TRICARE
5 program for appointments, specialty care, and
6 referrals for members of the Coast Guard and
7 dependents of those members.

8 (D) The availability of providers under the
9 TRICARE program in remote locations, includ-
10 ing providers for mental health, juvenile spe-
11 cialty care, dental, and female health.

12 (E) The access of members of the Coast
13 Guard and dependents of those members to
14 services under the TRICARE program in com-
15 parison to the access to such services by per-
16 sonnel of the Department of Defense and de-
17 pendents of such personnel.

18 (F) The liaison assistance between mem-
19 bers of the Coast Guard and dependents of
20 those members and the TRICARE program
21 provided by the Coast Guard in comparison to
22 such assistance provided by the Department of
23 Defense.

24 (G) How delayed access to care, timeliness
25 of care, and distance traveled to care may im-

1 pact personnel readiness of members of the
2 Coast Guard.

3 (H) The regions particularly impacted by
4 lack of access to care and recommendations to
5 address those access issues.

6 (b) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Comptroller General shall
8 submit to the Committee on Commerce, Science, and
9 Transportation of the Senate and the Committee on
10 Transportation and Infrastructure of the House of Rep-
11 resentatives a report containing the findings, conclusions,
12 and recommendations to improve access to quality, timely,
13 and effective health care for members of the Coast Guard
14 and dependents of those members from the study required
15 under subsection (a).

16 (c) DEFINITIONS.—In this section, the terms “de-
17 pendent” and “TRICARE program” have the meanings
18 given such terms in section 1072 of title 10, United States
19 Code.

20 **SEC. 9421. COMPTROLLER GENERAL OF THE UNITED**
21 **STATES STUDY AND REPORT ON MEDICAL**
22 **STAFFING STANDARDS AND NEEDS FOR**
23 **COAST GUARD.**

24 (a) STUDY.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall conduct a study that exam-
3 ines the health care system of the Coast Guard.

4 (2) ELEMENTS.—The study conducted under
5 paragraph (1) shall analyze the following:

6 (A) The billets in clinics of the Coast
7 Guard, whether for personnel of the Coast
8 Guard or otherwise, including the number of
9 billets, vacancies, and length of vacancies.

10 (B) The wait times for patients to attain
11 an appointment for urgent care, routine physi-
12 cian care, and dental care.

13 (C) The impact of billet vacancies on such
14 wait times.

15 (D) The ability of the Coast Guard to use
16 other medical personnel of the Department of
17 Defense, including physicians and physician as-
18 sistants, to fill provider vacancies for the Coast
19 Guard.

20 (E) The barriers, if any, to improving co-
21 ordination and access to physicians within the
22 health care system of the Department of De-
23 fense.

24 (F) The accessibility and availability of be-
25 havioral health medical personnel at clinics of

1 the Coast Guard, including personnel available
2 for family counseling, therapy, and other needs.

3 (G) The staffing models of clinics of the
4 Coast Guard, including recommendations to
5 modernize such models.

6 (H) The locations and needs of Coast
7 Guard units with or without clinics.

8 (I) How access to care models for members
9 of the Coast Guard are managed, including
10 models with respect to the time and distance
11 traveled to receive care, the cost of that travel,
12 and alternate options to secure care quickly and
13 efficiently for members serving in units without
14 a clinic.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of the enactment of this Act, the Comp-
18 troller General shall submit to the Committee on
19 Commerce, Science, and Transportation of the Sen-
20 ate and the Committee on Transportation and Infra-
21 structure of the House of Representatives a report
22 containing the findings, conclusions, and rec-
23 ommendations from the study required under sub-
24 section (a).

1 (2) ELEMENTS.—The report submitted under
2 paragraph (1) shall include the following:

3 (A) An identification of the number of
4 members of the Coast Guard and types of units
5 of the Coast Guard serviced by the health care
6 system of the Coast Guard.

7 (B) An assessment of the ability of the
8 Coast Guard to conduct medical support at out-
9 lying units, including remote units.

10 (C) An assessment of the capacity of the
11 Coast Guard to support surge operations using
12 historical data from the 10-year period pre-
13 ceding the date of the report.

14 (D) An assessment of the impact to oper-
15 ations of the Coast Guard by extended wait
16 times or travel times to receive care or other
17 issues identified by the report.

18 (c) RECOMMENDATIONS.—Not later than 90 days
19 after the date on which the report is submitted under sub-
20 section (b), the Commandant shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate and the Committee on Transportation and Infra-
23 structure of the House of Representatives written rec-
24 ommendations for medical staffing standards for the
25 Coast Guard based on each finding and conclusion con-

1 tained in the report, including recommendations for health
2 service technicians, flight surgeons, physician assistants,
3 dentists, dental hygienists, family advocate services, phar-
4 macists, and administrators, and other recommendations,
5 as appropriate.

6 **SEC. 9422. REPORT ON FAST RESPONSE CUTTERS, OFF-**
7 **SHORE PATROL CUTTERS, AND NATIONAL SE-**
8 **CURITY CUTTERS.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Commandant shall
11 submit to the Committee on Commerce, Science, and
12 Transportation of the Senate and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives a report on the combination of Fast Response
15 Cutters, Offshore Patrol Cutters, and National Security
16 Cutters necessary to carry out Coast Guard missions.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include—

19 (1) an updated cost estimate for each type of
20 cutter described in such subsection; and

21 (2) a cost estimate for a Sensitive Compart-
22 mented Information Facility outfitted to manage
23 data in a manner equivalent to the National Security
24 Cutter Sensitive Compartmented Information Facili-
25 ties.

1 **Subtitle E—Coast Guard Academy**
2 **Improvement Act**

3 **SEC. 9501. SHORT TITLE.**

4 This subtitle may be cited as the “Coast Guard Acad-
5 emy Improvement Act”.

6 **SEC. 9502. COAST GUARD ACADEMY STUDY.**

7 (a) IN GENERAL.—The Secretary of the department
8 in which the Coast Guard is operating shall seek to enter
9 into an arrangement with the National Academy of Public
10 Administration not later than 60 days after the date of
11 the enactment of the this Act under which the National
12 Academy of Public Administration shall—

13 (1) conduct an assessment of the cultural com-
14 petence of the Coast Guard Academy as an organi-
15 zation and of individuals at the Coast Guard Acad-
16 emy to carry out effectively the primary duties of
17 the United States Coast Guard listed in section 102
18 of title 14, United States Code, when interacting
19 with individuals of different races, ethnicities, gen-
20 ders, religions, sexual orientations, socioeconomic
21 backgrounds, or from different geographic origins;
22 and

23 (2) issue recommendations based upon the find-
24 ings in such assessment.

25 (b) ASSESSMENT OF CULTURAL COMPETENCE.—

1 (1) CULTURAL COMPETENCE OF THE COAST
2 GUARD ACADEMY.—The arrangement described in
3 subsection (a) shall require the National Academy of
4 Public Administration to, not later than 1 year after
5 entering into an arrangement with the Secretary
6 under subsection (a), submit to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate the as-
10 sessment described under subsection (a)(1).

11 (2) ASSESSMENT SCOPE.—The assessment de-
12 scribed under subsection (a)(1) shall—

13 (A) describe the level of cultural com-
14 petence described in subsection (a)(1) based on
15 the National Academy of Public Administra-
16 tion’s assessment of the Coast Guard Acad-
17 emy’s relevant practices, policies, and struc-
18 tures, including an overview of discussions with
19 faculty, staff, students, and relevant Coast
20 Guard Academy affiliated organizations;

21 (B) examine potential changes which could
22 be used to further enhance such cultural com-
23 petence by—

24 (i) modifying institutional practices,
25 policies, and structures; and

1 (ii) any other changes deemed appro-
2 priate by the National Academy of Public
3 Administration; and

4 (C) make recommendations to enhance the
5 cultural competence of the Coast Guard Acad-
6 emy described in subparagraph (A), including
7 any specific plans, policies, milestones, perform-
8 ance measures, or other information necessary
9 to implement such recommendations.

10 (c) FINAL ACTION MEMORANDUM.—Not later than
11 6 months after submission of the assessment under sub-
12 section (b)(1), the Commandant of the Coast Guard shall
13 submit to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate, a final action memorandum in response to all rec-
17 ommendations contained in the assessment. The final ac-
18 tion memorandum shall include the rationale for accept-
19 ing, accepting in part, or rejecting each recommendation,
20 and shall specify, where applicable, actions to be taken to
21 implement such recommendations, including an expla-
22 nation of how each action enhances the ability of the Coast
23 Guard to carry out the primary duties of the United
24 States Coast Guard listed in section 102 of title 14,
25 United States Code.

1 (d) PLAN.—

2 (1) IN GENERAL.—Not later than 6 months
3 after the date of the submission of the final action
4 memorandum required under subsection (c), the
5 Commandant, in coordination with the Chief Human
6 Capital Officer of the Department of Homeland Se-
7 curity, shall submit a plan to carry out the rec-
8 ommendations or the parts of the recommendations
9 accepted in the final action memorandum to the
10 Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on
12 Commerce, Science, and Transportation of the Sen-
13 ate.

14 (2) STRATEGY WITH MILESTONES.—If any rec-
15 ommendation or parts of recommendations accepted
16 in the final action memorandum address any of the
17 following actions, then the plan required in para-
18 graph (1) shall include a strategy with appropriate
19 milestones to carry out such recommendations or
20 parts of recommendations:

21 (A) Improve outreach and recruitment of a
22 more diverse Coast Guard Academy cadet can-
23 didate pool based on race, ethnicity, gender, re-
24 ligion, sexual orientation, socioeconomic back-
25 ground, and geographic origin.

1 (B) Modify institutional structures, prac-
2 tices, and policies to foster a more diverse cadet
3 corps body, faculty, and staff workforce based
4 on race, ethnicity, gender, religion, sexual ori-
5 entation, socioeconomic background, and geo-
6 graphic origin.

7 (C) Modify existing or establish new poli-
8 cies and safeguards to foster the retention of
9 cadets, faculty, and staff of different races,
10 ethnicities, genders, religions, sexual orienta-
11 tions, socioeconomic backgrounds, and geo-
12 graphic origins at the Coast Guard Academy.

13 (D) Restructure the admissions office of
14 the Coast Guard Academy to be headed by a ci-
15 vilian with significant relevant higher education
16 recruitment experience.

17 (3) IMPLEMENTATION.—Unless otherwise di-
18 rected by an Act of Congress, the Commandant shall
19 begin implementation of the plan developed under
20 this subsection not later than 180 days after the
21 submission of such plan to Congress.

22 (4) UPDATE.—The Commandant shall include
23 in the first annual report required under chapter 51
24 of title 14, United States Code, as amended by this
25 division, submitted after the date of enactment of

1 this section, the strategy with milestones required in
2 paragraph (2) and shall report annually thereafter
3 on actions taken and progress made in the imple-
4 mentation of such plan.

5 **SEC. 9503. ANNUAL REPORT.**

6 Chapter 51 of title 14, United States Code, is further
7 amended by adding at the end the following:

8 **“§ 5111. Report on diversity at Coast Guard Academy**

9 “(a) IN GENERAL.—Not later than January 15,
10 2021, and annually thereafter, the Commandant shall sub-
11 mit a report on diversity at the Coast Guard Academy to
12 the Committee on Transportation and Infrastructure of
13 the House of Representatives and the Committee on Com-
14 merce, Science, and Transportation of the Senate.

15 “(b) CONTENTS.—The report required under sub-
16 section (a) shall include—

17 “(1) the status of the implementation of the
18 plan required under section 9502 of the Elijah E.
19 Cummings Coast Guard Authorization Act of 2020;

20 “(2) specific information on outreach and re-
21 cruitment activities for the preceding year, including
22 the effectiveness of the Coast Guard Academy mi-
23 nority outreach team program described under sec-
24 tion 1905 and of outreach and recruitment activities

1 in the territories and other possessions of the United
2 States;

3 “(3) enrollment information about the incoming
4 class, including the gender, race, ethnicity, religion,
5 socioeconomic background, and State of residence of
6 Coast Guard Academy cadets;

7 “(4) information on class retention, outcomes,
8 and graduation rates, including the race, gender,
9 ethnicity, religion, socioeconomic background, and
10 State of residence of Coast Guard Academy cadets;

11 “(5) information on efforts to retain diverse ca-
12 dets, including through professional development
13 and professional advancement programs for staff
14 and faculty; and

15 “(6) a summary of reported allegations of dis-
16 crimination on the basis of race, color, national ori-
17 gin, sex, gender, or religion for the preceding 5
18 years.”.

19 **SEC. 9504. ASSESSMENT OF COAST GUARD ACADEMY AD-**
20 **MISSION PROCESSES.**

21 (a) IN GENERAL.—The Secretary of the department
22 in which the Coast Guard is operating shall seek to enter
23 into an arrangement with the National Academy of Public
24 Administration under which the National Academy of
25 Public Administration shall, not later than 1 year after

1 submitting an assessment under section 9502(a), submit
2 to the Committee on Transportation and Infrastructure
3 of the House of Representatives and the Committee on
4 Commerce, Science, and Transportation of the Senate an
5 assessment of the Coast Guard Academy admissions proc-
6 ess.

7 (b) ASSESSMENT SCOPE.—The assessment required
8 to be sought under subsection (a) shall, at a minimum,
9 include—

10 (1) a study, or an audit if appropriate, of the
11 process the Coast Guard Academy uses to—

12 (A) identify candidates for recruitment;

13 (B) recruit applicants;

14 (C) assist applicants in the application
15 process;

16 (D) evaluate applications; and

17 (E) make admissions decisions;

18 (2) discussion of the consideration during the
19 admissions process of diversity, including—

20 (A) race;

21 (B) ethnicity;

22 (C) gender;

23 (D) religion;

24 (E) sexual orientation;

25 (F) socioeconomic background; and

1 (G) geographic origin;

2 (3) an overview of the admissions processes at
3 other Federal service academies, including—

4 (A) discussion of consideration of diversity,
5 including any efforts to attract a diverse pool of
6 applicants, in those processes; and

7 (B) an analysis of how the congressional
8 nominations requirement in current law related
9 to military service academies and the Merchant
10 Marine Academy impacts those processes and
11 the overall demographics of the student bodies
12 at those academies;

13 (4) a determination regarding how a congress-
14 sional nominations requirement for Coast Guard
15 Academy admissions could impact diversity among
16 the student body and the ability of the Coast Guard
17 to carry out effectively the Service's primary duties
18 described in section 102 of title 14, United States
19 Code; and

20 (5) recommendations for improving Coast
21 Guard Academy admissions processes, including
22 whether a congressional nominations process should
23 be integrated into such processes.

1 **SEC. 9505. COAST GUARD ACADEMY MINORITY OUTREACH**
2 **TEAM PROGRAM.**

3 (a) IN GENERAL.—Chapter 19 of title 14, United
4 States Code, is further amended by inserting after section
5 1904 (as amended by this division) the following:

6 **“§ 1905. Coast Guard Academy minority outreach**
7 **team program**

8 “(a) IN GENERAL.—There is established within the
9 Coast Guard Academy a minority outreach team program
10 (in this section referred to as the ‘Program’) under which
11 officers, including minority officers and officers from terri-
12 tories and other possessions of the United States, who are
13 Academy graduates may volunteer their time to recruit
14 minority students and strengthen cadet retention through
15 mentorship of cadets.

16 “(b) ADMINISTRATION.—Not later than January 1,
17 2021, the Commandant, in consultation with Program vol-
18 unteers and Academy alumni that participated in prior
19 programs at the Academy similar to the Program, shall
20 appoint a permanent civilian position at the Academy to
21 administer the Program by, among other things—

22 “(1) overseeing administration of the Program;

23 “(2) serving as a resource to volunteers and
24 outside stakeholders;

1 “(3) advising Academy leadership on recruit-
 2 ment and retention efforts based on recommenda-
 3 tions from volunteers and outside stakeholders;

4 “(4) establishing strategic goals and perform-
 5 ance metrics for the Program with input from active
 6 volunteers and Academy leadership; and

7 “(5) reporting annually to the Commandant on
 8 academic year and performance outcomes of the
 9 goals for the Program before the end of each aca-
 10 demic year.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
 12 ter 19 of title 14, United States Code, is further amended
 13 by inserting after the item relating to section 1904 (as
 14 amended by this division) the following:

“1905. Coast Guard Academy minority outreach team program.”.

15 **SEC. 9506. COAST GUARD COLLEGE STUDENT PRE-COMMIS-**
 16 **SIONING INITIATIVE.**

17 (a) IN GENERAL.—Subchapter I of chapter 21 of title
 18 14, United States Code, is further amended by adding at
 19 the end the following:

20 **“§ 2131. College student pre-commissioning initiative**

21 “(a) IN GENERAL.—There is authorized within the
 22 Coast Guard a college student pre-commissioning initia-
 23 tive program (in this section referred to as the ‘Program’
 24) for eligible undergraduate students to enlist and receive
 25 a guaranteed commission as an officer in the Coast Guard.

1 “(b) CRITERIA FOR SELECTION.—To be eligible for
2 the Program a student must meet the following require-
3 ments upon submitting an application:

4 “(1) AGE.—A student must be not less than 19
5 years old and not more than 27 years old as of Sep-
6 tember 30 of the fiscal year in which the Program
7 selection panel selecting such student convenes.

8 “(2) CHARACTER.—

9 “(A) ALL APPLICANTS.—All applicants
10 must be of outstanding moral character and
11 meet other character requirements as set forth
12 by the Commandant.

13 “(B) COAST GUARD APPLICANTS.—An ap-
14 plicant serving in the Coast Guard may not be
15 commissioned if in the 36 months prior to the
16 first Officer Candidate School class convening
17 date in the selection cycle, such applicant was
18 convicted by a court-martial or awarded non-
19 judicial punishment, or did not meet perform-
20 ance or character requirements set forth by the
21 Commandant.

22 “(3) CITIZENSHIP.—A student must be a
23 United States citizen.

24 “(4) CLEARANCE.—A student must be eligible
25 for a secret clearance.

1 “(5) DEPENDENCY.—

2 “(A) IN GENERAL.—A student may not
3 have more than 2 dependents.

4 “(B) SOLE CUSTODY.—A student who is
5 single may not have sole or primary custody of
6 dependents.

7 “(6) EDUCATION.—

8 “(A) INSTITUTION.—A student must be an
9 undergraduate sophomore or junior—

10 “(i) at a historically Black college or
11 university described in section 322(2) of
12 the Higher Education Act of 1965 (20
13 U.S.C. 1061(2)) or an institution of higher
14 education described in section 371(a) of
15 the Higher Education Act of 1965 (20
16 U.S.C. 1067q(a)); or

17 “(ii) an undergraduate sophomore or
18 junior enrolled at an institution of higher
19 education (as defined in section 101 of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1001)) that, at the time of application of
22 the sophomore or junior, has had for 3
23 consecutive years an enrollment of under-
24 graduate full-time equivalent students (as
25 defined in section 312(e) of such Act (20

1 U.S.C. 1058(e))) that is a total of at least
2 50 percent Black American, Hispanic,
3 Asian American (as defined in section
4 371(c) of such Act (20 U.S.C. 1067q(c))),
5 Native American Pacific Islander (as de-
6 fined in such section), or Native American
7 (as defined in such section), among other
8 criteria, as determined by the Com-
9 mandant.

10 “(B) LOCATION.—The institution at which
11 such student is an undergraduate must be with-
12 in 100 miles of a Coast guard unit or Coast
13 Guard Recruiting Office unless otherwise ap-
14 proved by the Commandant.

15 “(C) RECORDS.—A student must meet
16 credit and grade point average requirements set
17 forth by the Commandant.

18 “(7) MEDICAL AND ADMINISTRATIVE.—A stu-
19 dent must meet other medical and administrative re-
20 quirements as set forth by the Commandant.

21 “(c) ENLISTMENT AND OBLIGATION.—Individuals
22 selected and accept to participate in the Program shall en-
23 list in the Coast Guard in pay grade E-3 with a 4-year
24 duty obligation and 4-year inactive Reserve obligation.

1 “(d) MILITARY ACTIVITIES PRIOR TO OFFICER CAN-
2 DIDATE SCHOOL.—Individuals enrolled in the Program
3 shall participate in military activities each month, as re-
4 quired by the Commandant, prior to attending Officer
5 Candidate School.

6 “(e) PARTICIPATION IN OFFICER CANDIDATE
7 SCHOOL.—Each graduate of the Program shall attend the
8 first enrollment of Officer Candidate School that com-
9 mences after the date of such graduate’s graduation.

10 “(f) COMMISSIONING.—Upon graduation from Offi-
11 cer Candidate School, Program graduates shall be dis-
12 charged from enlisted status and commissioned as an O-
13 1 with an initial 3-year duty obligation.

14 “(g) BRIEFING.—

15 “(1) IN GENERAL.—Not later than August 15
16 of each year, the Commandant shall provide a brief-
17 ing to the Committee on Transportation and Infra-
18 structure of the House of Representatives and the
19 Committee on Commerce, Science, and Transpor-
20 tation of the Senate on the Program.

21 “(2) CONTENTS.—The briefing required under
22 paragraph (1) shall describe—

23 “(A) outreach and recruitment efforts over
24 the previous year; and

1 “(B) demographic information of enrollees
2 including—
3 “(i) race;
4 “(ii) ethnicity;
5 “(iii) gender;
6 “(iv) geographic origin; and
7 “(v) educational institution.”.

8 (b) CLERICAL AMENDMENT.—The analysis chapter
9 21 of title 14, United States Code, is amended by inserting
10 after the item relating to section 2130 (as added by this
11 division) the following:

“2131. College student pre-commissioning initiative.”.

12 **SEC. 9507. ANNUAL BOARD OF VISITORS.**

13 Section 1903(d) of title 14, United States Code, is
14 amended—

15 (1) by redesignating paragraphs (2) through
16 (6) as paragraphs (3) through (7), respectively; and
17 (2) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) recruitment and retention, including diver-
20 sity, inclusion, and issues regarding women specifi-
21 cally;”.

1 **SEC. 9508. HOMELAND SECURITY ROTATIONAL CYBERSE-**
2 **CURITY RESEARCH PROGRAM AT COAST**
3 **GUARD ACADEMY.**

4 (a) IN GENERAL.—Subtitle E of title VIII of the
5 Homeland Security Act of 2002 (6 U.S.C. 411 et seq.)
6 is amended by adding at the end the following:

7 **“SEC. 846. ROTATIONAL CYBERSECURITY RESEARCH PRO-**
8 **GRAM.**

9 “To enhance the Department’s cybersecurity capac-
10 ity, the Secretary may establish a rotational research, de-
11 velopment, and training program for—

12 “(1) detail to the Cybersecurity and Infrastruc-
13 ture Security Agency (including the national cyber-
14 security and communications integration center au-
15 thorized by section 2209) of Coast Guard Academy
16 graduates and faculty; and

17 “(2) detail to the Coast Guard Academy, as
18 faculty, of individuals with expertise and experience
19 in cybersecurity who are employed by—

20 “(A) the Agency (including the center);

21 “(B) the Directorate of Science and Tech-
22 nology; or

23 “(C) institutions that have been designated
24 by the Department as a Center of Excellence
25 for Cyber Defense, or the equivalent.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 (6
3 U.S.C. 411 et seq.) is amended by adding at the end of
4 the items relating to subtitle E of such Act the following:
“Sec. 846. Rotational cybersecurity research program.”.

5 **Subtitle F—Other Matters**

6 **SEC. 9601. STRATEGY ON LEADERSHIP OF COAST GUARD.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of the
9 department in which the Coast Guard is operating shall
10 develop and make available to the public a strategy to im-
11 prove leadership development in the Coast Guard, includ-
12 ing mechanisms to address counterproductive leadership
13 in the Coast Guard.

14 (b) ELEMENTS.—The strategy shall include the fol-
15 lowing:

16 (1) Mechanisms to foster positive and produc-
17 tive leadership qualities in emerging Coast Guard
18 leaders, beginning, at minimum, members at grade
19 O–2 for officers, members at grade E–6 for enlisted
20 members, and members training to become an offi-
21 cer in charge.

22 (2) Mechanisms for the ongoing evaluation of
23 unit commanders, including identification of counter-
24 productive leadership qualities in commanders.

(5) Policy to ensure established and emerging leaders have access to hands-on training and tools to improve diversity and inclusion.

(c) COUNTERPRODUCTIVE LEADERSHIP DEFINED.—

In this section, the term “counterproductive leadership” has the meaning given that term for purposes of Army Doctrine Publication 6–22.

Not later than 180 days after the date of the enactment of this Act, the Commandant shall establish a policy to allow the transfer of a member of the Coast Guard whose dependent is the victim of sexual assault per-

1 perpetrated by a member of the Armed Forces who is not
2 related to the victim.

3 **SEC. 9603. ACCESS TO RESOURCES DURING CREOSOTE-RE-**
4 **LATED BUILDING CLOSURES AT COAST**
5 **GUARD BASE SEATTLE, WASHINGTON.**

6 (a) IN GENERAL.—With respect to the creosote-re-
7 lated building closures at Coast Guard Base Seattle,
8 Washington, the Commandant shall, to the maximum ex-
9 tent practicable, enter into 1 or more agreements or other-
10 wise take actions to secure access to resources, including
11 a gym, that are not otherwise available to members of the
12 Coast Guard during such closures.

13 (b) BRIEFING.—Not later than 60 days after the date
14 of the enactment of this Act, the Commandant shall brief
15 Congress with respect to actions taken by the Com-
16 mandant to comply with subsection (a).

17 **SEC. 9604. SOUTHERN RESIDENT ORCA CONSERVATION**
18 **AND ENFORCEMENT.**

19 (a) REPORT AND ACTION PLAN ON ORCA ENFORCE-
20 MENT OPPORTUNITIES.—Not later than 180 days after
21 the date of the enactment of this Act, the Commandant,
22 in consultation with the Under Secretary of Commerce for
23 Oceans and Atmosphere, shall submit to Congress a report
24 on Coast Guard efforts to enforce southern resident orca
25 vessel buffer zones and other vessel-related regulations in

1 Puget Sound in coordination with existing Coast Guard
2 fisheries enforcement, maritime domain awareness, the Be
3 Whale Wise campaign, and other related missions. Such
4 report shall include recommendations on what resources,
5 appropriations, and assets are needed to meet orca con-
6 servation and related fisheries enforcement targets in the
7 13th Coast Guard District within 1 year of the date of
8 enactment of this Act.

9 (b) SOUTHERN RESIDENT ORCAS.—The Com-
10 mandant, in coordination with the Under Secretary of
11 Commerce for Oceans and Atmosphere, shall undertake
12 efforts to reduce vessel noise impacts on Southern resident
13 orcas in Puget Sound, the Salish Sea, and the Strait of
14 Juan de Fuca.

15 (c) PROGRAM.—

16 (1) IN GENERAL.—The Commandant shall—

17 (A) support the development, implementa-
18 tion, and enforcement of commercial vessel
19 noise reduction measures that are technically
20 feasible and economically achievable;

21 (B) establish procedures for timely commu-
22 nication of information to commercial vessel op-
23 erators regarding orca sightings in Puget
24 Sound and make navigational safety rec-

1 ommendations in accordance with the Coopera-
2 tive Vessel Traffic Service Agreement; and

3 (C) collaborate on studies or trials ana-
4 lyzing vessel noise impacts on Southern resident
5 orcas.

6 (2) VESSEL NOISE IMPACTS.—The Undersecre-
7 tary of Commerce for Oceans and Atmosphere shall
8 assess vessel noise impacts on Southern resident
9 orcas in the program area and make recommenda-
10 tions to reduce that noise and noise related impacts
11 to Southern resident orcas to the Commandant.

12 (3) COORDINATION.—In carrying out this sec-
13 tion, the Commandant shall coordinate with Cana-
14 dian agencies affiliated with the Enhancing Cetacean
15 Habitat and Observation (ECHO) program and
16 other international organizations as appropriate.

17 (4) CONSULTATION.—In carrying out this sec-
18 tion, the Commandant and the Undersecretary of
19 Commerce for Oceans and Atmosphere shall consult
20 with State, local, and Tribal governments and mari-
21 time industry and conservation stakeholders includ-
22 ing ports, higher education institutions, and non-
23 governmental organizations.

1 **SEC. 9605. SENSE OF CONGRESS AND REPORT ON IMPLE-**
2 **MENTATION OF POLICY ON ISSUANCE OF**
3 **WARRANTS AND SUBPOENAS AND WHISTLE-**
4 **BLOWER PROTECTIONS BY AGENTS OF THE**
5 **COAST GUARD INVESTIGATIVE SERVICE.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) Coast Guard components with investigative
9 authority should exercise such authority with due re-
10 spect for the rights of whistleblowers; and

11 (2) the Commandant should—

12 (A) ensure compliance with the legal re-
13 quirements intended to protect whistleblowers;

14 (B) seek to shield the disclosure of the
15 identities of whistleblowers; and

16 (C) create an environment in which whis-
17 tleblowers do not fear reprisal for reporting
18 misconduct.

19 (b) REPORT REQUIRED.—Not later than 120 days
20 after the date of the enactment of this Act, the Com-
21 mandant shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report on the policy of the Coast
25 Guard on the issuance of warrants and subpoenas and

1 whistleblower protections by agents of the Coast Guard
2 Investigative Service.

3 (c) ELEMENTS.—The report required by subsection
4 (b) shall include the following:

5 (1) A discussion of current and any new policy
6 of the Coast Guard on the issuance of warrants and
7 subpoenas and whistleblower protections by agents
8 of the Coast Guard Investigative Service, including
9 Coast Guard Investigative Service Criminal Inves-
10 tigation Operating Procedure CIOP 2019–02, and
11 the differences between such current policies and
12 new policies.

13 (2) A plan (including milestones) for the imple-
14 mentation of the following:

15 (A) Incorporation of Coast Guard Inves-
16 tigrative Service Criminal Investigation Oper-
17 ating Procedure CIOP 2019–02 into the next
18 revision of the relevant Coast Guard investiga-
19 tive manual.

20 (B) Training on the policy described in
21 paragraph (1) for the following:

22 (i) Agents and legal counsel of the
23 Coast Guard Investigative Service.

24 (ii) Personnel of the Office of General
25 Law.

1 (iii) Relevant Coast Guard head-
2 quarters personnel.

3 (iv) Such other Coast Guard per-
4 sonnel as the Commandant considers ap-
5 propriate.

6 **SEC. 9606. INSPECTOR GENERAL REPORT ON ACCESS TO**
7 **EQUAL OPPORTUNITY ADVISORS AND EQUAL**
8 **EMPLOYMENT OPPORTUNITY SPECIALISTS.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the inspector general
11 of the department in which the Coast Guard is operating
12 shall conduct a study and develop recommendations on the
13 need to separate Equal Opportunity Advisors and Equal
14 Employment Opportunity Specialists, as practicable,
15 through the pre-complaint and formal discrimination com-
16 plaint processes, for the complainant, the opposing party,
17 and the commanding officers and officers in charge.

18 (b) BRIEFING.—Not later than 30 days after the
19 completion of the study required by subsection (a), the
20 Commandant shall brief the Committee on Commerce,
21 Science, and Transportation of the Senate and the Com-
22 mittee on Transportation and Infrastructure of the House
23 of Representatives on the manner in which the Coast
24 Guard plans to implement the recommendations developed
25 as a result of the study.

1 **SEC. 9607. INSIDER THREAT PROGRAM.**

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Commandant shall brief the Com-
4 mittee on Transportation and Infrastructure of the House
5 of Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate on a plan to
7 expand the Coast Guard Insider Threat Program to in-
8 clude the monitoring of all Coast Guard devices, including
9 mobile devices.

10 **TITLE III—MARITIME**
11 **Subtitle A—Navigation**

12 **SEC. 10101. ELECTRONIC CHARTS; EQUIVALENCY.**

13 (a) REQUIREMENTS.—Section 3105(a)(1) of title 46,
14 United States Code, is amended to read as follows:

15 “(1) ELECTRONIC CHARTS IN LIEU OF MARINE
16 CHARTS, CHARTS, AND MAPS.—Subject to paragraph
17 (2), the following vessels, while operating on the
18 navigable waters of the United States, equipped with
19 and operating electronic navigational charts that are
20 produced by a government hydrographic office or
21 conform to a standard acceptable to the Secretary,
22 shall be deemed in compliance with any requirement
23 under title 33 or title 46, Code of Federal Regula-
24 tions, to have a chart, marine chart, or map on
25 board such vessel:

1 “(A) A self-propelled commercial vessel of
2 at least 65 feet in overall length.

3 “(B) A vessel carrying more than a num-
4 ber of passengers for hire determined by the
5 Secretary.

6 “(C) A towing vessel of more than 26 feet
7 in overall length and 600 horsepower.

8 “(D) Any other vessel for which the Sec-
9 retary decides that electronic charts are nec-
10 essary for the safe navigation of the vessel.”.

11 (b) EXEMPTIONS AND WAIVERS.—Section
12 3105(a)(2) of title 46, United States Code, is amended—

13 (1) in subparagraph (A), by striking “operates;
14 and” and inserting “operates;”;

15 (2) in subparagraph (B), by striking “those
16 waters.” and inserting “those waters; and”; and

17 (3) by adding at the end the following:

18 “(C) permit vessels described in subpara-
19 graphs (A) through (D) of paragraph (1) that
20 operate solely landward of the baseline from
21 which the territorial sea of the United States is
22 measured to utilize software-based, platform-
23 independent electronic chart systems that the
24 Secretary determines are capable of displaying
25 electronic navigational charts with necessary

1 scale and detail to ensure safe navigation for
2 the intended voyage.”.

3 **SEC. 10102. SUBROGATED CLAIMS.**

4 (a) IN GENERAL.—Section 1012(b) of the Oil Pollu-
5 tion Act of 1990 (33 U.S.C. 2712(b)) is amended—

6 (1) by striking “The” and inserting the fol-
7 lowing:

8 “(1) IN GENERAL.—The”; and

9 (2) by adding at the end the following:

10 “(2) SUBROGATED RIGHTS.—Except for a guar-
11 antor claim pursuant to a defense under section
12 1016(f)(1), Fund compensation of any claim by an
13 insurer or other indemnifier of a responsible party or
14 injured third party is subject to the subrogated
15 rights of that responsible party or injured third
16 party to such compensation.”.

17 (b) EFFECTIVE DATE.—This section and the amend-
18 ments made by this section shall take effect 180 days after
19 the date of enactment of this Act.

20 **SEC. 10103. LOAN PROVISIONS UNDER OIL POLLUTION ACT**
21 **OF 1990.**

22 (a) IN GENERAL.—Section 1013 of the Oil Pollution
23 Act of 1990 (33 U.S.C. 2713) is amended by striking sub-
24 section (f).

1 (b) CONFORMING AMENDMENTS.—Section 1012(a)
2 of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is
3 amended—

4 (1) in paragraph (4), by adding “and” after the
5 semicolon at the end;

6 (2) in paragraph (5)(D), by striking “; and”
7 and inserting a period; and

8 (3) by striking paragraph (6).

9 **SEC. 10104. OIL POLLUTION RESEARCH AND DEVELOP-**
10 **MENT PROGRAM.**

11 Section 7001 of the Oil Pollution Act of 1990 (33
12 U.S.C. 2761) is amended—

13 (1) in subsection (c)—

14 (A) in paragraph (1), by inserting “, tech-
15 nology,” after “research”;

16 (B) in paragraph (2)—

17 (i) by striking “this subsection” and
18 inserting “paragraph (1)”; and

19 (ii) by striking “which are effective in
20 preventing or mitigating oil discharges and
21 which” and inserting “and methods that
22 are effective in preventing, mitigating, or
23 restoring damage from oil discharges and
24 that”;

1 (C) in paragraph (3) by striking “this sub-
2 section” and inserting “paragraph (1)” each
3 place it appears;

4 (D) in subparagraph (A) of paragraph
5 (4)—

6 (i) by striking “oil discharges. Such
7 program shall” and inserting “acute and
8 chronic oil discharges on coastal and ma-
9 rine resources (including impacts on pro-
10 tected areas such as sanctuaries) and pro-
11 tected species, and such program shall”;

12 (ii) by redesignating clauses (iii) and
13 (iv) as clauses (iv) and (v), respectively;

14 (iii) by inserting after clause (ii) the
15 following:

16 “(iii) Research to understand and quantify
17 the effects of sublethal impacts of oil discharge
18 on living natural marine resources, including
19 impacts on pelagic fish species, marine mam-
20 mals, and commercially and recreationally tar-
21 geted fish and shellfish species.”; and

22 (iv) by adding at the end the fol-
23 lowing:

1 “(vi) Research to understand the long-term
2 effects of major oil discharges and the long-
3 term effects of smaller endemic oil discharges.

4 “(vii) The identification of potential im-
5 pacts on ecosystems, habitat, and wildlife from
6 the additional toxicity, heavy metal concentra-
7 tions, and increased corrosiveness of mixed
8 crude, such as diluted bitumen crude.

9 “(viii) The development of methods to re-
10 store and rehabilitate natural resources and
11 ecosystem functions damaged by oil dis-
12 charges.”;

13 (E) in paragraph (5) by striking “this sub-
14 section” and inserting “paragraph (1)”;

15 (F) by striking paragraph (7) and insert-
16 ing the following:

17 “(7) SIMULATED ENVIRONMENTAL TESTING.—

18 “(A) IN GENERAL.—Agencies represented
19 on the Interagency Committee shall ensure the
20 long-term use and operation of the Oil and
21 Hazardous Materials Simulated Environmental
22 Test Tank (OHMSETT) Research Center in
23 New Jersey for oil pollution technology testing
24 and evaluations.

1 “(B) OTHER TESTING FACILITIES.—Noth-
2 ing in subparagraph (A) shall be construed as
3 limiting the ability of the Interagency Com-
4 mittee to contract or partner with a facility or
5 facilities other than the Center described in
6 subparagraph (A) for the purpose of oil pollu-
7 tion technology testing and evaluations, pro-
8 vided such a facility or facilities have testing
9 and evaluation capabilities equal to or greater
10 than those of such Center.

11 “(C) IN-KIND CONTRIBUTIONS.—

12 “(i) IN GENERAL.—The Secretary of
13 the department in which the Coast Guard
14 is operating and the Administrator of the
15 Environmental Protection Agency may ac-
16 cept donations of crude oil and crude oil
17 product samples in the form of in-kind
18 contributions for use by the Federal Gov-
19 ernment for product testing, research and
20 development, and for other purposes as the
21 Secretary and the Administrator determine
22 appropriate.

23 “(ii) USE OF DONATED OIL.—Oil ac-
24 cepted under clause (i) may be used di-
25 rectly by the Secretary and shall be pro-

1 vided to other Federal agencies or depart-
2 ments through interagency agreements to
3 carry out the purposes of this Act.”;

4 (G) in paragraph (8)—

5 (i) in subparagraph (A), by striking
6 “subsection (b)” and inserting “subsection
7 (d)”;

8 (ii) in subparagraph (D)(iii), by strik-
9 ing “subsection (b)(1)(F)” and inserting
10 “subsection (d)”;

11 (H) in paragraph (10)—

12 (i) by striking “this subsection” and
13 inserting “paragraph (1)”;

14 (ii) by striking “agencies represented
15 on the Interagency Committee” and insert-
16 ing “Under Secretary”;

17 (iii) by inserting “, and States and In-
18 dian tribes” after “other persons”;

19 (iv) by striking “subsection (b)” and
20 inserting “subsection (d)”;

21 (2) in subsection (d), by striking “subsection
22 (b)” and inserting “subsection (d)”;

23 (3) in subsection (e), by striking “Chairman of
24 the Interagency Committee” and inserting “Chair”;

1 (4) in subsection (f), by striking “subsection
2 (c)(8)” each place it appears and inserting “sub-
3 section (e)(8)”;

4 (5) by redesignating subsections (c) through (f)
5 as subsections (e) through (h), respectively; and

6 (6) by striking subsections (a) and (b) and in-
7 serting the following:

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘Chair’ means the Chairperson of
10 the Interagency Committee designated under sub-
11 section (c)(2);

12 “(2) the term ‘Commandant’ means the Com-
13 mandant of the Coast Guard;

14 “(3) the term ‘institution of higher education’
15 means an institution of higher education, as defined
16 in section 101(a) of the Higher Education Act of
17 1965 (20 U.S.C. 1001(a));

18 “(4) the term ‘Interagency Committee’ means
19 the Interagency Coordinating Committee on Oil Pol-
20 lution Research established under subsection (b);

21 “(5) the term ‘Under Secretary’ means the
22 Under Secretary of Commerce for Oceans and At-
23 mosphere; and

1 “(6) the term ‘Vice Chair’ means the Vice
2 Chairperson of the Interagency Committee des-
3 ignated under subsection (c)(3).

4 “(b) ESTABLISHMENT OF INTERAGENCY COORDI-
5 NATING COMMITTEE ON OIL POLLUTION RESEARCH.—

6 “(1) ESTABLISHMENT.—There is established an
7 Interagency Coordinating Committee on Oil Pollu-
8 tion Research.

9 “(2) PURPOSE.—The Interagency Committee
10 shall coordinate a comprehensive program of oil pol-
11 lution research, technology development, and dem-
12 onstration among the Federal agencies, in coopera-
13 tion and coordination with industry, 4-year institu-
14 tions of higher education and research institutions,
15 State governments, and other nations, as appro-
16 priate, and shall foster cost-effective research mech-
17 anisms, including the joint funding of research.

18 “(c) MEMBERSHIP.—

19 “(1) COMPOSITION.—The Interagency Com-
20 mittee shall be composed of—

21 “(A) at least 1 representative of the Coast
22 Guard;

23 “(B) at least 1 representative of the Na-
24 tional Oceanic and Atmospheric Administration;

1 “(C) at least 1 representative of the Envi-
2 ronmental Protection Agency;

3 “(D) at least 1 representative of the De-
4 partment of the Interior;

5 “(E) at least 1 representative of the Bu-
6 reau of Safety and Environmental Enforcement;

7 “(F) at least 1 representative of the Bu-
8 reau of Ocean Energy Management;

9 “(G) at least 1 representative of the
10 United States Fish and Wildlife Service;

11 “(H) at least 1 representative of the De-
12 partment of Energy;

13 “(I) at least 1 representative of the Pipe-
14 line and Hazardous Materials Safety Adminis-
15 tration;

16 “(J) at least 1 representative of the Fed-
17 eral Emergency Management Agency;

18 “(K) at least 1 representative of the Navy;

19 “(L) at least 1 representative of the Corps
20 of Engineers;

21 “(M) at least 1 representative of the
22 United States Arctic Research Commission; and

23 “(N) at least 1 representative of each of
24 such other Federal agencies as the President
25 considers to be appropriate.

1 “(2) CHAIRPERSON.—The Commandant shall
2 designate a Chairperson from among the members
3 of the Interagency Committee selected under para-
4 graph (1)(A).

5 “(3) VICE CHAIRPERSON.—The Under Sec-
6 retary shall designate a Vice Chairperson from
7 among the members of the Interagency Committee
8 selected under paragraph (1)(B).

9 “(4) MEETINGS.—

10 “(A) QUARTERLY MEETINGS.—At a min-
11 imum, the members of the Interagency Com-
12 mittee shall meet once each quarter.

13 “(B) PUBLIC SUMMARIES.—After each
14 meeting, a summary shall be made available by
15 the Chair or Vice Chair, as appropriate.

16 “(d) DUTIES OF THE INTERAGENCY COMMITTEE.—

17 “(1) RESEARCH.—The Interagency Committee
18 shall—

19 “(A) coordinate a comprehensive program
20 of oil pollution research, technology develop-
21 ment, and demonstration among the Federal
22 agencies, in cooperation and coordination with
23 industry, 4-year institutions of higher education
24 and research institutions, States, Indian tribes,
25 and other countries, as appropriate; and

1 “(B) foster cost-effective research mecha-
2 nisms, including the joint funding of research
3 and the development of public-private partner-
4 ships for the purpose of expanding research.

5 “(2) OIL POLLUTION RESEARCH AND TECH-
6 NOLOGY PLAN.—

7 “(A) IMPLEMENTATION PLAN.—Not later
8 than 180 days after the date of enactment of
9 the Elijah E. Cummings Coast Guard Author-
10 ization Act of 2020, the Interagency Committee
11 shall submit to Congress a research plan to re-
12 port on the state of oil discharge prevention and
13 response capabilities that—

14 “(i) identifies current research pro-
15 grams conducted by Federal agencies,
16 States, Indian tribes, 4-year institutions of
17 higher education, and corporate entities;

18 “(ii) assesses the current status of
19 knowledge on oil pollution prevention, re-
20 sponse, and mitigation technologies and ef-
21 fects of oil pollution on the environment;

22 “(iii) identifies significant oil pollution
23 research gaps, including an assessment of
24 major technological deficiencies in re-
25 sponses to past oil discharges;

1 “(iv) establishes national research pri-
2 orities and goals for oil pollution tech-
3 nology development related to prevention,
4 response, mitigation, and environmental ef-
5 fects;

6 “(v) assesses the research on the ap-
7 plicability and effectiveness of the preven-
8 tion, response, and mitigation technologies
9 to each class of oil;

10 “(vi) estimates the resources needed
11 to conduct the oil pollution research and
12 development program established pursuant
13 to subsection (e), and timetables for com-
14 pleting research tasks;

15 “(vii) summarizes research on re-
16 sponse equipment in varying environmental
17 conditions, such as in currents, ice cover,
18 and ice floes; and

19 “(viii) includes such other information
20 or recommendations as the Interagency
21 Committee determines to be appropriate.

22 “(B) ADVICE AND GUIDANCE.—

23 “(i) NATIONAL ACADEMY OF
24 SCIENCES CONTRACT.—The Chair, through
25 the department in which the Coast Guard

1 is operating, shall contract with the Na-
2 tional Academy of Sciences to—

3 “(I) provide advice and guidance
4 in the preparation and development of
5 the research plan;

6 “(II) assess the adequacy of the
7 plan as submitted, and submit a re-
8 port to Congress on the conclusions of
9 such assessment; and

10 “(III) provide organization guid-
11 ance regarding the implementation of
12 the research plan, including delegation
13 of topics and research among Federal
14 agencies represented on the Inter-
15 agency Committee.

16 “(ii) NIST ADVICE AND GUIDANCE.—
17 The National Institute of Standards and
18 Technology shall provide the Interagency
19 Committee with advice and guidance on
20 issues relating to quality assurance and
21 standards measurements relating to its ac-
22 tivities under this section.

23 “(C) 10-YEAR UPDATES.—Not later than
24 10 years after the date of enactment of the Eli-
25 jah E. Cummings Coast Guard Authorization

1 Act of 2020, and every 10 years thereafter, the
2 Interagency Committee shall submit to Con-
3 gress a research plan that updates the informa-
4 tion contained in the previous research plan
5 submitted under this subsection.”.

6 **SEC. 10105. LIMITED INDEMNITY PROVISIONS IN STANDBY**
7 **OIL SPILL RESPONSE CONTRACTS.**

8 (a) IN GENERAL.—Subject to subsections (b) and (c),
9 a contract for the containment or removal of a discharge
10 entered into by the President under section 311(c) of the
11 Federal Water Pollution Control Act (33 U.S.C. 1321(c))
12 shall contain a provision to indemnify a contractor for li-
13 abilities and expenses incidental to the containment or re-
14 moval arising out of the performance of the contract that
15 is substantially identical to the terms contained in sub-
16 sections (d) through (h) of section H.4 (except for para-
17 graph (1) of subsection (d)) of the contract offered by the
18 Coast Guard in the solicitation numbered DTCG89–98–
19 A–68F953 and dated November 17, 1998.

20 (b) REQUIREMENTS.—

21 (1) SOURCE OF FUNDS.—The provision re-
22 quired under subsection (a) shall include a provision
23 that the obligation to indemnify is limited to funds
24 available in the Oil Spill Liability Trust Fund estab-
25 lished by section 9509(a) of the Internal Revenue

1 Code of 1986 at the time the claim for indemnity is
2 made.

3 (2) UNCOMPENSATED REMOVAL.—A claim for
4 indemnity under a contract described in subsection
5 (a) shall be made as a claim for uncompensated re-
6 moval costs under section 1012(a)(4) of the Oil Pol-
7 lution Act of 1990 (33 U.S.C. 2712(a)(4)).

8 (3) LIMITATION.—The total indemnity for a
9 claim under a contract described in subsection (a)
10 may not be more than \$50,000 per incident.

11 (c) APPLICABILITY OF EXEMPTIONS.—Notwith-
12 standing subsection (a), the United States shall not be ob-
13 ligated to indemnify a contractor for any act or omission
14 of the contractor carried out pursuant to a contract en-
15 tered into under this section where such act or omission
16 is grossly negligent or which constitutes willful mis-
17 conduct.

18 **Subtitle B—Shipping**

19 **SEC. 10201. PASSENGER VESSEL SECURITY AND SAFETY RE-** 20 **QUIREMENTS; APPLICATION.**

21 Section 3507(k)(1) of title 46, United States Code,
22 is amended—

23 (1) in subparagraph (B), by adding “and” after
24 the semicolon at the end;

1 (2) in subparagraph (C), by striking “; and”
2 and inserting a period; and
3 (3) by striking subparagraph (D).

4 **SEC. 10202. SMALL PASSENGER VESSELS AND**
5 **UNINSPECTED PASSENGER VESSELS.**

6 Section 12121 of title 46, United States Code, is
7 amended—

8 (1) in subsection (a)(1), by striking subpara-
9 graphs (A) and (B) and inserting the following:

10 “(A) was built in the United States;

11 “(B) was not built in the United States
12 and is at least 3 years old; or

13 “(C) if rebuilt, was rebuilt—

14 “(i) in the United States; or

15 “(ii) outside the United States at
16 least 3 years before the certificate re-
17 quested under subsection (b) would take
18 effect.”; and

19 (2) in subsection (b), by inserting “12132,”
20 after “12113,”.

21 **SEC. 10203. NON-OPERATING INDIVIDUAL.**

22 (a) IN GENERAL.—The Secretary of the department
23 in which the Coast Guard is operating shall not enforce
24 section 8701 of title 46, United States Code, with respect
25 to the following:

1 (1) A vessel with respect to individuals, other
2 than crew members required by the Certificate of In-
3 spection or to ensure the safe navigation of the ves-
4 sel and not a member of the steward's department,
5 engaged on board for the sole purpose of carrying
6 out spill response activities, salvage, marine fire-
7 fighting, or commercial diving business or functions
8 from or on any vessel, including marine firefighters,
9 spill response personnel, salvage personnel, and com-
10 mercial divers and diving support personnel.

11 (2) An offshore supply vessel, an industrial ves-
12 sel (as such term is defined in section 90.10–16 of
13 title 46, Code of Federal Regulations), or other simi-
14 larly engaged vessel with respect to persons engaged
15 in the business of the ship on board the vessel—

16 (A) for—

17 (i) supporting or executing the indus-
18 trial business or function of the vessel;

19 (ii) brief periods to conduct surveys or
20 investigations, assess crew competence,
21 conduct vessel trials, provide extraordinary
22 security resources, or similar tasks not tra-
23 ditionally performed by the vessel crew; or

24 (iii) performing maintenance tasks on
25 equipment under warranty, or on equip-

1 ment not owned by the vessel owner, or
2 maintenance beyond the capability of the
3 vessel crew to perform; and

4 (B) not the master or crew members re-
5 quired by the certificate of inspection and not
6 a member of the steward's department.

7 (b) SUNSET.—The prohibition in subsection (a) shall
8 terminate on the date that is 2 years after the date of
9 the enactment of this Act.

10 (c) REPORT.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the
13 Commandant shall submit to the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate and the Committee on Transportation and Infra-
16 structure of the House of Representatives a report
17 detailing recommendations to ensure that personnel
18 working on a vessel who perform work or operate
19 equipment on such vessel not related to the oper-
20 ation of the vessel itself undergo a background check
21 and the appropriate training necessary to ensure
22 personnel safety and the safety of the vessel's crew.

23 (2) CONTENTS.—The report required under
24 paragraph (1) shall include, at a minimum, a discus-
25 sion of—

1 (A) options and recommendations for en-
2 suring that the individuals covered by sub-
3 section (a) are appropriately screened to miti-
4 gate security and safety risks, including to de-
5 tect substance abuse;

6 (B) communication and collaboration be-
7 tween the Coast Guard, the department in
8 which the Coast Guard is operating, and rel-
9 evant stakeholders regarding the development
10 of processes and requirements for conducting
11 background checks and ensuring such individ-
12 uals receive basic safety familiarization and
13 basic safety training approved by the Coast
14 Guard;

15 (C) any identified legislative changes nec-
16 essary to implement effective training and
17 screening requirements for individuals covered
18 by subsection (a); and

19 (D) the timeline and milestones for imple-
20 menting such requirements.

21 **SEC. 10204. CONFORMING AMENDMENTS: TRAINING; PUB-**
22 **LIC SAFETY PERSONNEL.**

23 Chapter 701 of title 46, United States Code, is
24 amended—

25 (1) in section 70107—

1 (A) in subsection (a), by striking “law en-
2 forcement personnel” and inserting “public
3 safety personnel”;

4 (B) in subsection (b)(8), by striking “law
5 enforcement personnel—” and inserting “public
6 safety personnel—”; and

7 (C) in subsection (c)(2)(C), by striking
8 “law enforcement agency personnel” and insert-
9 ing “public safety personnel”; and
10 (2) in section 70132—

11 (A) in subsection (a), by striking “law en-
12 forcement personnel—” and inserting “public
13 safety personnel—”;

14 (B) in subsection (b), by striking “law en-
15 forcement personnel” each place it appears and
16 inserting “public safety personnel”; and

17 (C) by adding at the end the following:

18 “(d) PUBLIC SAFETY PERSONNEL DEFINED.—For
19 the purposes of this section, the term ‘public safety per-
20 sonnel’ includes any Federal, State (or political subdivi-
21 sion thereof), territorial, or Tribal law enforcement officer,
22 firefighter, or emergency response provider.”.

23 **SEC. 10205. MARITIME TRANSPORTATION ASSESSMENT.**

24 Section 55501(e) of title 46, United States Code, is
25 amended—

1 (1) in paragraph (2), by striking “an assess-
2 ment of the condition” and inserting “a conditions
3 and performance analysis”;

4 (2) in paragraph (4), by striking “; and” and
5 inserting a semicolon;

6 (3) in paragraph (5), by striking the period and
7 inserting “; and”; and

8 (4) by adding at the end the following:

9 “(6) a compendium of the Federal programs
10 engaged in the maritime transportation system.”.

11 **SEC. 10206. ENGINE CUT-OFF SWITCHES; USE REQUIRE-**
12 **MENT.**

13 (a) IN GENERAL.—Section 4312 of title 46, United
14 States Code, is amended—

15 (1) by redesignating subsections (b), (c), and
16 (d) as subsections (c), (d), and (e), respectively; and

17 (2) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) USE REQUIREMENT.—

20 “(1) IN GENERAL.—An individual operating a
21 covered recreational vessel shall use an engine cut-
22 off switch link while operating on plane or above dis-
23 placement speed.

24 “(2) EXCEPTIONS.—The requirement under
25 paragraph (1) shall not apply if—

1 “(A) the main helm of the covered vessel
2 is installed within an enclosed cabin; or

3 “(B) the vessel does not have an engine
4 cut-off switch and is not required to have one
5 under subsection (a).”.

6 (b) CIVIL PENALTY.—Section 4311 of title 46,
7 United States Code, is amended by—

8 (1) redesignating subsections (c), (d), (e), (f),
9 and (g) as subsections (d), (e), (f), (g), and (h), re-
10 spectively; and

11 (2) inserting after subsection (b) the following:

12 “(c) A person violating section 4312(b) of this title
13 is liable to the United States Government for a civil pen-
14 alty of not more than—

15 “(1) \$100 for the first offense;

16 “(2) \$250 for the second offense; and

17 “(3) \$500 for any subsequent offense.”.

18 (c) EFFECTIVE DATE.—The amendments made in
19 subsections (a) and (b) shall take effect 90 days after the
20 date of the enactment of this section, unless the Com-
21 mandant, prior to the date that is 90 days after the date
22 of the enactment of this section, determines that the use
23 requirement enacted in subsection (a) would not promote
24 recreational boating safety.

1 **SEC. 10207. AUTHORITY TO WAIVE OPERATOR OF SELF-**
2 **PROPELLED UNINSPECTED PASSENGER VES-**
3 **SEL REQUIREMENTS.**

4 Section 8905 of title 46, United States Code, is
5 amended by adding at the end the following:

6 “(c) After consultation with the Governor of Alaska
7 and the State boating law administrator of Alaska, the
8 Secretary may exempt an individual operating a self-pro-
9 pelled uninspected passenger vessel from the requirements
10 of section 8903 of this title, if—

11 “(1) the individual only operates such vessel
12 wholly within waters located in Alaska; and

13 “(2) such vessel is—

14 “(A) 26 feet or less in length; and

15 “(B) carrying not more than 6 pas-
16 sengers.”.

17 **SEC. 10208. EXEMPTIONS AND EQUIVALENTS.**

18 (a) IN GENERAL.—Section 4305 of title 46, United
19 States Code, is amended—

20 (1) by striking the heading and inserting the
21 following:

22 **“§ 4305. Exemptions and equivalents”;**

23 (2) by striking “If the Secretary” and inserting
24 the following:

25 “(a) EXEMPTIONS.—If the Secretary”; and

26 (3) by adding at the end the following:

1 “(b) EQUIVALENTS.—The Secretary may accept a
 2 substitution for associated equipment performance or
 3 other safety standards for a recreational vessel if the sub-
 4 stitution provides an equivalent level of safety.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
 6 ter 43 of title 46, United States Code, is amended by
 7 striking the item relating to section 4305 and inserting
 8 the following:

“4305. Exemptions and equivalents.”.

9 **SEC. 10209. WAIVER OF NAVIGATION AND VESSEL INSPEC-**
 10 **TION LAWS.**

11 Section 501(a) of title 46, United States Code, is
 12 amended—

13 (1) by striking “On request” and inserting the
 14 following:

15 “(1) IN GENERAL.—On request”; and

16 (2) by adding at the end the following:

17 “(2) EXPLANATION.—Not later than 24 hours
 18 after making a request under paragraph (1), the
 19 Secretary of Defense shall submit to the Committees
 20 on Transportation and Infrastructure and Armed
 21 Services of the House of Representatives and the
 22 Committees on Commerce, Science, and Transpor-
 23 tation and Armed Services of the Senate a written
 24 explanation of the circumstances requiring such a
 25 waiver in the interest of national defense, including

1 a confirmation that there are insufficient qualified
2 vessels to meet the needs of national defense without
3 such a waiver.”.

4 **SEC. 10210. RENEWAL OF MERCHANT MARINER LICENSES**
5 **AND DOCUMENTS.**

6 Not later than 60 days after the date of the enact-
7 ment of this Act, the Commandant shall provide to the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate a brief-
11 ing on the Coast Guard’s implementation of section 7106
12 of title 46, United States Code—

13 (1) an overview of the manner in which the
14 Coast Guard manages and processes renewal appli-
15 cations under such section, including communication
16 with the applicant regarding application status;

17 (2) the number of applications received and ap-
18 proved over the previous 2 years, or in the event ap-
19 plications were denied, a summary detailing the rea-
20 sons for such denial;

21 (3) an accounting of renewal applications filed
22 up to 8 months in advance of the expiration of a
23 pre-existing license, including the processing of such
24 applications and communication with the applicant

1 regarding application status or any other extenu-
2 ating circumstances; and

3 (4) any other regulatory or statutory changes
4 that would be necessary to further improve the
5 Coast Guard's issuance of credentials to fully quali-
6 fied mariners in the most effective and efficient
7 manner possible in order to ensure a safe, secure,
8 economically and environmentally sound marine
9 transportation system.

10 **SEC. 10211. CERTIFICATE EXTENSIONS.**

11 (a) IN GENERAL.—Subchapter I of chapter 121 of
12 title 46, United States Code, is amended by adding at the
13 end the following:

14 **“§ 12108. Authority to extend duration of vessel cer-**
15 **tificates**

16 “(a) CERTIFICATES.—Provided a vessel is in compli-
17 ance with inspection requirements in section 3313, the
18 Secretary of the department in which in the Coast Guard
19 is operating may, if the Secretary makes the determina-
20 tion described in subsection (b), extend, for a period of
21 not more than 1 year, an expiring certificate of docu-
22 mentation issued for a vessel under chapter 121.

23 “(b) DETERMINATION.—The determination referred
24 to in subsection (a) is a determination that such extension
25 is required to enable the Coast Guard to—

1 “(1) eliminate a backlog in processing applica-
2 tions for such certificates; or

3 “(2) act in response to a national emergency or
4 natural disaster.

5 “(c) MANNER OF EXTENSION.—Any extension grant-
6 ed under this section may be granted to individual vessels
7 or to a specifically identified group of vessels.”.

8 (b) CLERICAL AMENDMENT.—The analysis for sub-
9 chapter I of chapter 121 of title 46, United States Code,
10 is amended by adding at the end the following:

 “12108. Authority to extend duration of vessel certificates.”.

11 **SEC. 10212. VESSEL SAFETY STANDARDS.**

12 (a) FISHING SAFETY TRAINING GRANTS PRO-
13 GRAM.—Subsection (i) of section 4502 of title 46, United
14 States Code, is amended—

15 (1) in paragraph (3), by striking “50 percent”
16 and inserting “75 percent”; and

17 (2) in paragraph (4), by striking “2019” and
18 inserting “2021”.

19 (b) FISHING SAFETY RESEARCH GRANT PRO-
20 GRAM.—Subsection (j) of such section is amended—

21 (1) in paragraph (3), by striking “50 percent”
22 and inserting “75 percent”; and

23 (2) in paragraph (4), by striking “2019” and
24 inserting “2021”.

1 (c) FISHING SAFETY GRANTS.—The cap on the Fed-
2 eral share of the cost of any activity carried out with a
3 grant under subsections (i) and (j) of section 4502 of title
4 46, United States Code, as in effect prior to the date of
5 enactment of the Frank LoBiondo Coast Guard Author-
6 ization Act of 2018, shall apply to any funds appropriated
7 under the Consolidated Appropriations Act, 2017 (Public
8 Law 115–31) for the purpose of making such grants.

9 **SEC. 10213. MEDICAL STANDARDS.**

10 (a) IN GENERAL.—Chapter 35 of title 46, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 3509. Medical standards**

14 “‘The owner of a vessel to which section 3507 applies
15 shall ensure that—

16 “(1) a physician is always present and available
17 to treat any passengers who may be on board the
18 vessel in the event of an emergency situation;

19 “(2) the vessel is in compliance with the Health
20 Care Guidelines for Cruise Ship Medical Facilities
21 established by the American College of Emergency
22 Physicians; and

23 “(3) the initial safety briefing given to the pas-
24 sengers on board the vessel includes—

1 “(A) the location of the vessel’s medical fa-
2 cilities; and

3 “(B) the appropriate steps passengers
4 should follow during a medical emergency.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 35 of title 46, United States Code, is amended by add-
7 ing at the end the following:

“3509. Medical standards.”.

8 **Subtitle C—Advisory Committees**

9 **SEC. 10301. ADVISORY COMMITTEES.**

10 (a) NATIONAL OFFSHORE SAFETY ADVISORY COM-
11 MITTEE; REPRESENTATION.—Section 15106(c)(3) of title
12 46, United States Code, is amended—

13 (1) in subparagraph (C), by striking “mineral
14 and oil operations, including geophysical services”
15 and inserting “operations”;

16 (2) in subparagraph (D), by striking “explo-
17 ration and recovery”;

18 (3) in subparagraph (E), by striking “engaged
19 in diving services related to offshore construction,
20 inspection, and maintenance” and inserting “pro-
21 viding diving services to the offshore industry”;

22 (4) in subparagraph (F), by striking “engaged
23 in safety and training services related to offshore ex-
24 ploration and construction” and inserting “providing

1 safety and training services to the offshore indus-
 2 try”;

3 (5) in subparagraph (G), by striking “engaged
 4 in pipelaying services related to offshore construc-
 5 tion” and inserting “providing subsea engineering,
 6 construction, or remotely operated vehicle support to
 7 the offshore industry”;

8 (6) in subparagraph (H), by striking “mineral
 9 and energy”;

10 (7) in subparagraph (I), by inserting “and enti-
 11 ties providing environmental protection, compliance,
 12 or response services to the offshore industry” after
 13 “national environmental entities”; and

14 (8) in subparagraph (J), by striking “deepwater
 15 ports” and inserting “entities engaged in offshore oil
 16 exploration and production on the Outer Continental
 17 Shelf adjacent to Alaska”.

18 (b) TECHNICAL CORRECTIONS.—Section 15109 of
 19 title 46, United States Code, is amended by inserting “or
 20 to which this chapter applies” after “committee estab-
 21 lished under this chapter” each place it appears.

22 **SEC. 10302. MARITIME TRANSPORTATION SYSTEM NA-**
 23 **TIONAL ADVISORY COMMITTEE.**

24 (a) MARITIME TRANSPORTATION SYSTEM NATIONAL
 25 ADVISORY COMMITTEE.—Chapter 555 of title 46, United

1 States Code, is amended by adding at the end the fol-
2 lowing:

3 **“§ 55502. Maritime Transportation System National**
4 **Advisory Committee**

5 “(a) ESTABLISHMENT.—There is established a Mari-
6 time Transportation System National Advisory Committee
7 (in this section referred to as the ‘Committee’).

8 “(b) FUNCTION.—The Committee shall advise the
9 Secretary of Transportation on matters relating to the
10 United States maritime transportation system and its
11 seamless integration with other segments of the transpor-
12 tation system, including the viability of the United States
13 Merchant Marine.

14 “(c) MEMBERSHIP.—

15 “(1) IN GENERAL.—The Committee shall con-
16 sist of 27 members appointed by the Secretary of
17 Transportation in accordance with this section and
18 section 15109.

19 “(2) EXPERTISE.—Each member of the Com-
20 mittee shall have particular expertise, knowledge,
21 and experience in matters relating to the function of
22 the Committee.

23 “(3) REPRESENTATION.—Members of the Com-
24 mittee shall be appointed as follows:

1 “(A) At least one member shall represent
2 the Environmental Protection Agency.

3 “(B) At least one member shall represent
4 the Department of Commerce.

5 “(C) At least one member shall represent
6 the Corps of Engineers.

7 “(D) At least one member shall represent
8 the Coast Guard.

9 “(E) At least one member shall represent
10 Customs and Border Protection.

11 “(F) At least one member shall represent
12 State and local governmental entities.

13 “(G) Additional members shall represent
14 private sector entities that reflect a cross-section
15 of maritime industries, including port and
16 water stakeholders, academia, and labor.

17 “(H) The Secretary may appoint additional
18 representatives from other Federal agencies
19 as the Secretary considers appropriate.

20 “(4) RESTRICTIONS ON MEMBERS REPRESENTING
21 FEDERAL AGENCIES.—Members of the
22 Committee that represent Federal agencies shall
23 not—

1 “(A) comprise more than one-third of the
2 total membership of the Committee or of any
3 subcommittee therein; or

4 “(B) serve as the chair or co-chair of the
5 Committee or of any subcommittee therein.

6 “(5) ADMINISTRATION.—For purposes of sec-
7 tion 15109—

8 “(A) the Committee shall be treated as a
9 committee established under chapter 151; and

10 “(B) the Secretary of Transportation shall
11 fulfill all duties and responsibilities and have all
12 authorities of the Secretary of Homeland Secu-
13 rity with regard to the Committee.”.

14 (b) TREATMENT OF EXISTING COMMITTEE.—Not-
15 withstanding any other provision of law—

16 (1) an advisory committee substantially similar
17 to the Committee established by section 55502 of
18 title 46, United States Code, and that was in force
19 or in effect on the day before the date of the enact-
20 ment of this Act, including the charter, membership,
21 and other aspects of such advisory committee, may
22 remain in force or in effect for the 2-year period be-
23 ginning on the date of the enactment of this section;
24 and

25 (2) during such 2-year period—

1 (A) requirements relating the Maritime
2 Transportation System National Advisory Com-
3 mittee established by such section shall be
4 treated as satisfied by such substantially similar
5 advisory committee; and

6 (B) the enactment of this section shall not
7 be the basis—

8 (i) to deem, find, or declare such com-
9 mittee, including the charter, membership,
10 and other aspects thereof, void, not in
11 force, or not in effect;

12 (ii) to suspend the activities of such
13 committee; or

14 (iii) to bar the members of such com-
15 mittee from a meeting.

16 (c) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 555 of title 46, United States Code, is amended by
18 adding at the end the following:

“55502. Maritime Transportation System National Advisory Committee.”.

19 (d) REPEAL.—Section 55603 of title 46, United
20 States Code, and the item relating to that section in the
21 analysis for chapter 556 of that title, are repealed.

22 **SEC. 10303. EXPIRED MARITIME LIENS.**

23 Section 31343(e) of title 46, United States Code, is
24 amended—

25 (1) by inserting “(1)” before “A notice”; and

1 (2) by inserting after paragraph (1), as so des-
2 ignated by this section, the following:

3 “(2) On expiration of a notice of claim of lien under
4 paragraph (1), and after a request by the vessel owner,
5 the Secretary shall annotate the abstract of title to reflect
6 the expiration of the lien.”.

7 **SEC. 10304. GREAT LAKES PILOTAGE ADVISORY COM-**
8 **MITTEE.**

9 (a) IN GENERAL.—Section 9307 of title 46, United
10 States Code, is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1), by striking “seven”
13 and inserting “8”; and

14 (B) in paragraph (2)—

15 (i) in subparagraph (B), by striking
16 “representing the interests of” and insert-
17 ing “chosen from among nominations
18 made by”;

19 (ii) in subparagraph (C), by striking
20 “representing the interests of Great Lakes
21 ports” and inserting “chosen from among
22 nominations made by Great Lakes port au-
23 thorities and marine terminals”;

24 (iii) in subparagraph (D)—

1 (I) by striking “representing the
2 interests of” and inserting “chosen
3 from among nominations made by”;
4 and

5 (II) by striking “; and” and in-
6 serting a semicolon;

7 (iv) by redesignating subparagraph
8 (E) as subparagraph (F);

9 (v) by inserting after subparagraph
10 (D) the following:

11 “(E) one member chosen from among nomina-
12 tions made by Great Lakes maritime labor organiza-
13 tions; and”; and

14 (vi) in subparagraph (F), as so redes-
15 ignated, by striking “with a background in
16 finance or accounting,”; and

17 (2) in subsection (f)(1), by striking “2020” and
18 inserting “2030”.

19 (b) COMMITTEE DEEMED NOT EXPIRED.—Notwith-
20 standing section 9307(f)(1) of title 46, United States
21 Code, in any case in which the date of enactment of this
22 Act occurs after September 30, 2020, the Great Lakes Pi-
23 lotage Advisory Committee in existence as of September
24 30, 2020, shall be deemed not expired during the period
25 beginning on September 30, 2020 through the date of en-

1 actment of this Act. Accordingly, the committee member-
2 ship, charter, and the activities of such Committee shall
3 continue as though such Committee had not expired.

4 **SEC. 10305. NATIONAL COMMERCIAL FISHING SAFETY AD-**
5 **VISORY COMMITTEE.**

6 (a) NATIONAL COMMERCIAL FISHING SAFETY ADVI-
7 SORY COMMITTEE.—

8 (1) AMENDMENTS TO SECTION 15102.—Section
9 15102 of title 46, United States Code, is amended—

10 (A) in subsection (b)—

11 (i) in paragraph (1)—

12 (I) by inserting “and provide rec-
13 ommendations in writing to” after
14 “advise”; and

15 (II) in subparagraph (E), by
16 striking “and” after the semicolon;
17 and

18 (ii) in paragraph (2)—

19 (I) by striking the period and in-
20 serting “; and”; and

21 (II) by adding at the end the fol-
22 lowing:

23 “(3) review marine casualties and investigations
24 of vessels covered by chapter 45 of this title and

1 make recommendations to the Secretary to improve
2 safety and reduce vessel casualties.”; and

3 (B) by adding at the end the following:

4 “(d) QUORUM.—A quorum of 10 members is required
5 to send any written recommendations from the Committee
6 to the Secretary.

7 “(e) SAVINGS CLAUSE.—Nothing in this section shall
8 preclude the Secretary from taking emergency action to
9 ensure safety and preservation of life at sea.”.

10 (2) AMENDMENTS TO SECTION 15109.—Section
11 15109 of title 46, United States Code, is amended—

12 (A) in subsection (a)—

13 (i) by striking “Each” and inserting
14 the following:

15 “(1) IN GENERAL.—Except as provided in para-
16 graph (2), each”; and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(2) MINIMUM REQUIREMENTS.—The com-
20 mittee established under section 15102, shall—

21 “(A) meet in-person, not less frequently
22 than twice each year, at the call of the Sec-
23 retary of a majority of the members of the com-
24 mittee;

1 “(B) hold additional meetings as nec-
2 essary;

3 “(C) post the minutes of each meeting of
4 the committee on a publicly available website
5 not later than 2 weeks after the date on which
6 a meeting concludes; and

7 “(D) provide reasonable public notice of
8 any meeting of the committee, and publish such
9 notice in the Federal Register and on a publicly
10 available website.”;

11 (B) in subsection (f)(8)—

12 (i) by striking “Notwithstanding” and
13 inserting the following:

14 “(A) REAPPOINTMENT.—Notwith-
15 standing”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(B) LIMITATION.—With respect to the
19 committee established under section 15102,
20 members may serve not more than 3 terms.”;

21 (C) in subsection (j)(3)—

22 (i) in subparagraph (B), by striking
23 “and”;

24 (ii) in subparagraph (C), by striking
25 the period and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(D) make all responses required by sub-
4 paragraph (C) which are related to rec-
5 ommendations made by the committee estab-
6 lished under section 15102 available to the pub-
7 lic not later than 30 days after the date of re-
8 sponse.”;

9 (D) by amending subsection (k) to read as
10 follows:

11 “(k) OBSERVERS.—

12 “(1) IN GENERAL.—Any Federal agency with
13 matters under such agency’s administrative jurisdic-
14 tion related to the function of a committee estab-
15 lished under this chapter may designate a represent-
16 ative to—

17 “(A) attend any meeting of such com-
18 mittee; and

19 “(B) participate as an observer at meet-
20 ings of such committee that relate to such a
21 matter.

22 “(2) NATIONAL COMMERCIAL FISHING SAFETY
23 ADVISORY COMMITTEE.—With respect to the com-
24 mittee established under section 15102, the Com-

1 mandant of the Coast Guard shall designate a rep-
2 resentative under paragraph (1).”;

3 (E) in subsection (l), by striking “2027”
4 and inserting “2029”;

5 (F) by redesignating subsection (l) as sub-
6 section (m);

7 (G) by inserting after subsection (k) the
8 following:

9 “(l) TECHNICAL ASSISTANCE.—

10 “(1) IN GENERAL.—The Secretary shall provide
11 technical assistance to the Committee if requested
12 by the Chairman.

13 “(2) COMMITTEE CONSULTATION.—With re-
14 spect to the committee established under section
15 15102, the Chairman of the committee shall seek ex-
16 pertise from the fishing industry, marine safety ex-
17 perts, the shipbuilding industry, and others as the
18 committee determines appropriate.”; and

19 (H) by adding at the end the following:

20 “(n) SAVINGS CLAUSE.—Nothing in this section shall
21 preclude the Secretary from taking emergency action to
22 ensure safety and preservation of life at sea.”.

1 **SEC. 10306. EXEMPTION OF COMMERCIAL FISHING VES-**
2 **SELS OPERATING IN ALASKAN REGION FROM**
3 **GLOBAL MARITIME DISTRESS AND SAFETY**
4 **SYSTEM REQUIREMENTS OF FEDERAL COM-**
5 **MUNICATIONS COMMISSION.**

6 (a) DEFINITION OF SECRETARY.—In this section, the
7 term “Secretary” means the Secretary of the department
8 in which the Coast Guard is operating.

9 (b) EXEMPTION.—Subject to subsection (c), the Fed-
10 eral Communications Commission shall exempt fishing
11 vessels that primarily operate in the Alaskan Region, in-
12 cluding fishing vessels that transit from States in the Pa-
13 cific Northwest to conduct fishing operations in the Alas-
14 kan Region, from the requirements relating to carriage of
15 VHF–DSC and MF–DSC equipment under subpart W of
16 part 80 of title 47, Code of Federal Regulations, or any
17 successor regulation.

18 (c) FUNCTIONAL REQUIREMENTS.—A fishing vessel
19 exempted under subsection (b) shall—

20 (1) be capable of transmitting ship-to-shore dis-
21 tress alerts using not fewer than 2 separate and
22 independent systems, each using a different radio
23 communication service;

24 (2) be equipped with—

25 (A) a VHF radiotelephone installation;

1 (B) an MF or HF radiotelephone installa-
2 tion;

3 (C) a Category 1, 406.0–406.1 MHz
4 EPIRB meeting the requirements of section
5 80.1061 of title 47, Code of Federal Regula-
6 tions, or any successor regulation;

7 (D) a NAVTEX receiver meeting the re-
8 quirements of section 80.1101(c)(1) of title 47,
9 Code of Federal Regulations, or any successor
10 regulation;

11 (E) survival craft equipment meeting the
12 requirements of section 80.1095 of title 47,
13 Code of Federal Regulations, or any successor
14 regulation; and

15 (F) a Search and Rescue Transponder
16 meeting the requirements of section
17 80.1101(c)(6) of title 47, Code of Federal Reg-
18 ulations, or any successor regulation;

19 (3) maintain a continuous watch on VHF
20 Channel 16; and

21 (4) as an alternative to the equipment listed in
22 subparagraphs (A) through (F) of paragraph (2),
23 carry equipment found by the Federal Communica-
24 tions Commission, in consultation with the Sec-

1 retary, to be equivalent or superior with respect to
2 ensuring the safety of the vessel.

3 (d) DEFINITION OF ALASKAN REGION.—Not later
4 than 30 days after the date of enactment of this Act, the
5 Secretary shall define the term “Alaskan Region” for pur-
6 poses of this section. The Secretary shall include in the
7 definition of such term the area of responsibility of Coast
8 Guard District 17.

9 **Subtitle D—Ports**

10 **SEC. 10401. PORT, HARBOR, AND COASTAL FACILITY SECU-** 11 **RITY.**

12 Section 70116 of title 46, United States Code, is
13 amended—

14 (1) in subsection (a), by inserting “, cyber inci-
15 dents, transnational organized crime, and foreign
16 state threats” after “an act of terrorism”;

17 (2) in subsection (b)—

18 (A) in paragraphs (1) and (2), by inserting
19 “cyber incidents, transnational organized crime,
20 and foreign state threats” after “terrorism”
21 each place it appears; and

22 (B) in paragraph (3)—

23 (i) by striking “armed” and inserting
24 “, armed (as needed),”; and

1 (ii) by striking “terrorism or trans-
 2 portation security incidents,” and inserting
 3 “terrorism, cyber incidents, transnational
 4 organized crime, foreign state threats, or
 5 transportation security incidents,”; and

6 (3) in subsection (c)—

7 (A) by striking “70034,” and inserting
 8 “70033,”; and

9 (B) by adding at the end the following new
 10 sentence: “When preventing or responding to
 11 acts of terrorism, cyber incidents, transnational
 12 organized crime, or foreign state threats, the
 13 Secretary may carry out this section without re-
 14 gard to chapters 5 and 6 of title 5 or Executive
 15 Order Nos. 12866 and 13563.”.

16 **SEC. 10402. AIMING LASER POINTER AT VESSEL.**

17 (a) IN GENERAL.—Subchapter II of chapter 700 of
 18 title 46, United States Code, is amended by adding at the
 19 end the following:

20 **“§ 70014. Aiming laser pointer at vessel**

21 “(a) PROHIBITION.—It shall be unlawful to cause the
 22 beam of a laser pointer to strike a vessel operating on the
 23 navigable waters of the United States.

24 “(b) EXCEPTIONS.—This section shall not apply to
 25 a member or element of the Department of Defense or

1 Department of Homeland Security acting in an official ca-
2 pacity for the purpose of research, development, oper-
3 ations, testing, or training.

4 “(c) LASER POINTER DEFINED.—In this section the
5 term ‘laser pointer’ means any device designed or used to
6 amplify electromagnetic radiation by stimulated emission
7 that emits a beam designed to be used by the operator
8 as a pointer or highlighter to indicate, mark, or identify
9 a specific position, place, item, or object.”.

10 (b) CLERICAL AMENDMENT.—The analysis for sub-
11 chapter II of chapter 700 of title 46, United States Code,
12 is amended by adding at the end the following:

“70014. Aiming laser pointer at vessel.”.

13 **SEC. 10403. SAFETY OF SPECIAL ACTIVITIES.**

14 (a) IN GENERAL.—The Secretary of the department
15 in which the Coast Guard is operating shall conduct a 2-
16 year pilot program to establish and implement a process
17 to—

18 (1) establish safety zones to address special ac-
19 tivities in the exclusive economic zone;

20 (2) account for the number of safety zones es-
21 tablished for special activities;

22 (3) differentiate whether an applicant who re-
23 quests a safety zone for such activities is—

24 (A) an individual;

25 (B) an organization; or

1 (C) a government entity; and

2 (4) account for Coast Guard resources utilized
3 to enforce safety zones established for special activi-
4 ties, including—

5 (A) the number of Coast Guard or Coast
6 Guard Auxiliary vessels used; and

7 (B) the number of Coast Guard or Coast
8 Guard Auxiliary patrol hours required.

9 (b) BRIEFING.—Not later than 180 days after the ex-
10 piration of the 2-year pilot program, the Commandant
11 shall brief the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate regarding—

15 (1) the process required under subsection (a);
16 and

17 (2) whether the authority to establish safety
18 zones to address special activities in the exclusive
19 economic zone should be extended or made perma-
20 nent in the interest of safety.

21 (c) DEFINITIONS.—In this section:

22 (1) SAFETY ZONE.—The term “safety zone”
23 has the meaning given such term in section 165.20
24 of title 33, Code of Federal Regulations.

1 (2) SPECIAL ACTIVITIES.—The term “special
2 activities” includes—

3 (A) space activities, including launch and
4 reentry, as such terms are defined in section
5 50902 of title 51, United States Code, carried
6 out by United States citizens; and

7 (B) offshore energy development activities,
8 as described in section 8(p)(1)(C) of the Outer
9 Continental Shelf Lands Act (43 U.S.C.
10 1337(p)(1)(C)), on or near a fixed platform.

11 (3) UNITED STATES CITIZEN.—The term
12 “United States citizen” has the meaning given the
13 term “eligible owners” in section 12103 of title 46,
14 United States Code.

15 (4) FIXED PLATFORM.—The term “fixed plat-
16 form” means an artificial island, installation, or
17 structure permanently attached to the sea-bed for
18 the purpose of exploration or exploitation of re-
19 sources or for other economic purposes.

20 **SEC. 10404. SECURITY PLANS; REVIEWS.**

21 Section 70103 of title 46, United States Code, is
22 amended—

23 (1) by amending subsection (b)(3) to read as
24 follows:

1 “(3) The Secretary shall review and approve
2 Area Maritime Transportation Security Plans and
3 updates under this subsection.”; and

4 (2) in subsection (c)(4), by inserting “or up-
5 date” after “plan” each place it appears.

6 **SEC. 10405. VESSEL TRAFFIC SERVICE.**

7 Section 70001 of title 46, United States Code, is
8 amended to read as follows:

9 **“§ 70001. Vessel traffic services**

10 “(a) IN GENERAL.—Subject to the requirements of
11 section 70004, the Secretary—

12 “(1) in any port or place under the jurisdiction
13 of the United States, in the navigable waters of the
14 United States, or in any area covered by an inter-
15 national agreement negotiated pursuant to section
16 70005, may construct, operate, maintain, improve,
17 or expand vessel traffic services, that consist of
18 measures for controlling or supervising vessel traffic
19 or for protecting navigation and the marine environ-
20 ment and that may include one or more of reporting
21 and operating requirements, surveillance and com-
22 munications systems, routing systems, and fairways;

23 “(2) shall require appropriate vessels that oper-
24 ate in an area of a vessel traffic service to utilize or
25 comply with that service;

1 “(3) may require vessels to install and use spec-
2 ified navigation equipment, communications equip-
3 ment, electronic relative motion analyzer equipment,
4 or any electronic or other device necessary to comply
5 with a vessel traffic service or that is necessary in
6 the interests of vessel safety, except that the Sec-
7 retary shall not require fishing vessels under 300
8 gross tons as measured under section 14502, or an
9 alternate tonnage measured under section 14302 as
10 prescribed by the Secretary under section 14104, or
11 recreational vessels 65 feet or less to possess or use
12 the equipment or devices required by this subsection
13 solely under the authority of this chapter;

14 “(4) may control vessel traffic in areas subject
15 to the jurisdiction of the United States that the Sec-
16 retary determines to be hazardous, or under condi-
17 tions of reduced visibility, adverse weather, vessel
18 congestion, or other hazardous circumstances, by—

19 “(A) specifying times of entry, movement,
20 or departure;

21 “(B) establishing vessel traffic routing
22 schemes;

23 “(C) establishing vessel size, speed, or
24 draft limitations and vessel operating condi-
25 tions; and

1 “(D) restricting operation, in any haz-
2 ardous area or under hazardous conditions, to
3 vessels that have particular operating character-
4 istics or capabilities that the Secretary con-
5 siders necessary for safe operation under the
6 circumstances;

7 “(5) may require the receipt of prearrival mes-
8 sages from any vessel, destined for a port or place
9 subject to the jurisdiction of the United States, in
10 sufficient time to permit advance vessel traffic plan-
11 ning before port entry, which shall include any infor-
12 mation that is not already a matter of record and
13 that the Secretary determines necessary for the con-
14 trol of the vessel and the safety of the port or the
15 marine environment; and

16 “(6) may prohibit the use on vessels of elec-
17 tronic or other devices that interfere with commu-
18 nication and navigation equipment, except that such
19 authority shall not apply to electronic or other de-
20 vices certified to transmit in the maritime services
21 by the Federal Communications Commission and
22 used within the frequency bands 157.1875–157.4375
23 MHz and 161.7875–162.0375 MHz.

24 “(b) NATIONAL POLICY.—

1 “(1) ESTABLISHMENT AND UPDATE OF NA-
2 TIONAL POLICY.—

3 “(A) ESTABLISHMENT OF POLICY.—Not
4 later than one year after the date of enactment
5 of this section, the Secretary shall establish a
6 national policy which is inclusive of local
7 variances permitted under subsection (c), to be
8 applied to all vessel traffic service centers and
9 publish such policy in the Federal Register.

10 “(B) UPDATE.—The Secretary shall peri-
11 odically update the national policy established
12 under subparagraph (A) and shall publish such
13 update in the Federal Register or on a publicly
14 available website.

15 “(2) ELEMENTS.—The national policy estab-
16 lished and updated under paragraph (1) shall in-
17 clude, at a minimum, the following:

18 “(A) Standardization of titles, roles, and
19 responsibilities for all personnel assigned, work-
20 ing, or employed in a vessel traffic service cen-
21 ter.

22 “(B) Standardization of organizational
23 structure within vessel traffic service centers, to
24 include supervisory and reporting chain and
25 processes.

1 “(C) Establishment of directives for the
2 application of authority provided to each vessel
3 traffic service center, specifically with respect to
4 directing or controlling vessel movement when
5 such action is justified in the interest of safety.

6 “(D) Establishment of thresholds and
7 measures for monitoring, informing, recom-
8 mending, and directing vessel traffic.

9 “(E) Establishment of national procedures
10 and protocols for vessel traffic management.

11 “(F) Standardization of training for all
12 vessel traffic service directors, operators, and
13 watchstanders.

14 “(G) Establishment of certification and
15 competency evaluation for all vessel traffic serv-
16 ice directors, operators, and watchstanders.

17 “(H) Establishment of standard operating
18 language when communicating with vessel traf-
19 fic users.

20 “(I) Establishment of data collection, stor-
21 age, management, archiving, and dissemination
22 policies and procedures for vessel incidents and
23 near-miss incidents.

24 “(c) LOCAL VARIANCES.—

1 “(1) DEVELOPMENT.—In this section, the Sec-
2 retary may provide for such local variances as the
3 Secretary considers appropriate to account for the
4 unique vessel traffic, waterway characteristics, and
5 any additional factors that are appropriate to en-
6 hance navigational safety in any area where vessel
7 traffic services are provided.

8 “(2) REVIEW AND APPROVAL BY SECRETARY.—
9 The Captain of the Port covered by a vessel traffic
10 service center may develop and submit to the Sec-
11 retary regional policies in addition to the national
12 policy established and updated under subsection (b)
13 to account for variances from that national policy
14 with respect to local vessel traffic conditions and vol-
15 ume, geography, water body characteristics, water-
16 way usage, and any additional factors that the Cap-
17 tain considers appropriate.

18 “(3) REVIEW AND IMPLEMENTATION.—Not
19 later than 180 days after receiving regional policies
20 under paragraph (2)—

21 “(A) the Secretary shall review such re-
22 gional policies; and

23 “(B) the Captain of the port concerned
24 shall implement the policies that the Secretary
25 approves.

1 “(4) MAINTENANCE.—The Secretary shall
2 maintain a central depository for all local variances
3 approved under this section.

4 “(d) COOPERATIVE AGREEMENTS.—

5 “(1) IN GENERAL.—The Secretary may enter
6 into cooperative agreements with public or private
7 agencies, authorities, associations, institutions, cor-
8 porations, organizations, or other persons to carry
9 out the functions under subsection (a)(1).

10 “(2) INTERNATIONAL COORDINATION.—With
11 respect to vessel traffic service areas that cross
12 international boundaries, the Secretary may enter
13 into bilateral or cooperative agreements with inter-
14 national partners to jointly carry out the functions
15 under subsection (a)(1) and to jointly manage such
16 areas to collect, share, assess, and analyze informa-
17 tion in the possession or control of the international
18 partner.

19 “(3) LIMITATION.—

20 “(A) INHERENTLY GOVERNMENTAL FUNC-
21 TION.—A nongovernmental entity may not
22 under this subsection carry out an inherently
23 governmental function.

24 “(B) DEFINITION OF INHERENTLY GOV-
25 ERNMENTAL FUNCTION.—In this paragraph,

1 the term ‘inherently governmental function’
2 means any activity that is so intimately related
3 to the public interest as to mandate perform-
4 ance by an officer or employee of the Federal
5 Government, including an activity that requires
6 either the exercise of discretion in applying the
7 authority of the Government or the use of judg-
8 ment in making a decision for the Government.

9 “(4) DISCLOSURE.—The Commandant of the
10 Coast Guard shall de-identify information prior to
11 release to the public, including near miss incidents.

12 “(e) PERFORMANCE EVALUATION.—

13 “(1) IN GENERAL.—The Secretary shall develop
14 and implement a standard method for evaluating the
15 performance of vessel traffic service centers.

16 “(2) ELEMENTS.—The standard method devel-
17 oped and implemented under paragraph (1) shall in-
18 clude, at a minimum, analysis and collection of data
19 with respect to the following within a vessel traffic
20 service area covered by each vessel traffic service
21 center:

22 “(A) Volume of vessel traffic, categorized
23 by type of vessel.

24 “(B) Total volume of flammable, combus-
25 tible, or hazardous liquid cargo transported,

1 categorized by vessel type as provided in the
2 Notice of Arrival, if applicable, or as deter-
3 mined by other means.

4 “(C) Data on near-miss incidents.

5 “(D) Data on marine casualties.

6 “(E) Application by vessel traffic operators
7 of traffic management authority during near-
8 miss incidents and marine casualties.

9 “(F) Other additional methods as the Sec-
10 retary considers appropriate.

11 “(3) REPORT.—Not later than 1 year after the
12 date of the enactment of this paragraph, and bienni-
13 ally thereafter, the Secretary shall submit to the
14 Committee on Commerce, Science, and Transpor-
15 tation of the Senate and the Committee on Trans-
16 portation and Infrastructure of the House of Rep-
17 resentatives a report on the evaluation conducted
18 under paragraph (1) of the performance of vessel
19 traffic service centers, including—

20 “(A) recommendations to improve safety
21 and performance; and

22 “(B) data regarding marine casualties and
23 near-miss incidents that have occurred during
24 the period covered by the report.

25 “(f) RISK ASSESSMENT PROGRAM.—

1 “(1) IN GENERAL.—The Secretary shall develop
2 a continuous risk assessment program to evaluate
3 and mitigate safety risks for each vessel traffic serv-
4 ice area to improve safety and reduce the risks of oil
5 and hazardous material discharge in navigable
6 waters.

7 “(2) METHOD FOR ASSESSMENT.—The Sec-
8 retary, in coordination with stakeholders and the
9 public, shall develop a standard method for con-
10 ducting risk assessments under paragraph (1) that
11 includes the collection and management of all infor-
12 mation necessary to identify and analyze potential
13 hazardous navigational trends within a vessel traffic
14 service area.

15 “(3) INFORMATION TO BE ASSESSED.—

16 “(A) IN GENERAL.—The Secretary shall
17 ensure that a risk assessment conducted under
18 paragraph (1) includes an assessment of the
19 following:

20 “(i) Volume of vessel traffic, cat-
21 egorized by type of vessel.

22 “(ii) Total volume of flammable, com-
23 bustible, or hazardous liquid cargo trans-
24 ported, categorized by vessel type as pro-

1 vided in the Notice of Arrival, if applicable,
2 or as determined by other means.

3 “(iii) Data on near-miss events inci-
4 dents.

5 “(iv) Data on marine casualties.

6 “(v) Geographic locations for near-
7 miss events incidents and marine casual-
8 ties, including latitude and longitude.

9 “(vi) Cyclical risk factors such as
10 weather, seasonal water body currents,
11 tides, bathymetry, and topography.

12 “(vii) Weather data, in coordination
13 with the National Oceanic and Atmos-
14 pheric Administration.

15 “(B) INFORMATION STORAGE AND MAN-
16 AGEMENT POLICIES.—The Secretary shall re-
17 tain all information collected under subpara-
18 graph (A) and ensure policies and procedures
19 are in place to standardize the format in which
20 that information is retained to facilitate statis-
21 tical analysis of that information to calculate
22 within a vessel traffic service area, at a min-
23 imum, the incident rate, intervention rate, and
24 casualty prevention rate.

25 “(4) PUBLIC AVAILABILITY.—

1 “(A) ASSESSMENTS AND INFORMATION.—

2 In accordance with section 552 of title 5, the
3 Secretary shall make any risk assessments con-
4 ducted under paragraph (1) and any informa-
5 tion collected under paragraph (3)(A) available
6 to the public.

7 “(B) INFORMATION IN POSSESSION OR
8 CONTROL OF INTERNATIONAL PARTNERS.—The
9 Secretary shall endeavor to coordinate with
10 international partners as described in sub-
11 section (d)(2) to enter into agreements to make
12 information collected, shared, and analyzed
13 under that paragraph available to the public.

14 “(C) DISCLOSURE.—The Commandant of
15 the Coast Guard shall de-identify information
16 prior to release to the public, including near-
17 miss incidents.

18 “(g) VESSEL TRAFFIC SERVICE TRAINING.—

19 “(1) TRAINING PROGRAM.—

20 “(A) IN GENERAL.—The Secretary shall
21 develop a comprehensive nationwide training
22 program for all vessel traffic service directors,
23 operators, and watchstanders.

24 “(B) ELEMENTS.—The comprehensive na-
25 tionwide training program under subparagraph

1 (A) and any variances to that program under
2 subsection (c) shall include, at a minimum, the
3 following:

4 “(i) Realistic vessel traffic scenarios
5 to the maximum extent practicable that in-
6 tegrate—

7 “(I) the national policy developed
8 under subsection (b);

9 “(II) international rules under
10 the International Navigational Rules
11 Act of 1977 (33 U.S.C. 1601 et seq.);

12 “(III) inland navigation rules
13 under part 83 of title 33, Code of
14 Federal Regulations;

15 “(IV) the application of vessel
16 traffic authority; and

17 “(V) communication with vessel
18 traffic service users.

19 “(ii) Proficiency training with respect
20 to use, interpretation, and integration of
21 available data on vessel traffic service dis-
22 play systems such as radar, and vessel
23 automatic identification system feeds.

24 “(iii) Practical application of—

1 “(I) the international rules under
2 the International Navigational Rules
3 Act of 1977 (33 U.S.C. 1601 et seq.);
4 and

5 “(II) the inland navigation rules
6 under part 83 of title 33, Code of
7 Federal Regulations.

8 “(iv) Proficiency training with respect
9 to the operation of radio communications
10 equipment and any other applicable sys-
11 tems necessary to execute vessel traffic
12 service authorities.

13 “(v) Incorporation of the Standard
14 Marine Communication Phrases adopted
15 by the International Maritime Organiza-
16 tion by resolution on April 4, 2000, as
17 amended and consolidated, or any suc-
18 cessor resolution.

19 “(vi) Incorporation to the maximum
20 extent possible of guidance and rec-
21 ommendations contained in vessel traffic
22 services operator training, vessel traffic
23 services supervisor training, or other rel-
24 evant training set forth by the Inter-

1 national Association of Marine Aids to
2 Navigation and Lighthouse Authorities.

3 “(vii) A minimum number of hours of
4 training for an individual to complete be-
5 fore the individual is qualified to fill a ves-
6 sel traffic services position without super-
7 vision.

8 “(viii) Local area geographic and
9 operational familiarization.

10 “(ix) Such additional components as
11 the Secretary considers appropriate.

12 “(2) STANDARD COMPETENCY QUALIFICATION
13 PROCESS.—

14 “(A) IN GENERAL.—The Secretary shall
15 develop a standard competency qualification
16 process to be applied to all personnel assigned,
17 employed, or working in a vessel traffic service
18 center.

19 “(B) APPLICATION OF PROCESS.—The
20 competency qualification process developed
21 under subparagraph (A) shall include measur-
22 able thresholds for determining proficiency.

23 “(3) INTERNATIONAL AND INLAND NAVIGATION
24 RULES TEST.—

1 “(A) IN GENERAL.—All personnel as-
2 signed, employed, or working in a vessel traffic
3 service center with responsibilities that include
4 communicating, interacting, or directing vessels
5 within a vessel traffic service area, as deter-
6 mined under the national policy developed
7 under subsection (b), shall be required to pass
8 a United States international and inland navi-
9 gation rules test developed by the Secretary.

10 “(B) ELEMENTS OF TEST.—The Secretary
11 shall determine the content and passing stand-
12 ard for the rules test developed under subpara-
13 graph (A).

14 “(C) TESTING FREQUENCY.—The Sec-
15 retary shall establish a frequency, not to exceed
16 once every 5 years, for personnel described in
17 subparagraph (A) to be required to pass the
18 rules test developed under such subparagraph.

19 “(h) RESEARCH ON VESSEL TRAFFIC.—

20 “(1) VESSEL COMMUNICATION.—The Secretary
21 shall conduct research, in consultation with subject
22 matter experts identified by the Secretary, to de-
23 velop more effective procedures for monitoring vessel
24 communications on radio frequencies to identify and
25 address unsafe situations in a vessel traffic service

1 area. The Secretary shall consider data collected
2 under subparagraph (A) of subsection (f)(3).

3 “(2) PROFESSIONAL MARINER REPRESENTA-
4 TION.—

5 “(A) IN GENERAL.—The Secretary shall
6 conduct research, in consultation with local
7 stakeholders and subject matter experts identi-
8 fied by the Secretary, to evaluate and determine
9 the feasibility, costs and benefits of representa-
10 tion by professional mariners on the vessel traf-
11 fic service watchfloor at each vessel traffic serv-
12 ice center.

13 “(B) IMPLEMENTATION.—The Secretary
14 shall implement representation by professional
15 mariners on the vessel traffic service watchfloor
16 at those vessel traffic service centers for which
17 it is determined feasible and beneficial pursuant
18 to research conducted under subparagraph (A).

19 “(i) INCLUSION OF IDENTIFICATION SYSTEM ON
20 CERTAIN VESSELS.—

21 “(1) IN GENERAL.—The National Navigation
22 Safety Advisory Committee shall advise and provide
23 recommendations to the Secretary on matters relat-
24 ing to the practicability, economic costs, regulatory
25 burden, and navigational impact of outfitting vessels

1 lacking independent means of propulsion that carry
2 flammable, combustible, or hazardous liquid cargo
3 with vessel automatic identification systems.

4 “(2) REGULATIONS.—Based on the evaluation
5 under paragraph (1), the Secretary shall prescribe
6 such regulations as the Secretary considers appro-
7 priate to establish requirements relating to the out-
8 fitting of vessels described in such subparagraph
9 with vessel automatic identification systems.

10 “(j) PERIODIC REVIEW OF VESSEL TRAFFIC SERV-
11 ICE NEEDS.—

12 “(1) IN GENERAL.—Based on the performance
13 evaluation conducted under subsection (e) and the
14 risk assessment conducted under subsection (f), the
15 Secretary shall periodically review vessel traffic serv-
16 ice areas to determine—

17 “(A) if there are any additional vessel traf-
18 fic service needs in those areas; and

19 “(B) if a vessel traffic service area should
20 be moved or modified.

21 “(2) INFORMATION TO BE ASSESSED.—

22 “(A) IN GENERAL.—The Secretary shall
23 ensure that a review conducted under para-
24 graph (1) includes an assessment of the fol-
25 lowing:

1 “(i) Volume of vessel traffic, cat-
2 egorized by type of vessel.

3 “(ii) Total volume of flammable, com-
4 bustible, or hazardous liquid cargo trans-
5 ported, categorized by vessel type as pro-
6 vided in the Notice of Arrival, if applicable,
7 or as determined by other means.

8 “(iii) Data on near miss incidents.

9 “(iv) Data on marine casualties.

10 “(v) Geographic locations for near-
11 miss incidents and marine casualties, in-
12 cluding latitude and longitude.

13 “(vi) Cyclical risk factors such as
14 weather, seasonal water body currents,
15 tides, bathymetry, and topography.

16 “(vii) Weather data, in coordination
17 with the National Oceanic and Atmos-
18 pheric Administration.

19 “(3) STAKEHOLDER INPUT.—In conducting the
20 periodic reviews under paragraph (1), the Secretary
21 shall seek input from port and waterway stake-
22 holders to identify areas of increased vessel conflicts
23 or marine casualties that could benefit from the use
24 of routing measures or vessel traffic service special

1 areas to improve safety, port security, and environ-
2 mental protection.

3 “(4) DISCLOSURE.—The Commandant of the
4 Coast Guard shall de-identify information prior to
5 release to the public, including near miss incidents.

6 “(k) LIMITATION OF LIABILITY FOR COAST GUARD
7 VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL
8 VESSEL TRAFFIC SERVICE OPERATORS.—

9 “(1) COAST GUARD VESSEL TRAFFIC SERVICE
10 PILOTS.—Any pilot, acting in the course and scope
11 of his or her duties while at a Coast Guard Vessel
12 Traffic Service Center, who provides information,
13 advice, or communication assistance while under the
14 supervision of a Coast Guard officer, member, or
15 employee shall not be liable for damages caused by
16 or related to such assistance unless the acts or omis-
17 sions of such pilot constitute gross negligence or
18 willful misconduct.

19 “(2) NON-FEDERAL VESSEL TRAFFIC SERVICE
20 OPERATORS.—An entity operating a non-Federal
21 vessel traffic information service or advisory service
22 pursuant to a duly executed written agreement with
23 the Coast Guard, and any pilot acting on behalf of
24 such entity, is not liable for damages caused by or
25 related to information, advice, or communication as-

1 sistance provided by such entity or pilot while so op-
2 erating or acting unless the acts or omissions of
3 such entity or pilot constitute gross negligence or
4 willful misconduct.

5 “(1) EXISTING AUTHORITY.—Nothing in this section
6 shall be construed to alter the existing authorities of the
7 Secretary to enhance navigation, vessel safety, marine en-
8 vironmental protection, and to ensure safety and preserva-
9 tion of life and property at sea.

10 “(m) DEFINITIONS.—In this section:

11 “(1) HAZARDOUS LIQUID CARGO.—The term
12 ‘hazardous liquid cargo’ has the meaning given that
13 term in regulations prescribed under section 5103 of
14 title 49.

15 “(2) MARINE CASUALTY.—The term ‘marine
16 casualty’ has the meaning given that term in regula-
17 tions prescribed under section 6101(a).

18 “(3) VESSEL TRAFFIC SERVICE AREA.—The
19 term ‘vessel traffic service area’ means an area spec-
20 ified in subpart C of part 161 of title 33, Code of
21 Federal Regulations, or any successor regulation.

22 “(4) VESSEL TRAFFIC SERVICE CENTER.—The
23 term ‘vessel traffic service center’ means a center for
24 the provision of vessel traffic services in a vessel
25 traffic service area.

1 “(5) NEAR MISS INCIDENT.—The term ‘near
2 miss incident’ means any occurrence or series of oc-
3 currences having the same origin, involving one or
4 more vessels, facilities, or any combination thereof,
5 resulting in the substantial threat of a marine cas-
6 ualty.

7 “(6) DE-IDENTIFIED.—The term ‘de-identified’
8 means the process by which all information that is
9 likely to establish the identity of the specific persons
10 or entities noted in the reports, data, or other infor-
11 mation is removed from the reports, data, or other
12 information.”.

13 **SEC. 10406. TRANSPORTATION WORK IDENTIFICATION**
14 **CARD PILOT PROGRAM.**

15 Section 70105(g) of title 46, United States Code, is
16 amended by striking “shall concurrently” and all that fol-
17 lows and inserting the following: “shall—

18 “(1) develop and, no later than 2 years after
19 the date of enactment of the Elijah E. Cummings
20 Coast Guard Authorization Act of 2020, implement
21 a joint application for merchant mariner’s docu-
22 ments under chapter 73 and for a transportation se-
23 curity card issued under this section; and

24 “(2) upon receipt of a joint application devel-
25 oped under paragraph (1) concurrently process an

1 application from an individual for merchant mari-
2 ner's documents under chapter 73 and an applica-
3 tion from such individual for a transportation secu-
4 rity card under this section.”.

5 **TITLE IV—MISCELLANEOUS**
6 **Subtitle A—Navigation and**
7 **Shipping**

8 **SEC. 11101. COASTWISE TRADE.**

9 (a) IN GENERAL.—The Commandant shall review the
10 adequacy of and continuing need for provisions in title 46,
11 Code of Federal Regulations, that require a United States
12 vessel documented under chapter 121 of title 46, United
13 States Code, possessing a coastwise endorsement under
14 that chapter, and engaged in coastwise trade, to comply
15 with regulations for vessels engaged in an international
16 voyage.

17 (b) BRIEFING.—Not later than 180 days after the
18 date of the enactment of this Act, the Commandant shall
19 provide to the Committee on Transportation and Infra-
20 structure of the House of Representatives and the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate a briefing on the findings of the review required
23 under subsection (a) and a discussion of how existing laws
24 and regulations could be amended to ensure the safety of

1 vessels described in subsection (a) while infringing as little
2 as possible on commerce.

3 **SEC. 11102. TOWING VESSELS OPERATING OUTSIDE BOUND-**
4 **ARY LINE.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “Boundary Line” has the meaning
7 given the term in section 103 of title 46, United
8 States Code;

9 (2) the term “Officer in Charge, Marine Inspec-
10 tion” has the meaning given the term in section
11 3305(d)(4) of title 46, United States Code; and

12 (3) the term “Secretary” means the Secretary
13 of the Department in which the Coast Guard is op-
14 erating.

15 (b) INTERIM EXEMPTION.—A towing vessel described
16 in subsection (c) and a response vessel included on a vessel
17 response plan are exempt from any additional require-
18 ments of subtitle II of title 46, United States Code, and
19 chapter I of title 33 and chapter I of title 46, Code of
20 Federal Regulations (as in effect on the date of the enact-
21 ment of this Act), that would result solely from such vessel
22 operating outside the Boundary Line, if—

23 (1) the vessel is—

1 (A) operating outside the Boundary Line
2 solely to perform regular harbor assist oper-
3 ations; or

4 (B) listed as a response vessel on a vessel
5 response plan and is operating outside the
6 Boundary Line solely to perform duties of a re-
7 sponse vessel;

8 (2) the vessel is approved for operations outside
9 the Boundary Line by the Officer in Charge, Marine
10 Inspection and the Coast Guard Marine Safety Cen-
11 ter; and

12 (3) the vessel has sufficient manning and life-
13 saving equipment for all persons on board, in ac-
14 cordance with part 15 and section 141.225 of title
15 46, Code of Federal Regulations (or any successor
16 regulation).

17 (c) APPLICABILITY.—This section applies to a towing
18 vessel—

19 (1) that is subject to inspection under chapter
20 33 of title 46, United States Code, and subchapter
21 M of chapter I of title 46, Code of Federal Regula-
22 tions (or any successor regulation);

23 (2) with only “Lakes, Bays, and Sounds” or
24 “Rivers” routes recorded on such vessel’s certificate
25 of inspection pursuant to section 136.230 of title 46,

1 Code of Federal Regulations (or any successor regu-
2 lation);

3 (3) that, with respect to a vessel described in
4 subsection (b)(1)(A), is operating as a harbor assist
5 vessel and regularly engaged in harbor assist oper-
6 ations, including the docking, undocking, mooring,
7 unmooring, and escorting of vessels with limited ma-
8 neuverability; and

9 (4) that, with respect to a vessel that is de-
10 scribed in subsection (b)(1)(B), is listed—

11 (A) on a vessel response plan under part
12 155 of title 33, Code of Federal Regulations, on
13 the date of approval of the vessel response plan;
14 or

15 (B) by name or reference in the vessel re-
16 sponse plan's geographic-specific appendix on
17 the date of approval of the vessel response plan.

18 (d) LIMITATIONS.—A vessel exempted under sub-
19 section (b) is subject to the following operating limitations:

20 (1) The voyage of a vessel described in sub-
21 section (b)(1)(A) shall—

22 (A) be less than 12 hours in total duration;

23 (B) originate and end in the inspection
24 zone of a single Officer in Charge, Marine In-
25 spection; and

1 (C) occur no further than 10 nautical
2 miles from the Boundary Line.

3 (2) The voyage of a vessel described in sub-
4 section (b)(1)(B) shall—

5 (A) originate and end in the inspection
6 zone of a single Officer in Charge, Marine In-
7 spection; and

8 (B) either—

9 (i) in the case of a voyage in the terri-
10 torial waters of Alaska, Guam, Hawaii,
11 American Samoa, and the Northern Mar-
12 iana Islands, have sufficient manning as
13 determined by the Secretary; or

14 (ii) be less than 12 hours.

15 (e) SAFETY.—

16 (1) SAFETY RESTRICTIONS.—The Officer in
17 Charge, Marine Inspection for an inspection zone
18 may restrict operations under the interim exemption
19 provided under subsection (b) for safety purposes.

20 (2) COMPREHENSIVE LISTS.—The Officer in
21 Charge, Marine Inspection for an inspection zone
22 shall maintain and periodically update a comprehen-
23 sive list of all towing vessels described in subsection
24 (c) that operate in the inspection zone.

1 (3) NOTIFICATION.—Not later than 24 hours
2 prior to intended operations outside of the Boundary
3 Line, a towing vessel exempted under subsection (b)
4 shall notify the Office in Charge, Marine Inspection
5 for the inspection zone of such operations. Such no-
6 tification shall include—

7 (A) the date, time, and length of voyage;

8 (B) a crew list, with each crew member's
9 credentials and work hours; and

10 (C) an attestation from the master of the
11 towing vessel that the vessel has sufficient man-
12 ning and lifesaving equipment for all persons on
13 board.

14 (f) BRIEFING.—Not later than 180 days after the
15 date of the enactment of this Act, the Commandant of
16 the Coast Guard shall brief the Committee on Commerce,
17 Science, and Transportation of the Senate and the Com-
18 mittee on Transportation and Infrastructure of the House
19 of Representatives regarding the following:

20 (1) The impacts of the interim exemption pro-
21 vided under this section.

22 (2) Any safety concerns regarding the expira-
23 tion of such interim exemption.

24 (3) Whether such interim exemption should be
25 extended.

1 (g) TERMINATION.—The interim exemption provided
2 under subsection (b) shall terminate on the date that is
3 2 years after the date of the enactment of this Act.

4 **SEC. 11103. SENSE OF CONGRESS REGARDING THE MARI-**
5 **TIME INDUSTRY OF THE UNITED STATES.**

6 It is the sense of Congress that the maritime industry
7 of the United States contributes to the Nation’s economic
8 prosperity and national security.

9 **SEC. 11104. CARGO PREFERENCE STUDY.**

10 (a) IN GENERAL.—The Comptroller General of the
11 United States shall conduct an audit regarding the en-
12 forcement of the United States Cargo Preference Laws set
13 forth in sections 55302, 55303, 55304, and 55305 of title
14 46, United States Code, and section 2631 of title 10,
15 United States Code (hereinafter in this section referred
16 to as the “United States Cargo Preference Laws”).

17 (b) SCOPE.—The audit conducted under subsection
18 (a) shall include, for the period from October 14, 2008,
19 until the date of the enactment of this Act—

20 (1) a listing of the agencies and organizations
21 required to comply with the United States Cargo
22 Preference Laws;

23 (2) an analysis of the compliance or noncompli-
24 ance of such agencies and organizations with such
25 laws, including—

1 (A) the total amount of oceangoing cargo
2 that each such agency, organization, or con-
3 tractor procured for its own account or for
4 which financing was in any way provided with
5 Federal funds, including loan guarantees;

6 (B) the percentage of such cargo shipped
7 on privately owned commercial vessels of the
8 United States;

9 (C) an assessment of internal programs
10 and controls used by each such agency or orga-
11 nization to monitor and ensure compliance with
12 the United States Cargo Preference Laws, to
13 include education, training, and supervision of
14 its contracting personnel, and the procedures
15 and controls used to monitor compliance with
16 cargo preference requirements by contractors
17 and subcontractors; and

18 (D) instances in which cargoes are shipped
19 on foreign-flag vessels under non-availability de-
20 terminations but not counted as such for pur-
21 poses of calculating cargo preference compli-
22 ance; and

23 (3) an overview of enforcement activities under-
24 taken by the Maritime Administration from October
25 14, 2008, until the date of the enactment of this

1 Act, including a listing of all bills of lading collected
2 by the Maritime Administration during that period.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General shall
5 submit to the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate a report detailing the results of the audit and pro-
9 viding recommendations related to such results, to in-
10 clude—

11 (1) actions that should be taken by agencies
12 and organizations to fully comply with the United
13 States Cargo Preference Laws; and

14 (2) Other measures that may compel agencies
15 and organizations, and their contractors and sub-
16 contractors, to use United States flag vessels in the
17 international transportation of ocean cargoes as
18 mandated by the United States Cargo Preference
19 Laws.

20 **SEC. 11105. TOWING VESSEL INSPECTION FEES.**

21 Notwithstanding section 9701 of title 31, United
22 States Code, and section 2110 of title 46, United States
23 Code, the Secretary of the department in which the Coast
24 Guard is operating may not charge an inspection fee for
25 towing vessels required to have a Certificate of Inspection

1 under subchapter M of title 46, Code of Federal Regula-
 2 tions, until—

3 (1) the completion of the review required under
 4 section 815 of the Frank LoBiondo Coast Guard
 5 Authorization Act of 2018 (Public Law 115–282);
 6 and

7 (2) the promulgation of regulations to establish
 8 specific inspection fees for such vessels.

9 **Subtitle B—Maritime Domain** 10 **Awareness**

11 **SEC. 11201. UNMANNED MARITIME SYSTEMS AND SAT-** 12 **ELLITE VESSEL TRACKING TECHNOLOGIES.**

13 (a) ASSESSMENT.—The Commandant, acting
 14 through the Blue Technology Center of Expertise, shall
 15 regularly assess available unmanned maritime systems
 16 and satellite vessel tracking technologies for potential use
 17 to support missions of the Coast Guard.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 1 year after
 20 the date of the enactment of this Act, and biennially
 21 thereafter, the Commandant shall submit to the
 22 Committee on Transportation and Infrastructure of
 23 the House of Representatives and the Committee on
 24 Commerce, Science, and Transportation of the Sen-
 25 ate a report on the actual and potential effects of

1 the use of then-existing unmanned maritime systems
2 and satellite vessel tracking technologies on the mis-
3 sion effectiveness of the Coast Guard.

4 (2) CONTENTS.—Each report submitted under
5 paragraph (1) shall include the following:

6 (A) An inventory of current unmanned
7 maritime systems used by the Coast Guard, an
8 overview of such usage, and a discussion of the
9 mission effectiveness of such systems, including
10 any benefits realized or risks or negative as-
11 pects of such usage.

12 (B) An inventory of satellite vessel track-
13 ing technologies, and a discussion of the poten-
14 tial mission effectiveness of such technologies,
15 including any benefits or risks or negative as-
16 pects of such usage.

17 (C) A prioritized list of Coast Guard mis-
18 sion requirements that could be met with addi-
19 tional unmanned maritime systems, or with sat-
20 ellite vessel tracking technologies, and the esti-
21 mated costs of accessing, acquiring, or oper-
22 ating such systems, taking into consideration
23 the interoperability of such systems with the
24 current and future fleet of—

25 (i) National Security Cutters;

- 1 (ii) Fast Response Cutters;
- 2 (iii) Offshore Patrol Cutters;
- 3 (iv) Polar Security Cutters; and
- 4 (v) in-service legacy cutters, including
- 5 the 210- and 270-foot medium endurance
- 6 cutters and 225-foot Buoy Tenders.

7 (c) DEFINITIONS.—In this section:

8 (1) UNMANNED MARITIME SYSTEMS.—

9 (A) IN GENERAL.—The term “unmanned
10 maritime systems” means—

11 (i) remotely operated or autonomous
12 vehicles produced by the commercial sector
13 designed to travel in the air, on or under
14 the ocean surface, on land, or any com-
15 bination thereof, and that function without
16 an on-board human presence; and

17 (ii) associated components of such ve-
18 hicles, including control and communica-
19 tions systems, data transmission systems,
20 and processing systems.

21 (B) EXAMPLES.—Such term includes the
22 following:

- 23 (i) Unmanned undersea vehicles.
- 24 (ii) Unmanned surface vehicles.
- 25 (iii) Unmanned aerial vehicles.

1 (iv) Autonomous underwater vehicles.

2 (v) Autonomous surface vehicles.

3 (vi) Autonomous aerial vehicles.

4 (2) AVAILABLE UNMANNED MARITIME SYS-
5 TEMS.—The term “available unmanned maritime
6 systems” includes systems that can be purchased
7 commercially or are in use by the Department of
8 Defense or other Federal agencies.

9 (3) SATELLITE VESSEL TRACKING TECH-
10 NOLOGIES.—The term “satellite vessel tracking tech-
11 nologies” means shipboard broadcast systems that
12 use satellites and terrestrial receivers to continually
13 track vessels.

14 **SEC. 11202. UNMANNED AIRCRAFT SYSTEMS TESTING.**

15 (a) TRAINING AREA.—The Commandant shall carry
16 out and update, as appropriate, a program for the use of
17 one or more training areas to facilitate the use of un-
18 manned aircraft systems and small unmanned aircraft to
19 support missions of the Coast Guard.

20 (b) DESIGNATION OF AREA.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Com-
23 mandant shall, as part of the program under sub-
24 section (a), designate an area for the training, test-

1 ing, and development of unmanned aircraft systems
2 and small unmanned aircraft.

3 (2) CONSIDERATIONS.—In designating a train-
4 ing area under paragraph (1), the Commandant
5 shall—

6 (A) ensure that such training area has or
7 receives all necessary Federal Aviation Adminis-
8 tration flight authorization; and

9 (B) take into consideration all of the fol-
10 lowing attributes of the training area:

11 (i) Direct over-water maritime access
12 from the site.

13 (ii) The availability of existing Coast
14 Guard support facilities, including pier and
15 dock space.

16 (iii) Proximity to existing and avail-
17 able offshore Warning Area airspace for
18 test and training.

19 (iv) Existing facilities and infrastruc-
20 ture to support unmanned aircraft system-
21 augmented, and small unmanned aircraft-
22 augmented, training, evaluations, and exer-
23 cises.

24 (v) Existing facilities with a proven
25 track record of supporting unmanned air-

1 craft systems and small unmanned aircraft
2 systems flight operations.

3 (c) DEFINITIONS.—In this section—

4 (1) the term “existing” means as of the date of
5 enactment of this Act; and

6 (2) the terms “small unmanned aircraft” and
7 “unmanned aircraft system” have the meanings
8 given those terms in section 44801 of title 49,
9 United States Code.

10 **SEC. 11203. LAND-BASED UNMANNED AIRCRAFT SYSTEM**
11 **PROGRAM OF COAST GUARD.**

12 (a) FUNDING FOR CERTAIN ENHANCED CAPABILI-
13 TIES.—Section 319 of title 14, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(c) FUNDING FOR CERTAIN ENHANCED CAPABILI-
17 TIES.—In each of fiscal years 2020 and 2021, the Com-
18 mandant may provide additional funding of \$5,000,000
19 for additional long-range maritime patrol aircraft, ac-
20 quired through full and open competition.”.

21 (b) REPORT ON USE OF UNMANNED AIRCRAFT SYS-
22 TEMS FOR CERTAIN SURVEILLANCE.—

23 (1) REPORT REQUIRED.—Not later than March
24 31, 2021, the Commandant, in coordination with the
25 Administrator of the Federal Aviation Administra-

tion on matters related to aviation safety and civilian aviation and aerospace operations, shall submit to the appropriate committees of Congress a report setting forth an assessment of the feasibility and advisability of using unmanned aircraft systems for surveillance of marine protected areas, the transit zone, and the Arctic in order to—

(A) establish and maintain regular maritime domain awareness of such areas;

(B) ensure appropriate response to illegal activities in such areas; and

(C) collaborate with State, local, and tribal authorities, and international partners, in surveillance missions over their waters in such areas.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

1 **SEC. 11204. PROHIBITION ON OPERATION OR PROCURE-**
2 **MENT OF FOREIGN-MADE UNMANNED AIR-**
3 **CRAFT SYSTEMS.**

4 (a) PROHIBITION ON AGENCY OPERATION OR PRO-
5 CUREMENT.—The Commandant may not operate or enter
6 into or renew a contract for the procurement of—

7 (1) an unmanned aircraft system that—

8 (A) is manufactured in a covered foreign
9 country or by an entity domiciled in a covered
10 foreign country;

11 (B) uses flight controllers, radios, data
12 transmission devices, cameras, or gimbals man-
13 ufactured in a covered foreign country or by an
14 entity domiciled in a covered foreign country;

15 (C) uses a ground control system or oper-
16 ating software developed in a covered foreign
17 country or by an entity domiciled in a covered
18 foreign country; or

19 (D) uses network connectivity or data stor-
20 age located in or administered by an entity
21 domiciled in a covered foreign country; or

22 (2) a system manufactured in a covered foreign
23 country or by an entity domiciled in a covered for-
24 eign country for the detection or identification of un-
25 manned aircraft systems.

26 (b) EXEMPTION.—

1 (1) IN GENERAL.—The Commandant is exempt
2 from the restriction under subsection (a) if—

3 (A) the operation or procurement is for the
4 purposes of—

5 (i) counter-UAS system surrogate
6 testing and training; or

7 (ii) intelligence, electronic warfare,
8 and information warfare operations, test-
9 ing, analysis, and training; or

10 (B) the Commandant receives a certifi-
11 cation from the Coast Guard unit requesting to
12 operate or procure an unmanned aircraft sys-
13 tem otherwise restricted under subsection (a),
14 which shall include supporting manufacturer in-
15 formation, that the unmanned aircraft system
16 does not—

17 (i) connect to the internet or an out-
18 side telecommunications service;

19 (ii) connect to other devices or elec-
20 tronics, except as necessary to perform the
21 mission; or

22 (iii) perform any missions in support
23 of classified information or that may
24 threaten national security.

1 (2) EXPIRATION.—The authority under this
2 subsection to operate or procure an unmanned air-
3 craft system otherwise restricted under subsection
4 (a) expires on the date that is 2 years after the date
5 of the enactment of this Act.

6 (c) WAIVER.—The Commandant may waive the re-
7 striction under subsection (a) on a case by case basis by
8 certifying in writing to the Department of Homeland Se-
9 curity and the relevant committees of jurisdiction that the
10 operation or procurement is required in the national inter-
11 est of the United States.

12 (d) DEFINITIONS.—In this section:

13 (1) COVERED FOREIGN COUNTRY.—The term
14 “covered foreign country” means the People’s Re-
15 public of China.

16 (2) COUNTER-UAS SYSTEM.—The term
17 “counter-UAS system” has the meaning given such
18 term in section 44801 of title 49, United States
19 Code.

20 (3) UNMANNED AIRCRAFT SYSTEM.—The term
21 “unmanned aircraft system” has the meaning given
22 such term in section 44801 of title 49, United
23 States Code.

1 **SEC. 11205. UNITED STATES COMMERCIAL SPACE-BASED**
2 **RADIO FREQUENCY MARITIME DOMAIN**
3 **AWARENESS TESTING AND EVALUATION PRO-**
4 **GRAM.**

5 (a) TESTING AND EVALUATION PROGRAM.—The Sec-
6 retary of the department in which the Coast Guard is op-
7 erating, acting through the Blue Technology Center of Ex-
8 pertise, shall carry out a testing and evaluation program
9 of United States commercial space-based radio frequency
10 geolocation and maritime domain awareness products and
11 services to support the mission objectives of maritime en-
12 forcement by the Coast Guard and other components of
13 the Coast Guard. The objectives of this testing and evalua-
14 tion program shall include—

15 (1) developing an understanding of how United
16 States commercial space-based radio frequency data
17 products can meet current and future mission re-
18 quirements;

19 (2) establishing how United States commercial
20 space-based radio frequency data products should in-
21 tegrate into existing work flows; and

22 (3) establishing how United States commercial
23 space-based radio frequency data products could be
24 integrated into analytics platforms.

25 (b) REPORT.—Not later than 240 days after the date
26 of enactment of this Act, such Secretary shall prepare and

1 submit to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives a report on the results of the testing and eval-
5 uation program under subsection (a), including rec-
6 ommendations on how the Coast Guard should fully ex-
7 ploit United States commercial space-based radio fre-
8 quency data products to meet current and future mission
9 requirements.

10 **SEC. 11206. AUTHORIZATION OF USE OF AUTOMATIC IDEN-**
11 **TIFICATION SYSTEMS DEVICES TO MARK**
12 **FISHING EQUIPMENT.**

13 (a) DEFINITIONS.—In this section—

14 (1) the term “Automatic Identification System”
15 has the meaning given the term in section 164.46(a)
16 of title 33, Code of Federal Regulations, or any suc-
17 cessor regulation;

18 (2) the term “Automatic Identification System
19 device” means a covered device that operates in
20 radio frequencies assigned to the Automatic Identi-
21 fication System;

22 (3) the term “Commission” means the Federal
23 Communications Commission; and

24 (4) the term “covered device” means a device
25 used to mark fishing equipment.

1 (b) RULEMAKING REQUIRED.—Not later than 180
2 days after the date of enactment of this Act, the Commis-
3 sion, in consultation with the Commandant, the Secretary
4 of State, and the Secretary of Commerce (acting through
5 the Administrator of National Telecommunications and
6 Information Administration), shall initiate a rulemaking
7 proceeding to consider whether to authorize covered de-
8 vices to operate in radio frequencies assigned to the Auto-
9 matic Identification System.

10 (c) CONSIDERATIONS.—In conducting the rulemaking
11 under subsection (b), the Commission shall consider
12 whether imposing requirements with respect to the man-
13 ner in which Automatic Identification System devices are
14 deployed and used would enable the authorization of cov-
15 ered devices to operate in radio frequencies assigned to
16 the Automatic Identification System consistent with the
17 core purpose of the Automatic Identification System to
18 prevent maritime accidents.

19 **Subtitle C—Arctic**

20 **SEC. 11301. COAST GUARD ARCTIC PRIORITIZATION.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) The strategic importance of the Arctic con-
24 tinues to increase as the United States and other
25 countries recognize the military significance of the

1 sea lanes and choke points within the region and un-
2 derstand the potential for power projection from the
3 Arctic into multiple regions.

4 (2) Russia and China have conducted military
5 exercises together in the Arctic, have agreed to con-
6 nect the Northern Sea Route, claimed by Russia,
7 with China's Maritime Silk Road, and are working
8 together in developing natural gas resources in the
9 Arctic.

10 (3) The economic significance of the Arctic con-
11 tinues to grow as countries around the globe begin
12 to understand the potential for maritime transpor-
13 tation through, and economic and trade development
14 in, the region.

15 (4) Increases in human, maritime, and resource
16 development activity in the Arctic region may create
17 additional mission requirements for the Department
18 of Defense and the Department of Homeland Secu-
19 rity.

20 (5) The increasing role of the United States in
21 the Arctic has been highlighted in each of the last
22 four national defense authorization acts.

23 (6) The United States Coast Guard Arctic
24 Strategic Outlook released in April 2019 states,
25 "Demonstrating commitment to operational pres-

1 ence, Canada, Denmark, and Norway have made
2 strategic investments in ice-capable patrol ships
3 charged with national or homeland security missions.
4 The United States is the only Arctic State that has
5 not made similar investments in ice-capable surface
6 maritime security assets. This limits the ability of
7 the Coast Guard, and the Nation, to credibly uphold
8 sovereignty or respond to contingencies in the Arctic.”.

10 (b) SENSE OF CONGRESS.—It is the sense of Congress that—

12 (1) the Arctic is a region of strategic importance to the national security interests of the United States, and the Coast Guard must better align its mission prioritization and development of capabilities to meet the growing array of challenges in the region;

18 (2) the increasing freedom of navigation and expansion of activity in the Arctic must be met with an increasing show of Coast Guard forces capable of exerting influence through persistent presence;

22 (3) Congress fully supports the needed and important re-capitalization of the fleet of cutters and aircraft of the Coast Guard, but, the Coast Guard must avoid overextending operational assets for re-

1 mote international missions at the cost of dedicated
2 focus on this domestic area of responsibility with
3 significant international interest and activity; and

4 (4) although some progress has been made to
5 increase awareness of Arctic issues and to promote
6 increased presence in the region, additional meas-
7 ures are needed to protect vital economic, environ-
8 mental, and national security interests of the United
9 States, and to show the commitment of the United
10 States to this emerging strategic choke point of in-
11 creasing great power competition.

12 (c) ARCTIC DEFINED.—In this section, the term
13 “Arctic” has the meaning given that term in section 112
14 of the Arctic Research and Policy Act of 1984 (15 U.S.C.
15 4111).

16 **SEC. 11302. ARCTIC PARS NATIVE ENGAGEMENT.**

17 The Commandant shall—

18 (1) engage directly with local coastal whaling
19 and fishing communities in the Arctic region when
20 conducting the Alaskan Arctic Coast Port Access
21 Route Study, in accordance with chapter 700 of title
22 46, United States Code, and as described in the no-
23 tice of study published in the Federal Register on
24 December 21, 2018 (83 Fed. Reg. 65701); and

1 (2) consider the concerns of the Arctic coastal
2 community regarding any Alaskan Arctic Coast Port
3 Access Route, including safety needs and concerns.

4 **SEC. 11303. VOTING REQUIREMENT.**

5 Section 305(i)(1)(G)(iv) of the Magnuson-Stevens
6 Fishery Conservation and Management Act (16 U.S.C.
7 1855(i)(1)(G)(iv)) is amended to read as follows:

8 “(iv) VOTING REQUIREMENT.—The
9 panel may act only by the affirmative vote
10 of at least 5 of its members, except that
11 any decision made pursuant to the last
12 sentence of subparagraph (C) shall require
13 the unanimous vote of all 6 members of
14 the panel.”.

15 **SEC. 11304. REPORT ON THE ARCTIC CAPABILITIES OF THE**
16 **ARMED FORCES.**

17 (a) REPORT REQUIRED.—Not later than 180 days
18 after the date of the enactment of this Act, the Secretary
19 of the department in which the Coast Guard is operating
20 shall submit to the appropriate committees of Congress
21 a report setting forth the results of a study on the Arctic
22 capabilities of the Armed Forces. The Secretary shall
23 enter into a contract with an appropriate federally funded
24 research and development center for the conduct of the
25 study.

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

3 (1) A comparison of the capabilities of the
4 United States, the Russian Federation, the People's
5 Republic of China, and other countries operating in
6 the Arctic, including an assessment of the ability of
7 the navy of each such country to operate in varying
8 sea-ice conditions.

9 (2) A description of commercial and foreign
10 military surface forces currently operating in the
11 Arctic in conditions inaccessible to Navy surface
12 forces.

13 (3) An assessment of the potential security risk
14 posed to Coast Guard forces by military forces of
15 other countries operating in the Arctic in conditions
16 inaccessible to Navy surface or aviation forces in the
17 manner such forces currently operate.

18 (4) A comparison of the domain awareness ca-
19 pabilities of—

20 (A) Coast Guard forces operating alone;
21 and

22 (B) Coast Guard forces operating in tan-
23 dem with Navy surface and aviation forces and
24 the surface and aviation forces of other allies.

1 (5) A comparison of the defensive capabilities
2 of—

3 (A) Coast Guard forces operating alone;
4 and

5 (B) Coast Guard forces operating in mu-
6 tual defense with Navy forces, other Armed
7 Forces, and the military forces of allies.

8 (c) FORM.—The report required under subsection (a)
9 shall be submitted in unclassified form, but may contain
10 a classified annex.

11 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
12 FINED.—In this section, the term “appropriate commit-
13 tees of Congress” means—

14 (1) the Committee on Armed Services, the
15 Committee on Commerce, Science, and Transpor-
16 tation, and the Committee on Appropriations of the
17 Senate; and

18 (2) the Committee on Armed Services, the
19 Committee on Transportation and Infrastructure,
20 and the Committee on Appropriations of the House
21 of Representatives.

22 **SEC. 11305. REPORT ON ARCTIC SEARCH AND RESCUE.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Commandant shall
25 submit to the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives a report on the search and rescue capabilities
4 of the Coast Guard in Arctic coastal communities.

5 (b) CONTENTS.—The report under subsection (a)
6 shall include the following:

7 (1) An identification of ways in which the Coast
8 Guard can more effectively partner with Arctic
9 coastal communities to respond to search and rescue
10 incidents through training, funding, and deployment
11 of assets.

12 (2) An analysis of the costs of forward deploy-
13 ing on a seasonal basis Coast Guard assets in sup-
14 port of such communities for responses to such inci-
15 dents.

16 **SEC. 11306. ARCTIC SHIPPING FEDERAL ADVISORY COM-**
17 **MITTEE.**

18 (a) PURPOSE.—The purpose of this section is to es-
19 tablish a Federal advisory committee to provide policy rec-
20 ommendations to the Secretary of Transportation on posi-
21 tioning the United States to take advantage of emerging
22 opportunities for Arctic maritime transportation.

23 (b) DEFINITIONS.—In this section:

24 (1) ADVISORY COMMITTEE.—The term “Advi-
25 sory Committee” means the Arctic Shipping Federal

1 Advisory Committee established under subsection
2 (c)(1).

3 (2) ARCTIC.—The term “Arctic” has the mean-
4 ing given the term in section 112 of the Arctic Re-
5 search and Policy Act of 1984 (15 U.S.C. 4111).

6 (3) ARCTIC SEA ROUTES.—The term “Arctic
7 Sea Routes” means the international Northern Sea
8 Route, the Transpolar Sea Route, and the North-
9 west Passage.

10 (c) ESTABLISHMENT OF THE ARCTIC SHIPPING FED-
11 ERAL ADVISORY COMMITTEE.—

12 (1) ESTABLISHMENT OF ADVISORY COM-
13 MITTEE.—

14 (A) IN GENERAL.—The Secretary of
15 Transportation, in coordination with the Sec-
16 retary of State, the Secretary of Defense acting
17 through the Secretary of the Army and the Sec-
18 retary of the Navy, the Secretary of Commerce,
19 and the Secretary of the Department in which
20 the Coast Guard is operating, shall establish an
21 Arctic Shipping Federal Advisory Committee in
22 the Department of Transportation to advise the
23 Secretary of Transportation and the Secretary
24 of the Department in which the Coast Guard is
25 operating on matters related to Arctic maritime

1 transportation, including Arctic seaway develop-
2 ment.

3 (B) MEETINGS.—The Advisory Committee
4 shall meet at the call of the Chairperson, and
5 at least once annually in Alaska.

6 (2) MEMBERSHIP.—

7 (A) IN GENERAL.—The Advisory Com-
8 mittee shall be composed of 17 members as de-
9 scribed in subparagraph (B).

10 (B) COMPOSITION.—The members of the
11 Advisory Committee shall be—

12 (i) 1 individual appointed and des-
13 ignated by the Secretary of Transportation
14 to serve as the Chairperson of the Advisory
15 Committee;

16 (ii) 1 individual appointed and des-
17 ignated by the Secretary of the Depart-
18 ment in which the Coast Guard is oper-
19 ating to serve as the Vice Chairperson of
20 the Advisory Committee;

21 (iii) 1 designee of the Secretary of
22 Commerce;

23 (iv) 1 designee of the Secretary of
24 State;

1 (v) 1 designee of the Secretary of
2 Transportation;

3 (vi) 1 designee of the Secretary of De-
4 fense;

5 (vii) 1 designee from the State of
6 Alaska, nominated by the Governor of
7 Alaska and designated by the Secretary of
8 Transportation;

9 (viii) 1 designee from the State of
10 Washington, nominated by the Governor of
11 Washington and designated by the Sec-
12 retary of Transportation;

13 (ix) 3 Alaska Native Tribal members;

14 (x) 1 individual representing Alaska
15 Native subsistence co-management groups
16 affected by Arctic maritime transportation;

17 (xi) 1 individual representing coastal
18 communities affected by Arctic maritime
19 transportation;

20 (xii) 1 individual representing vessels
21 of the United States (as defined in section
22 116 of title 46, United States Code) par-
23 ticipating in the shipping industry;

24 (xiii) 1 individual representing the
25 marine safety community;

1 (xiv) 1 individual representing the
2 Arctic business community; and

3 (xv) 1 individual representing mari-
4 time labor organizations.

5 (C) TERMS.—

6 (i) LIMITATIONS.—Each member of
7 the Advisory Committee described in
8 clauses (vii) through (xv) of subparagraph
9 (B) shall serve for a 2-year term and shall
10 not be eligible for more than 2 consecutive
11 term reappointments.

12 (ii) VACANCIES.—Any vacancy in the
13 membership of the Advisory Committee
14 shall not affect its responsibilities, but
15 shall be filled in the same manner as the
16 original appointment and in accordance
17 with the Federal Advisory Committee Act
18 (5 U.S.C. App.).

19 (3) FUNCTIONS.—The Advisory Committee
20 shall carry out all of the following functions:

21 (A) Develop a set of policy recommenda-
22 tions that would enhance the leadership role
23 played by the United States in improving the
24 safety and reliability of Arctic maritime trans-
25 portation in accordance with customary inter-

1 national maritime law and existing Federal au-
2 thority. Such policy recommendations shall con-
3 sider options to establish a United States entity
4 that could perform the following functions in
5 accordance with United States law and cus-
6 tomary international maritime law:

7 (i) Construction, operation, and main-
8 tenance of current and future maritime in-
9 frastructure necessary for vessels
10 transiting the Arctic Sea Routes, including
11 potential new deep draft and deepwater
12 ports.

13 (ii) Provision of services that are not
14 widely commercially available in the United
15 States Arctic that would—

16 (I) improve Arctic maritime safe-
17 ty and environmental protection;

18 (II) enhance Arctic maritime do-
19 main awareness; and

20 (III) support navigation and inci-
21 dent response for vessels transiting
22 the Arctic Sea Routes.

23 (iii) Establishment of rules of meas-
24 urement for vessels and cargo for the pur-

1 poses of levying voluntary rates of charges
2 or fees for services.

3 (B) As an option under subparagraph (A),
4 consider establishing a congressionally char-
5 tered seaway development corporation modeled
6 on the Saint Lawrence Seaway Development
7 Corporation, and—

8 (i) develop recommendations for es-
9 tablishing such a corporation and a de-
10 tailed implementation plan for establishing
11 such an entity; or

12 (ii) if the Advisory Committee decides
13 against recommending the establishment of
14 such a corporation, provide a written ex-
15 planation as to the rationale for the deci-
16 sion and develop an alternative, as prac-
17 ticable.

18 (C) Provide advice and recommendations,
19 as requested, to the Secretary of Transpor-
20 tation and the Secretary of the Department in
21 which the Coast Guard is operating on Arctic
22 marine transportation, including seaway devel-
23 opment, and consider national security inter-
24 ests, where applicable, in such recommenda-
25 tions.

1 (D) In developing the advice and rec-
2 ommendations under subparagraph (C), engage
3 with and solicit feedback from coastal commu-
4 nities, Alaska Native subsistence co-manage-
5 ment groups, and Alaska Native tribes.

6 (d) REPORT TO CONGRESS.—Not later than 2 years
7 after the date of enactment of this Act, the Advisory Com-
8 mittee shall submit a report with its recommendations
9 under subparagraphs (A) and (B) of subsection (c)(3) to
10 the Committee on Commerce, Science, and Transportation
11 of the Senate and the Committee on Transportation and
12 Infrastructure of the House of Representatives.

13 (e) TERMINATION OF THE ADVISORY COMMITTEE.—
14 Not later than 8 years after the submission of the report
15 described in subsection (d), the Secretary of Transpor-
16 tation shall dissolve the Advisory Committee.

17 (f) INTERNATIONAL ENGAGEMENT.—If a Special
18 Representative for the Arctic Region is appointed by the
19 Secretary of State, the duties of that Representative shall
20 include—

21 (1) coordination of any activities recommended
22 by the implementation plan submitted by the Advi-
23 sory Committee and approved by the Secretary of
24 Transportation; and

1 (2) facilitation of multilateral dialogues with
2 member and observer nations of the Arctic Council
3 to encourage cooperation on Arctic maritime trans-
4 portation.

5 (g) TRIBAL CONSULTATION.—In implementing any
6 of the recommendations provided under subsection
7 (c)(3)(C), the Secretary of Transportation shall consult
8 with Alaska Native tribes.

9 **Subtitle D—Other Matters**

10 **SEC. 11401. PLAN FOR WING-IN-GROUND DEMONSTRATION**

11 **PLAN.**

12 (a) IN GENERAL.—(1) The Commandant, in coordi-
13 nation with the Administrator of the Federal Aviation Ad-
14 ministration with regard to any regulatory or safety mat-
15 ter regarding airspace, air space authorization, or avia-
16 tion, shall develop plans for a demonstration program that
17 will determine whether wing-in-ground craft, as such term
18 is defined in section 2101 of title 46, United States Code,
19 that is capable of carrying at least one individual, can—

20 (A) provide transportation in areas in which en-
21 ergy exploration, development or production activity
22 takes place on the Outer Continental Shelf; and

23 (B) under the craft's own power, safely reach
24 helidecks or platforms located on offshore energy fa-
25 cilities.

1 (2) REQUIREMENTS.—The plans required under
2 paragraph (1) shall—

3 (A) examine and explain any safety issues with
4 regard to the operation of the such craft as a vessel,
5 or as an aircraft, or both;

6 (B) include a timeline and technical milestones
7 for the implementation of such a demonstration pro-
8 gram;

9 (C) outline resource requirements needed to un-
10 dertake such a demonstration program;

11 (D) describe specific operational circumstances
12 under which the craft may be used, including dis-
13 tance from United States land, altitude, number of
14 individuals, amount of cargo, and speed and weight
15 of vessel;

16 (E) describe the operations under which Fed-
17 eral Aviation Administration statutes, regulations,
18 circulars, or orders apply; and

19 (F) describe the certifications, permits, or au-
20 thorizations required to perform any operations.

21 (b) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Commandant, along with
23 the Administrator of the Federal Aviation Administration
24 with regard to any regulatory or safety matter regarding
25 airspace, air space authorization, or aviation, shall brief

1 the Committee on Transportation and Infrastructure of
2 the House of Representatives and the Committee on Com-
3 merce, Science and Transportation of the Senate on the
4 plan developed under subsection (a), including—

5 (1) any regulatory changes needed regarding in-
6 spections and manning, to allow such craft to oper-
7 ate between onshore facilities and offshore energy
8 facilities when such craft is operating as a vessel;

9 (2) any regulatory changes that would be nec-
10 essary to address potential impacts to air traffic
11 control, the National Airspace System, and other
12 aircraft operations, and to ensure safe operations on
13 or near helidecks and platforms located on offshore
14 energy facilities when such craft are operating as
15 aircraft; and

16 (3) any other statutory or regulatory changes
17 related to authority of the Federal Aviation Admin-
18 istration over operations of the craft.

19 **SEC. 11402. NORTHERN MICHIGAN OIL SPILL RESPONSE**
20 **PLANNING.**

21 Notwithstanding any other provision of law, not later
22 than 180 days after the date of the enactment of this Act,
23 the Secretary of the department in which the Coast Guard
24 is operating, in consultation with the Administrator of the
25 Environmental Protection Agency and the Administrator

1 of the Pipeline and Hazardous Materials Safety Adminis-
2 tration, shall update the Northern Michigan Area Contin-
3 gency Plan to include a worst-case discharge from a pipe-
4 line in adverse weather conditions.

5 **SEC. 11403. DOCUMENTATION OF LNG TANKERS.**

6 Section 7(b) of the America’s Cup Act of 2011 (Pub-
7 lic Law 112–61) is amended—

8 (1) in paragraph (3)—

9 (A) by striking “of the vessel on the date
10 of enactment of this Act”; and

11 (B) by inserting before the period the fol-
12 lowing: “, unless prior to any such sale the ves-
13 sel has been operated in a coastwise trade for
14 not less than 1 year after the date of enactment
15 of the Elijah E. Cummings Coast Guard Au-
16 thorization Act of 2020 and prior to sale of ves-
17 sel”;

18 (2) by redesignating paragraphs (2) and (3) as
19 paragraphs (4) and (5), respectively; and

20 (3) by inserting after paragraph (1) the fol-
21 lowing:

22 “(2) LIMITATION ON OWNERSHIP.—The Sec-
23 retary of the department in which the Coast Guard
24 is operating may only issue a certificate of docu-
25 mentation with a coastwise endorsement to a vessel

1 designated in paragraph (1) if the owner of the ves-
2 sel is an individual or individuals who are citizens of
3 the United States, or is deemed to be such a citizen
4 under section 50501 of title 46, United States Code.

5 “(3) LIMITATION ON REPAIR AND MODIFICA-
6 TION.—

7 “(A) REQUIREMENT.—Any qualified work
8 shall be performed at a shipyard facility located
9 in the United States.

10 “(B) EXCEPTIONS.—The requirement in
11 subparagraph (A) does not apply to any quali-
12 fied work—

13 “(i) for which the owner or operator
14 enters into a binding agreement no later
15 than 1 year after the date of enactment of
16 the Elijah E. Cummings Coast Guard Au-
17 thorization Act of 2020; or

18 “(ii) necessary for the safe towage of
19 the vessel from outside the United States
20 to a shipyard facility in the United States
21 for completion of the qualified work.

22 “(C) DEFINITION.—In this paragraph,
23 qualified work means repair and modification
24 necessary for the issuance of a certificate of in-
25 spection issued as a result of the waiver for

1 which a coastwise endorsement is issued under
2 paragraph (1).”.

3 **SEC. 11404. REPLACEMENT VESSEL.**

4 Notwithstanding section 208(g)(5) of the American
5 Fisheries Act (Public Law 105–277; 16 U.S.C. 1851
6 note), a vessel eligible under section 208(e)(21) of such
7 Act that is replaced under section 208(g) of such Act shall
8 be subject to a sideboard restriction catch limit of zero
9 metric tons in the Bering Sea and Aleutian Islands and
10 in the Gulf of Alaska unless that vessel is also a replace-
11 ment vessel under section 679.4(o)(4) of title 50, Code of
12 Federal Regulations, in which case such vessel shall not
13 be eligible to be a catcher/processor under section
14 206(b)(2) of such Act.

15 **SEC. 11405. EDUCATIONAL VESSEL.**

16 (a) IN GENERAL.—Notwithstanding section
17 12112(a)(2) of title 46, United States Code, the Secretary
18 of the department in which the Coast Guard is operating
19 may issue a certificate of documentation with a coastwise
20 endorsement for the vessel *Oliver Hazard Perry* (IMO
21 number 8775560; United States official number
22 1257224).

23 (b) TERMINATION OF EFFECTIVENESS OF ENDORSE-
24 MENT.—The coastwise endorsement authorized under sub-
25 section (a) for the vessel *Oliver Hazard Perry* (IMO num-

ber 8775560; United States official number 1257224)
shall expire on the first date on which any of the following
occurs:

(1) The vessel is sold to a person, including an
entity, that is not related by ownership or control to
the person, including an entity, that owned the ves-
sel on the date of the enactment of this Act.

(2) The vessel is rebuilt and not rebuilt in the
United States (as defined in section 12101(a) of
title 46, United States Code).

(3) The vessel is no longer operating in primary
service as a sailing school vessel.

**SEC. 11406. WATERS DEEMED NOT NAVIGABLE WATERS OF
THE UNITED STATES FOR CERTAIN PUR-
POSES.**

The Coalbank Slough in Coos Bay, Oregon, is
deemed to not be navigable waters of the United States
for all purposes of subchapter J of Chapter I of title 33,
Code of Federal Regulations.

SEC. 11407. ANCHORAGES.

(a) IN GENERAL.—The Secretary of the department
in which the Coast Guard is operating shall suspend the
establishment of new anchorage grounds on the Hudson
River between Yonkers, New York, and Kingston, New
York, under section 7 of the Rivers and Harbors Appro-

1 priations Act of 1915 (33 U.S.C. 471) or chapter 700 of
2 title 46, United States Code.

3 (b) RESTRICTION.—The Commandant may not es-
4 tablish or expand any anchorage grounds outside of the
5 reach on the Hudson River described in subsection (a)
6 without first providing notice to the Committee on Trans-
7 portation and Infrastructure of the House of Representa-
8 tives and the Committee on Commerce, Science, and
9 Transportation of the Senate not later than 180 days prior
10 to the establishment or expansion of any such anchorage
11 grounds.

12 (c) SAVINGS CLAUSE.—Nothing in this section—

13 (1) prevents the master or pilot of a vessel op-
14 erating on the reach of the Hudson River described
15 in subsection (a) from taking emergency actions nec-
16 essary to maintain the safety of the vessel or to pre-
17 vent the loss of life or property; or

18 (2) shall be construed as limiting the authority
19 of the Secretary of the department in which the
20 Coast Guard is operating to exercise authority over
21 the movement of a vessel under section 70002 of
22 title 46, United States Code, or any other applicable
23 laws or regulations governing the safe navigation of
24 a vessel.

1 (d) STUDY.—The Commandant of the Coast Guard,
2 in consultation with the Hudson River Safety, Navigation,
3 and Operations Committee, shall conduct a study of the
4 Hudson River north of Tarrytown, New York to exam-
5 ine—

6 (1) the nature of vessel traffic including vessel
7 types, sizes, cargoes, and frequency of transits;

8 (2) the risks and benefits of historic practices
9 for commercial vessels anchoring; and

10 (3) the risks and benefits of establishing an-
11 chorage grounds on the Hudson River.

12 (e) REPORT.—Not later than 1 year after the date
13 of the enactment of this Act, the Commandant of the
14 Coast Guard shall submit to the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 and the Committee on Commerce, Science, and Transpor-
17 tation of the Senate a report containing the findings, con-
18 clusions, and recommendations from the study required
19 under subsection (d).

20 **SEC. 11408. COMPTROLLER GENERAL OF THE UNITED**
21 **STATES STUDY AND REPORT ON VERTICAL**
22 **EVACUATION FOR TSUNAMIS AT COAST**
23 **GUARD STATIONS IN WASHINGTON AND OR-**
24 **EGON.**

25 (a) STUDY.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall conduct a study that exam-
3 ines the potential use, in the event of a Cascadia
4 subduction zone event, of a vertical evacuation of
5 Coast Guard personnel stationed at United States
6 Coast Guard Station Grays Harbor and Sector Field
7 Office Port Angeles, Washington, and at United
8 States Coast Guard Station Yaquina Bay and
9 United States Coast Guard Motor Lifeboat Station
10 Coos Bay, Oregon, and the dependents of such
11 Coast Guard personnel housed in Coast Guard hous-
12 ing.

13 (2) ELEMENTS.—The study required under
14 paragraph (1) shall analyze the following:

15 (A) The number of such personnel and de-
16 pendents to be evacuated.

17 (B) The resources available to conduct an
18 evacuation, and the feasibility of a successful
19 evacuation in a case in which inundation maps
20 and timelines are available.

21 (C) With the resources available, the
22 amount of time needed to evacuate such per-
23 sonnel and dependents.

1 (D) Any resource that is otherwise avail-
2 able within a reasonable walking distance to the
3 Coast Guard facilities listed in paragraph (1).

4 (E) The benefit to the surrounding com-
5 munity of such a vertical evacuation.

6 (F) The interoperability of the tsunami
7 warning system with the Coast Guard commu-
8 nication systems at the Coast Guard facilities
9 listed in paragraph (1).

10 (G) Current interagency coordination and
11 communication policies in place for emergency
12 responders to address a Cascadia subduction
13 zone event.

14 (b) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act, the Comptroller General shall
16 submit to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives a report containing the findings, conclusions,
20 and recommendations, if any, from the study required
21 under subsection (a).

1 **SEC. 11409. AUTHORITY TO ENTER INTO AGREEMENTS**
2 **WITH NATIONAL COAST GUARD MUSEUM AS-**
3 **SOCIATION.**

4 (a) IN GENERAL.—Section 316 of title 14, United
5 States Code, is amended to read as follows:

6 **“§ 316. National Coast Guard Museum**

7 “(a) ESTABLISHMENT.—The Commandant may es-
8 tablish, accept, operate, maintain and support the Mu-
9 seum, on lands which will be federally owned and adminis-
10 tered by the Coast Guard, and are located in New London,
11 Connecticut.

12 “(b) USE OF FUNDS.—

13 “(1) The Secretary shall not expend any funds
14 appropriated to the Coast Guard on the construction
15 of any museum established under this section.

16 “(2) Subject to the availability of appropria-
17 tions, the Secretary may expend funds appropriated
18 to the Coast Guard on the engineering and design
19 of a Museum.

20 “(3) The priority for the use of funds appro-
21 priated to the Coast Guard shall be to preserve, pro-
22 tect, and display historic Coast Guard artifacts, in-
23 cluding the design, fabrication, and installation of
24 exhibits or displays in which such artifacts are in-
25 cluded.

1 “(4) To the maximum extent practicable, the
2 Secretary shall minimize the use of Federal funds
3 for the construction of the Museum.

4 “(c) FUNDING PLAN.—Not later than 2 years after
5 the date of the enactment of the Elijah E. Cummings
6 Coast Guard Authorization Act of 2020 and at least 90
7 days before the date on which the Commandant accepts
8 the Museum under subsection (f), the Commandant shall
9 submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives a plan for constructing, operating, and main-
13 taining such Museum, including—

14 “(1) estimated planning, engineering, design,
15 construction, operation, and maintenance costs;

16 “(2) the extent to which appropriated, non-
17 appropriated, and non-Federal funds will be used for
18 such purposes, including the extent to which there is
19 any shortfall in funding for engineering, design, or
20 construction;

21 “(3) an explanation of any environmental reme-
22 diation issues related to the land associated with the
23 Museum; and

24 “(4) a certification by the Inspector General of
25 the department in which the Coast Guard is oper-

1 ating that the estimates provided pursuant to para-
2 graphs (1) and (2) are reasonable and realistic.

3 “(d) CONSTRUCTION.—

4 “(1) The Association may construct the Mu-
5 seum described in subsection (a).

6 “(2) The Museum shall be designed and con-
7 structed in compliance with the International Build-
8 ing Code 2018, and construction performed on Fed-
9 eral land under this section shall be exempt from
10 State and local requirements for building or demoli-
11 tion permits.

12 “(e) AGREEMENTS.—Under such terms and condi-
13 tions as the Commandant considers appropriate, notwith-
14 standing section 504, and until the Commandant accepts
15 the Museum under subsection (f), the Commandant
16 may—

17 “(1) license Federal land to the Association for
18 the purpose of constructing the Museum described in
19 subsection (a); and

20 “(2)(A) at a nominal charge, lease the Museum
21 from the Association for activities and operations re-
22 lated to the Museum; and

23 “(B) authorize the Association to generate
24 revenue from the use of the Museum.

1 “(f) ACCEPTANCE.—Not earlier than 90 days after
2 the Commandant submits the plan under subsection (c),
3 the Commandant shall accept the Museum from the Asso-
4 ciation and all right, title, and interest in and to the Mu-
5 seum shall vest in the United States when—

6 “(1) the Association demonstrates, in a manner
7 acceptable to the Commandant, that the Museum
8 meets the design and construction requirements of
9 subsection (d); and

10 “(2) all financial obligations of the Association
11 incident to the National Coast Guard Museum have
12 been satisfied.

13 “(g) GIFTS.—

14 “(1) The Commandant may solicit from the As-
15 sociation and accept funds and in-kind gifts from
16 nonprofit entities, including services related to ac-
17 tivities for the construction of the Museum.

18 “(2) Funds and in-kind gifts described in para-
19 graph (1) shall be—

20 “(A) accepted and administered consistent
21 with section 2601 of title 10; and

22 “(B) deposited in the Coast Guard General
23 Gift Fund.

1 “(3) The use of any funds and in-kind gifts de-
2 scribed in paragraph (1) shall be subject to the
3 availability of appropriations.

4 “(h) AUTHORITY.—The Commandant may not estab-
5 lish a Museum except as set forth in this section.

6 “(i) DEFINITIONS.—In this section:

7 “(1) MUSEUM.—The term ‘Museum’ means the
8 National Coast Guard Museum.

9 “(2) ASSOCIATION.—The term ‘Association’
10 means the National Coast Guard Museum Associa-
11 tion.”.

12 (b) BRIEFINGS.—Not later than March 1 of the fiscal
13 year after the fiscal year in which the report required
14 under subsection (d) of section 316 of title 14, United
15 States Code, is provided, and not later than March 1 of
16 each year thereafter until 1 year after the year in which
17 the National Coast Guard Museum is accepted pursuant
18 to subsection (f) of such section, the Commandant shall
19 brief the Committee on Commerce, Science, and Transpor-
20 tation of the Senate and the Committee on Transportation
21 and Infrastructure of the House of Representatives on the
22 following issues with respect to the Museum:

- 23 (1) The acceptance of gifts.
24 (2) Engineering.
25 (3) Design and project status.

- 1 (4) Land ownership.
- 2 (5) Environmental remediation.
- 3 (6) Operation and support issues.
- 4 (7) Plans.

5 **SEC. 11410. FORMAL SEXUAL ASSAULT POLICIES FOR PAS-**
6 **SENGER VESSELS.**

7 (d) MAINTENANCE AND PLACEMENT OF VIDEO SUR-
8 VEILLANCE EQUIPMENT.—Section 3507(b)(1) of title 46,
9 United States Code, is amended—

10 (1) by striking “The owner” and inserting the
11 following:

12 “(A) IN GENERAL.—The owner”;

13 (2) by striking “, as determined by the Sec-
14 retary”; and

15 (3) by adding at the end, the following:

16 “(B) PLACEMENT OF VIDEO SURVEIL-
17 LANCE EQUIPMENT.—

18 “(i) IN GENERAL.—Not later than 18
19 months after the date of the enactment of
20 the Elijah E. Cummings Coast Guard Au-
21 thorization Act of 2020, the Commandant
22 in consultation with other relevant Federal
23 agencies or entities as determined by the
24 Commandant, shall establish guidance for
25 performance of the risk assessment de-

1 scribed in paragraph (2) regarding the ap-
2 propriate placement of video surveillance
3 equipment in passenger and crew common
4 areas where there is no reasonable expecta-
5 tion of privacy.

6 “(ii) RISK ASSESSMENT.—Not later
7 than 1 year after the Commandant estab-
8 lishes the guidance described in paragraph
9 (1), the owner shall conduct the risk as-
10 sessment required under paragraph (1)
11 and shall—

12 “(I) evaluate the placement of
13 video surveillance equipment to deter,
14 prevent, and record a sexual assault
15 aboard the vessel considering factors
16 such as: ship layout and design,
17 itinerary, crew complement, number
18 of passengers, passenger demo-
19 graphics, and historical data on the
20 type and location of prior sexual as-
21 sault incident allegations;

22 “(II) incorporate to the max-
23 imum extent practicable the video sur-
24 veillance guidance established by the
25 Commandant regarding the appro-

1 priate placement of video surveillance
2 equipment;

3 “(III) arrange for the risk as-
4 sessment to be conducted by an inde-
5 pendent third party with expertise in
6 the use and placement of camera sur-
7 veillance to deter, prevent and record
8 criminal behavior; and

9 “(IV) the independent third
10 party referred to in paragraph (C)
11 shall be a company that has been ac-
12 cepted by a classification society that
13 is a member of the International As-
14 sociation of Classification Societies
15 (hereinafter referred to as ‘IACS’) or
16 another classification society recog-
17 nized by the Secretary as meeting ac-
18 ceptable standards for such a society
19 pursuant to section 3316(b).

20 “(C) SURVEILLANCE PLAN.—Not later
21 than 180 days after completion of the risk as-
22 sessment conducted under subparagraph
23 (B)(ii), the owner of a vessel shall develop a
24 plan to install video surveillance equipment in
25 places determined to be appropriate in accord-

1 ance with the results of the risk assessment
2 conducted under subparagraph (B)(ii), except
3 in areas where a person has a reasonable expect-
4 tation of privacy. Such plan shall be evaluated
5 and approved by an independent third party
6 with expertise in the use and placement of cam-
7 era surveillance to deter, prevent and record
8 criminal behavior that has been accepted as set
9 forth in paragraph (2)(D).

10 “(D) INSTALLATION.—The owner of a ves-
11 sel to which this section applies shall, consistent
12 with the surveillance plan approved under sub-
13 paragraph (C), install appropriate video surveil-
14 lance equipment aboard the vessel not later
15 than 2 years after approval of the plan, or dur-
16 ing the next scheduled drydock, whichever is
17 later.

18 “(E) ATTESTATION.—At the time of initial
19 installation under subparagraph (D), the vessel
20 owner shall obtain written attestations from—

21 “(i) an IACS classification society
22 that the video surveillance equipment is in-
23 stalled in accordance with the surveillance
24 plan required under subparagraph (C); and

1 “(ii) the company security officer that
2 the surveillance equipment and associated
3 systems are operational, which attestation
4 shall be obtained each year thereafter.

5 “(F) UPDATES.—The vessel owner shall
6 ensure the risk assessment described in sub-
7 paragraph (B)(ii) and installation plan in sub-
8 paragraph (C) are updated not later than 5
9 years after the initial installation conducted
10 under subparagraph (D), and every 5 years
11 thereafter. The updated assessment and plan
12 shall be approved by an independent third party
13 with expertise in the use and placement of cam-
14 era surveillance to deter, prevent, and record
15 criminal behavior that has been accepted by an
16 IACS classification society. The vessel owner
17 shall implement the updated installation plan
18 not later than 180 days after approval.

19 “(G) AVAILABILITY.—Each risk assess-
20 ment, installation plan and attestation shall be
21 protected from disclosure under the Freedom of
22 Information Act, section 552 of title 5 but shall
23 be available to the Coast Guard—

24 “(i) upon request, and

1 “(ii) at the time of the certificate of
2 compliance or certificate of inspection ex-
3 amination.

4 “(H) DEFINITIONS.—For purposes of this
5 section a ‘ship security officer’ is an individual
6 that, with the master’s approval, has full re-
7 sponsibility for vessel security consistent with
8 the International Ship and Port Facility Secu-
9 rity Code.”.

10 (e) ACCESS TO VIDEO RECORDS; NOTICE OF VIDEO
11 SURVEILLANCE.—Section 3507(b), of title 46, United
12 States Code, is further amended—

13 (1) by redesignating paragraph (2) as para-
14 graph (3);

15 (2) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) NOTICE OF VIDEO SURVEILLANCE.—The
18 owner of a vessel to which this section applies shall
19 provide clear and conspicuous signs on board the
20 vessel notifying the public of the presence of video
21 surveillance equipment.”;

22 (3) in paragraph (3), as so redesignated—

23 (A) by striking “The owner” and inserting
24 the following:

1 “(A) LAW ENFORCEMENT.—The owner”;
2 and

3 (B) by adding at the end the following:

4 “(B) CIVIL ACTIONS.—Except as pro-
5 scribed by law enforcement authorities or court
6 order, the owner of a vessel to which this sec-
7 tion applies shall, upon written request, provide
8 to any individual or the individual’s legal rep-
9 resentative a copy of all records of video surveil-
10 lance—

11 “(i) in which the individual is a sub-
12 ject of the video surveillance; and

13 “(ii) that may provide evidence of any
14 sexual assault incident in a civil action.

15 “(C) LIMITED ACCESS.—The owner of a
16 vessel to which this section applies shall ensure
17 that access to records of video surveillance is
18 limited to the purposes described in this para-
19 graph.”.

20 (f) RETENTION REQUIREMENTS.—

21 (1) IN GENERAL.—Section 3507(b), of title 46,
22 United States Code, is further amended by adding
23 at the end the following:

24 “(4) RETENTION REQUIREMENTS.—The owner
25 of a vessel to which this section applies shall retain

1 all records of video surveillance for not less than 20
2 days after the footage is obtained. The vessel owner
3 shall include a statement in the security guide re-
4 quired by subsection (c)(1)(A) that the vessel owner
5 is required by law to retain video surveillance foot-
6 age for the period specified in this paragraph. If an
7 incident described in subsection (g)(3)(A)(i) is al-
8 leged and reported to law enforcement, all records of
9 video surveillance from the voyage that the Federal
10 Bureau of Investigation determines are relevant
11 shall—

12 “(A) be provided to the Federal Bureau of
13 Investigation; and

14 “(B) be preserved by the vessel owner for
15 not less than 4 years from the date of the al-
16 leged incident.”.

17 (2) ADMINISTRATIVE PROVISIONS.—

18 (A) STUDY AND REPORT.—Each owner of
19 a vessel to which section 3507, of title 46,
20 United States Code, applies shall, not later
21 than March 1, 2023, submit to the Committee
22 on Transportation and Infrastructure of the
23 House of Representatives and the Committee
24 on Commerce, Science, and Transportation of
25 the Senate a report detailing the total number

1 of voyages for the preceding year and the per-
2 centage of those voyages that were 30 days or
3 longer.

4 (B) INTERIM STANDARDS.—Not later than
5 180 days after the date of enactment of this
6 Act, the Commandant, in consultation with the
7 Federal Bureau of Investigation, shall promul-
8 gate interim standards for the retention of
9 records of video surveillance.

10 (C) FINAL STANDARDS.—Not later than 1
11 year after the date of enactment of this Act, the
12 Commandant, in consultation with the Federal
13 Bureau of Investigation, shall promulgate final
14 standards for the retention of records of video
15 surveillance.

16 (D) CONSIDERATIONS.—In promulgating
17 standards under subparagraphs (B) and (B),
18 the Commandant shall—

19 (i) consider factors that would aid in
20 the investigation of serious crimes, includ-
21 ing the results of the report by the Com-
22 mandant provided under subparagraph
23 (A), as well as crimes that go unreported
24 until after the completion of a voyage;

1 (ii) consider the different types of
2 video surveillance systems and storage re-
3 quirements in creating standards both for
4 vessels currently in operation and for ves-
5 sels newly built;

6 (iii) consider privacy, including stand-
7 ards for permissible access to and moni-
8 toring and use of the records of video sur-
9 veillance; and

10 (iv) consider technological advance-
11 ments, including requirements to update
12 technology.

13 **SEC. 11411. REGULATIONS FOR COVERED SMALL PAS-**
14 **SENGER VESSELS.**

15 Section 3306 of title 46, United States Code, is
16 amended—

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph (1),
19 by inserting “, including covered small pas-
20 senger vessels (as defined in subsection (n)(5))”
21 after “vessels subject to inspection”; and

22 (B) in paragraph (5), by inserting before
23 the period at the end “, including rechargeable
24 devices utilized for personal or commercial elec-
25 tronic equipment”; and

1 (2) by adding at the end the following:

2 “(n) COVERED SMALL PASSENGER VESSELS.—

3 “(1) REGULATIONS.—The Secretary shall pre-
4 scribe additional regulations to secure the safety of
5 individuals and property on board covered small pas-
6 senger vessels.

7 “(2) COMPREHENSIVE REVIEW.—In order to
8 prescribe the regulations under paragraph (1), the
9 Secretary shall conduct a comprehensive review of
10 all requirements (including calculations), in existence
11 on the date of enactment of the Elijah E. Cummings
12 Coast Guard Authorization Act of 2020, that apply
13 to covered small passenger vessels, with respect to
14 fire detection, protection, and suppression systems,
15 and avenues of egress, on board such vessels.

16 “(3) REQUIREMENTS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the regulations prescribed under
19 paragraph (1) shall include, with respect to cov-
20 ered small passenger vessels, regulations for—

21 “(i) marine firefighting training pro-
22 grams to improve crewmember training
23 and proficiency, including emergency
24 egress training for each member of the

1 crew, to occur for all members on the
2 crew—

3 “(I) at least monthly while such
4 members are employed on board the
5 vessel; and

6 “(II) each time a new crew-
7 member joins the crew of such vessel;

8 “(ii) in all areas on board the vessel
9 where passengers and crew have access, in-
10 cluding dining areas, sleeping quarters,
11 and lounges—

12 “(I) interconnected fire detection
13 equipment, including audible and vis-
14 ual alarms; and

15 “(II) additional fire extinguishers
16 and other firefighting equipment;

17 “(iii) the installation and use of moni-
18 toring devices to ensure the wakefulness of
19 the required night watch;

20 “(iv) increased fire detection and sup-
21 pression systems (including additional fire
22 extinguishers) on board such vessels in un-
23 manned areas with machinery or areas
24 with other potential heat sources;

1 “(v) all general areas accessible to
2 passengers to have no less than 2 inde-
3 pendent avenues of escape that are—

4 “(I) constructed and arranged to
5 allow for free and unobstructed egress
6 from such areas;

7 “(II) located so that if one ave-
8 nue of escape is not available, another
9 avenue of escape is available; and

10 “(III) not located directly above,
11 or dependent on, a berth;

12 “(vi) the handling, storage, and oper-
13 ation of flammable items, such as re-
14 chargeable batteries, including lithium ion
15 batteries utilized for commercial purposes
16 on board such vessels;

17 “(vii) passenger emergency egress
18 drills for all areas on the vessel to which
19 passengers have access, which shall occur
20 prior to the vessel beginning each excur-
21 sion; and

22 “(viii) all passengers to be provided a
23 copy of the emergency egress plan for the
24 vessel.

1 “(B) APPLICABILITY TO CERTAIN COV-
2 ERED SMALL PASSENGER VESSELS.—The re-
3 quirements described in clauses (iii), (v), (vii),
4 and (viii) of subparagraph (A) shall only apply
5 to a covered small passenger vessel that has
6 overnight passenger accommodations.

7 “(4) INTERIM REQUIREMENTS.—

8 “(A) INTERIM REQUIREMENTS.—The Sec-
9 retary shall, prior to issuing final regulations
10 under paragraph (1), implement interim re-
11 quirements to enforce the requirements under
12 paragraph (3).

13 “(B) IMPLEMENTATION.—The Secretary
14 shall implement the interim requirements under
15 subparagraph (A) without regard to chapters 5
16 and 6 of title 5 and Executive Order Nos.
17 12866 and 13563 (5 U.S.C. 601 note; relating
18 to regulatory planning and review and relating
19 to improving regulation and regulatory review).

20 “(5) DEFINITION OF COVERED SMALL PAS-
21 SENGER VESSEL.—In this subsection, the term ‘cov-
22 ered small passenger vessel’—

23 “(A) except as provided in subparagraph
24 (B), means a small passenger vessel (as defined
25 in section 2101) that—

1 “(i) has overnight passenger accom-
2 modations; or

3 “(ii) is operating on a coastwise or
4 oceans route; and

5 “(B) does not include a ferry (as defined
6 in section 2101) or fishing vessel (as defined in
7 section 2101).”.

8 **TITLE V—TECHNICAL, CON-**
9 **FORMING, AND CLARIFYING**
10 **AMENDMENTS**

11 **SEC. 12001. TRANSFERS.**

12 (a) IN GENERAL.—

13 (1) Section 215 of the Coast Guard and Mari-
14 time Transportation Act of 2004 (Public Law 108–
15 293; 14 U.S.C. 504 note) is redesignated as section
16 322 of title 14, United States Code, transferred to
17 appear after section 321 of such title (as added by
18 this division), and amended so that the enumerator,
19 section heading, typeface, and typestyle conform to
20 those appearing in other sections in title 14, United
21 States Code.

22 (2) Section 406 of the Maritime Transportation
23 Security Act of 2002 (Public Law 107–295; 14
24 U.S.C. 501 note) is redesignated as section 720 of
25 title 14, United States Code, transferred to appear

1 after section 719 of such title (as added by this divi-
2 sion), and amended so that the enumerator, section
3 heading, typeface, and typestyle conform to those
4 appearing in other sections in title 14, United States
5 Code.

6 (3) Section 1110 of title 14, United States
7 Code, is redesignated as section 5110 of such title
8 and transferred to appear after section 5109 of such
9 title (as added by this division).

10 (4) Section 401 of the Coast Guard Authoriza-
11 tion Act of 2010 (Public Law 111–281) is amended
12 by striking subsection (e).

13 (5) Subchapter I of chapter 11 of title 14,
14 United States Code, as amended by this division, is
15 amended by inserting after section 1109 the fol-
16 lowing:

17 **“§ 1110. Elevation of disputes to the Chief Acquisition**
18 **Officer**

19 “If, after 90 days following the elevation to the Chief
20 Acquisition Officer of any design or other dispute regard-
21 ing level 1 or level 2 acquisition, the dispute remains unre-
22 solved, the Commandant shall provide to the appropriate
23 congressional committees a detailed description of the
24 issue and the rationale underlying the decision taken by
25 the Chief Acquisition Officer to resolve the issue.”.

1 (6) Section 7 of the Rivers and Harbors Appro-
2 priations Act of 1915 (33 U.S.C. 471) is amended—

3 (A) by transferring such section to appear
4 after section 70005 of title 46, United States
5 Code;

6 (B) by striking “SEC. 7.” and inserting
7 **“§70006. Establishment by Secretary**
8 **of the department in which the Coast**
9 **Guard is operating of anchorage**
10 **grounds and regulations generally”**;

11 and

12 (C) by adjusting the margins with respect
13 to subsections (a) and (b) for the presence of
14 a section heading accordingly.

15 (7) Section 217 of the Coast Guard Authoriza-
16 tion Act of 2010 (Public Law 111–281; 14 U.S.C.
17 504 note)—

18 (A) is redesignated as section 5112 of title
19 14, United States Code, transferred to appear
20 after section 5111 of such title (as added by
21 this division), and amended so that the enu-
22 merator, section heading, typeface, and
23 typestyle conform to those appearing in other
24 sections in title 14, United States Code; and

25 (B) is amended—

1 (i) by striking the heading and insert-
2 ing the following:

3 **“§ 5112. Sexual assault and sexual harassment in the**
4 **Coast Guard”; and**

5 (ii) in subsection (b), by adding at the
6 end the following:

7 “(5)(A) The number of instances in which a
8 covered individual was accused of misconduct or
9 crimes considered collateral to the investigation of a
10 sexual assault committed against the individual.

11 “(B) The number of instances in which adverse
12 action was taken against a covered individual who
13 was accused of collateral misconduct or crimes as
14 described in subparagraph (A).

15 “(C) The percentage of investigations of sexual
16 assaults that involved an accusation or adverse ac-
17 tion against a covered individual as described in sub-
18 paragraphs (A) and (B).

19 “(D) In this paragraph, the term ‘covered indi-
20 vidual’ means an individual who is identified as a
21 victim of a sexual assault in the case files of a mili-
22 tary criminal investigative organization.”.

23 (b) CLERICAL AMENDMENTS.—

1 (1) The analysis for chapter 3 of title 14,
 2 United States Code, as amended by this division, is
 3 further amended by adding at the end the following:

“322. Redistricting notification requirement.”.

4 (2) The analysis for chapter 7 of title 14,
 5 United States Code, as amended by this division, is
 6 further amended by adding at the end the following:

“720. VHF communication services.”.

7 (3) The analysis for chapter 11 of title 14,
 8 United States Code, is amended by striking the item
 9 relating to section 1110 and inserting the following:

“1110. Elevation of disputes to the Chief Acquisition Officer.”.

10 (4) The analysis for chapter 51 of title 14,
 11 United States Code, as amended by this division, is
 12 further amended by adding at the end the following:

“5110. Mission need statement.

“5111. Report on diversity at Coast Guard Academy.

“5112. Sexual assault and sexual harassment in the Coast Guard.”.

13 (5) The analysis for chapter 700 of title 46,
 14 United States Code, is further amended by inserting
 15 after the item relating to section 70005 the fol-
 16 lowing:

“70006. Establishment by the Secretary of the department in which the Coast
 Guard is operating of anchorage grounds and regulations gen-
 erally.”.

17 **SEC. 12002. ADDITIONAL TRANSFERS.**

18 (a) SECTION 204 OF THE MARINE TRANSPORTATION
 19 SECURITY ACT.—

1 (1) The Maritime Transportation Security Act
2 of 2002 is amended by striking section 204 (33
3 U.S.C. 1902a).

4 (2) Section 3 of the Act to Prevent Pollution
5 from Ships (33 U.S.C. 1902)—

6 (A) is amended by redesignating sub-
7 sections (e) through (i) as subsections (f)
8 through (j) respectively; and

9 (B) by inserting after subsection (d) the
10 following:

11 “(e) DISCHARGE OF AGRICULTURAL CARGO RES-
12 IDUE.—Notwithstanding any other provision of law, the
13 discharge from a vessel of any agricultural cargo residue
14 material in the form of hold washings shall be governed
15 exclusively by the provisions of this Act that implement
16 Annex V to the International Convention for the Preven-
17 tion of Pollution from Ships.”.

18 (b) LNG TANKERS.—

19 (1) The Coast Guard and Maritime Transpor-
20 tation Act of 2006 is amended by striking section
21 304 (Public Law 109–241; 120 Stat. 527).

22 (2) Section 5 of the Deepwater Port Act of
23 1974 (33 U.S.C. 1504) is amended by adding at the
24 end the following:

25 “(j) LNG TANKERS.—

1 “(1) PROGRAM.—The Secretary of Transpor-
2 tation shall develop and implement a program to
3 promote the transportation of liquefied natural gas
4 to and from the United States on United States flag
5 vessels.

6 “(2) INFORMATION TO BE PROVIDED.—When
7 the Coast Guard is operating as a contributing agen-
8 cy in the Federal Energy Regulatory Commission’s
9 shoreside licensing process for a liquefied natural
10 gas or liquefied petroleum gas terminal located on
11 shore or within State seaward boundaries, the Coast
12 Guard shall provide to the Commission the informa-
13 tion described in section 5(c)(2)(K) of the Deep-
14 water Port Act of 1974 (33 U.S.C. 1504(c)(2)(K))
15 with respect to vessels reasonably anticipated to be
16 servicing that port.”.

17 **SEC. 12003. LICENSE EXEMPTIONS; REPEAL OF OBSOLETE**
18 **PROVISIONS.**

19 (a) SERVICE UNDER LICENSES ISSUED WITHOUT
20 EXAMINATION.—

21 (1) REPEAL.—Section 8303 of title 46, United
22 States Code, and the item relating to that section in
23 the analysis for chapter 83 of that title, are re-
24 pealed.

1 (2) CONFORMING AMENDMENT.—Section
2 14305(a)(10) of title 46, United States Code, is
3 amended by striking “sections 8303 and 8304” and
4 inserting “section 8304”.

5 (b) STANDARDS FOR TANK VESSELS OF THE UNITED
6 STATES.—Section 9102 of title 46, United States Code,
7 is amended—

8 (1) by striking “(a)” before the first sentence;
9 and

10 (2) by striking subsection (b).

11 **SEC. 12004. MARITIME TRANSPORTATION SYSTEM.**

12 (a) MARITIME TRANSPORTATION SYSTEM.—Section
13 312(b)(4) of title 14, United States Code, is amended by
14 striking “marine transportation system” and inserting
15 “maritime transportation system”.

16 (b) CLARIFICATION OF REFERENCE TO MARINE
17 TRANSPORTATION SYSTEM PROGRAMS.—Section
18 50307(a) of title 46, United States Code, is amended by
19 striking “marine transportation” and inserting “maritime
20 transportation”.

21 **SEC. 12005. REFERENCES TO “PERSONS” AND “SEAMEN”.**

22 (a) TECHNICAL CORRECTION OF REFERENCES TO
23 “PERSONS”.—Title 14, United States Code, is amended
24 as follows:

1 (1) In section 312(d), by striking “persons”
2 and inserting “individuals”.

3 (2) In section 313(d)(2)(B), by striking “per-
4 son” and inserting “individual”.

5 (3) In section 504—

6 (A) in subsection (a)(19)(B), by striking
7 “a person” and inserting “an individual”; and

8 (B) in subsection (c)(4), by striking “sea-
9 men;” and inserting “mariners;”.

10 (4) In section 521, by striking “persons” each
11 place it appears and inserting “individuals”.

12 (5) In section 522—

13 (A) by striking “a person” and inserting
14 “an individual”; and

15 (B) by striking “person” the second and
16 third place it appears and inserting “indi-
17 vidual”.

18 (6) In section 525(a)(1)(C)(ii), by striking
19 “person” and inserting “individual”.

20 (7) In section 526—

21 (A) by striking “person” each place it ap-
22 pears and inserting “individual”; and

23 (B) by striking “persons” each place it ap-
24 pears and inserting “individuals”; and

1 (C) in subsection (b), by striking “per-
2 son’s” and inserting “individual’s”.

3 (8) In section 709—

4 (A) by striking “persons” and inserting
5 “individuals”; and

6 (B) by striking “person” and inserting “in-
7 dividual”.

8 (9) In section 933(b), by striking “Every per-
9 son” and inserting “An individual”.

10 (10) In section 1102(d), by striking “persons”
11 and inserting “individuals”.

12 (11) In section 1902(b)(3)—

13 (A) in subparagraph (A), by striking “per-
14 son or persons” and inserting “individual or in-
15 dividuals”; and

16 (B) in subparagraph (B), by striking “per-
17 son” and inserting “individual”.

18 (12) In section 1941(b), by striking “persons”
19 and inserting “individuals”.

20 (13) In section 2101(b), by striking “person”
21 and inserting “individual”.

22 (14) In section 2102(e), by striking “A person”
23 and inserting “An individual”.

24 (15) In section 2104(b)—

1 (A) by striking “persons” and inserting
2 “individuals”; and

3 (B) by striking “A person” and inserting
4 “An individual”.

5 (16) In section 2118(d), by striking “person”
6 and inserting “individual who is”.

7 (17) In section 2147(d), by striking “a person”
8 and inserting “an individual”.

9 (18) In section 2150(f), by striking “person”
10 and inserting “individual who is”.

11 (19) In section 2161(b), by striking “person”
12 and inserting “individual”.

13 (20) In section 2317—

14 (A) by striking “persons” and inserting
15 “individuals”;

16 (B) by striking “person” each place it ap-
17 pears and inserting “individual”; and

18 (C) in subsection (c)(2), by striking “per-
19 son’s” and inserting “individual’s”.

20 (21) In section 2531—

21 (A) by striking “person” each place it ap-
22 pears and inserting “individual”; and

23 (B) by striking “persons” each place it ap-
24 pears and inserting “individuals”.

1 (22) In section 2709, by striking “persons” and
2 inserting “individuals”.

3 (23) In section 2710—

4 (A) by striking “persons” and inserting
5 “individuals”; and

6 (B) by striking “person” each place it ap-
7 pears and inserting “individual”.

8 (24) In section 2711(b), by striking “person”
9 and inserting “individual”.

10 (25) In section 2732, by striking “a person”
11 and inserting “an individual”.

12 (26) In section 2733—

13 (A) by striking “A person” and inserting
14 “An individual”; and

15 (B) by striking “that person” and insert-
16 ing “that individual”.

17 (27) In section 2734, by striking “person” each
18 place it appears and inserting “individual”.

19 (28) In section 2735, by striking “a person”
20 and inserting “an individual”.

21 (29) In section 2736, by striking “person” and
22 inserting “individual”.

23 (30) In section 2737, by striking “a person”
24 and inserting “an individual”.

1 (31) In section 2738, by striking “person” and
2 inserting “individual”.

3 (32) In section 2739, by striking “person” and
4 inserting “individual”.

5 (33) In section 2740—

6 (A) by striking “person” and inserting “in-
7 dividual”; and

8 (B) by striking “one” the second place it
9 appears.

10 (34) In section 2741—

11 (A) in subsection (a), by striking “a per-
12 son” and inserting “an individual”;

13 (B) in subsection (b)(1), by striking “per-
14 son’s” and inserting “individual’s”; and

15 (C) in subsection (b)(2), by striking “per-
16 son” and inserting “individual”.

17 (35) In section 2743, by striking “person” each
18 place it appears and inserting “individual”.

19 (36) In section 2744—

20 (A) in subsection (b), by striking “a per-
21 son” and inserting “an individual”; and

22 (B) in subsections (a) and (c), by striking
23 “person” each place it appears and inserting
24 “individual”.

1 (37) In section 2745, by striking “person” and
2 inserting “individual”.

3 (38)(A) In section 2761—

4 (i) in the section heading, by striking
5 “**Persons**” and inserting “**Individuals**”;

6 (ii) by striking “persons” and inserting
7 “individuals”; and

8 (iii) by striking “person” and inserting
9 “individual”.

10 (B) In the analysis for chapter 27, by striking
11 the item relating to section 2761 and inserting the
12 following:

“2761. Individuals discharged as result of court-martial; allowances to.”.

13 (39)(A) In the heading for section 2767, by
14 striking “**persons**” and inserting “**individuals**”.

15 (B) In the analysis for chapter 27, by striking
16 the item relating to section 2767 and inserting the
17 following:

“2767. Reimbursement for medical-related travel expenses for certain individuals
residing on islands in the continental United States.”.

18 (40) In section 2769—

19 (A) by striking “a person’s” and inserting
20 “an individual’s”; and

21 (B) in paragraph (1), by striking “person”
22 and inserting “individual”.

1 (41) In section 2772(a)(2), by striking “per-
2 son” and inserting “individual”.

3 (42) In section 2773—

4 (A) in subsection (b), by striking “per-
5 sons” each place it appears and inserting “indi-
6 viduals”; and

7 (B) in subsection (d), by striking “a per-
8 son” and inserting “an individual”.

9 (43) In section 2775, by striking “person” each
10 place it appears and inserting “individual”.

11 (44) In section 2776, by striking “person” and
12 inserting “individual”.

13 (45)(A) In section 2777—

14 (i) in the heading, by striking “**persons**”
15 and inserting “**individuals**”; and

16 (ii) by striking “persons” each place it ap-
17 pears and inserting “individuals”.

18 (B) In the analysis for chapter 27, by striking
19 the item relating to section 2777 and inserting the
20 following:

“2777. Clothing for destitute shipwrecked individuals.”.

21 (46) In section 2779, by striking “persons”
22 each place it appears and inserting “individuals”.

23 (47) In section 2902(c), by striking “person”
24 and inserting “individual”.

1 (48) In section 2903(b), by striking “person”
2 and inserting “individual”.

3 (49) In section 2904(b)(1)(B), by striking “a
4 person” and inserting “an individual”.

5 (50) In section 3706—

6 (A) by striking “a person” and inserting
7 “an individual”; and

8 (B) by striking “person’s” and inserting
9 “individual’s”.

10 (51) In section 3707—

11 (A) in subsection (c)—

12 (i) by striking “person” and inserting
13 “individual”; and

14 (ii) by striking “person’s” and insert-
15 ing “individual’s”; and

16 (B) in subsection (e), by striking “a per-
17 son” and inserting “an individual”.

18 (52) In section 3708, by striking “person” each
19 place it appears and inserting “individual”.

20 (53) In section 3738—

21 (A) by striking “a person” each place it
22 appears and inserting “an individual”;

23 (B) by striking “person’s” and inserting
24 “individual’s”; and

1 (C) by striking “A person” and inserting
2 “An individual”.

3 (b) CORRECTION OF REFERENCES TO PERSONS AND
4 SEAMEN.—

5 (1) Section 2303a(a) of title 46, United States
6 Code, is amended by striking “persons” and insert-
7 ing “individuals”.

8 (2) Section 2306(a)(3) of title 46, United
9 States Code, is amended to read as follows:

10 “(3) An owner, charterer, managing operator, or
11 agent of a vessel of the United States notifying the Coast
12 Guard under paragraph (1) or (2) shall—

13 “(A) provide the name and identification num-
14 ber of the vessel, the names of individuals on board,
15 and other information that may be requested by the
16 Coast Guard; and

17 “(B) submit written confirmation to the Coast
18 Guard within 24 hours after nonwritten notification
19 to the Coast Guard under such paragraphs.”.

20 (3) Section 7303 of title 46, United States
21 Code, is amended by striking “seaman” each place
22 it appears and inserting “individual”.

23 (4) Section 7319 of title 46, United States
24 Code, is amended by striking “seaman” each place
25 it appears and inserting “individual”.

1 (5) Section 7501(b) of title 46, United States
2 Code, is amended by striking “seaman” and insert-
3 ing “holder”.

4 (6) Section 7508(b) of title 46, United States
5 Code, is amended by striking “individual seamen or
6 a specifically identified group of seamen” and insert-
7 ing “an individual or a specifically identified group
8 of individuals”.

9 (7) Section 7510 of title 46, United States
10 Code, is amended—

11 (A) in subsection (c)(8)(B), by striking
12 “merchant seamen” and inserting “merchant
13 mariner”; and

14 (B) in subsection (d), by striking “mer-
15 chant seaman” and inserting “merchant mar-
16 iner”.

17 (8) Section 8103(k)(3)(C) of title 46, United
18 States Code, is amended by striking “merchant
19 mariners” each place it appears and inserting “mer-
20 chant mariner’s”.

21 (9) Section 8104 of title 46, United States
22 Code, is amended—

23 (A) in subsection (c), by striking “a li-
24 censed individual or seaman” and inserting “an
25 individual”;

1 (B) in subsection (d), by striking “A li-
2 censed individual or seaman” and inserting “An
3 individual”;

4 (C) in subsection (e), by striking “a sea-
5 man” each place it appears and inserting “an
6 individual”; and

7 (D) in subsection (j), by striking “seaman”
8 and inserting “individual”.

9 (10) Section 8302(d) of title 46, United States
10 Code, is amended by striking “3 persons” and in-
11 serting “3 individuals”.

12 (11) Section 11201 of title 46, United States
13 Code, is amended by striking “a person” each place
14 it appears and inserting “an individual”.

15 (12) Section 11202 of title 46, United States
16 Code, is amended—

17 (A) by striking “a person” and inserting
18 “an individual”; and

19 (B) by striking “the person” each place it
20 appears and inserting “the individual”.

21 (13) Section 11203 of title 46, United States
22 Code, is amended—

23 (A) by striking “a person” each place it
24 appears and inserting “an individual”; and

1 (B) in subsection (a)(2), by striking “that
2 person” and inserting “that individual”.

3 (14) Section 15109(i)(2) of title 46, United
4 States Code, is amended by striking “additional per-
5 sons” and inserting “additional individuals”.

6 **SEC. 12006. REFERENCES TO “HIMSELF” AND “HIS”.**

7 (a) Section 1927 of title 14, United States Code, is
8 amended by—

9 (1) striking “of his initial” and inserting “of an
10 initial”; and

11 (2) striking “from his pay” and inserting “from
12 the pay of such cadet”.

13 (b) Section 2108(b) of title 14, United States Code,
14 is amended by striking “himself” and inserting “such offi-
15 cer”.

16 (c) Section 2732 of title 14, United States Code, as
17 amended by this division, is further amended—

18 (1) by striking “distinguishes himself conspicu-
19 ously by” and inserting “displays conspicuous”; and

20 (2) by striking “his” and inserting “such indi-
21 vidual’s”.

22 (d) Section 2736 of title 14, United States Code, as
23 amended by this division, is further amended by striking
24 “distinguishes himself by” and inserting “performs”.

1 (e) Section 2738 of title 14, United States Code, as
2 amended by this division, is further amended by striking
3 “distinguishes himself by” and inserting “displays”.

4 (f) Section 2739 of title 14, United States Code, as
5 amended by this division, is further amended by striking
6 “distinguishes himself by” and inserting “displays”.

7 (g) Section 2742 of title 14, United States Code, is
8 amended by striking “he distinguished himself” and in-
9 serting “of the acts resulting in the consideration of such
10 award”.

11 (h) Section 2743 of title 14, United States Code, as
12 amended by this division, is further amended—

13 (1) by striking “distinguishes himself”; and

14 (2) by striking “he” and inserting “such indi-
15 vidual”.

16 **SEC. 12007. MISCELLANEOUS TECHNICAL CORRECTIONS.**

17 (a) MISCELLANEOUS TECHNICAL CORRECTIONS.—

18 (1) Section 3305(d)(3)(B) of title 46, United
19 States Code, is amended by striking “Coast Guard
20 Authorization Act of 2017” and inserting “Frank
21 LoBiondo Coast Guard Authorization Act of 2018”.

22 (2) Section 4312 of title 46, United States
23 Code, is amended by striking “Coast Guard Author-
24 ization Act of 2017” each place it appears and in-

(3) The analysis for chapter 700 of title 46,
United States Code, is amended—

“SUBCHAPTER I—VESSEL OPERATIONS”;

“SUBCHAPTER II—PORTS AND WATERWAYS SAFETY”;

“SUBCHAPTER III—CONDITIONS FOR ENTRY INTO PORTS IN THE UNITED STATES

“70021. Conditions for entry into ports in the United States.”;

“SUBCHAPTER IV—DEFINITIONS REGULATIONS, ENFORCEMENT,
INVESTIGATORY POWERS, APPLICABILITY”;

“SUBCHAPTER V—REGATTAS AND MARINE PARADES”;

1 and

2 (F) by striking the item relating to the
3 heading for the sixth subchapter and inserting
4 the following:

“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF
THE UNITED STATES”.

5 (4) Section 70031 of title 46, United States
6 Code, is amended by striking “A through C” and in-
7 serting “I through III”.

8 (5) Section 70032 of title 46, United States
9 Code, is amended by striking “A through C” and in-
10 serting “I through III”.

11 (6) Section 70033 of title 46, United States
12 Code, is amended by striking “A through C” and in-
13 serting “I through III”.

14 (7) Section 70034 of title 46, United States
15 Code, is amended by striking “A through C” each
16 place it appears and inserting “I through III”.

17 (8) Section 70035(a) of title 46, United States
18 Code, is amended by striking “A through C” and in-
19 serting “I through III”.

20 (9) Section 70036 of title 46, United States
21 Code, is amended by—

22 (A) striking “A through C” each place it
23 appears and inserting “I through III”; and

1 (B) striking “A, B, or C” each place it ap-
2 pears and inserting “I, II, or III”.

3 (10) Section 70051 of title 46, United States
4 Code, is amended—

5 (A) by striking “immediate Federal re-
6 sponse,” and all that follows through “subject
7 to the approval” and inserting “immediate Fed-
8 eral response, the Secretary of the department
9 in which the Coast Guard is operating may
10 make, subject to the approval”; and

11 (B) by striking “authority to issue such
12 rules” and all that follows through “Any appro-
13 priation” and inserting “authority to issue such
14 rules and regulations to the Secretary of the de-
15 partment in which the Coast Guard is oper-
16 ating. Any appropriation”.

17 (11) Section 70052(e) of title 46, United States
18 Code, is amended by striking “Secretary” and in-
19 serting “Secretary of the department in which the
20 Coast Guard is operating” each place it appears.

21 (b) ALTERATION OF BRIDGES; TECHNICAL
22 CHANGES.—The Act of June 21, 1940 (33 U.S.C. 511
23 et seq.), popularly known as the Truman-Hobbs Act, is
24 amended by striking section 12 (33 U.S.C. 522).

1 (c) REPORT OF DETERMINATION; TECHNICAL COR-
2 RECTION.—Section 105(f)(2) of the Pribilof Islands Tran-
3 sition Act (16 U.S.C. 1161 note; Public Law 106–562)
4 is amended by striking “subsection (a),” and inserting
5 “paragraph (1),”.

6 (d) TECHNICAL CORRECTIONS TO FRANK LOBIONDO
7 COAST GUARD AUTHORIZATION ACT OF 2018.—

8 (1) Section 408 of the Frank LoBiondo Coast
9 Guard Authorization Act of 2018 (Public Law 115–
10 282) and the item relating to such section in section
11 2 of such Act are repealed, and the provisions of law
12 redesignated, transferred, or otherwise amended by
13 section 408 are amended to read as if such section
14 were not enacted.

15 (2) Section 514(b) of the Frank LoBiondo
16 Coast Guard Authorization Act of 2018 (Public Law
17 115–282) is amended by striking “Chapter 30” and
18 inserting “Chapter 3”.

19 (3) Section 810(d) of the Frank LoBiondo
20 Coast Guard Authorization Act of 2018 (Public Law
21 115–282) is amended by striking “within 30 days
22 after receiving the notice under subsection (a)(1),
23 the Secretary shall, by not later than 60 days after
24 transmitting such notice,” and inserting “in accord-
25 ance within subsection (a)(2), the Secretary shall”.

1 (4) Section 820(a) of the Frank LoBiondo
2 Coast Guard Authorization Act of 2018 (Public Law
3 115–282) is amended by striking “years 2018 and”
4 and inserting “year”.

5 (5) Section 820(b)(2) of the Frank LoBiondo
6 Coast Guard Authorization Act of 2018 (Public Law
7 115–282) is amended by inserting “and the Consoli-
8 dated Appropriations Act, 2018 (Public Law 115–
9 141)” after “(Public Law 115–31)”.

10 (6) Section 821(a)(2) of the Frank LoBiondo
11 Coast Guard Authorization Act of 2018 (Public Law
12 115–282) is amended by striking “Coast Guard Au-
13 thorization Act of 2017” and inserting “Frank
14 LoBiondo Coast Guard Authorization Act of 2018”.

15 (7) This section shall take effect on the date of
16 the enactment of the Frank LoBiondo Coast Guard
17 Authorization Act of 2018 (Public Law 115–282)
18 and apply as if included therein.

19 (e) TECHNICAL CORRECTION.—Section 533(d)(2)(A)
20 of the Coast Guard Authorization Act of 2016 (Public
21 Law 114–120) is amended by striking “Tract 6” and in-
22 serting “such Tract”.

23 (f) DISTANT WATER TUNA FLEET; TECHNICAL COR-
24 RECTIONS.—Section 421 of the Coast Guard and Mari-

1 time Transportation Act of 2006 (Public Law 109–241)
2 is amended—

3 (1) in subsection (a)—

4 (A) by striking “Notwithstanding” and in-
5 serting the following:

6 “(1) IN GENERAL.—Notwithstanding”; and

7 (B) by adding at the end the following:

8 “(2) DEFINITION.—In this subsection, the term
9 ‘treaty area’ has the meaning given the term in the
10 Treaty on Fisheries Between the Governments of
11 Certain Pacific Island States and the Government of
12 the United States of America as in effect on the
13 date of the enactment of the Coast Guard and Mari-
14 time Transportation Act of 2006 (Public Law 109–
15 241).”; and

16 (2) in subsection (c)—

17 (A) by striking “12.6 or 12.7” and insert-
18 ing “13.6”; and

19 (B) by striking “and Maritime Transpor-
20 tation Act of 2012” and inserting “Authoriza-
21 tion Act of 2020”.

1 **SEC. 12008. TECHNICAL CORRECTIONS RELATING TO CODI-**
2 **FICATION OF PORTS AND WATERWAYS SAFE-**
3 **TY ACT.**

4 Effective upon the enactment of section 401 of the
5 Frank LoBiondo Coast Guard Authorization Act of 2018
6 (Public Law 115–282), and notwithstanding section
7 402(e) of such Act—

8 (1) section 16 of the Ports and Waterways
9 Safety Act, as added by section 315 of the Coun-
10 tering America’s Adversaries Through Sanctions Act
11 (Public Law 115–44; 131 Stat. 947)—

12 (A) is redesignated as section 70022 of
13 title 46, United States Code, transferred to ap-
14 pear after section 70021 of that title, and
15 amended so that the enumerator, section head-
16 ing, typeface, and typestyle conform to those
17 appearing in other sections in title 46, United
18 States Code; and

19 (B) as so redesignated and transferred, is
20 amended—

21 (i) in subsections (b) and (e), by strik-
22 ing “section 4(a)(5)” each place it appears
23 and inserting “section 70001(a)(5)”;

24 (ii) in subsection (c)(2), by striking
25 “not later than” and all that follows

1 through “thereafter,” and inserting “peri-
2 odically”; and

3 (iii) by striking subsection (h); and

4 (2) chapter 700 of title 46, United States Code,
5 is amended—

6 (A) in section 70002(2), by inserting “or
7 70022” after “section 70021”;

8 (B) in section 70036(e), by inserting “or
9 70022” after “section 70021”; and

10 (C) in the analysis for such chapter—

11 (i) by inserting “Sec.” above the sec-
12 tion items, in accordance with the style
13 and form of such an entry in other chapter
14 analyses of such title; and

15 (ii) by adding at the end the fol-
16 lowing:

“70022. Prohibition on entry and operation.”.

17 **SEC. 12009. AIDS TO NAVIGATION.**

18 (a) Section 541 of title 14, United States Code, is
19 amended—

20 (1) by striking “In” and inserting “(a) In”; and

21 (2) by adding at the end the following:

22 “(b) In the case of pierhead beacons, the Com-
23 mandant may—

1 “(1) acquire, by donation or purchase in behalf
2 of the United States, the right to use and occupy
3 sites for pierhead beacons; and

4 “(2) properly mark all pierheads belonging to
5 the United States situated on the northern and
6 northwestern lakes, whenever the Commandant is
7 duly notified by the department charged with the
8 construction or repair of pierheads that the con-
9 struction or repair of any such pierheads has been
10 completed.”.

11 (b) Subchapter III of chapter 5 of title 14, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 **“§ 548. Prohibition against officers and employees**
15 **being interested in contracts for mate-**
16 **rials**

17 “No officer, enlisted member, or civilian member of
18 the Coast Guard in any manner connected with the con-
19 struction, operation, or maintenance of lighthouses, shall
20 be interested, either directly or indirectly, in any contract
21 for labor, materials, or supplies for the construction, oper-
22 ation, or maintenance of lighthouses, or in any patent,
23 plan, or mode of construction or illumination, or in any
24 article of supply for the construction, operation, or mainte-
25 nance of lighthouses.

1 **“§ 549. Lighthouse and other sites; necessity and suf-**
2 **ficiency of cession by State of jurisdiction**

3 “(a) No lighthouse, beacon, public pier, or landmark,
4 shall be built or erected on any site until cession of juris-
5 diction over the same has been made to the United States.

6 “(b) For the purposes of subsection (a), a cession by
7 a State of jurisdiction over a place selected as the site
8 of a lighthouse, or other structure or work referred to in
9 subsection (a), shall be deemed sufficient if the cession
10 contains a reservation that process issued under authority
11 of such State may continue to be served within such place.

12 “(c) If no reservation of service described in sub-
13 section (b) is contained in a cession, all process may be
14 served and executed within the place ceded, in the same
15 manner as if no cession had been made.

16 **“§ 550. Marking pierheads in certain lakes**

17 “The Commandant of the Coast Guard shall properly
18 mark all pierheads belonging to the United States situated
19 on the northern and northwestern lakes, whenever he is
20 duly notified by the department charged with the construc-
21 tion or repair of pierheads that the construction or repair
22 of any such pierhead has been completed.”.

23 (c) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 5 of title 14, United States Code, is amended by insert-
25 ing after the item relating to section 547 the following:

“548. Prohibition against officers and employees being interested in contracts for materials.

“549. Lighthouse and other sites; necessity and sufficiency of cession by State of jurisdiction.

“550. Marking pierheads in certain lakes.”.

1 **SEC. 12010. TRANSFERS RELATED TO EMPLOYEES OF**
 2 **LIGHTHOUSE SERVICE.**

3 (a) Section 6 of chapter 103 of the Act of June 20,
 4 1918 (33 U.S.C. 763) is repealed.

5 (b) Chapter 25 of title 14, United States Code, is
 6 amended by inserting after section 2531 the following:

7 **“§ 2532. Retirement of employees**

8 “(a) OPTIONAL RETIREMENT.—Except as provided
 9 in subsections (d) and (e), a covered employee may retire
 10 from further performance of duty if such officer or em-
 11 ployee—

12 “(1) has completed 30 years of active service in
 13 the Government and is at least 55 years of age;

14 “(2) has completed 25 years of active service in
 15 the Government and is at least 62 years of age; or

16 “(3) is involuntarily separated from further per-
 17 formance of duty, except by removal for cause on
 18 charges of misconduct or delinquency, after com-
 19 pleting 25 years of active service in the Government,
 20 or after completing 20 years of such service and if
 21 such employee is at least 50 years of age.

1 “(b) COMPULSORY RETIREMENT.—A covered em-
2 ployee who becomes 70 years of age shall be compulsorily
3 retired from further performance of duty.

4 “(c) RETIREMENT FOR DISABILITY.—

5 “(1) IN GENERAL.—A covered employee who
6 has completed 15 years of active service in the Gov-
7 ernment and is found, after examination by a med-
8 ical officer of the United States, to be disabled for
9 useful and efficient service by reason of disease or
10 injury not due to vicious habits, intemperance, or
11 willful misconduct of such officer or employee, shall
12 be retired.

13 “(2) RESTORATION TO ACTIVE DUTY.—Any in-
14 dividual retired under paragraph (1) may, upon re-
15 covery, be restored to active duty, and shall from
16 time to time, before reaching the age at which such
17 individual may retire under subsection (a), be reex-
18 amined by a medical officer of the United States
19 upon the request of the Secretary of the department
20 in which the Coast Guard is operating.

21 “(d) ANNUAL COMPENSATION.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), The annual compensation of a person re-
24 tired under this section shall be a sum equal to one-
25 fortieth of the average annual pay received for the

1 last 3 years of service for each year of active service
2 in the Lighthouse Service, or in a department or
3 branch of the Government having a retirement sys-
4 tem, not to exceed thirty-fortieths of such average
5 annual pay received.

6 “(2) RETIREMENT BEFORE 55.—The retirement
7 pay computed under paragraph (1) for any officer or
8 employee retiring under this section shall be reduced
9 by one-sixth of 1 percent for each full month the of-
10 ficer or employee is under 55 years of age at the
11 date of retirement.

12 “(3) NO ALLOWANCE OR SUBSISTENCE.—Re-
13 tirement pay under this section shall not include any
14 amount on account of subsistence or other allow-
15 ance.

16 “(e) EXCEPTION.—The retirement and pay provision
17 in this section shall not apply to—

18 “(1) any person in the field service of the
19 Lighthouse Service whose duties do not require sub-
20 stantially all their time; or

21 “(2) persons of the Coast Guard.

22 “(f) WAIVER.—Any person entitled to retirement pay
23 under this section may decline to accept all or any part
24 of such retirement pay by a waiver signed and filed with
25 the Secretary of the Treasury. Such waiver may be re-

1 voked in writing at any time, but no payment of the retire-
 2 ment pay waived shall be made covering the period during
 3 which such waiver was in effect.

4 “(g) DEFINITION.—For the purposes of this section,
 5 the term ‘covered employee’ means an officer or employee
 6 engaged in the field service or on vessels of the Lighthouse
 7 Service, except a person continuously employed in district
 8 offices or shop.”.

9 (c) CLERICAL AMENDMENT.—The analysis for chap-
 10 ter 25 of title 14, United States Code, is amended by in-
 11 serting after the item relating to section 2531 the fol-
 12 lowing:

“2532. Retirement of employees.”.

13 **SEC. 12011. TRANSFERS RELATED TO SURVIVING SPOUSES**
 14 **OF LIGHTHOUSE SERVICE EMPLOYEES.**

15 (a) BENEFIT TO SURVIVING SPOUSES.—Chapter 25
 16 of title 14, United States Code, is further amended by in-
 17 serting after section 2532 (as added by this division) the
 18 following:

19 **“§ 2533. Surviving spouses**

20 “The Secretary of the department in which the Coast
 21 Guard is operating shall pay \$100 per month to the sur-
 22 viving spouse of a current or former employee of the
 23 Lighthouse Service in accordance with section 2532 if
 24 such employee dies—

1 “(1) at a time when such employee was receiv-
2 ing or was entitled to receive retirement pay under
3 this subchapter; or

4 “(2) from non-service-connected causes after
5 fifteen or more years of employment in such serv-
6 ice.”.

7 (b) TRANSFERS RELATED TO SURVIVING SPOUSES
8 OF LIGHTHOUSE SERVICE EMPLOYEES.—

9 (1) Chapter 25 of title 14, United States Code,
10 is amended by inserting after section 2533 (as added
11 by this division) the following:

12 **“§ 2534. Application for benefits”.**

13 (2)(A) Section 3 of chapter 761 of the Act of
14 August 19, 1950 (33 U.S.C. 773), is redesignated as
15 section 2534(a) of title 14, United States Code,
16 transferred to appear after the heading of section
17 2534 of that title, and amended so that the enu-
18 merator, section heading, typeface, and typestyle
19 conform to those appearing in other sections in title
20 14, United States Code.

21 (B) Section 2534(a), as so redesignated, trans-
22 ferred, and amended is further amended by striking
23 “this Act” and inserting “section 2533”.

24 (3)(A) Section 4 of chapter 761 of the Act of
25 August 19, 1950 (33 U.S.C. 774), is redesignated as

1 section 2534(b) of title 14, United States Code,
2 transferred to appear after section 2534(a) of that
3 title, and amended so that the enumerator, section
4 heading, typeface, and typestyle conform to those
5 appearing in other sections in title 14, United States
6 Code.

7 (B) Section 2534(b), as so redesignated, trans-
8 ferred, and amended is further amended by striking
9 “the provisions of this Act” and inserting “section
10 2533”.

11 (4)(A) The proviso under the heading “Pay-
12 ment to Civil Service Retirement and Disability
13 Fund” of title V of division C of Public Law 112–
14 74 (33 U.S.C. 776) is redesignated as section
15 2534(c) of title 14, United States Code, transferred
16 to appear after section 2534(b) of that title, and
17 amended so that the enumerator, section heading,
18 typeface, and typestyle conform to those appearing
19 in other sections in title 14, United States Code.

20 (B) Section 2534(c), as so redesignated, trans-
21 ferred, and amended is further amended by striking
22 “the Act of May 29, 1944, and the Act of August
23 19, 1950 (33 U.S.C. 771–775),” and inserting “sec-
24 tion 2533”.

1 (c) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 25 of title 14, United States Code, is further amended
3 by inserting after the item relating to section 2532 (as
4 added by this division) the following:

“2533. Surviving spouses.

“2534. Application for benefits.”.

5 **SEC. 12012. REPEALS RELATED TO LIGHTHOUSE STATUTES.**

6 (a) IN GENERAL.—The following provisions are re-
7 pealed:

8 (1) Section 4680 of the Revised Statutes of the
9 United States (33 U.S.C. 725).

10 (2) Section 4661 of the Revised Statutes of the
11 United States (33 U.S.C. 727).

12 (3) Section 4662 of the Revised Statutes of the
13 United States (33 U.S.C. 728).

14 (4) The final paragraph in the account “For
15 Life-Saving and Life-Boat Stations” under the head-
16 ing Treasury Department in the first section of
17 chapter 130 of the Act of March 3, 1875 (33 U.S.C.
18 730a).

19 (5) Section 11 of chapter 301 of the Act of
20 June 17, 1910 (33 U.S.C. 743).

21 (6) The first section of chapter 215 of the Act
22 of May 13, 1938 (33 U.S.C. 745a).

23 (7) The first section of chapter 313 of the Act
24 of February 25, 1929 (33 U.S.C. 747b).

1 (8) Section 2 of chapter 103 of the Act of June
2 20, 1918 (33 U.S.C. 748).

3 (9) Section 4 of chapter 371 of the Act of May
4 22, 1926 (33 U.S.C. 754a).

5 (10) Chapter 642 of the Act of August 10,
6 1939 (33 U.S.C. 763a–1).

7 (11) Chapter 788 of the Act of October 29,
8 1949 (33 U.S.C. 763–1).

9 (12) Chapter 524 of the Act of July 9, 1956
10 (33 U.S.C. 763–2).

11 (13) The last 2 provisos under the heading
12 Lighthouse Service, under the heading Department
13 of Commerce, in the first section of chapter 161 of
14 the Act of March 4, 1921 (41 Stat. 1417, formerly
15 33 U.S.C. 764).

16 (14) Section 3 of chapter 215 of the Act of May
17 13, 1938 (33 U.S.C. 770).

18 (15) The first section and section 2 of chapter
19 761 of the Act of August 19, 1950 (33 U.S.C. 771
20 and 772).

21 (b) SAVINGS.—

22 (1) Notwithstanding any repeals made by this
23 section, any individual beneficiary currently receiving
24 payments under the authority of any provisions re-

1 pealed in this section shall continue to receive such
2 benefits.

3 (2) Notwithstanding the repeals made under
4 paragraphs (10) and (11) of subsection (a), any pay
5 increases made under chapter 788 of the Act of Oc-
6 tober 29, 1949, and chapter 524 of the Act of July
7 9, 1956, as in effect prior to their repeal shall re-
8 main in effect.

9 **TITLE VI—FEDERAL MARITIME** 10 **COMMISSION**

11 **SEC. 13001. SHORT TITLE.**

12 This title may be cited as the “Federal Maritime
13 Commission Authorization Act of 2020”.

14 **SEC. 13002. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 308 of title 46, United States Code, is
16 amended by striking “\$28,012,310 for fiscal year 2018
17 and \$28,544,543 for fiscal year 2019” and inserting
18 “\$29,086,888 for fiscal year 2020 and \$29,639,538 for
19 fiscal year 2021”.

20 **SEC. 13003. UNFINISHED PROCEEDINGS.**

21 Section 305 of title 46, United States Code, is
22 amended—

23 (1) by striking “The Federal” and inserting
24 “(a) IN GENERAL.—The Federal”; and

25 (2) by adding at the end the following:

1 “(b) TRANSPARENCY.—

2 “(1) IN GENERAL.—In conjunction with the
3 transmittal by the President to the Congress of the
4 Budget of the United States for fiscal year 2021
5 and biennially thereafter, the Federal Maritime
6 Commission shall submit to the Committee on Com-
7 merce, Science, and Transportation of the Senate
8 and the Committee on Transportation and Infra-
9 structure of the House of Representatives reports
10 that describe the Commission’s progress toward ad-
11 dressing the issues raised in each unfinished regu-
12 latory proceeding, regardless of whether the pro-
13 ceeding is subject to a statutory or regulatory dead-
14 line.

15 “(2) FORMAT OF REPORTS.—Each report under
16 paragraph (1) shall, among other things, clearly
17 identify for each unfinished regulatory proceeding—

18 “(A) the popular title;

19 “(B) the current stage of the proceeding;

20 “(C) an abstract of the proceeding;

21 “(D) what prompted the action in ques-
22 tion;

23 “(E) any applicable statutory, regulatory,
24 or judicial deadline;

25 “(F) the associated docket number;

1 “(G) the date the rulemaking was initi-
2 ated;

3 “(H) a date for the next action; and

4 “(I) if a date for the next action identified
5 in the previous report is not met, the reason for
6 the delay.”.

7 **SEC. 13004. TRANSFER OF FEDERAL MARITIME COMMIS-**
8 **SION PROVISIONS.**

9 (a) TRANSFER.—

10 (1) Subtitle IV of title 46, United States Code,
11 is amended by adding at the end the following:

12 **“PART D—FEDERAL MARITIME COMMISSION**
13 **“CHAPTER 461—FEDERAL MARITIME**
14 **COMMISSION”.**

15 (2) Chapter 3 of title 46, United States Code,
16 is redesignated as chapter 461 of part D of subtitle
17 IV of such title and transferred to appear in such
18 part.

19 (3) Sections 301 through 308 of such title are
20 redesignated as sections 46101 through 46108, re-
21 spectively, of such title.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 46101(c)(3)(A)(v) of title 46,
24 United States Code, as so redesignated, is amended
25 by striking “304” and inserting “46104”.

1 (2) section 322(b) of the Coast Guard Per-
 2 sonnel and Maritime Safety Act of 2002 (31 U.S.C.
 3 1113 note) is amended by striking “208 of the Mer-
 4 chant Marine Act, 1936 (46 App. U.S.C. 1118)”
 5 and inserting “46106(a) of title 46, United States
 6 Code”.

7 (3) Section 1031(23) of the National Defense
 8 Authorization Act for Fiscal Year 2000 (31 U.S.C.
 9 1113 note) is amended by striking “208, 901(b)(2),
 10 and 1211 of the Merchant Marine Act, 1936 (46
 11 App. U.S.C. 1118, 1241(b)(2), 1291)” and inserting
 12 “44106(a) and 55305(d) of title 46, United States
 13 Code”.

14 (4) The analysis for subtitle I of title 46,
 15 United States Code, is amended by striking the item
 16 relating to chapter 3.

17 (5) The analysis for subtitle IV of such title is
 18 amended by adding at the end the following:

“PART D—FEDERAL MARITIME COMMISSION

“461. Federal Maritime Commission 46101”.

19 (6) The analysis for chapter 461 of part D of
 20 subtitle IV of such title, as so redesignated, is
 21 amended to read as follows:

“Sec.
 “46101. General organization.
 “46102. Quorum.
 “46103. Meetings.
 “46104. Delegation of authority.
 “46105. Regulations.

“46106. Annual report.

“46107. Expenditures.

“46108. Authorization of appropriations.”.

1 (c) TECHNICAL CORRECTION.—Section 46103(c)(3)
2 of title 46, United States Code, as so redesignated, is
3 amended by striking “555b(c)” and inserting “552b(c)”.

4 **DIVISION I—DEPARTMENT OF**
5 **STATE AUTHORITIES AND AC-**
6 **TIVITIES**

7 **SEC. 14001. SHORT TITLE.**

8 This division may be cited as the “Eliot L. Engel De-
9 partment of State Authorization Act of 2020”.

10 **TITLE I—ORGANIZATION AND**
11 **OPERATIONS OF THE DE-**
12 **PARTMENT OF STATE**

13 **SEC. 14101. SENSE OF CONGRESS ON IMPORTANCE OF DE-**
14 **PARTMENT OF STATE’S WORK.**

15 It is the sense of Congress that—

16 (1) United States global engagement is key to
17 a stable and prosperous world;

18 (2) United States leadership is indispensable in
19 light of the many complex and interconnected
20 threats facing the United States and the world;

21 (3) diplomacy and development are critical tools
22 of national power, and full deployment of these tools
23 is vital to United States national security;

1 (4) challenges such as the global refugee and
2 migration crises, terrorism, historic famine and food
3 insecurity, and fragile or repressive societies cannot
4 be addressed without sustained and robust United
5 States diplomatic and development leadership;

6 (5) the United States Government must use all
7 of the instruments of national security and foreign
8 policy at its disposal to protect United States citi-
9 zens, promote United States interests and values,
10 and support global stability and prosperity;

11 (6) United States security and prosperity de-
12 pend on having partners and allies that share our in-
13 terests and values, and these partnerships are nur-
14 tured and our shared interests and values are pro-
15 moted through United States diplomatic engage-
16 ment, security cooperation, economic statecraft, and
17 assistance that helps further economic development,
18 good governance, including the rule of law and
19 democratic institutions, and the development of
20 shared responses to natural and humanitarian disas-
21 ters;

22 (7) as the United States Government agencies
23 primarily charged with conducting diplomacy and
24 development, the Department and the United States
25 Agency for International Development (USAID) re-

1 quire sustained and robust funding to carry out this
2 important work, which is essential to our ability to
3 project United States leadership and values and to
4 advance the United States interests around the
5 world;

6 (8) the work of the Department and USAID
7 makes the United States and the world safer and
8 more prosperous by alleviating global poverty and
9 hunger, fighting HIV/AIDS and other infectious dis-
10 eases, strengthening alliances, expanding educational
11 opportunities for women and girls, promoting good
12 governance and democracy, supporting anti-corruption
13 efforts, driving economic development and
14 trade, preventing armed conflicts and humanitarian
15 crises, and creating American jobs and export oppor-
16 tunities;

17 (9) the Department and USAID are vital na-
18 tional security agencies, whose work is critical to the
19 projection of United States power and leadership
20 worldwide, and without which Americans would be
21 less safe, our economic power would be diminished,
22 and global stability and prosperity would suffer;

23 (10) investing in diplomacy and development
24 before conflicts break out saves American lives while
25 also being cost-effective; and

1 (11) the contributions of personnel working at
2 the Department and USAID are extraordinarily val-
3 uable and allow the United States to maintain its
4 leadership around the world.

5 **SEC. 14102. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND**
6 **LABOR.**

7 Paragraph (2) of section 1(c) of the State Depart-
8 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
9 is amended—

10 (1) in subparagraph (A), by adding at the end
11 the following new sentence: “All special envoys, am-
12 bassadors, and coordinators located within the Bu-
13 reau of Democracy, Human Rights, and Labor shall
14 report directly to the Assistant Secretary.”;

15 (2) in subparagraph (B)(ii)—

16 (A) by striking “section” and inserting
17 “sections 116 and”; and

18 (B) by inserting before the period at the
19 end the following: “(commonly referred to as
20 the annual ‘Country Reports on Human Rights
21 Practices’)”; and

22 (3) by adding at the end the following new sub-
23 paragraphs:

24 “(C) **AUTHORITIES.**—In addition to the
25 duties, functions, and responsibilities specified

1 in this paragraph, the Assistant Secretary of
2 State for Democracy, Human Rights, and
3 Labor is authorized to—

4 “(i) promote democracy and actively
5 support human rights throughout the
6 world;

7 “(ii) promote the rule of law and good
8 governance throughout the world;

9 “(iii) strengthen, empower, and pro-
10 tect civil society representatives, programs,
11 and organizations, and facilitate their abil-
12 ity to engage in dialogue with governments
13 and other civil society entities;

14 “(iv) work with regional bureaus to
15 ensure adequate personnel at diplomatic
16 posts are assigned responsibilities relating
17 to advancing democracy, human rights,
18 labor rights, women’s equal participation
19 in society, and the rule of law, with par-
20 ticular attention paid to adequate oversight
21 and engagement on such issues by senior
22 officials at such posts;

23 “(v) review and, as appropriate, make
24 recommendations to the Secretary of State
25 regarding the proposed transfer of—

1 “(I) defense articles and defense
2 services authorized under the Foreign
3 Assistance Act of 1961 (22 U.S.C.
4 2151 et seq.) or the Arms Export
5 Control Act (22 U.S.C. 2751 et seq.);
6 and

7 “(II) military items listed on the
8 ‘600 series’ of the Commerce Control
9 List contained in Supplement No. 1 to
10 part 774 of subtitle B of title 15,
11 Code of Federal Regulations;

12 “(vi) coordinate programs and activi-
13 ties that protect and advance the exercise
14 of human rights and internet freedom in
15 cyberspace; and

16 “(vii) implement other relevant poli-
17 cies and provisions of law.

18 “(D) EFFICIENCY.—The Assistant Sec-
19 retary for Democracy, Human Rights, and
20 Labor shall take whatever actions may be nec-
21 essary to minimize the duplication of efforts
22 within the Bureau of Democracy, Human
23 Rights, and Labor.

24 “(E) LOCAL OVERSIGHT.—United States
25 missions, to the extent practicable, should assist

1 in exercising oversight authority and coordinate
2 with the Bureau of Democracy, Human Rights,
3 and Labor to ensure that funds are appro-
4 priately used and comply with anti-corruption
5 practices.”.

6 **SEC. 14103. ASSISTANT SECRETARY FOR INTERNATIONAL**
7 **NARCOTICS AND LAW ENFORCEMENT AF-**
8 **FAIRS.**

9 (a) IN GENERAL.—Section 1(c) of the State Depart-
10 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a(c))
11 is amended—

12 (1) by redesignating paragraph (3) as para-
13 graph (4); and

14 (2) by inserting after paragraph (2) the fol-
15 lowing new paragraph:

16 “(3) ASSISTANT SECRETARY FOR INTER-
17 NATIONAL NARCOTICS AND LAW ENFORCEMENT AF-
18 FAIRS.—

19 “(A) IN GENERAL.—There is authorized to
20 be in the Department of State an Assistant
21 Secretary for International Narcotics and Law
22 Enforcement Affairs, who shall be responsible
23 to the Secretary of State for all matters, pro-
24 grams, and related activities pertaining to inter-
25 national narcotics, anti-crime, and law enforce-

1 ment affairs in the conduct of foreign policy by
2 the Department, including, as appropriate, lead-
3 ing the coordination of programs carried out by
4 United States Government agencies abroad, and
5 such other related duties as the Secretary may
6 from time to time designate.

7 “(B) AREAS OF RESPONSIBILITY.—The
8 Assistant Secretary for International Narcotics
9 and Law Enforcement Affairs shall maintain
10 continuous observation and coordination of all
11 matters pertaining to international narcotics,
12 anti-crime, and law enforcement affairs in the
13 conduct of foreign policy, including programs
14 carried out by other United States Government
15 agencies when such programs pertain to the fol-
16 lowing matters:

17 “(i) Combating international narcotics
18 production and trafficking.

19 “(ii) Strengthening foreign justice sys-
20 tems, including judicial and prosecutorial
21 capacity, appeals systems, law enforcement
22 agencies, prison systems, and the sharing
23 of recovered assets.

24 “(iii) Training and equipping foreign
25 police, border control, other government of-

1 ficials, and other civilian law enforcement
2 authorities for anti-crime purposes, includ-
3 ing ensuring that no foreign security unit
4 or member of such unit shall receive such
5 assistance from the United States Govern-
6 ment absent appropriate vetting.

7 “(iv) Ensuring the inclusion of human
8 rights and women’s participation issues in
9 law enforcement programs, in consultation
10 with the Assistant Secretary for Democ-
11 racy, Human Rights, and Labor, and other
12 senior officials in regional and thematic
13 bureaus and offices.

14 “(v) Combating, in conjunction with
15 other relevant bureaus of the Department,
16 all forms of transnational organized crime,
17 including illicit trafficking in human
18 beings, arms, wildlife, and cultural prop-
19 erty, migrant smuggling, corruption,
20 money laundering, the illicit smuggling of
21 bulk cash, the licit use of financial systems
22 for malign purposes, and other new and
23 emerging forms of crime.

24 “(vi) Identifying and responding to
25 global corruption, including strengthening

1 the capacity of foreign government institu-
2 tions responsible for addressing financial
3 crimes and engaging with multilateral or-
4 ganizations responsible for monitoring and
5 supporting foreign governments' anti-cor-
6 ruption efforts.

7 “(C) ADDITIONAL DUTIES.—In addition to
8 the responsibilities specified in subparagraph
9 (B), the Assistant Secretary for International
10 Narcotics and Law Enforcement Affairs shall
11 also—

12 “(i) carry out timely and substantive
13 consultation with chiefs of mission and, as
14 appropriate, the heads of other United
15 States Government agencies to ensure ef-
16 fective coordination of all international
17 narcotics and law enforcement programs
18 carried out overseas by the Department
19 and such other agencies;

20 “(ii) coordinate with the Office of Na-
21 tional Drug Control Policy to ensure les-
22 sons learned from other United States
23 Government agencies are available to the
24 Bureau of International Narcotics and

1 Law Enforcement Affairs of the Depart-
2 ment;

3 “(iii) develop standard requirements
4 for monitoring and evaluation of Bureau
5 programs, including metrics for success
6 that do not rely solely on the amounts of
7 illegal drugs that are produced or seized;

8 “(iv) in coordination with the Sec-
9 retary of State, annually certify in writing
10 to the Committee on Foreign Affairs of the
11 House of Representatives and the Com-
12 mittee on Foreign Relations of the Senate
13 that United States law enforcement per-
14 sonnel posted abroad whose activities are
15 funded to any extent by the Bureau of
16 International Narcotics and Law Enforce-
17 ment Affairs are complying with section
18 207 of the Foreign Service Act of 1980
19 (22 U.S.C. 3927); and

20 “(v) carry out such other relevant du-
21 ties as the Secretary may assign.”.

22 (b) MODIFICATION OF ANNUAL INTERNATIONAL
23 NARCOTICS CONTROL STRATEGY REPORT.—Subsection
24 (a) of section 489 of the Foreign Assistance Act of 1961

1 (22 U.S.C. 2291h) is amended by inserting after para-
2 graph (8) the following new paragraph:

3 “(9) A separate section that contains an identi-
4 fication of all United States Government-supported
5 units funded by the Bureau of International Nar-
6 cotics and Law Enforcement Affairs and any Bu-
7 reau-funded operations by such units in which
8 United States law enforcement personnel have been
9 physically present.”.

10 **SEC. 14104. BUREAU OF CONSULAR AFFAIRS; BUREAU OF**
11 **POPULATION, REFUGEES, AND MIGRATION.**

12 Section 1 of the State Department Basic Authorities
13 Act of 1956 (22 U.S.C. 2651a) is amended—

14 (1) by redesignating subsection (g) as sub-
15 section (i); and

16 (2) by inserting after subsection (f) the fol-
17 lowing new subsections:

18 “(g) BUREAU OF CONSULAR AFFAIRS.—There is in
19 the Department of State the Bureau of Consular Affairs,
20 which shall be headed by the Assistant Secretary of State
21 for Consular Affairs.

22 “(h) BUREAU OF POPULATION, REFUGEES, AND MI-
23 GRATION.—There is in the Department of State the Bu-
24 reau of Population, Refugees, and Migration, which shall

1 be headed by the Assistant Secretary of State for Popu-
2 lation, Refugees, and Migration.”.

3 **SEC. 14105. OFFICE OF INTERNATIONAL DISABILITY**
4 **RIGHTS.**

5 (a) ESTABLISHMENT.—There should be established
6 in the Department an Office of International Disability
7 Rights (referred to in this section as the “Office”).

8 (b) DUTIES.—The Office should—

9 (1) seek to ensure that all United States for-
10 eign operations are accessible to, and inclusive of,
11 persons with disabilities;

12 (2) promote the human rights and full partici-
13 pation in international development activities of all
14 persons with disabilities;

15 (3) promote disability inclusive practices and
16 the training of Department staff on soliciting quality
17 programs that are fully inclusive of people with dis-
18 abilities;

19 (4) represent the United States in diplomatic
20 and multilateral fora on matters relevant to the
21 rights of persons with disabilities, and work to raise
22 the profile of disability across a broader range of or-
23 ganizations contributing to international develop-
24 ment efforts;

1 (5) conduct regular consultation with civil soci-
2 ety organizations working to advance international
3 disability rights and empower persons with disabil-
4 ities internationally;

5 (6) consult with other relevant offices at the
6 Department that are responsible for drafting annual
7 reports documenting progress on human rights, in-
8 cluding, wherever applicable, references to instances
9 of discrimination, prejudice, or abuses of persons
10 with disabilities; and

11 (7) advise the Bureau of Human Resources De-
12 velopment of the Department regarding the hiring
13 and recruitment and overseas practices of civil serv-
14 ice employees and Foreign Service officers with dis-
15 abilities and their family members with chronic med-
16 ical conditions or disabilities.

17 (c) SUPERVISION.—The Office may be headed by—

18 (1) a senior advisor to the appropriate Assist-
19 ant Secretary; or

20 (2) an officer exercising significant authority
21 who reports to the President or Secretary, appointed
22 by and with the advice and consent of the Senate.

23 (d) CONSULTATION.—The Secretary should direct
24 Ambassadors at Large, Representatives, Special Envoys,
25 and coordinators working on human rights to consult with

1 the Office to promote the human rights and full participa-
2 tion in international development activities of all persons
3 with disabilities.

4 **SEC. 14106. OFFICE OF GLOBAL WOMEN'S ISSUES.**

5 (a) IN GENERAL.—There should be established an
6 Office of Global Women's Issues (referred to in this sec-
7 tion as the "Office"), which may be placed within the or-
8 ganizational structure of the Department at the discretion
9 of the Secretary.

10 (b) PURPOSE.—The Office should coordinate efforts
11 of the United States Government, as directed by the Sec-
12 retary, regarding gender equality and advancing the status
13 of women and girls in United States foreign policy.

14 (c) DUTIES.—The Office should—

15 (1) serve as the principal advisor to the Sec-
16 retary regarding gender equality, women's and girls'
17 empowerment, and violence against women and girls
18 as a priority of United States foreign policy;

19 (2) represent the United States in diplomatic
20 and multilateral fora on matters relevant to the sta-
21 tus of women and girls;

22 (3) advise the Secretary and provide input on
23 all activities, policies, programs, and funding relat-
24 ing to gender equality and the advancement of
25 women and girls internationally for all bureaus and

1 offices of the Department and in the international
2 programs of all other Federal agencies;

3 (4) work to ensure that efforts to advance gen-
4 der equality and women's and girls' empowerment
5 are fully integrated into the programs, structures,
6 processes, and capacities of all bureaus and offices
7 of the Department and in the international pro-
8 grams of other Federal agencies; and

9 (5) conduct regular consultation with civil soci-
10 ety organizations working to advance gender equality
11 and empower women and girls internationally.

12 (d) SUPERVISION.—The Office should be headed by
13 an Ambassador-at-large for Global Women's Issues.

14 (e) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Secretary shall provide
16 to the appropriate congressional committees a report or
17 briefing regarding this section.

18 **SEC. 14107. SPECIAL APPOINTMENTS.**

19 (a) REPORT ON POSITIONS.—Not later than 30 days
20 after the date of the enactment of this Act, the Secretary
21 shall submit to the appropriate congressional committees
22 a report that includes the following:

23 (1) A description of the duties, responsibilities,
24 and number of staff of each existing Special Envoy,
25 Special Representative, Special Coordinator, Special

1 Negotiator, Envoy, Representative, Coordinator,
2 Special Advisor, and other similar position at the
3 Department.

4 (2) Recommendations regarding whether to
5 maintain in the Department each such position, in-
6 cluding those listed in the report submitted by the
7 Secretary to the Committee on Foreign Relations of
8 the Senate on April 14, 2017, pursuant to section
9 418 of the Department of State Authorities Act,
10 Fiscal Year 2017 (Public Law 114–323), that are
11 not expressly authorized by a provision of law en-
12 acted by Congress.

13 (3) Justifications supporting each of the Sec-
14 retary’s recommendations under paragraph (2).

15 (b) ADVICE AND CONSENT.—Not later than 90 days
16 after the submission of the report required under sub-
17 section (a), the President shall submit the name of each
18 Special Envoy, Special Representative, Special Coordi-
19 nator, Special Negotiator, Envoy, Representative, Coordi-
20 nator, Special Advisor, or other person occupying a similar
21 position at the Department exercising significant author-
22 ity pursuant to the laws of the United States that is not
23 expressly authorized by a provision of law enacted by Con-
24 gress who is included in such report to the Committee on

1 Foreign Relations of the Senate to seek the advice and
2 consent of the Senate.

3 (c) RULE OF CONSTRUCTION REGARDING ESTAB-
4 LISHMENT OF POSITIONS.—Nothing in this section may
5 be construed as prohibiting the establishment or mainte-
6 nance of any Special Envoy, Special Representative, Spe-
7 cial Coordinator, Special Negotiator, Envoy, Representa-
8 tive, Coordinator, Special Advisor, or other similar posi-
9 tion at the Department exercising significant authority
10 pursuant to the laws of the United States if the name of
11 the appointee for each such position is submitted to the
12 Committee on Foreign Relations of the Senate, to seek
13 the advice and consent of the Senate, not later than 90
14 days after each such appointment.

15 (d) LIMITED EXCEPTION FOR TEMPORARY APPOINT-
16 MENTS.—The Secretary may maintain or establish a posi-
17 tion with the title of Special Envoy, Special Representa-
18 tive, Special Coordinator, Special Negotiator, Special Ad-
19 visor, or a similar position not exercising significant au-
20 thority pursuant to the laws of the United States for not
21 longer than 180 days if the Secretary, not later than 15
22 days before the appointment of a person to such a posi-
23 tion, submits to the appropriate congressional committees
24 a notification that includes the following:

1 (1) A certification that the position is not ex-
2 pected to demand the exercise of significant author-
3 ity pursuant to the laws of the United States.

4 (2) A description of the duties and purpose of
5 the position.

6 (3) The rationale for giving the specific title to
7 the position.

8 (e) RENEWAL OF TEMPORARY APPOINTMENT.—
9 Nothing in this section may be construed as prohibiting
10 the Secretary from renewing for a period not to exceed
11 180 days any position maintained or established under
12 subsection (d) if the Secretary complies with the notifica-
13 tion requirements contained in such subsection.

14 (f) FUNDING RESTRICTIONS.—

15 (1) POSITIONS NOT SUBMITTED FOR ADVICE
16 AND CONSENT.—No funds may be authorized to be
17 appropriated for—

18 (A) any Special Envoy, Special Represent-
19 ative, Special Coordinator, Special Negotiator,
20 Envoy, Representative, Coordinator, Special
21 Advisor, or other similar position at the Depart-
22 ment exercising significant authority pursuant
23 to the laws of the United States if the name of
24 the person appointed to such position has not
25 been submitted to the Committee on Foreign

1 Relations of the Senate for the advice and con-
2 sent of the Senate in accordance with sub-
3 section (b); or

4 (B) any staff or resources related to such
5 a position until the person appointed to such
6 position has been submitted to the Committee
7 on Foreign Relations of the Senate for the ad-
8 vice and consent of the Senate.

9 (2) TEMPORARY POSITIONS.—No funds may be
10 authorized to be appropriated for any position de-
11 scribed in subsection (d) or for any staff or re-
12 sources related to such position unless the Secretary
13 has complied with the notification requirements
14 under such subsection.

15 (3) FISCAL YEAR 2021.—The restrictions de-
16 scribed in this subsection shall not apply in fiscal
17 year 2021 to positions or associated staff and re-
18 sources for which funding is expressly appropriated
19 for such fiscal year in an Act of Congress.

20 (g) CONFIRMATION FOR AUTHORIZED POSITIONS.—

21 (1) IN GENERAL.—No Special Envoy, Special
22 Representative, Special Coordinator, Special Nego-
23 tiator, Envoy, Representative, Coordinator, Special
24 Advisor, or other similar position at the Department
25 exercising significant authority pursuant to the laws

1 of the United States that is authorized by an Act of
2 Congress (except the position authorized by section
3 621 of the Tibetan Policy Act of 2002 (subtitle B
4 of title VI of Public Law 107–228; 22 U.S.C. 6901
5 note)) may be appointed without the advice and con-
6 sent of the Senate.

7 (2) FISCAL YEAR 2021.—The restriction de-
8 scribed in paragraph (1) shall not apply in fiscal
9 year 2021 to positions or associated staff and re-
10 sources for which funding is expressly appropriated
11 for such fiscal year in an Act of Congress.

12 (h) ELIMINATION OF SPECIAL REPRESENTATIVE
13 AND POLICY COORDINATOR FOR BURMA.—

14 (1) FINDINGS.—Congress finds the following:

15 (A) Congress established the Special Rep-
16 resentative and Policy Coordinator for Burma
17 in July 2008 at a time when the United States
18 did not maintain full diplomatic relations with
19 Burma and had not appointed an Ambassador
20 to Burma in 18 years.

21 (B) In 2012, the United States re-estab-
22 lished full diplomatic relations with Burma and
23 appointed a United States Ambassador to
24 Burma who, along with the Secretary of State,
25 Assistant Secretary of State for East Asia and

1 the Pacific, and other United States Govern-
2 ment officials, represents the United States' in-
3 terests in Burma.

4 (2) REPEAL.—Section 7 of the Tom Lantos
5 Block Burmese Jade (Junta's Anti-Democratic Ef-
6 forts) Act of 2008 (Public Law 110–286; 50 U.S.C.
7 1701 note; relating to the establishment of a Special
8 Representative and Policy Coordinator for Burma) is
9 hereby repealed.

10 **SEC. 14108. ANTI-PIRACY INFORMATION SHARING.**

11 The Secretary is authorized to provide for the partici-
12 pation by the United States in the Information Sharing
13 Centre located in Singapore, as established by the Re-
14 gional Cooperation Agreement on Combating Piracy and
15 Armed Robbery against Ships in Asia (ReCAAP).

16 **SEC. 14109. IMPORTANCE OF FOREIGN AFFAIRS TRAINING**
17 **TO NATIONAL SECURITY.**

18 It is the sense of Congress that—

19 (1) the Department is a crucial national secu-
20 rity agency, whose employees, both Foreign and Civil
21 Service, require the best possible training at every
22 stage of their careers to prepare them to promote
23 and defend United States national interests and the
24 health and safety of United States citizens abroad;

1 (2) the Secretary should explore establishing a
2 “training float” requiring that a certain percentage
3 of the Foreign Service shall be in long-term training
4 at any given time;

5 (3) the Department’s Foreign Service Institute
6 should seek to substantially increase its educational
7 and training offerings to Department personnel, in-
8 cluding developing new and innovative educational
9 and training courses, methods, programs, and oppor-
10 tunities; and

11 (4) consistent with existing Department gift ac-
12 ceptance authority and other applicable laws, the
13 Department and Foreign Service Institute should
14 seek and accept funds and other resources from
15 foundations, not-for-profit corporations, and other
16 appropriate sources to help the Department and the
17 Institute accomplish the goals specified in paragraph
18 (3).

19 **SEC. 14110. CLASSIFICATION AND ASSIGNMENT OF FOR-**
20 **EIGN SERVICE OFFICERS.**

21 The Foreign Service Act of 1980 is amended—

22 (1) in section 501 (22 U.S.C. 3981), by insert-
23 ing “If a position designated under this section is
24 unfilled for more than 365 calendar days, such posi-
25 tion may be filled, as appropriate, on a temporary

1 basis, in accordance with section 309.” after “Posi-
2 tions designated under this section are excepted
3 from the competitive service.”; and

4 (2) in paragraph (2) of section 502(a) (22
5 U.S.C. 3982(a)), by inserting “, or domestically, in
6 a position working on issues relating to a particular
7 country or geographic area,” after “geographic
8 area”.

9 **SEC. 14111. ENERGY DIPLOMACY AND SECURITY WITHIN**
10 **THE DEPARTMENT OF STATE.**

11 (a) IN GENERAL.—Subsection (c) of section 1 of the
12 State Department Basic Authorities Act of 1956 (22
13 U.S.C. 2651a), as amended by section 14103 of this Act,
14 is further amended—

15 (1) by redesignating paragraph (4) (as redesign-
16 nated pursuant to such section 14103) as paragraph
17 (5); and

18 (2) by inserting after paragraph (3) the fol-
19 lowing new paragraph:

20 “(4) ENERGY RESOURCES.—

21 “(A) AUTHORIZATION FOR ASSISTANT SEC-
22 RETARY.—Subject to the numerical limitation
23 specified in paragraph (1), there is authorized
24 to be established in the Department of State an

1 Assistant Secretary of State for Energy Re-
2 sources.

3 “(B) PERSONNEL.—The Secretary of
4 State shall ensure that there are sufficient per-
5 sonnel dedicated to energy matters within the
6 Department of State whose responsibilities shall
7 include—

8 “(i) formulating and implementing
9 international policies aimed at protecting
10 and advancing United States energy secu-
11 rity interests by effectively managing
12 United States bilateral and multilateral re-
13 lations;

14 “(ii) ensuring that analyses of the na-
15 tional security implications of global en-
16 ergy and environmental developments are
17 reflected in the decision making process
18 within the Department;

19 “(iii) incorporating energy security
20 priorities into the activities of the Depart-
21 ment;

22 “(iv) coordinating energy activities of
23 the Department with relevant Federal de-
24 partments and agencies; and

25 “(v) working internationally to—

1 “(I) support the development of
2 energy resources and the distribution
3 of such resources for the benefit of
4 the United States and United States
5 allies and trading partners for their
6 energy security and economic develop-
7 ment needs;

8 “(II) promote availability of di-
9 versified energy supplies and a well-
10 functioning global market for energy
11 resources, technologies, and expertise
12 for the benefit of the United States
13 and United States allies and trading
14 partners;

15 “(III) resolve international dis-
16 putes regarding the exploration, devel-
17 opment, production, or distribution of
18 energy resources;

19 “(IV) support the economic and
20 commercial interests of United States
21 persons operating in the energy mar-
22 kets of foreign countries;

23 “(V) support and coordinate
24 international efforts to alleviate en-
25 ergy poverty;

1 “(VI) leading the United States
2 commitment to the Extractive Indus-
3 tries Transparency Initiative;

4 “(VII) coordinating within the
5 Department and with relevant Federal
6 departments and agencies on devel-
7 oping and implementing international
8 energy-related sanctions; and

9 “(VIII) coordinating energy secu-
10 rity and other relevant functions with-
11 in the Department currently under-
12 taken by—

13 “(aa) the Bureau of Eco-
14 nomic and Business Affairs;

15 “(bb) the Bureau of Oceans
16 and International Environmental
17 and Scientific Affairs; and

18 “(cc) other offices within the
19 Department of State.”.

20 (b) CONFORMING AMENDMENT.—Section 931 of the
21 Energy Independence and Security Act of 2007 (42
22 U.S.C. 17371) is amended—

23 (1) by striking subsections (a) and (b); and

24 (2) by redesignating subsections (c) and (d) as
25 subsections (a) and (b), respectively.

1 **SEC. 14112. THE NATIONAL MUSEUM OF AMERICAN DIPLO-**
2 **MACY.**

3 Title I of the State Department Basic Authorities Act
4 of 1956 is amended by adding after section 63 (22 U.S.C.
5 2735) the following new section:

6 **“SEC. 64. THE NATIONAL MUSEUM OF AMERICAN DIPLO-**
7 **MACY.**

8 “(a) ACTIVITIES.—

9 “(1) SUPPORT AUTHORIZED.—The Secretary of
10 State is authorized to provide, by contract, grant, or
11 otherwise, for the performance of appropriate mu-
12 seum visitor and educational outreach services and
13 related events, including organizing programs and
14 conference activities, museum shop services and food
15 services in the public exhibition and related space
16 utilized by the National Museum of American Diplo-
17 macy.

18 “(2) RECOVERY OF COSTS.—The Secretary of
19 State is authorized to recover any revenues gen-
20 erated under the authority of paragraph (1) for vis-
21 itor and outreach services and related events re-
22 ferred to in such paragraph, including fees for use
23 of facilities at the National Museum for American
24 Diplomacy. Any such revenues may be retained as a
25 recovery of the costs of operating the museum.

1 “(b) DISPOSITION OF NATIONAL MUSEUM OF AMER-
2 ICAN DIPLOMACY DOCUMENTS, ARTIFACTS, AND OTHER
3 ARTICLES.—

4 “(1) PROPERTY.—All historic documents, arti-
5 facts, or other articles permanently acquired by the
6 Department of State and determined by the Sec-
7 retary of State to be suitable for display by the Na-
8 tional Museum of American Diplomacy shall be con-
9 sidered to be the property of the United States Gov-
10 ernment and shall be subject to disposition solely in
11 accordance with this subsection.

12 “(2) SALE, TRADE, OR TRANSFER.—Whenever
13 the Secretary of State makes the determination de-
14 scribed in paragraph (3) with respect to a document,
15 artifact, or other article under paragraph (1), the
16 Secretary may sell at fair market value, trade, or
17 transfer such document, artifact, or other article
18 without regard to the requirements of subtitle I of
19 title 40, United States Code. The proceeds of any
20 such sale may be used solely for the advancement of
21 the mission of the National Museum of American
22 Diplomacy and may not be used for any purpose
23 other than the acquisition and direct care of the col-
24 lections of the museum.

1 “(3) DETERMINATIONS PRIOR TO SALE, TRADE,
2 OR TRANSFER.—The determination described in this
3 paragraph with respect to a document, artifact, or
4 other article under paragraph (1), is a determination
5 that—

6 “(A) such document, artifact, or other arti-
7 cle no longer serves to further the purposes of
8 the National Museum of American Diplomacy
9 as set forth in the collections management pol-
10 icy of the museum;

11 “(B) the sale, trade, or transfer of such
12 document, artifact, or other article would serve
13 to maintain the standards of the collection of
14 the museum; or

15 “(C) sale, trade, or transfer of such docu-
16 ment, artifact, or other article would be in the
17 best interests of the United States.

18 “(4) LOANS.—In addition to the authorization
19 under paragraph (2) relating to the sale, trade, or
20 transfer of documents, artifacts, or other articles
21 under paragraph (1), the Secretary of State may
22 loan such documents, artifacts, or other articles,
23 when not needed for use or display by the National
24 Museum of American Diplomacy to the Smithsonian

1 Institution or a similar institution for repair, study,
2 or exhibition.”.

3 **SEC. 14113. EXTENSION OF PERIOD FOR REIMBURSEMENT**
4 **OF FISHERMEN FOR COSTS INCURRED FROM**
5 **THE ILLEGAL SEIZURE AND DETENTION OF**
6 **U.S.-FLAG FISHING VESSELS BY FOREIGN**
7 **GOVERNMENTS.**

8 (a) IN GENERAL.—Subsection (e) of section 7 of the
9 Fishermen’s Protective Act of 1967 (22 U.S.C. 1977) is
10 amended to read as follows:

11 “(e) AMOUNTS.—Payments may be made under this
12 section only to such extent and in such amounts as are
13 provided in advance in appropriation Acts.”.

14 (b) RETROACTIVE APPLICABILITY.—

15 (1) EFFECTIVE DATE.—The amendment made
16 by subsection (a) shall take effect on the date of the
17 enactment of this Act and apply as if the date speci-
18 fied in subsection (e) of section 7 of the Fishermen’s
19 Protective Act of 1967, as in effect on the day be-
20 fore the date of the enactment of this Act, were the
21 day after such date of enactment.

22 (2) AGREEMENTS AND PAYMENTS.—The Sec-
23 retary shall—

24 (A) enter into agreements pursuant to sec-
25 tion 7 of the Fishermen’s Protective Act of

1 1967 for any claims to which such section
2 would otherwise apply but for the date specified
3 in subsection (e) of such section, as in effect on
4 the day before the date of the enactment of this
5 Act; and

6 (B) make payments in accordance with
7 agreements entered into pursuant to such sec-
8 tion if any such payments have not been made
9 as a result of the expiration of the date speci-
10 fied in such section, as in effect on the day be-
11 fore the date of the enactment of this Act.

12 **SEC. 14114. ART IN EMBASSIES.**

13 (a) IN GENERAL.—No funds are authorized to be ap-
14 propriated for the purchase of any piece of art for the
15 purposes of installation or display in any embassy, con-
16 sulate, or other foreign mission of the United States if
17 the purchase price of such piece of art is in excess of
18 \$50,000, unless such purchase is subject to prior consulta-
19 tion with, and the regular notification procedures of, the
20 appropriate congressional committees.

21 (b) REPORT.—Not later than 90 days after the date
22 of the enactment of this Act, the Secretary shall submit
23 to the appropriate congressional committees a report on
24 the costs of the Art in Embassies Program for each of
25 fiscal years 2012, 2013, and 2014.

1 (c) SUNSET.—This section shall terminate on the
2 date that is 2 years after the date of the enactment of
3 this Act.

4 (d) DEFINITION.—In this section, the term “art” in-
5 cludes paintings, sculptures, photographs, industrial de-
6 sign, and craft art.

7 **SEC. 14115. AMENDMENT OR REPEAL OF REPORTING RE-**
8 **QUIREMENTS.**

9 (a) BURMA.—

10 (1) IN GENERAL.—Section 570 of Public Law
11 104–208 is amended—

12 (A) by amending subsection (c) to read as
13 follows:

14 “(c) MULTILATERAL STRATEGY.—The President
15 shall develop, in coordination with members of ASEAN
16 and other likeminded countries, a comprehensive, multilat-
17 eral strategy to bring about further democratic consolida-
18 tion in Burma and improve human rights practices and
19 the quality of life in Burma, including the development
20 of a dialogue leading to genuine national reconciliation.”;
21 and

22 (B) in subsection (d)—

23 (i) in the matter preceding paragraph
24 (1), by striking “six months” and inserting
25 “year”;

1 (ii) by redesignating paragraph (3) as
2 paragraph (7); and

3 (iii) by inserting after paragraph (2)
4 the following new paragraphs:

5 “(3) improvements in human rights practices;

6 “(4) progress toward broad-based and inclusive
7 economic growth;

8 “(5) progress toward genuine national reconcili-
9 ation;

10 “(6) progress on improving the quality of life of
11 the Burmese people, including progress relating to
12 market reforms, living standards, labor standards,
13 use of forced labor in the tourism industry, and en-
14 vironmental quality; and”.

15 (2) EFFECTIVE DATE.—The amendments made
16 by paragraph (1) shall take effect on the date of the
17 enactment of this Act and apply with respect to the
18 first report required under subsection (d) of section
19 570 of Public Law 104–208 that is required after
20 the date of the enactment of this Act.

21 (b) REPEALS.—The following provisions of law are
22 hereby repealed:

23 (1) Subsection (b) of section 804 of Public Law
24 101–246.

25 (2) Section 6 of Public Law 104–45.

1 (3) Section 406 of Public Law 101–246 (22
2 U.S.C. 2414a).

3 (4) Subsection (c) of section 702 of Public Law
4 96–465 (22 U.S.C. 4022).

5 **SEC. 14116. REPORTING ON IMPLEMENTATION OF GAO**
6 **RECOMMENDATIONS.**

7 (a) INITIAL REPORT.—Not later than 120 days after
8 the date of the enactment of this Act, the Secretary shall
9 submit to the appropriate congressional committees a re-
10 port that lists all of the Government Accountability Of-
11 fice’s recommendations relating to the Department that
12 have not been fully implemented.

13 (b) COMPTROLLER GENERAL REPORT.—Not later
14 than 30 days after the Secretary submits the report under
15 subsection (a), the Comptroller General of the United
16 States shall submit to the appropriate congressional com-
17 mittees a report that identifies any discrepancies between
18 the list of recommendations included in such report and
19 the Government Accountability Office’s list of outstanding
20 recommendations for the Department.

21 (c) IMPLEMENTATION REPORT.—

22 (1) IN GENERAL.—Not later than 120 days
23 after the date of the submission of the Comptroller
24 General’s report under subsection (b), the Secretary
25 shall submit to the appropriate congressional com-

1 mittees a report that describes the implementation
2 status of each recommendation from the Govern-
3 ment Accountability Office included in the report
4 submitted under subsection (a).

5 (2) JUSTIFICATION.—The report under para-
6 graph (1) shall include—

7 (A) a detailed justification for each deci-
8 sion not to fully implement a recommendation
9 or to implement a recommendation in a dif-
10 ferent manner than specified by the Govern-
11 ment Accountability Office;

12 (B) a timeline for the full implementation
13 of any recommendation the Secretary has de-
14 cided to adopt, but has not yet fully imple-
15 mented; and

16 (C) an explanation for any discrepancies
17 included in the Comptroller General report sub-
18 mitted under subsection (b).

19 (d) FORM.—The information required in each report
20 under this section shall be submitted in unclassified form,
21 to the maximum extent practicable, but may be included
22 in a classified annex to the extent necessary.

23 **SEC. 14117. OFFICE OF GLOBAL CRIMINAL JUSTICE.**

24 (a) IN GENERAL.—There should be established with-
25 in the Department an Office of Global Criminal Justice

1 (referred to in this section as the “Office”), which may
2 be placed within the organizational structure of the De-
3 partment at the discretion of the Secretary.

4 (b) DUTIES.—The Office should carry out the fol-
5 lowing:

6 (1) Advise the Secretary and other relevant sen-
7 ior officials on issues related to war crimes, crimes
8 against humanity, and genocide.

9 (2) Assist in formulating United States policy
10 on the prevention of, responses to, and account-
11 ability for mass atrocities.

12 (3) Coordinate United States Government posi-
13 tions relating to the international and hybrid courts
14 currently prosecuting persons responsible for geno-
15 cide, war crimes, and crimes against humanity any-
16 where in the world.

17 (4) Work with other governments, international
18 organizations, and nongovernmental organizations,
19 as appropriate, to establish and assist international
20 and domestic commissions of inquiry, fact-finding
21 missions, and tribunals to investigate, document,
22 and prosecute atrocities in every region of the globe.

23 (5) Coordinate the deployment of diplomatic,
24 legal, economic, military, and other tools to help ex-
25 pose the truth, judge those responsible, protect and

1 assist victims, enable reconciliation, deter atrocities,
2 and build the rule of law.

3 (6) Provide advice and expertise on transitional
4 justice to United States personnel operating in con-
5 flict and post-conflict environments.

6 (7) Act as a point of contact for international,
7 hybrid, and mixed tribunals exercising jurisdiction
8 over war crimes, crimes against humanity, and geno-
9 cide committed around the world.

10 (8) Represent the Department on any inter-
11 agency whole-of-government coordinating entities ad-
12 dressing genocide and other mass atrocities.

13 (9) Perform any additional duties and exercise
14 such powers as the Secretary of State may prescribe.

15 (c) SUPERVISION.—The Office should be led by an
16 Ambassador-at-Large for Global Criminal Justice.

17 **TITLE II—EMBASSY** 18 **CONSTRUCTION**

19 **SEC. 14201. EMBASSY SECURITY, CONSTRUCTION, AND**
20 **MAINTENANCE.**

21 For “Embassy Security, Construction, and Mainte-
22 nance”, there is authorized to be appropriated
23 \$1,975,449,000 for fiscal year 2021.

1 **SEC. 14202. STANDARD DESIGN IN CAPITAL CONSTRUC-**
2 **TION.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Department’s Bureau of Overseas Building
5 Operations (OBO) or successor office should give appro-
6 priate consideration to standardization in construction, in
7 which each new United States embassy and consulate
8 starts with a standard design and keeps customization to
9 a minimum.

10 (b) CONSULTATION.—The Secretary shall carry out
11 any new United States embassy compound or new con-
12 sulate compound project that utilizes a non-standard de-
13 sign, including those projects that are in the design or pre-
14 design phase as of the date of the enactment of this Act,
15 only in consultation with the appropriate congressional
16 committees. The Secretary shall provide the appropriate
17 congressional committees, for each such project, the fol-
18 lowing documentation:

19 (1) A comparison of the estimated full lifecycle
20 costs of the project to the estimated full lifecycle
21 costs of such project if it were to use a standard de-
22 sign.

23 (2) A comparison of the estimated completion
24 date of such project to the estimated completion
25 date of such project if it were to use a standard de-
26 sign.

1 (3) A comparison of the security of the com-
 2 pleted project to the security of such completed
 3 project if it were to use a standard design.

4 (4) A justification for the Secretary's selection
 5 of a non-standard design over a standard design for
 6 such project.

7 (5) A written explanation if any of the docu-
 8 mentation necessary to support the comparisons and
 9 justification, as the case may be, described in para-
 10 graphs (1) through (4) cannot be provided.

11 (c) SUNSET.—The consultation requirement under
 12 subsection (b) shall expire on the date that is 4 years after
 13 the date of the enactment of this Act.

14 **SEC. 14203. CAPITAL CONSTRUCTION TRANSPARENCY.**

15 (a) IN GENERAL.—Section 118 of the Department of
 16 State Authorities Act, Fiscal Year 2017 (22 U.S.C. 304)
 17 is amended—

18 (1) in the section heading , by striking “**AN-**
 19 **NUAL REPORT ON EMBASSY CONSTRUCTION**
 20 **COSTS**” and inserting “**BIANNUAL REPORT ON**
 21 **OVERSEAS CAPITAL CONSTRUCTION**
 22 **PROJECTS**”; and

23 (2) by striking subsections (a) and (b) and in-
 24 serting the following new subsections:

1 “(a) IN GENERAL.—Not later than 180 days after
2 the date of the enactment of this subsection and every 180
3 days thereafter until the date that is 4 years after such
4 date of enactment, the Secretary shall submit to the ap-
5 propriate congressional committees a comprehensive re-
6 port regarding all ongoing overseas capital construction
7 projects and major embassy security upgrade projects.

8 “(b) CONTENTS.—Each report required under sub-
9 section (a) shall include the following with respect to each
10 ongoing overseas capital construction project and major
11 embassy security upgrade project:

12 “(1) The initial cost estimate as specified in the
13 proposed allocation of capital construction and main-
14 tenance funds required by the Committees on Appro-
15 priations for Acts making appropriations for the De-
16 partment of State, foreign operations, and related
17 programs.

18 “(2) The current cost estimate.

19 “(3) The value of each request for equitable ad-
20 justment received by the Department to date.

21 “(4) The value of each certified claim received
22 by the Department to date.

23 “(5) The value of any usage of the project’s
24 contingency fund to date and the value of the re-
25 mainder of the project’s contingency fund.

1 “(6) An enumerated list of each request for ad-
2 justment and certified claim that remains out-
3 standing or unresolved.

4 “(7) An enumerated list of each request for eq-
5 uitable adjustment and certified claim that has been
6 fully adjudicated or that the Department has settled,
7 and the final dollar amount of each adjudication or
8 settlement.

9 “(8) The date of estimated completion specified
10 in the proposed allocation of capital construction
11 and maintenance funds required by the Committees
12 on Appropriations not later than 45 days after the
13 date of the enactment of an Act making appropria-
14 tions for the Department of State, foreign oper-
15 ations, and related programs.

16 “(9) The current date of estimated comple-
17 tion.”.

18 (b) INITIAL REPORT.—The first report required
19 under subsection (a) of section 118 of the Department of
20 State Authorities Act, Fiscal Year 2017 (as amended by
21 this section) shall include an annex regarding all overseas
22 capital construction projects and major embassy security
23 upgrade projects completed during the 10-year period end-
24 ing on December 31, 2018, including, for each such

1 project, the elements specified in subsection (b) of such
2 section 118.

3 **SEC. 14204. CONTRACTOR PERFORMANCE INFORMATION.**

4 (a) DEADLINE FOR COMPLETION.—The Secretary
5 shall complete all contractor performance evaluations re-
6 quired by subpart 42.15 of the Federal Acquisition Regu-
7 lation for those contractors engaged in construction of new
8 embassy or new consulate compounds by October 1, 2021.

9 (b) PRIORITIZATION SYSTEM.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary
12 shall develop a prioritization system for clearing the
13 current backlog of required evaluations referred to
14 in subsection (a).

15 (2) ELEMENTS.—The system required under
16 paragraph (1) should prioritize the evaluations as
17 follows:

18 (A) Project completion evaluations should
19 be prioritized over annual evaluations.

20 (B) Evaluations for relatively large con-
21 tracts should have priority.

22 (C) Evaluations that would be particularly
23 informative for the awarding of government
24 contracts should have priority.

1 (c) BRIEFING.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of State shall
3 brief the appropriate congressional committees on the De-
4 partment’s plan for completing all evaluations by October
5 1, 2021, in accordance with subsection (a) and the
6 prioritization system developed pursuant to subsection (b).

7 (d) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) contractors deciding whether to bid on De-
10 partment contracts would benefit from greater un-
11 derstanding of the Department as a client; and

12 (2) the Department should develop a forum
13 where contractors can comment on the Department’s
14 project management performance.

15 **SEC. 14205. GROWTH PROJECTIONS FOR NEW EMBASSIES**
16 **AND CONSULATES.**

17 (a) IN GENERAL.—For each new United States em-
18 bassy compound (NEC) and new consulate compound
19 project (NCC) in or not yet in the design phase as of the
20 date of the enactment of this Act, the Department shall
21 project growth over the estimated life of the facility using
22 all available and relevant data, including the following:

23 (1) Relevant historical trends for Department
24 personnel and personnel from other agencies rep-

1 resented at the NEC or NCC that is to be con-
2 structed.

3 (2) An analysis of the tradeoffs between risk
4 and the needs of United States Government policy
5 conducted as part of the most recent Vital Presence
6 Validation Process, if applicable.

7 (3) Reasonable assumptions about the strategic
8 importance of the NEC or NCC, as the case may be,
9 over the life of the building at issue.

10 (4) Any other data that would be helpful in pro-
11 jecting the future growth of NEC or NCC.

12 (b) OTHER FEDERAL AGENCIES.—The head of each
13 Federal agency represented at a United States embassy
14 or consulate shall provide to the Secretary, upon request,
15 growth projections for the personnel of each such agency
16 over the estimated life of each embassy or consulate, as
17 the case may be.

18 (c) BASIS FOR ESTIMATES.—The Department shall
19 base its growth assumption for all NECs and NCCs on
20 the estimates required under subsections (a) and (b).

21 (d) CONGRESSIONAL NOTIFICATION.—Any congres-
22 sional notification of site selection for a NEC or NCC sub-
23 mitted after the date of the enactment of this Act shall
24 include the growth assumption used pursuant to sub-
25 section (c).

1 **SEC. 14206. LONG-RANGE PLANNING PROCESS.**

2 (a) PLANS REQUIRED.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of the enactment of this Act and an-
5 nually thereafter for 5 years, the Secretary shall de-
6 velop—

7 (A) a comprehensive 6-year plan docu-
8 menting the Department's overseas building
9 program for the replacement of overseas diplo-
10 matic posts taking into account security factors
11 under the Secure Embassy Construction and
12 Counterterrorism Act of 1999 and other rel-
13 evant statutes and regulations, as well as occu-
14 pational safety and health factors pursuant to
15 the Occupational Safety and Health Act of
16 1970 and other relevant statutes and regula-
17 tions, including environmental factors such as
18 indoor air quality that impact employee health
19 and safety; and

20 (B) a comprehensive 6-year plan detailing
21 the Department's long-term planning for the
22 maintenance and sustainment of completed dip-
23 lomatic posts, which takes into account security
24 factors under the Secure Embassy Construction
25 and Counterterrorism Act of 1999 and other
26 relevant statutes and regulations, as well as oc-

1 cupational safety and health factors pursuant to
2 the Occupational Safety and Health Act of
3 1970 and other relevant statutes and regula-
4 tions, including environmental factors such as
5 indoor air quality that impact employee health
6 and safety.

7 (2) INITIAL REPORT.—The first plan developed
8 pursuant to paragraph (1)(A) shall also include a
9 one-time status report on existing small diplomatic
10 posts and a strategy for establishing a physical dip-
11 lomatic presence in countries in which there is no
12 current physical diplomatic presence. Such report,
13 which may include a classified annex, shall include
14 the following:

15 (A) A description of the extent to which
16 each small diplomatic post furthers the national
17 interest of the United States.

18 (B) A description of how each small diplo-
19 matic post provides American Citizen Services,
20 including data on specific services provided and
21 the number of Americans receiving services over
22 the previous year.

23 (C) A description of whether each small
24 diplomatic post meets current security require-
25 ments.

1 (D) A description of the full financial cost
2 of maintaining each small diplomatic post.

3 (E) Input from the relevant chiefs of mis-
4 sion on any unique operational or policy value
5 the small diplomatic post provides.

6 (3) UPDATED INFORMATION.—The annual up-
7 dates of each of the plans developed pursuant to
8 paragraph (1) shall highlight any changes from the
9 previous year’s plan to the ordering of construction
10 and maintenance projects.

11 (b) REPORTING REQUIREMENTS.—

12 (1) SUBMISSION OF PLANS TO CONGRESS.—Not
13 later than 60 days after the completion of each plan
14 required under subsection (a), the Secretary shall
15 submit the plans to the appropriate congressional
16 committees.

17 (2) REFERENCE IN BUDGET JUSTIFICATION
18 MATERIALS.—In the budget justification materials
19 submitted to the appropriate congressional commit-
20 tees in support of the Department’s budget for any
21 fiscal year (as submitted with the budget of the
22 President under section 1105(a) of title 31, United
23 States Code), the plans required under subsection
24 (a) shall be referenced to justify funding requested
25 for building and maintenance projects overseas.

1 (3) FORM OF REPORT.—Each report required
2 under paragraph (1) shall be submitted in unclassi-
3 fied form but may include a classified annex.

4 (c) SMALL DIPLOMATIC POST DEFINED.—In this
5 section, the term “small diplomatic post” means any
6 United States embassy or consulate that has employed five
7 or fewer United States Government employees on average
8 over the 36 months prior to the date of the enactment
9 of this Act.

10 **SEC. 14207. VALUE ENGINEERING AND RISK ASSESSMENT.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Federal departments and agencies are re-
14 quired to use value engineering (VE) as a manage-
15 ment tool, where appropriate, to reduce program and
16 acquisition costs pursuant to OMB Circular A–131,
17 Value Engineering, dated December 31, 2013.

18 (2) OBO has a Policy Directive and Standard
19 Operation Procedure, dated May 24, 2017, on con-
20 ducting risk management studies on all international
21 construction projects.

22 (b) NOTIFICATION REQUIREMENTS.—

23 (1) SUBMISSION TO AUTHORIZING COMMIT-
24 TEES.—The proposed allocation of capital construc-
25 tion and maintenance funds that is required by the

1 Committees on Appropriations of the Senate and the
2 House of Representatives not later than 45 days
3 after the date of the enactment of an Act making
4 appropriations for the Department of State, foreign
5 operations, and related programs shall also be sub-
6 mitted to the Committee on Foreign Relations of the
7 Senate and the Committee on Foreign Affairs of the
8 House of Representatives.

9 (2) REQUIREMENT TO CONFIRM COMPLETION
10 OF VALUE ENGINEERING AND RISK ASSESSMENT
11 STUDIES.—The notifications required under para-
12 graph (1) shall include confirmation that the De-
13 partment has completed the requisite VE and risk
14 management studies described in subsection (a).

15 (c) REPORTING AND BRIEFING REQUIREMENTS.—
16 The Secretary shall provide to the appropriate congres-
17 sional committees upon request—

18 (1) a description of each risk management
19 study referred to in subsection (a)(2) and a table de-
20 tailing which recommendations related to each such
21 study were accepted and which were rejected; and

22 (2) a report or briefing detailing the rationale
23 for not implementing any such recommendations
24 that may otherwise yield significant cost savings to
25 the Department if implemented.

1 **SEC. 14208. BUSINESS VOLUME.**

2 Section 402(c)(2)(E) of the Omnibus Diplomatic Se-
3 curity and Antiterrorism Act of 1986 (22 U.S.C.
4 4852(c)(2)(E)) is amended by striking “in 3 years” and
5 inserting “cumulatively over 3 years”.

6 **SEC. 14209. EMBASSY SECURITY REQUESTS AND DEFICIENCIES.**
7

8 The Secretary shall provide to the appropriate con-
9 gressional committees upon request information on secu-
10 rity deficiencies at United States diplomatic posts, includ-
11 ing relating to the following:

12 (1) Requests made over the previous year by
13 United States diplomatic posts for security up-
14 grades.

15 (2) Significant security deficiencies at United
16 States diplomatic posts that are not operating out of
17 a new embassy compound or new consulate com-
18 pound.

19 **SEC. 14210. OVERSEAS SECURITY BRIEFINGS.**

20 Not later than 1 year after the date of the enactment
21 of this Act, the Secretary shall revise the Foreign Affairs
22 Manual to stipulate that information on the current threat
23 environment shall be provided to all United States Govern-
24 ment employees under chief of mission authority traveling
25 to a foreign country on official business. To the extent
26 practicable, such material shall be provided to such em-

1 ployees prior to their arrival at a United States diplomatic
2 post or as soon as possible thereafter.

3 **SEC. 14211. CONTRACTING METHODS IN CAPITAL CON-**
4 **STRUCTION.**

5 (a) DELIVERY.—Unless the Secretary notifies the ap-
6 propriate congressional committees that the use of the de-
7 sign-build project delivery method would not be appro-
8 priate, the Secretary shall make use of such method at
9 United States diplomatic posts that have not yet received
10 design or capital construction contracts as of the date of
11 the enactment of this Act.

12 (b) NOTIFICATION.—Before executing a contract for
13 a delivery method other than design-build in accordance
14 with subsection (a), the Secretary shall notify the appro-
15 priate congressional committees in writing of the decision,
16 including the reasons therefor. The notification required
17 by this subsection may be included in any other report
18 regarding a new United States diplomatic post that is re-
19 quired to be submitted to the appropriate congressional
20 committees.

21 (c) PERFORMANCE EVALUATION.—Not later than
22 180 days after the date of the enactment of this Act, the
23 Secretary shall report to the appropriate congressional
24 committees regarding performance evaluation measures in
25 accordance with GAO’s “Standards for Internal Control

1 in the Federal Government” that will be applicable to de-
2 sign and construction, lifecycle cost, and building mainte-
3 nance programs of the Bureau of Overseas Building Oper-
4 ations of the Department.

5 **SEC. 14212. COMPETITION IN EMBASSY CONSTRUCTION.**

6 Not later than 45 days after the date of the enact-
7 ment of this Act, the Secretary shall submit to the appro-
8 priate congressional committee a report detailing steps the
9 Department is taking to expand the embassy construction
10 contractor base in order to increase competition and maxi-
11 mize value.

12 **SEC. 14213. STATEMENT OF POLICY.**

13 It is the policy of the United States that the Bureau
14 of Overseas Building Operations of the Department or its
15 successor office shall continue to balance functionality and
16 security with accessibility, as defined by guidelines estab-
17 lished by the United States Access Board in constructing
18 embassies and consulates, and shall ensure compliance
19 with the Architectural Barriers Act of 1968 (42 U.S.C.
20 4151 et seq.) to the fullest extent possible.

21 **SEC. 14214. DEFINITIONS.**

22 In this title:

23 (1) DESIGN-BUILD.—The term “design-build”
24 means a method of project delivery in which one en-

1 tity works under a single contract with the Depart-
2 ment to provide design and construction services.

3 (2) NON-STANDARD DESIGN.—The term “non-
4 standard design” means a design for a new embassy
5 compound project or new consulate compound
6 project that does not utilize a standardized design
7 for the structural, spatial, or security requirements
8 of such embassy compound or consulate compound,
9 as the case may be.

10 **TITLE III—PERSONNEL ISSUES**

11 **SEC. 14301. DEFENSE BASE ACT INSURANCE WAIVERS.**

12 (a) APPLICATION FOR WAIVERS.—Not later than 30
13 days after the date of the enactment of this Act, the Sec-
14 retary shall apply to the Department of Labor for a waiver
15 from insurance requirements under the Defense Base Act
16 (42 U.S.C. 1651 et seq.) for all countries with respect to
17 which the requirement was waived prior to January 2017,
18 and for which there is not currently a waiver.

19 (b) CERTIFICATION REQUIREMENT.—Not later than
20 45 days after the date of the enactment of this Act, the
21 Secretary shall certify to the appropriate congressional
22 committees that the requirement in subsection (a) has
23 been met.

24 **SEC. 14302. STUDY ON FOREIGN SERVICE ALLOWANCES.**

25 (a) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 270 days
2 after date of the enactment of this Act, the Sec-
3 retary shall submit to the appropriate congressional
4 committees a report detailing an empirical analysis
5 on the effect of overseas allowances on the foreign
6 assignment of Foreign Service officers (FSOs), to be
7 conducted by a federally-funded research and devel-
8 opment center with appropriate expertise in labor ec-
9 onomics and military compensation.

10 (2) CONTENTS.—The analysis required under
11 paragraph (1) shall—

12 (A) identify all allowances paid to FSOs
13 assigned permanently or on temporary duty to
14 foreign areas;

15 (B) examine the efficiency of the Foreign
16 Service bidding system in determining foreign
17 assignments;

18 (C) examine the factors that incentivize
19 FSOs to bid on particular assignments, includ-
20 ing danger levels and hardship conditions;

21 (D) examine the Department's strategy
22 and process for incentivizing FSOs to bid on
23 assignments that are historically in lower de-
24 mand, including with monetary compensation,

1 and whether monetary compensation is nec-
2 essary for assignments in higher demand;

3 (E) make any relevant comparisons to
4 military compensation and allowances, noting
5 which allowances are shared or based on the
6 same regulations;

7 (F) recommend options for restructuring
8 allowances to improve the efficiency of the as-
9 signments system and better align FSO incen-
10 tives with the needs of the Foreign Service, in-
11 cluding any cost savings associated with such
12 restructuring;

13 (G) recommend any statutory changes nec-
14 essary to implement subparagraph (F), such as
15 consolidating existing legal authorities for the
16 provision of hardship and danger pay; and

17 (H) detail any effects of recommendations
18 made pursuant to subparagraphs (F) and (G)
19 on other United States Government depart-
20 ments and agencies with civilian employees per-
21 manently assigned or on temporary duty in for-
22 eign areas, following consultation with such de-
23 partments and agencies.

24 (b) BRIEFING REQUIREMENT.—Before initiating the
25 analysis required under subsection (a)(1), and not later

1 than 60 days after the date of the enactment of this Act,
2 the Secretary shall provide to the Committee on Foreign
3 Relations of the Senate and the Committee on Foreign
4 Affairs in the House of Representatives a briefing on the
5 implementation of this section that includes the following:

6 (1) The name of the federally funded research
7 and development center that will conduct such anal-
8 ysis.

9 (2) The scope of such analysis and terms of ref-
10 erence for such analysis as specified between the De-
11 partment and such federally funded research and de-
12 velopment center.

13 (c) AVAILABILITY OF INFORMATION.—

14 (1) IN GENERAL.—The Secretary shall make
15 available to the federally-funded research and devel-
16 opment center carrying out the analysis required
17 under subsection (a)(1) all necessary and relevant
18 information to allow such center to conduct such
19 analysis in a quantitative and analytical manner, in-
20 cluding historical data on the number of bids for
21 each foreign assignment and any survey data col-
22 lected by the Department from eligible bidders on
23 their bid decision-making.

24 (2) COOPERATION.—The Secretary shall work
25 with the heads of other relevant United States Gov-

1 ernment departments and agencies to ensure such
2 departments and agencies provide all necessary and
3 relevant information to the federally-funded research
4 and development center carrying out the analysis re-
5 quired under subsection (a)(1).

6 (d) INTERIM REPORT TO CONGRESS.—The Secretary
7 shall require that the chief executive officer of the feder-
8 ally-funded research and development center that carries
9 out the analysis required under subsection (a)(1) submit
10 to the Committee on Foreign Relations of the Senate and
11 the Committee on Foreign Affairs of the House of Rep-
12 resentatives an interim report on such analysis not later
13 than 120 days after the date of the enactment of this Act.

14 **SEC. 14303. SCIENCE AND TECHNOLOGY FELLOWSHIPS.**

15 Section 504 of the Foreign Relations Authorization
16 Act, Fiscal Year 1979 (22 U.S.C. 2656d) is amended by
17 adding at the end the following new subsection:

18 “(e) GRANTS AND COOPERATIVE AGREEMENTS RE-
19 LATED TO SCIENCE AND TECHNOLOGY FELLOWSHIP
20 PROGRAMS.—

21 “(1) IN GENERAL.—The Secretary is authorized
22 to make grants or enter into cooperative agreements
23 related to Department of State science and tech-
24 nology fellowship programs, including for assistance

1 in recruiting fellows and the payment of stipends,
2 travel, and other appropriate expenses to fellows.

3 “(2) EXCLUSION FROM CONSIDERATION AS
4 COMPENSATION.—Stipends under paragraph (1)
5 shall not be considered compensation for purposes of
6 section 209 of title 18, United States Code.

7 “(3) MAXIMUM ANNUAL AMOUNT.—The total
8 amount of grants made pursuant to this subsection
9 may not exceed \$500,000 in any fiscal year.”.

10 **SEC. 14304. TRAVEL FOR SEPARATED FAMILIES.**

11 Section 901(15) of the Foreign Service Act of 1980
12 (22 U.S.C. 4081(15)) is amended—

13 (1) in the matter preceding subparagraph (A),
14 by striking “1 round-trip per year for each child
15 below age 21 of a member of the Service assigned
16 abroad” and inserting “in the case of one or more
17 children below age 21 of a member of the Service as-
18 signed abroad, 1 round-trip per year”;

19 (2) in subparagraph (A)—

20 (A) by inserting “for each child” before
21 “to visit the member abroad”; and

22 (B) by striking “; or” and inserting a
23 comma;

24 (3) in subparagraph (B)—

1 (A) by inserting “for each child” before
2 “to visit the other parent”; and

3 (B) by inserting “or” after “resides,”;

4 (4) by inserting after subparagraph (B) the fol-
5 lowing new subparagraph:

6 “(C) for one of the child’s parents to visit
7 the child or children abroad if the child or chil-
8 dren do not regularly reside with that parent
9 and that parent is not receiving an education
10 allowance or educational travel allowance for
11 the child or children under section 5924(4) of
12 title 5, United States Code,”; and

13 (5) in the matter following subparagraph (C),
14 as added by paragraph (4) of this section, by strik-
15 ing “a payment” and inserting “the cost of round-
16 trip travel”.

17 **SEC. 14305. HOME LEAVE TRAVEL FOR SEPARATED FAMI-**
18 **LIES.**

19 Section 903(b) of the Foreign Service Act of 1980
20 (22 U.S.C. 4083(b)) is amended by adding at the end the
21 following new sentence: “In cases in which the family
22 members of a member of the Service reside apart from
23 the member at authorized locations outside the United
24 States because they are prevented by official order from
25 residing with the member at post, the member may take

1 the leave ordered under this section where that member's
2 family members reside, notwithstanding section 6305 of
3 title 5, United States Code.”.

4 **SEC. 14306. SENSE OF CONGRESS REGARDING CERTAIN**
5 **FELLOWSHIP PROGRAMS.**

6 It is the sense of Congress that Department fellow-
7 ships that promote the employment of candidates belong-
8 ing to under-represented groups, including the Charles B.
9 Rangel International Affairs Graduate Fellowship Pro-
10 gram, the Thomas R. Pickering Foreign Affairs Fellow-
11 ship Program, and the Donald M. Payne International De-
12 velopment Fellowship Program, represent smart invest-
13 ments vital for building a strong, capable, and representa-
14 tive national security workforce.

15 **SEC. 14307. TECHNICAL CORRECTION.**

16 Subparagraph (A) of section 601(c)(6) of the Foreign
17 Service Act of 1980 (22 U.S.C. 4001(c)(6)) is amended,
18 in the matter preceding clause (i), by—

19 (1) striking “promotion” and inserting “pro-
20 motion, on or after January 1, 2017,”; and

21 (2) striking “individual joining the Service on
22 or after January 1, 2017,” and inserting “Foreign
23 Service officer, appointed under section 302(a)(1),
24 who has general responsibility for carrying out the
25 functions of the Service”.

1 **SEC. 14308. FOREIGN SERVICE AWARDS.**

2 (a) IN GENERAL.—Section 614 of the Foreign Serv-
3 ice Act of 1980 (22 U.S.C. 4013) is amended—

4 (1) by amending the section heading to read as
5 follows: “DEPARTMENT AWARDS”; and

6 (2) in the first sentence, by inserting “or Civil
7 Service” after “the Service”.

8 (b) CONFORMING AMENDMENT.—The item relating
9 to section 614 in the table of contents of the Foreign Serv-
10 ice Act of 1980 is amended to read as follows:

“Sec. 614. Department awards.”.

11 **SEC. 14309. DIPLOMATIC PROGRAMS.**

12 (a) SENSE OF CONGRESS ON WORKFORCE RECRUIT-
13 MENT.—It is the sense of Congress that the Secretary
14 should continue to hold entry-level classes for Foreign
15 Service officers and specialists and continue to recruit civil
16 servants through programs such as the Presidential Man-
17 agement Fellows Program and Pathways Internship Pro-
18 grams in a manner and at a frequency consistent with
19 prior years and consistent with the need to maintain a
20 pool of experienced personnel effectively distributed across
21 skill codes and ranks. It is further the sense of Congress
22 that absent continuous recruitment and training of For-
23 eign Service officers and civil servants, the Department
24 will lack experienced, qualified personnel in the short, me-
25 dium, and long terms.

1 (b) LIMITATION.—The Secretary may not implement
2 any reduction-in-force action under section 3502 or 3595
3 of title 5, United States Code, or for any incentive pay-
4 ments for early separation or retirement under any other
5 provision of law unless—

6 (1) the appropriate congressional committees
7 are notified not less than 15 days in advance of such
8 obligation or expenditure; and

9 (2) the Secretary has provided to the appro-
10 priate congressional committees a detailed report
11 that describes the Department’s strategic staffing
12 goals, including—

13 (A) a justification that describes how any
14 proposed workforce reduction enhances the ef-
15 fectiveness of the Department;

16 (B) a certification that such workforce re-
17 duction is in the national interest of the United
18 States;

19 (C) a comprehensive strategic staffing plan
20 for the Department, including 5-year workforce
21 forecasting and a description of the anticipated
22 impact of any proposed workforce reduction;
23 and

1 (D) a dataset displaying comprehensive
2 workforce data for all current and planned em-
3 ployees of the Department, disaggregated by—

4 (i) Foreign Service officer and For-
5 eign Service specialist rank;

6 (ii) civil service job skill code, grade
7 level, and bureau of assignment;

8 (iii) contracted employees, including
9 the equivalent job skill code and bureau of
10 assignment; and

11 (iv) employees hired under schedule C
12 of subpart C of part 213 of title 5, Code
13 of Federal Regulations, including their
14 equivalent grade and job skill code and bu-
15 reau of assignment.

16 **SEC. 14310. SENSE OF CONGRESS REGARDING VETERANS**
17 **EMPLOYMENT AT THE DEPARTMENT OF**
18 **STATE.**

19 It is the sense of Congress that—

20 (1) the Department should continue to promote
21 the employment of veterans, in accordance with sec-
22 tion 301 of the Foreign Service Act of 1980 (22
23 U.S.C. 3941), as amended by section 14407 of this
24 Act, including those veterans belonging to tradition-
25 ally underrepresented groups at the Department;

1 (2) veterans employed by the Department have
2 made significant contributions to United States for-
3 eign policy in a variety of regional and global affairs
4 bureaus and diplomatic posts overseas; and

5 (3) the Department should continue to encour-
6 age veteran employment and facilitate their partici-
7 pation in the workforce.

8 **SEC. 14311. EMPLOYEE ASSIGNMENT RESTRICTIONS AND**
9 **PRECLUSIONS.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the Department should expand the appeal proc-
12 ess it makes available to employees related to assignment
13 preclusions and restrictions.

14 (b) APPEAL OF ASSIGNMENT RESTRICTION OR PRE-
15 CLUSION.—Section 502(a)(2) of the Foreign Service Act
16 of 1980 (22 U.S.C. 3982(a)(2)), as amended by section
17 14110 of this Act, is further amended by adding at the
18 end the following new sentences: “Any employee subjected
19 to an assignment restriction or preclusion shall have the
20 same appeal rights as provided by the Department regard-
21 ing denial or revocation of a security clearance. Any such
22 appeal shall be resolved not later than 60 days after such
23 appeal is filed.”.

24 (c) NOTICE AND CERTIFICATION.—Not later than 90
25 days after the date of the enactment of this Act, the Sec-

1 retary shall revise, and certify to the appropriate congres-
2 sional committees regarding such revision, the Foreign Af-
3 fairs Manual guidance regarding denial or revocation of
4 a security clearance to expressly state that all review and
5 appeal rights relating thereto shall also apply to any rec-
6 ommendation or decision to impose an assignment restric-
7 tion or preclusion to an employee.

8 **SEC. 14312. RECALL AND REEMPLOYMENT OF CAREER**
9 **MEMBERS.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) career Department employees provide in-
13 valuable service to the United States as nonpartisan
14 professionals who contribute subject matter expertise
15 and professional skills to the successful development
16 and execution of United States foreign policy; and

17 (2) reemployment of skilled former members of
18 the Foreign and civil service who have voluntarily
19 separated from the Foreign or civil service due to
20 family reasons or to obtain professional skills outside
21 government is of benefit to the Department.

22 (b) REEMPLOYMENT.—Subsection (b) of section 308
23 of the Foreign Service Act of 1980 (22 U.S.C. 3948) is
24 amended by adding at the end the following new sentence:
25 “Former career tenured members of the Service seeking

1 reappointment, if separated for other than cause for up
2 to 4 years prior to the date of the enactment of this sen-
3 tence, shall be eligible to participate in the regular assign-
4 ment bidding process without restriction and shall not be
5 required to accept a directed first assignment upon re-
6 appointment.”.

7 (c) NOTICE OF EMPLOYMENT OPPORTUNITIES.—

8 (1) IN GENERAL.—Title 5, United States Code,
9 is amended by inserting after chapter 102 the fol-
10 lowing new chapter:

11 **“CHAPTER 103—NOTICE OF EMPLOYMENT**
12 **OPPORTUNITIES FOR DEPARTMENT**
13 **OF STATE AND USAID POSITIONS**

14 **“§ 10301. Notice of employment opportunities for de-**
15 **partment of state and usaid positions**

16 “To ensure that individuals who have separated from
17 the Department of State or the United States Agency for
18 International Development and who are eligible for re-
19 appointment are aware of such opportunities, the Depart-
20 ment of State and the United States Agency for Inter-
21 national Development shall publicize notice of all employ-
22 ment opportunities, including positions for which the rel-
23 evant agency is accepting applications from individuals
24 within the agency’s workforce under merit promotion pro-
25 cedures, on publicly accessible sites, including

1 www.usajobs.gov. If using merit promotion procedures, the
2 notice shall expressly state that former employees eligible
3 for reinstatement may apply.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions for subpart I of title 5, United States Code, is
6 amended by adding at the end the following:

“10301. Notice of employment opportunities for Department of State and
USAID positions”.

7 **SEC. 14313. STRATEGIC STAFFING PLAN FOR THE DEPART-**
8 **MENT.**

9 (a) IN GENERAL.—Not later than 18 months after
10 the date of the enactment of this Act, the Secretary shall
11 submit to the appropriate congressional committees a
12 comprehensive 5-year strategic staffing plan for the De-
13 partment that is aligned with and furthers the objectives
14 of the National Security Strategy of the United States of
15 America issued in December 2017, or any subsequent
16 strategy issued not later than 18 months after the date
17 of the enactment of this Act, which shall include the fol-
18 lowing:

19 (1) A dataset displaying comprehensive work-
20 force data, including all shortages in bureaus de-
21 scribed in GAO report GAO–19–220, for all current
22 and planned employees of the Department,
23 disaggregated by—

1 (A) Foreign Service officer and Foreign
2 Service specialist rank;

3 (B) civil service job skill code, grade level,
4 and bureau of assignment;

5 (C) contracted employees, including the
6 equivalent job skill code and bureau of assign-
7 ment; and

8 (D) employees hired under schedule C of
9 subpart C of part 213 of title 5, Code of Fed-
10 eral Regulations, including the equivalent grade
11 and job skill code and bureau of assignment of
12 such employee.

13 (2) Recommendations on the number of For-
14 eign Service officers disaggregated by service cone
15 that should be posted at each United States diplo-
16 matic post and in the District of Columbia, with a
17 detailed basis for such recommendations.

18 (3) Recommendations on the number of civil
19 service officers that should be employed by the De-
20 partment, with a detailed basis for such rec-
21 ommendations.

22 (b) MAINTENANCE.—The dataset required under
23 subsection (a)(1) shall be maintained and updated on a
24 regular basis.

1 (c) CONSULTATION.—The Secretary shall lead the
2 development of the plan required under subsection (a) but
3 may consult or partner with private sector entities with
4 expertise in labor economics, management, or human re-
5 sources, as well as organizations familiar with the de-
6 mands and needs of the Department’s workforce.

7 (d) REPORT.—Not later than 120 days after the date
8 of the enactment of this Act, the Secretary of State shall
9 submit to the appropriate congressional committees a re-
10 port regarding root causes of Foreign Service and civil
11 service shortages, the effect of such shortages on national
12 security objectives, and the Department’s plan to imple-
13 ment recommendations described in GAO–19–220.

14 **SEC. 14314. CONSULTING SERVICES.**

15 (a) IN GENERAL.—Chapter 103 of title 5, United
16 States Code, as added by section 14312 of this Act, is
17 amended by adding at the end the following:

18 **“§ 10302. Consulting services for the Department of**
19 **State**

20 “Any consulting service obtained by the Department
21 of State through procurement contract pursuant to section
22 3109 of title 5, United States Code, shall be limited to
23 those contracts with respect to which expenditures are a
24 matter of public record and available for public inspection,

1 except if otherwise provided under existing law, or under
2 existing Executive order issued pursuant to existing law.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for subpart I of title 5, United States Code, is amended
5 by adding after the item relating to section 10302 the fol-
6 lowing new item:

“10302. Consulting services for the Department of State”.

7 **SEC. 14315. INCENTIVES FOR CRITICAL POSTS.**

8 Section 1115(d) of the Supplemental Appropriations
9 Act, 2009 (Public Law 111–32) is amended by striking
10 the last sentence.

11 **SEC. 14316. EXTENSION OF AUTHORITY FOR CERTAIN AC-**
12 **COUNTABILITY REVIEW BOARDS.**

13 Section 301(a)(3) of the Omnibus Diplomatic Secu-
14 rity and Antiterrorism Act of 1986 (22 U.S.C.
15 4831(a)(3)) is amended—

16 (1) in the heading, by striking “AFGHANISTAN
17 AND” and inserting “AFGHANISTAN, YEMEN, SYRIA,
18 AND”; and

19 (2) in subparagraph (A)—

20 (A) in clause (i), by striking “Afghanistan
21 or” and inserting “Afghanistan, Yemen, Syria,
22 or”; and

23 (B) in clause (ii), by striking “beginning
24 on October 1, 2005, and ending on September

1 30, 2009” and inserting “beginning on October
2 1, 2020, and ending on September 30, 2022”.

3 **SEC. 14317. FOREIGN SERVICE SUSPENSION WITHOUT PAY.**

4 Subsection (c) of section 610 of the Foreign Service
5 Act of 1980 (22 U.S.C. 4010) is amended—

6 (1) in paragraph (1), in the matter preceding
7 subparagraph (A), by striking “suspend” and insert-
8 ing “indefinitely suspend without duties”;

9 (2) by redesignating paragraph (5) as para-
10 graph (7);

11 (3) by inserting after paragraph (4) the fol-
12 lowing new paragraphs:

13 “(5) Any member of the Service suspended
14 from duties under this subsection may be suspended
15 without pay only after a final written decision is pro-
16 vided to such member under paragraph (2).

17 “(6) If no final written decision under para-
18 graph (2) has been provided within 1 calendar year
19 of the date the suspension at issue was proposed,
20 not later than 30 days thereafter the Secretary of
21 State shall report to the Committee on Foreign Af-
22 fairs of the House of Representatives and the Com-
23 mittee on Foreign Relations of the Senate in writing
24 regarding the specific reasons for such delay.”; and

25 (4) in paragraph (7), as so redesignated—

1 (A) by striking “(7) In this subsection.”;

2 (B) in subparagraph (A), by striking “(A)

3 The term” and inserting the following:

4 “(7) In this subsection, the term”;

5 (C) by striking subparagraph (B) (relating

6 to the definition of “suspend” and “suspen-

7 sion”); and

8 (D) by redesignating clauses (i) and (ii) as

9 subparagraphs (A) and (B), respectively; and

10 moving such subparagraphs 2 ems to the left.

11 **SEC. 14318. FOREIGN AFFAIRS MANUAL AND FOREIGN AF-**

12 **FAIRS HANDBOOK CHANGES.**

13 (a) IN GENERAL.—Not later than 180 days after the

14 date of the enactment of this Act and every 180 days

15 thereafter for 5 years, the Secretary shall submit to the

16 appropriate congressional committees a report detailing all

17 changes made to the Foreign Affairs Manual or the For-

18 eign Affairs Handbook.

19 (b) COVERED PERIODS.—The first report required

20 under subsection (a) shall cover the 5-year period pre-

21 ceding the submission of such report. Each subsequent re-

22 port shall cover the 180-day period preceding submission.

23 (c) CONTENTS.—Each report required under sub-

24 section (a) shall contain the following:

1 (1) The location within the Foreign Affairs
2 Manual or the Foreign Affairs Handbook where a
3 change has been made.

4 (2) The statutory basis for each such change.

5 (3) A side-by-side comparison of the Foreign
6 Affairs Manual or Foreign Affairs Handbook before
7 and after such change.

8 (4) A summary of such changes displayed in
9 spreadsheet form.

10 **SEC. 14319. WAIVER AUTHORITY FOR INDIVIDUAL OCCUPA-**
11 **TIONAL REQUIREMENTS OF CERTAIN POSI-**
12 **TIONS.**

13 The Secretary of State may waive any or all of the
14 individual occupational requirements with respect to an
15 employee or prospective employee of the Department of
16 State for a civilian position categorized under the GS–
17 0130 occupational series if the Secretary determines that
18 the individual possesses significant scientific, techno-
19 logical, engineering, or mathematical expertise that is inte-
20 gral to performing the duties of the applicable position,
21 based on demonstrated job performance and qualifying ex-
22 perience. With respect to each waiver granted under this
23 subsection, the Secretary shall set forth in a written docu-
24 ment that is transmitted to the Director of the Office of

1 Personnel Management the rationale for the decision of
2 the Secretary to waive such requirements.

3 **SEC. 14320. APPOINTMENT OF EMPLOYEES TO THE GLOBAL**
4 **ENGAGEMENT CENTER.**

5 The Secretary may appoint, for a 3-year period that
6 may be extended for up to an additional 2 years, solely
7 to carry out the functions of the Global Engagement Cen-
8 ter, employees of the Department without regard to the
9 provisions of title 5, United States Code, governing ap-
10 pointment in the competitive service, and may fix the basic
11 compensation of such employees without regard to chapter
12 51 and subchapter III of chapter 53 of such title.

13 **SEC. 14321. REST AND RECUPERATION AND OVERSEAS OP-**
14 **ERATIONS LEAVE FOR FEDERAL EMPLOYEES.**

15 (a) IN GENERAL.—Subchapter II of chapter 63 of
16 title 5, United States Code, is amended by adding at the
17 end the following new sections:

18 **“§ 6329d. Rest and recuperation leave**

19 “(a) DEFINITIONS.—In this section—

20 “(1) the term ‘agency’ means an Executive
21 agency (as that term is defined in section 105), but
22 does not include the Government Accountability Of-
23 fice;

24 “(2) the term ‘combat zone’ means a geo-
25 graphic area designated by an Executive order of the

1 President as an area in which the Armed Forces are
2 engaging or have engaged in combat, an area des-
3 ignated by law to be treated as a combat zone, or
4 a location the Department of Defense has certified
5 for combat zone tax benefits due to its direct sup-
6 port of military operations;

7 “(3) the term ‘employee’ has the meaning given
8 that term in section 6301;

9 “(4) the term ‘high risk, high threat post’ has
10 the meaning given that term in section 104 of the
11 Omnibus Diplomatic Security and Antiterrorism Act
12 of 1986 (22 U.S.C. 4803); and

13 “(5) the term ‘leave year’ means the period be-
14 ginning on the first day of the first complete pay pe-
15 riod in a calendar year and ending on the day imme-
16 diately before the first day of the first complete pay
17 period in the following calendar year.

18 “(b) LEAVE FOR REST AND RECUPERATION.—The
19 head of an agency may prescribe regulations to grant up
20 to 20 days of paid leave, per leave year, for the purposes
21 of rest and recuperation to an employee of the agency
22 serving in a combat zone, any other high risk, high threat
23 post, or any other location presenting significant security
24 or operational challenges.

1 “(c) DISCRETIONARY AUTHORITY OF AGENCY
2 HEAD.—Use of the authority under subsection (b) is at
3 the sole and exclusive discretion of the head of the agency
4 concerned.

5 “(d) RECORDS.—An agency shall record leave pro-
6 vided under this section separately from leave authorized
7 under any other provision of law.

8 **“§ 6329e. Overseas operations leave**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘agency’ means an Executive
11 agency (as that term is defined in section 105), but
12 does not include the Government Accountability Of-
13 fice;

14 “(2) the term ‘employee’ has the meaning given
15 that term in section 6301; and

16 “(3) the term ‘leave year’ means the period be-
17 ginning with the first day of the first complete pay
18 period in a calendar year and ending with the day
19 immediately before the first day of the first complete
20 pay period in the following calendar year.

21 “(b) LEAVE FOR OVERSEAS OPERATIONS.—The head
22 of an agency may prescribe regulations to grant up to 10
23 days of paid leave, per leave year, to an employee of the
24 agency serving abroad where the conduct of business could
25 pose potential security or safety related risks or would be

1 inconsistent with host-country practice. Such regulations
 2 may provide that additional leave days may be granted
 3 during such leave year if the head of the agency deter-
 4 mines that to do so is necessary to advance the national
 5 security or foreign policy interests of the United States.

6 “(c) DISCRETIONARY AUTHORITY OF AGENCY
 7 HEAD.—Use of the authority under subsection (b) is at
 8 the sole and exclusive discretion of the head of the agency
 9 concerned.

10 “(d) RECORDS.—An agency shall record leave pro-
 11 vided under this section separately from leave authorized
 12 under any other provision of law.”.

13 (b) CLERICAL AMENDMENTS.—The table of sections
 14 at the beginning of such chapter is amended by inserting
 15 after the item relating to section 6329c the following new
 16 items:

“6329d. Rest and recuperation leave
 “6329e. Overseas operations leave”.

17 **TITLE IV—A DIVERSE WORK-** 18 **FORCE: RECRUITMENT, RE-** 19 **TENTION, AND PROMOTION**

20 **SEC. 14401. DEFINITIONS.**

21 In this title:

22 (1) APPLICANT FLOW DATA.—The term “appli-
 23 cant flow data” means data that tracks the rate of

1 applications for job positions among demographic
2 categories.

3 (2) DEMOGRAPHIC DATA.—The term “demo-
4 graphic data” means facts or statistics relating to
5 the demographic categories specified in the Office of
6 Management and Budget statistical policy directive
7 entitled “Standards for Maintaining, Collecting, and
8 Presenting Federal Data on Race and Ethnicity”
9 (81 Fed. Reg. 67398).

10 (3) DIVERSITY.—The term “diversity” means
11 those classes of persons protected under the Civil
12 Rights Act of 1964 (42 U.S.C. 2000a et seq.) and
13 the Americans with Disabilities Act of 1990 (42
14 U.S.C. 12101 et seq.).

15 (4) WORKFORCE.—The term “workforce”
16 means—

17 (A) individuals serving in a position in the
18 civil service (as defined in section 2101 of title
19 5, United States Code);

20 (B) individuals who are members of the
21 Foreign Service (as defined in section 103 of
22 the Foreign Service Act of 1980 (22 U.S.C.
23 3902));

1 (C) all individuals serving under a personal
2 services agreement or personal services con-
3 tract;

4 (D) all individuals serving under a Foreign
5 Service Limited appointment under section 309
6 of the Foreign Service Act of 1980; or

7 (E) individuals working in the Department
8 of State under any other authority.

9 **SEC. 14402. COLLECTION, ANALYSIS, AND DISSEMINATION**
10 **OF WORKFORCE DATA.**

11 (a) INITIAL REPORT.—Not later than 180 days after
12 the date of the enactment of this Act, the Secretary shall,
13 in consultation with the Director of the Office of Per-
14 sonnel Management and the Director of the Office of Man-
15 agement and Budget, submit to the appropriate congres-
16 sional committees a report, which shall also be posted on
17 a publicly available website of the Department in a search-
18 able database format, that includes disaggregated demo-
19 graphic data and other information regarding the diversity
20 of the workforce of the Department.

21 (b) DATA.—The report under subsection (a) shall in-
22 clude the following data:

23 (1) Demographic data on each element of the
24 workforce of the Department, disaggregated by rank

1 and grade or grade-equivalent, with respect to the
2 following groups:

3 (A) Applicants for positions in the Depart-
4 ment.

5 (B) Individuals hired to join the workforce.

6 (C) Individuals promoted during the 2-year
7 period ending on the date of the enactment of
8 this Act, including promotions to and within the
9 Senior Executive Service or the Senior Foreign
10 Service.

11 (D) Individuals serving on applicable selec-
12 tion boards.

13 (E) Members of any external advisory com-
14 mittee or board who are subject to appointment
15 by individuals at senior positions in the Depart-
16 ment.

17 (F) Individuals participating in profes-
18 sional development programs of the Depart-
19 ment, and the extent to which such participants
20 have been placed into senior positions within
21 the Department after such participation.

22 (G) Individuals participating in mentorship
23 or retention programs.

24 (H) Individuals who separated from the
25 agency during the 2-year period ending on the

1 date of the enactment of this Act, including in-
2 dividuals in the Senior Executive Service or the
3 Senior Foreign Service.

4 (2) An assessment of agency compliance with
5 the essential elements identified in Equal Employ-
6 ment Opportunity Commission Management Direc-
7 tive 715, effective October 1, 2003.

8 (3) Data on the overall number of individuals
9 who are part of the workforce, the percentages of
10 such workforce corresponding to each element listed
11 in section 14401(4), and the percentages cor-
12 responding to each rank, grade, or grade-equivalent.

13 (c) RECOMMENDATION.—The Secretary may include
14 in the report under subsection (a) a recommendation to
15 the Director of Office of Management and Budget and to
16 the appropriate congressional committees regarding
17 whether the Department should collect more detailed data
18 on demographic categories in addition to the race and eth-
19 nicity categories specified in the Office of Management
20 and Budget statistical policy directive entitled “Standards
21 for Maintaining, Collecting, and Presenting Federal Data
22 on Race and Ethnicity” (81 Fed. Reg. 67398).

23 (d) OTHER CONTENTS.—The report under sub-
24 section (a) shall also describe and assess the effectiveness
25 of the efforts of the Department—

1 (1) to propagate fairness, impartiality, and in-
2 clusion in the work environment, both domestically
3 and abroad;

4 (2) to enforce anti-harassment and anti-dis-
5 crimination policies, both domestically and at posts
6 overseas;

7 (3) to refrain from engaging in unlawful dis-
8 crimination in any phase of the employment process,
9 including recruitment, hiring, evaluation, assign-
10 ments, promotion, retention, and training;

11 (4) to prevent illegal retaliation against employ-
12 ees for participating in a protected equal employ-
13 ment opportunity activity or for reporting sexual
14 harassment or sexual assault;

15 (5) to provide reasonable accommodation for
16 qualified employees and applicants with disabilities;
17 and

18 (6) to recruit a representative workforce by—

19 (A) recruiting women and minorities;

20 (B) recruiting at women’s colleges, histori-
21 cally Black colleges and universities, minority-
22 serving institutions, and other institutions serv-
23 ing a significant percentage of minority stu-
24 dents;

1 (C) placing job advertisements in news-
2 papers, magazines, and job sites oriented to-
3 ward women and minorities;

4 (D) sponsoring and recruiting at job fairs
5 in urban and rural communities and land-grant
6 colleges or universities;

7 (E) providing opportunities through the
8 Foreign Service Internship Program under
9 chapter 12 of the Foreign Service Act of 1980
10 (22 U.S.C. 4141 et seq.) and other hiring ini-
11 tiatives;

12 (F) recruiting mid-level and senior-level
13 professionals through programs designed to in-
14 crease minority representation in international
15 affairs;

16 (G) offering the Foreign Service written
17 and oral assessment examinations in several lo-
18 cations throughout the United States to reduce
19 the burden of applicants having to travel at
20 their own expense to take either or both such
21 examinations;

22 (H) expanding the use of paid internships;
23 and

24 (I) supporting recruiting and hiring oppor-
25 tunities through—

- 1 (i) the Charles B. Rangel Inter-
2 national Affairs Fellowship Program;
- 3 (ii) the Thomas R. Pickering Foreign
4 Affairs Fellowship Program;
- 5 (iii) the Donald M. Payne Inter-
6 national Development Fellowship Program;
- 7 and
- 8 (iv) other initiatives, including agency-
9 wide policy initiatives.

10 (e) ANNUAL UPDATES.—Not later than 1 year after
11 the publication of the report required under subsection (a)
12 and annually thereafter for the following 5 years, the Sec-
13 retary shall work with the Director of the Office of Per-
14 sonnel Management and the Director of the Office of Man-
15 agement and Budget to provide a report to the appro-
16 priate congressional committees, which shall be posted on
17 the Department’s website, which may be included in an-
18 other annual report required under another provision of
19 law, that includes—

- 20 (1) disaggregated demographic data relating to
21 the workforce and information on the status of di-
22 versity and inclusion efforts of the Department;
- 23 (2) an analysis of applicant flow data; and
- 24 (3) disaggregated demographic data relating to
25 participants in professional development programs of

1 the Department and the rate of placement into sen-
2 ior positions for participants in such programs.

3 **SEC. 14403. EXIT INTERVIEWS FOR WORKFORCE.**

4 (a) **RETAINED MEMBERS.**—The Director General of
5 the Foreign Service and the Director of Human Resources
6 of the Department shall conduct periodic interviews with
7 a representative and diverse cross-section of the workforce
8 of the Department—

9 (1) to understand the reasons of individuals in
10 such workforce for remaining in a position in the
11 Department; and

12 (2) to receive feedback on workplace policies,
13 professional development opportunities, and other
14 issues affecting the decision of individuals in the
15 workforce to remain in the Department.

16 (b) **DEPARTING MEMBERS.**—The Director General of
17 the Foreign Service and the Director of Human Resources
18 shall provide an opportunity for an exit interview to each
19 individual in the workforce of the Department who sepa-
20 rates from service with the Department to better under-
21 stand the reasons of such individual for leaving such serv-
22 ice.

23 (c) **USE OF ANALYSIS FROM INTERVIEWS.**—The Di-
24 rector General of the Foreign Service and the Director of
25 Human Resources shall analyze demographic data and

1 other information obtained through interviews under sub-
2 sections (a) and (b) to determine—

3 (1) to what extent, if any, the diversity of those
4 participating in such interviews impacts the results;
5 and

6 (2) whether to implement any policy changes or
7 include any recommendations in a report required
8 under subsection (a) or (e) of section 14402 relating
9 to the determination reached pursuant to paragraph
10 (1).

11 (d) TRACKING DATA.—The Department shall—

12 (1) track demographic data relating to partici-
13 pants in professional development programs and the
14 rate of placement into senior positions for partici-
15 pants in such programs;

16 (2) annually evaluate such data—

17 (A) to identify ways to improve outreach
18 and recruitment for such programs, consistent
19 with merit system principles; and

20 (B) to understand the extent to which par-
21 ticipation in any professional development pro-
22 gram offered or sponsored by the Department
23 differs among the demographic categories of the
24 workforce; and

1 (3) actively encourage participation from a
2 range of demographic categories, especially from cat-
3 egories with consistently low participation, in such
4 professional development programs.

5 **SEC. 14404. RECRUITMENT AND RETENTION.**

6 (a) IN GENERAL.—The Secretary shall—

7 (1) continue to seek a diverse and talented pool
8 of applicants; and

9 (2) instruct the Director General of the Foreign
10 Service and the Director of the Bureau of Human
11 Resources of the Department to have a recruitment
12 plan of action for the recruitment of people belong-
13 ing to traditionally under-represented groups, which
14 should include outreach at appropriate colleges, uni-
15 versities, affinity groups, and professional associa-
16 tions.

17 (b) SCOPE.—The diversity recruitment initiatives de-
18 scribed in subsection (a) shall include—

19 (1) recruiting at women’s colleges, historically
20 Black colleges and universities, minority-serving in-
21 stitutions, and other institutions serving a signifi-
22 cant percentage of minority students;

23 (2) placing job advertisements in newspapers,
24 magazines, and job sites oriented toward diverse
25 groups;

1 (3) sponsoring and recruiting at job fairs in
2 urban and rural communities and land-grant colleges
3 or universities;

4 (4) providing opportunities through highly re-
5 spected, international leadership programs, that
6 focus on diversity recruitment and retention;

7 (5) expanding the use of paid internships; and

8 (6) cultivating partnerships with organizations
9 dedicated to the advancement of the profession of
10 international affairs and national security to advance
11 shared diversity goals.

12 (c) EXPAND TRAINING ON ANTI-HARASSMENT AND
13 ANTI-DISCRIMINATION.—

14 (1) IN GENERAL.—The Secretary shall, through
15 the Foreign Service Institute and other educational
16 and training opportunities—

17 (A) ensure the provision to all individuals
18 in the workforce of training on anti-harassment
19 and anti-discrimination information and poli-
20 cies, including in existing Foreign Service Insti-
21 tute courses or modules prioritized in the De-
22 partment's Diversity and Inclusion Strategic
23 Plan for 2016–2020 to promote diversity in Bu-
24 reau awards or mitigate unconscious bias;

1 (B) expand the provision of training on
2 workplace rights and responsibilities to focus on
3 anti-harassment and anti-discrimination infor-
4 mation and policies, including policies relating
5 to sexual assault prevention and response; and

6 (C) make such expanded training manda-
7 tory for—

8 (i) individuals in senior and super-
9 visory positions;

10 (ii) individuals having responsibilities
11 related to recruitment, retention, or pro-
12 motion of employees; and

13 (iii) any other individual determined
14 by the Department who needs such train-
15 ing based on analysis by the Department
16 or OPM analysis.

17 (2) BEST PRACTICES.—The Department shall
18 give special attention to ensuring the continuous in-
19 corporation of research-based best practices in train-
20 ing provided under this subsection.

21 **SEC. 14405. LEADERSHIP ENGAGEMENT AND ACCOUNT-**
22 **ABILITY.**

23 (a) REWARD AND RECOGNIZE EFFORTS TO PRO-
24 MOTE DIVERSITY AND INCLUSION.—

1 (1) IN GENERAL.—The Secretary shall imple-
2 ment performance and advancement requirements
3 that reward and recognize the efforts of individuals
4 in senior positions and supervisors in the Depart-
5 ment in fostering an inclusive environment and culti-
6 vating talent consistent with merit system principles,
7 such as through participation in mentoring pro-
8 grams or sponsorship initiatives, recruitment events,
9 and other similar opportunities.

10 (2) OUTREACH EVENTS.—The Secretary shall
11 create opportunities for individuals in senior posi-
12 tions and supervisors in the Department to partici-
13 pate in outreach events and to discuss issues relat-
14 ing to diversity and inclusion with the workforce on
15 a regular basis, including with employee resource
16 groups.

17 (b) EXTERNAL ADVISORY COMMITTEES AND
18 BOARDS.—For each external advisory committee or board
19 to which individuals in senior positions in the Department
20 appoint members, the Secretary is strongly encouraged by
21 Congress to ensure such external advisory committee or
22 board is developed, reviewed, and carried out by qualified
23 teams that represent the diversity of the organization.

1 **SEC. 14406. PROFESSIONAL DEVELOPMENT OPPORTUNI-**
2 **TIES AND TOOLS.**

3 (a) EXPAND PROVISION OF PROFESSIONAL DEVEL-
4 OPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

5 (1) IN GENERAL.—The Secretary is authorized
6 to expand professional development opportunities
7 that support the mission needs of the Department,
8 such as—

9 (A) academic programs;

10 (B) private-public exchanges; and

11 (C) detail assignments to relevant positions
12 in—

13 (i) private or international organiza-
14 tions;

15 (ii) State, local, and Tribal govern-
16 ments;

17 (iii) other branches of the Federal
18 Government; or

19 (iv) professional schools of inter-
20 national affairs.

21 (2) TRAINING FOR SENIOR POSITIONS.—

22 (A) IN GENERAL.—The Secretary shall
23 offer, or sponsor members of the workforce to
24 participate in, a Senior Executive Service can-
25 didate development program or other program
26 that trains members on the skills required for

1 appointment to senior positions in the Depart-
2 ment.

3 (B) REQUIREMENTS.—In determining
4 which members of the workforce are granted
5 professional development or career advancement
6 opportunities under subparagraph (A), the Sec-
7 retary shall—

8 (i) ensure any program offered or
9 sponsored by the Department under such
10 subparagraph comports with the require-
11 ments of subpart C of part 412 of title 5,
12 Code of Federal Regulations, or any suc-
13 cessor thereto, including merit staffing and
14 assessment requirements;

15 (ii) consider the number of expected
16 vacancies in senior positions as a factor in
17 determining the number of candidates to
18 select for such programs;

19 (iii) understand how participation in
20 any program offered or sponsored by the
21 Department under such subparagraph dif-
22 fers by gender, race, national origin, dis-
23 ability status, or other demographic cat-
24 egories; and

1 (iv) actively encourage participation
2 from a range of demographic categories,
3 especially from categories with consistently
4 low participation.

5 **SEC. 14407. EXAMINATION AND ORAL ASSESSMENT FOR**
6 **THE FOREIGN SERVICE.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the Department should offer both the Foreign
9 Service written examination and oral assessment in more
10 locations throughout the United States. Doing so would
11 ease the financial burden on potential candidates who do
12 not currently reside in and must travel at their own ex-
13 pense to one of the few locations where these assessments
14 are offered.

15 (b) FOREIGN SERVICE EXAMINATIONS.—Section
16 301(b) of the Foreign Service Act of 1980 (22 U.S.C.
17 3941) is amended—

18 (1) by striking “The Secretary” and inserting:
19 “(1) The Secretary”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(2) The Secretary shall ensure that the Board of
23 Examiners for the Foreign Service annually offers the oral
24 assessment examinations described in paragraph (1) in

1 cities, chosen on a rotating basis, located in at least three
2 different time zones across the United States.”.

3 **SEC. 14408. PAYNE FELLOWSHIP AUTHORIZATION.**

4 (a) IN GENERAL.—Undergraduate and graduate
5 components of the Donald M. Payne International Devel-
6 opment Fellowship Program may conduct outreach to at-
7 tract outstanding students with an interest in pursuing
8 a Foreign Service career who represent diverse ethnic and
9 socioeconomic backgrounds.

10 (b) REVIEW OF PAST PROGRAMS.—The Secretary
11 shall review past programs designed to increase minority
12 representation in international affairs positions.

13 **SEC. 14409. VOLUNTARY PARTICIPATION.**

14 (a) IN GENERAL.—Nothing in this title should be
15 construed so as to compel any employee to participate in
16 the collection of the data or divulge any personal informa-
17 tion. Department employees shall be informed that their
18 participation in the data collection contemplated by this
19 title is voluntary.

20 (b) PRIVACY PROTECTION.—Any data collected
21 under this title shall be subject to the relevant privacy pro-
22 tection statutes and regulations applicable to Federal em-
23 ployees.

TITLE V—INFORMATION SECURITY

3 SEC. 14501. DEFINITIONS.

4 In this title:

5 (1) INFORMATION SYSTEM.—The term “infor-
6 mation system” has the meaning given such term in
7 section 3502 of title 44, United States Code.

8 (2) INTELLIGENCE COMMUNITY.—The term
9 “intelligence community” has the meaning given
10 such term in section 3(4) of the National Security
11 Act of 1947 (50 U.S.C. 3003(4)).

12 (3) RELEVANT CONGRESSIONAL COMMIT-
13 TEES.—The term “relevant congressional commit-
14 tees” means—

15 (A) the appropriate congressional commit-
16 tees;

17 (B) the Select Committee on Intelligence
18 of the Senate; and

19 (C) the Permanent Select Committee on
20 Intelligence of the House of Representatives.

21 SEC. 14502. INFORMATION SYSTEM SECURITY.

22 (a) DEFINITIONS.—In this section:

23 (1) INCIDENT.—The term “incident” has the
24 meaning given such term in section 3552(b) of title
25 44, United States Code.

1 (2) PENETRATION TEST.—The term “penetra-
2 tion test” means a test methodology in which asses-
3 sors attempt to circumvent or defeat the security
4 features of an information system.

5 (b) CONSULTATIONS PROCESS.—Not later than 60
6 days after the date of the enactment of this Act, the Sec-
7 retary shall establish a process for conducting semiannual
8 consultations with the Secretary of Defense, the Director
9 of National Intelligence, the Secretary of Homeland Secu-
10 rity, and any other department or agency representative
11 who the Secretary determines to be appropriate regarding
12 the security of United States Government and nongovern-
13 mental information systems used or operated by the De-
14 partment, a contractor of the Department, or another or-
15 ganization on behalf of the Department, including any
16 such systems or networks facilitating the use of sensitive
17 or classified information.

18 (c) INDEPENDENT PENETRATION TESTING OF IN-
19 FORMATION SYSTEMS.—In coordination with the consulta-
20 tions under subsection (b), the Secretary shall commission
21 independent, semiannual penetration tests, which shall be
22 carried out by an appropriate Federal department or agen-
23 cy other than the Department, such as the Department
24 of Homeland Security or the National Security Agency,
25 to ensure that adequate policies and protections are imple-

1 mented to detect and prevent penetrations or compromises
2 of such information systems, including malicious intru-
3 sions by any unauthorized individual, state actor, or other
4 entity.

5 (d) WAIVER.—The Secretary may waive the require-
6 ment under subsection (c) for up to 1 year if the Sec-
7 retary—

8 (1) determines that such requirement would
9 have adverse effects on national security or the dip-
10 lomatic mission of the Department; and

11 (2) not later than 30 days after the commence-
12 ment of such a determination, submits to the rel-
13 evant congressional committees a written justifica-
14 tion that describes how such penetration tests would
15 undermine national security or the diplomatic mis-
16 sion of the Department.

17 (e) INCIDENT REPORTING.—Not later than 180 days
18 after the date of the enactment of this Act and annually
19 thereafter for 3 years, the Secretary, in consultation with
20 the Secretary of Defense, the Director of the National In-
21 telligence, the Secretary of Homeland Security, and any
22 other department or agency representative who the Sec-
23 retary determines to be appropriate, shall securely submit
24 to the relevant congressional committees a classified re-
25 port that describes in detail the following:

1 (1) For the first reporting period, all known
2 and suspected incidents affecting the information
3 systems specified in subsection (b) that occurred
4 during the 180-day period immediately preceding the
5 date of the enactment of this Act.

6 (2) For all subsequent reporting periods, all
7 known and suspected incidents affecting the infor-
8 mation systems specified in subsection (b) that oc-
9 curred since the submission of the most recent re-
10 port.

11 (f) CONTENTS.—Each report under subsection (e)
12 shall include, for the relevant reporting period, a summary
13 overview addressing the following:

14 (1) A description of the relevant information
15 system, as specified in subsection (b), that experi-
16 enced a known or suspected incident.

17 (2) An assessment of the date and time each
18 such incident occurred or was suspected to have oc-
19 curred.

20 (3) An assessment of the duration over which
21 each such incident took place or is suspected of hav-
22 ing taken place, including whether such incident is
23 ongoing.

24 (4) An assessment of the volume and sensitivity
25 of information accessed, compromised, or potentially

1 compromised by each incident, including any such
2 information contained on information systems
3 owned, operated, managed, or utilized by any other
4 Federal department or agency.

5 (5) An assessment of whether such information
6 system was compromised by such incident, including
7 an assessment of the following:

8 (A) The known or suspected perpetrators,
9 including state actors.

10 (B) The methods used to carry out the in-
11 cident.

12 (C) The known or suspected intent of the
13 actors in accessing the information system.

14 (6) A description of the actions the Department
15 has taken or plans to take, including timelines and
16 descriptions of any progress on plans described in
17 prior reports, to prevent future, similar incidents af-
18 fecting such information systems.

19 **SEC. 14503. PROHIBITION ON CONTRACTING WITH CERTAIN**
20 **TELECOMMUNICATIONS PROVIDERS.**

21 (a) LIST OF COVERED CONTRACTORS.—Not later
22 than 30 days after the date of the enactment of this Act,
23 the Secretary, in consultation with the Director of Na-
24 tional Intelligence, shall develop or maintain, as the case
25 may be, and update as frequently as the Secretary deter-

1 mines appropriate, a list of covered contractors with re-
2 spect to which the prohibition specified in subsection (b)
3 shall apply. Not later than 30 days after the initial devel-
4 opment of the list under this subsection, any update there-
5 to, and annually thereafter for 5 years after such initial
6 30 day period, the Secretary shall submit to the appro-
7 priate congressional committees a copy of such list.

8 (b) PROHIBITION ON CONTRACTS.—The Secretary
9 may not enter into a contract with a covered contractor
10 on the list described in subsection (a).

11 (c) REMOVAL FROM LIST.—To be removed from the
12 list described in subsection (a), a covered contractor may
13 submit a request to the Secretary in such manner as the
14 Secretary determines appropriate. The Secretary, in con-
15 sultation with the Director of National Intelligence, shall
16 determine a process for removing covered contractors from
17 the list, as appropriate, and publicly disclose such process.

18 (d) WAIVERS.—

19 (1) IN GENERAL.—The President or the Sec-
20 retary may waive the prohibition specified in sub-
21 section (b) if the President or the Secretary deter-
22 mines that such waiver is justified for national secu-
23 rity reasons.

24 (2) WAIVER FOR OVERSEAS OPERATIONS.—The
25 Secretary may waive the prohibition specified in sub-

1 section (b) for United States diplomatic posts or dip-
2 lomatic personnel overseas if the Secretary, in con-
3 sultation with the Director of National Intelligence,
4 determines that no suitable alternatives are avail-
5 able.

6 (e) COVERED CONTRACTOR DEFINED.—In this sec-
7 tion, the term “covered contractor” means a provider of
8 telecommunications, telecommunications equipment, or in-
9 formation technology equipment, including hardware, soft-
10 ware, or services, that has knowingly assisted or facilitated
11 a cyber attack or conducted surveillance, including passive
12 or active monitoring, carried out against—

13 (1) the United States by, or on behalf of, any
14 government, or persons associated with such govern-
15 ment, listed as a cyber threat actor in the intel-
16 ligence community’s 2017 assessment of worldwide
17 threats to United States national security or any
18 subsequent worldwide threat assessment of the intel-
19 ligence community; or

20 (2) individuals, including activists, journalists,
21 opposition politicians, or other individuals for the
22 purposes of suppressing dissent or intimidating crit-
23 ics, on behalf of a country included in the annual
24 country reports on human rights practices of the
25 Department for systematic acts of political repres-

1 sion, including arbitrary arrest or detention, torture,
2 extrajudicial or politically motivated killing, or other
3 gross violations of human rights.

4 (f) EFFECTIVE DATE.—This section shall apply with
5 respect to contracts of a covered contractor entered into
6 on or after the date of the enactment of this Act.

7 **SEC. 14504. PRESERVING RECORDS OF ELECTRONIC COM-**
8 **MUNICATIONS CONDUCTED RELATED TO OF-**
9 **FICIAL DUTIES OF POSITIONS IN THE PUBLIC**
10 **TRUST OF THE AMERICAN PEOPLE.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that, as a matter of rule of law and transparency
13 in a democratic government, all officers and employees of
14 the Department and the United States Agency for Inter-
15 national Development must preserve all records of commu-
16 nications conducted in their official capacities or related
17 to their official duties with entities outside of the United
18 States Government. It is further the sense of Congress
19 that such practice should include foreign government offi-
20 cials or other foreign entities which may seek to influence
21 United States Government policies and actions.

22 (b) PUBLICATION.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary shall pub-
24 lish in the Foreign Affairs Manual guidance implementing
25 chapter 31 of title 44, United States Code (commonly re-

ferred to as the “Federal Records Act”), to treat electronic messaging systems, software, and applications as equivalent to electronic mail for the purpose of identifying Federal records, and shall also publish in the Foreign Affairs Manual the statutory penalties for failure to comply with such guidance. No funds are authorized to be appropriated or made available to the Department of State under any Act to support the use or establishment of accounts on third-party messaging applications or other non-Government online communication tools if the Secretary does not certify to the relevant congressional committees that the Secretary has carried out this section.

SEC. 14505. FOREIGN RELATIONS OF THE UNITED STATES
(FRUS) SERIES AND DECLASSIFICATION.

The State Department Basic Authorities Act of 1956 is amended—

(1) in section 402(a)(2) (22 U.S.C. 4352(a)(2)), by striking “26” and inserting “20”; and

(2) in section 404 (22 U.S.C. 4354)—

(A) in subsection (a)(1), by striking “30” and inserting “25”; and

(B) in subsection (c)(1)(C), by striking “30” and inserting “25”.

1 **SEC. 14506. VULNERABILITY DISCLOSURE POLICY AND BUG**
2 **BOUNTY PILOT PROGRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) BUG BOUNTY PROGRAM.—The term “bug
5 bounty program” means a program under which an
6 approved individual, organization, or company is
7 temporarily authorized to identify and report
8 vulnerabilities of internet-facing information tech-
9 nology of the Department in exchange for compensa-
10 tion.

11 (2) DEPARTMENT.—The term “Department”
12 means the Department of State.

13 (3) INFORMATION TECHNOLOGY.—The term
14 “information technology” has the meaning given
15 such term in section 11101 of title 40, United
16 States Code.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of State.

19 (b) DEPARTMENT OF STATE VULNERABILITY DIS-
20 CLOSURE PROCESS.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary shall design, establish, and make publicly
24 known a Vulnerability Disclosure Process (VDP) to
25 improve Department cybersecurity by—

1 (A) providing security researchers with
2 clear guidelines for—

3 (i) conducting vulnerability discovery
4 activities directed at Department informa-
5 tion technology; and

6 (ii) submitting discovered security
7 vulnerabilities to the Department; and

8 (B) creating Department procedures and
9 infrastructure to receive and fix discovered
10 vulnerabilities.

11 (2) REQUIREMENTS.—In establishing the VDP
12 pursuant to paragraph (1), the Secretary shall—

13 (A) identify which Department information
14 technology should be included in the process;

15 (B) determine whether the process should
16 differentiate among and specify the types of se-
17 curity vulnerabilities that may be targeted;

18 (C) provide a readily available means of re-
19 porting discovered security vulnerabilities and
20 the form in which such vulnerabilities should be
21 reported;

22 (D) identify which Department offices and
23 positions will be responsible for receiving,
24 prioritizing, and addressing security vulner-
25 ability disclosure reports;

1 (E) consult with the Attorney General re-
2 garding how to ensure that individuals, organi-
3 zations, and companies that comply with the re-
4 quirements of the process are protected from
5 prosecution under section 1030 of title 18,
6 United States Code, and similar provisions of
7 law for specific activities authorized under the
8 process;

9 (F) consult with the relevant offices at the
10 Department of Defense that were responsible
11 for launching the 2016 Vulnerability Disclosure
12 Program, “Hack the Pentagon”, and subse-
13 quent Department of Defense bug bounty pro-
14 grams;

15 (G) engage qualified interested persons, in-
16 cluding nongovernmental sector representatives,
17 about the structure of the process as construc-
18 tive and to the extent practicable; and

19 (H) award contracts to entities, as nec-
20 essary, to manage the process and implement
21 the remediation of discovered security
22 vulnerabilities.

23 (3) ANNUAL REPORTS.—Not later than 180
24 days after the establishment of the VDP under para-
25 graph (1) and annually thereafter for the next 5

1 years, the Secretary of State shall submit to the
2 Committee on Foreign Affairs of the House of Rep-
3 resentatives and the Committee on Foreign Rela-
4 tions of the Senate a report on the VDP, including
5 information relating to the following:

6 (A) The number and severity, in accord-
7 ance with the National Vulnerabilities Database
8 of the National Institute of Standards and
9 Technology, of security vulnerabilities reported.

10 (B) The number of previously unidentified
11 security vulnerabilities remediated as a result.

12 (C) The current number of outstanding
13 previously unidentified security vulnerabilities
14 and Department of State remediation plans.

15 (D) The average length of time between
16 the reporting of security vulnerabilities and re-
17 mediation of such vulnerabilities.

18 (E) The resources, surge staffing, roles,
19 and responsibilities within the Department used
20 to implement the VDP and complete security
21 vulnerability remediation.

22 (F) Any other information the Secretary
23 determines relevant.

24 (c) DEPARTMENT OF STATE BUG BOUNTY PILOT
25 PROGRAM.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, the Secretary
3 shall establish a bug bounty pilot program to mini-
4 mize security vulnerabilities of internet-facing infor-
5 mation technology of the Department.

6 (2) REQUIREMENTS.—In establishing the pilot
7 program described in paragraph (1), the Secretary
8 shall—

9 (A) provide compensation for reports of
10 previously unidentified security vulnerabilities
11 within the websites, applications, and other
12 internet-facing information technology of the
13 Department that are accessible to the public;

14 (B) award contracts to entities, as nec-
15 essary, to manage such pilot program and for
16 executing the remediation of security
17 vulnerabilities identified pursuant to subpara-
18 graph (A);

19 (C) identify which Department information
20 technology should be included in such pilot pro-
21 gram;

22 (D) consult with the Attorney General on
23 how to ensure that individuals, organizations,
24 or companies that comply with the requirements
25 of such pilot program are protected from pros-

1 execution under section 1030 of title 18, United
2 States Code, and similar provisions of law for
3 specific activities authorized under such pilot
4 program;

5 (E) consult with the relevant offices at the
6 Department of Defense that were responsible
7 for launching the 2016 “Hack the Pentagon”
8 pilot program and subsequent Department of
9 Defense bug bounty programs;

10 (F) develop a process by which an ap-
11 proved individual, organization, or company can
12 register with the entity referred to in subpara-
13 graph (B), submit to a background check as de-
14 termined by the Department, and receive a de-
15 termination as to eligibility for participation in
16 such pilot program;

17 (G) engage qualified interested persons, in-
18 cluding nongovernmental sector representatives,
19 about the structure of such pilot program as
20 constructive and to the extent practicable; and

21 (H) consult with relevant United States
22 Government officials to ensure that such pilot
23 program complements persistent network and
24 vulnerability scans of the Department of State’s
25 internet-accessible systems, such as the scans

1 conducted pursuant to Binding Operational Di-
2 rective BOD–15–01.

3 (3) DURATION.—The pilot program established
4 under paragraph (1) should be short-term in dura-
5 tion and not last longer than 1 year.

6 (4) REPORT.—Not later than 180 days after
7 the date on which the bug bounty pilot program
8 under subsection (a) is completed, the Secretary
9 shall submit to the Committee on Foreign Relations
10 of the Senate and the Committee on Foreign Affairs
11 of the House of Representatives a report on such
12 pilot program, including information relating to—

13 (A) the number of approved individuals,
14 organizations, or companies involved in such
15 pilot program, broken down by the number of
16 approved individuals, organizations, or compa-
17 nies that—

18 (i) registered;

19 (ii) were approved;

20 (iii) submitted security vulnerabilities;

21 and

22 (iv) received compensation;

23 (B) the number and severity, in accordance
24 with the National Vulnerabilities Database of
25 the National Institute of Standards and Tech-

1 nology, of security vulnerabilities reported as
2 part of such pilot program;

3 (C) the number of previously unidentified
4 security vulnerabilities remediated as a result of
5 such pilot program;

6 (D) the current number of outstanding
7 previously unidentified security vulnerabilities
8 and Department remediation plans;

9 (E) the average length of time between the
10 reporting of security vulnerabilities and remedi-
11 ation of such vulnerabilities;

12 (F) the types of compensation provided
13 under such pilot program; and

14 (G) the lessons learned from such pilot
15 program.

16 **TITLE VI—PUBLIC DIPLOMACY**

17 **SEC. 14601. SHORT TITLE.**

18 This title may be cited as the “Public Diplomacy
19 Modernization Act of 2020”.

20 **SEC. 14602. AVOIDING DUPLICATION OF PROGRAMS AND** 21 **EFFORTS.**

22 The Secretary shall—

23 (1) identify opportunities for greater efficiency
24 of operations, including through improved coordina-

1 tion of efforts across public diplomacy bureaus and
2 offices of the Department; and

3 (2) maximize shared use of resources between,
4 and within, such public diplomacy bureaus and of-
5 fices in cases in which programs, facilities, or admin-
6 istrative functions are duplicative or substantially
7 overlapping.

8 **SEC. 14603. IMPROVING RESEARCH AND EVALUATION OF**
9 **PUBLIC DIPLOMACY.**

10 (a) RESEARCH AND EVALUATION ACTIVITIES.—The
11 Secretary, acting through the Director of Research and
12 Evaluation appointed pursuant to subsection (b), shall—

13 (1) conduct regular research and evaluation of
14 public diplomacy programs and activities of the De-
15 partment, including through the routine use of audi-
16 ence research, digital analytics, and impact evalua-
17 tions, to plan and execute such programs and activi-
18 ties; and

19 (2) make available to Congress the findings of
20 the research and evaluations conducted under para-
21 graph (1).

22 (b) DIRECTOR OF RESEARCH AND EVALUATION.—

23 (1) APPOINTMENT.—Not later than 90 days
24 after the date of the enactment of this Act, the Sec-
25 retary shall appoint a Director of Research and

1 Evaluation (referred to in this subsection as the
2 “Director”) in the Office of Policy, Planning, and
3 Resources for Public Diplomacy and Public Affairs
4 of the Department.

5 (2) LIMITATION ON APPOINTMENT.—The ap-
6 pointment of the Director pursuant to paragraph (1)
7 shall not result in an increase in the overall full-time
8 equivalent positions within the Department.

9 (3) RESPONSIBILITIES.—The Director shall—

10 (A) coordinate and oversee the research
11 and evaluation of public diplomacy programs
12 and activities of the Department in order to—

13 (i) improve public diplomacy strate-
14 gies and tactics; and

15 (ii) ensure that such programs and
16 activities are increasing the knowledge, un-
17 derstanding, and trust of the United
18 States by relevant target audiences;

19 (B) routinely organize and oversee audi-
20 ence research, digital analytics, and impact
21 evaluations across all public diplomacy bureaus
22 and offices of the Department;

23 (C) support United States diplomatic
24 posts’ public affairs sections;

1 (D) share appropriate public diplomacy re-
2 search and evaluation information within the
3 Department and with other appropriate Federal
4 departments and agencies;

5 (E) regularly design and coordinate stand-
6 ardized research questions, methodologies, and
7 procedures to ensure that public diplomacy pro-
8 grams and activities across all public diplomacy
9 bureaus and offices are designed to meet appro-
10 priate foreign policy objectives; and

11 (F) report biannually to the United States
12 Advisory Commission on Public Diplomacy,
13 through the Subcommittee on Research and
14 Evaluation established pursuant to subsection
15 (f), regarding the research and evaluation of all
16 public diplomacy bureaus and offices.

17 (4) GUIDANCE AND TRAINING.—Not later than
18 1 year after the appointment of the Director pursu-
19 ant to paragraph (1), the Director shall develop
20 guidance and training, including curriculum for use
21 by the Foreign Service Institute, for all public diplo-
22 macy officers of the Department regarding the read-
23 ing and interpretation of public diplomacy program
24 and activity evaluation findings to ensure that such
25 findings and related lessons learned are implemented

1 in the planning and evaluation of all public diplo-
2 macy programs and activities of the Department.

3 (c) PRIORITIZING RESEARCH AND EVALUATION.—

4 (1) IN GENERAL.—The head of the Office of
5 Policy, Planning, and Resources for Public Diplo-
6 macy and Public Affairs of the Department shall en-
7 sure that research and evaluation of public diplo-
8 macy and activities of the Department, as coordi-
9 nated and overseen by the Director pursuant to sub-
10 section (b), supports strategic planning and resource
11 allocation across all public diplomacy bureaus and
12 offices of the Department.

13 (2) ALLOCATION OF RESOURCES.—Amounts al-
14 located for the purpose of research and evaluation of
15 public diplomacy programs and activities of the De-
16 partment pursuant to subsection (b) shall be made
17 available to be disbursed at the direction of the Di-
18 rector of Research and Evaluation among the re-
19 search and evaluation staff across all public diplo-
20 macy bureaus and offices of the Department.

21 (3) SENSE OF CONGRESS.—It is the sense of
22 Congress that the Department should gradually in-
23 crease its allocation of funds made available under
24 the headings “Educational and Cultural Exchange
25 Programs” and “Diplomatic Programs” for research

1 and evaluation of public diplomacy programs and ac-
2 tivities of the Department pursuant to subsection (b)
3 to a percentage of program funds that is commensu-
4 rate with Federal Government best practices.

5 (d) LIMITED EXEMPTION RELATING TO THE PRI-
6 VACY ACT.—

7 (1) IN GENERAL.—The Department shall main-
8 tain, collect, use, and disseminate records (as such
9 term is defined in section 552a(a)(4) of title 5,
10 United States Code) for audience research, digital
11 analytics, and impact evaluation of communications
12 related to public diplomacy efforts intended for for-
13 eign audiences.

14 (2) CONDITIONS.—Audience research, digital
15 analytics, and impact evaluations under paragraph
16 (1) shall be—

17 (A) reasonably tailored to meet the pur-
18 poses of this subsection; and

19 (B) carried out with due regard for privacy
20 and civil liberties guidance and oversight.

21 (e) UNITED STATES ADVISORY COMMISSION ON PUB-
22 LIC DIPLOMACY.—

23 (1) SUBCOMMITTEE FOR RESEARCH AND EVAL-
24 UATION.—The United States Advisory Commission
25 on Public Diplomacy shall establish a Subcommittee

1 on Research and Evaluation to monitor and advise
2 regarding audience research, digital analytics, and
3 impact evaluations carried out by the Department
4 and the United States Agency for Global Media.

5 (2) ANNUAL REPORT.—The Subcommittee on
6 Research and Evaluation established pursuant to
7 paragraph (1) shall submit to the appropriate con-
8 gressional committees an annual report, in conjunc-
9 tion with the United States Advisory Commission on
10 Public Diplomacy’s Comprehensive Annual Report
11 on the performance of the Department and the
12 United States Agency for Global Media, describing
13 all actions taken by the Subcommittee pursuant to
14 paragraph (1) and any findings made as a result of
15 such actions.

16 **SEC. 14604. PERMANENT REAUTHORIZATION OF THE**
17 **UNITED STATES ADVISORY COMMISSION ON**
18 **PUBLIC DIPLOMACY.**

19 Section 1334 of the Foreign Affairs Reform and Re-
20 structuring Act of 1998 (22 U.S.C. 6553) is amended—

- 21 (1) in the section heading, by striking “**SUN-**
22 **SET**” and inserting “**CONTINUATION**”; and
23 (2) by striking “until October 1, 2020”.

1 **SEC. 14605. STREAMLINING OF SUPPORT FUNCTIONS.**

2 (a) WORKING GROUP ESTABLISHED.—Not later than
3 60 days after the date of the enactment of this Act, the
4 Secretary shall establish a working group to explore the
5 possibilities and cost-benefit analysis of transitioning to a
6 shared services model as such pertains to human re-
7 sources, travel, purchasing, budgetary planning, and all
8 other executive support functions for all bureaus of the
9 Department that report to the Under Secretary for Public
10 Diplomacy of the Department.

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary shall submit
13 to the appropriate congressional committees a plan to im-
14 plement any such findings of the working group estab-
15 lished under subsection (a).

16 **SEC. 14606. GUIDANCE FOR CLOSURE OF PUBLIC DIPLO-**
17 **MACY FACILITIES.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of State
20 shall adopt, and include in the Foreign Affairs Manual,
21 guidelines to collect and utilize information from each dip-
22 lomatic post at which the construction of a new embassy
23 compound or new consulate compound would result in the
24 closure or co-location of an American Space, American
25 Center, American Corner, or any other public diplomacy

1 facility under the Secure Embassy Construction and
2 Counterterrorism Act of 1999 (22 U.S.C. 4865 et seq.).

3 (b) REQUIREMENTS.—The guidelines required by
4 subsection (a) shall include the following:

5 (1) Standardized notification to each chief of
6 mission at a diplomatic post describing the require-
7 ments of the Secure Embassy Construction and
8 Counterterrorism Act of 1999 and the impact on the
9 mission footprint of such requirements.

10 (2) An assessment and recommendations from
11 each chief of mission of potential impacts to public
12 diplomacy programming at such diplomatic post if
13 any public diplomacy facility referred to in sub-
14 section (a) is closed or staff is co-located in accord-
15 ance with such Act.

16 (3) A process by which assessments and rec-
17 ommendations under paragraph (2) are considered
18 by the Secretary and the appropriate Under Secre-
19 taries and Assistant Secretaries of the Department.

20 (4) Notification to the appropriate congres-
21 sional committees, prior to the initiation of a new
22 embassy compound or new consulate compound de-
23 sign, of the intent to close any such public diplomacy
24 facility or co-locate public diplomacy staff in accord-
25 ance with such Act.

1 (c) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the appropriate congressional committees a report con-
4 taining the guidelines required under subsection (a) and
5 any recommendations for any modifications to such guide-
6 lines.

7 **SEC. 14607. DEFINITIONS.**

8 In this title:

9 (1) AUDIENCE RESEARCH.—The term “audi-
10 ence research” means research conducted at the out-
11 set of a public diplomacy program or the outset of
12 campaign planning and design regarding specific au-
13 dience segments to understand the attitudes, inter-
14 ests, knowledge, and behaviors of such audience seg-
15 ments.

16 (2) DIGITAL ANALYTICS.—The term “digital
17 analytics” means the analysis of qualitative and
18 quantitative data, accumulated in digital format, to
19 indicate the outputs and outcomes of a public diplo-
20 macy program or campaign.

21 (3) IMPACT EVALUATION.—The term “impact
22 evaluation” means an assessment of the changes in
23 the audience targeted by a public diplomacy program
24 or campaign that can be attributed to such program
25 or campaign.

1 (4) PUBLIC DIPLOMACY BUREAUS AND OF-
2 FICES.—The term “public diplomacy bureaus and
3 offices” means, with respect to the Department, the
4 following:

5 (A) The Bureau of Educational and Cul-
6 tural Affairs.

7 (B) The Bureau of Global Public Affairs.

8 (C) The Office of Policy, Planning, and
9 Resources for Public Diplomacy and Public Af-
10 fairs.

11 (D) The Global Engagement Center.

12 (E) The public diplomacy functions within
13 the regional and functional bureaus.

14 **TITLE VII—COMBATING PUBLIC**
15 **CORRUPTION**

16 **SEC. 14701. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) it is in the foreign policy interest of the
19 United States to help foreign countries promote
20 good governance and combat public corruption;

21 (2) multiple Federal departments and agencies
22 operate programs that promote good governance in
23 foreign countries and enhance such countries’ ability
24 to combat public corruption;

1 (3) the Department should promote coordina-
2 tion among the Federal departments and agencies
3 implementing programs to promote good governance
4 and combat public corruption in foreign countries in
5 order to improve effectiveness and efficiency; and

6 (4) the Department should identify areas in
7 which United States efforts to help other countries
8 promote good governance and combat public corrup-
9 tion could be enhanced.

10 **SEC. 14702. ANNUAL ASSESSMENT.**

11 (a) IN GENERAL.—For each of fiscal years 2021
12 through 2027, the Secretary shall assess the capacity and
13 commitment of foreign countries to combat public corrup-
14 tion. Each such assessment shall—

15 (1) utilize independent, third party indicators
16 that measure transparency, accountability, and cor-
17 ruption in the public sector in such countries, includ-
18 ing the extent to which public power is exercised for
19 private gain, to identify those countries that are
20 most vulnerable to public corruption;

21 (2) consider, to the extent reliable information
22 is available, whether the government of a country
23 identified under paragraph (1)—

24 (A) has adopted measures to prevent pub-
25 lic corruption, such as measures to inform and

1 educate the public, including potential victims,
2 about the causes and consequences of public
3 corruption;

4 (B) has enacted laws and established gov-
5 ernment structures, policies, and practices that
6 prohibit public corruption;

7 (C) enforces such laws through a fair judi-
8 cial process;

9 (D) vigorously investigates, prosecutes,
10 convicts, and sentences public officials who par-
11 ticipate in or facilitate public corruption, includ-
12 ing nationals of such country who are deployed
13 in foreign military assignments, trade delega-
14 tions abroad, or other similar missions who en-
15 gage in or facilitate public corruption;

16 (E) prescribes appropriate punishment for
17 serious, significant corruption that is commen-
18 surate with the punishment prescribed for seri-
19 ous crimes;

20 (F) prescribes appropriate punishment for
21 significant corruption that provides a suffi-
22 ciently stringent deterrent and adequately re-
23 flects the nature of the offense;

24 (G) convicts and sentences persons respon-
25 sible for such acts that take place wholly or

1 partly within the country of such government,
2 including, as appropriate, requiring the incar-
3 ceration of individuals convicted of such acts;

4 (H) holds private sector representatives ac-
5 countable for their role in public corruption;
6 and

7 (I) addresses threats for civil society to
8 monitor anti-corruption efforts; and

9 (3) further consider—

10 (A) verifiable measures taken by the gov-
11 ernment of a country identified under para-
12 graph (1) to prohibit government officials from
13 participating in, facilitating, or condoning pub-
14 lic corruption, including the investigation, pros-
15 ecution, and conviction of such officials;

16 (B) the extent to which such government
17 provides access, or, as appropriate, makes ade-
18 quate resources available, to civil society organi-
19 zations and other institutions to combat public
20 corruption, including reporting, investigating,
21 and monitoring;

22 (C) the extent to which an independent ju-
23 diciary or judicial body in such country is re-
24 sponsible for, and effectively capable of, decid-
25 ing public corruption cases impartially, on the

1 basis of facts and in accordance with law, with-
2 out any improper restrictions, influences, in-
3 ducements, pressures, threats, or interferences,
4 whether direct or indirect, from any source or
5 for any reason;

6 (D) the extent to which such government
7 cooperates meaningfully with the United States
8 to strengthen government and judicial institu-
9 tions and the rule of law to prevent, prohibit,
10 and punish public corruption;

11 (E) the extent to which such government—

12 (i) is assisting in international inves-
13 tigations of transnational public corruption
14 networks and in other cooperative efforts
15 to combat serious, significant corruption,
16 including cooperating with the govern-
17 ments of other countries to extradite cor-
18 rupt actors;

19 (ii) recognizes the rights of victims of
20 public corruption, ensures their access to
21 justice, and takes steps to prevent such
22 victims from being further victimized or
23 persecuted by corrupt actors, government
24 officials, or others; and

1 (iii) refrains from prosecuting legiti-
2 mate victims of public corruption or whis-
3 tleblowers due to such persons having as-
4 sisted in exposing public corruption, and
5 refrains from other discriminatory treat-
6 ment of such persons; and

7 (F) contain such other information relating
8 to public corruption as the Secretary considers
9 appropriate.

10 (b) IDENTIFICATION.—After conducting each assess-
11 ment under subsection (a), the Secretary shall identify the
12 countries described in paragraph (1) of such subsection
13 that are—

14 (1) meeting minimum standards to combat pub-
15 lic corruption;

16 (2) not meeting such minimum standards but
17 making significant efforts to do so; and

18 (3) neither meeting such minimum standards
19 nor making significant efforts to do so.

20 (c) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act and annually thereafter
22 through fiscal year 2026, the Secretary shall submit to
23 the appropriate congressional committees and make pub-
24 licly available a report that identifies the countries de-
25 scribed in subsection (a)(1) and paragraphs (2) and (3)

1 of subsection (b), including a description of the method-
2 ology and data utilized in the assessments under sub-
3 section (a) and the reasons for such identifications.

4 (d) BRIEFING IN LIEU OF REPORT.—The Secretary
5 may waive the requirement to submit and make publicly
6 available a written report under subsection (c) if the Sec-
7 retary—

8 (1) determines that publication of such report
9 would—

10 (A) undermine existing United States anti-
11 corruption efforts in one or more countries; or

12 (B) threaten the national interests of the
13 United States; and

14 (2) provides a briefing to the appropriate con-
15 gressional committees that identifies the countries
16 described in subsection (a)(1) and paragraphs (2)
17 and (3) of subsection (b), including a description of
18 the methodology and data utilized in the assessment
19 under subsection (a) and the reasons for such identi-
20 fications.

21 **SEC. 14703. TRANSPARENCY AND ACCOUNTABILITY.**

22 For each country identified under paragraphs (2) and
23 (3) of section 14702(b), the Secretary, in coordination
24 with the Administrator of the United States Agency for
25 International Development, as appropriate, shall—

1 (1) ensure that a corruption risk assessment
2 and mitigation strategy is included in the integrated
3 country strategy for such country; and

4 (2) utilize appropriate mechanisms to combat
5 corruption in such countries, including by ensuring—
6

7 (A) the inclusion of anti-corruption clauses
8 in contracts, grants, and cooperative agree-
9 ments entered into by the Department or the
10 Agency for or in such countries, which allow for
11 the termination of such contracts, grants, or co-
12 operative agreements, as the case may be, with-
13 out penalty if credible indicators of public cor-
14 ruption are discovered;

15 (B) the inclusion of appropriate clawback
16 or flowdown clauses within the procurement in-
17 struments of the Department and the Agency
18 that provide for the recovery of funds misappro-
19 priated through corruption;

20 (C) the appropriate disclosure to the
21 United States Government, in confidential
22 form, if necessary, of the beneficial ownership
23 of contractors, subcontractors, grantees, cooper-
24 ative agreement participants, and other organi-

1 zations implementing programs on behalf of the
2 Department or Agency; and

3 (D) the establishment of mechanisms for
4 investigating allegations of misappropriated re-
5 sources and equipment.

6 **SEC. 14704. DESIGNATION OF EMBASSY ANTI-CORRUPTION**
7 **POINTS OF CONTACT.**

8 (a) IN GENERAL.—The Secretary shall annually des-
9 ignate an anti-corruption point of contact at the United
10 States diplomatic post to each country identified under
11 paragraphs (2) and (3) of section 14702(b), or which the
12 Secretary otherwise determines is in need of such a point
13 of contact.

14 (b) RESPONSIBILITIES.—Each designated anti-cor-
15 ruption point of contact under subsection (a) shall be re-
16 sponsible for coordinating and overseeing implementation
17 of a whole-of-government approach among the relevant
18 Federal departments and agencies that operate programs
19 that promote good governance in foreign countries and en-
20 hance such countries' ability to combat public corruption
21 in order to accomplish such objectives in the country to
22 which such point of contact is posted, including through
23 the development and implementation of corruption risk as-
24 sessment tools and mitigation strategies.

1 (c) TRAINING.—The Secretary shall implement ap-
2 propriate training for designated anti-corruption points of
3 contact under subsection (a).

4 **SEC. 14705. REPORTING REQUIREMENTS.**

5 (a) ANNUAL REPORT.—

6 (1) IN GENERAL.—The Secretary shall, for each
7 of fiscal years 2021 through 2026, submit to the ap-
8 propriate congressional committees a report on im-
9 plementation of this title, including a description of
10 the following:

11 (A) The offices within the Department and
12 the United States Agency for International De-
13 velopment that are engaging in significant anti-
14 corruption activities.

15 (B) The findings and actions of designated
16 anti-corruption points of contact to develop and
17 implement risk mitigation strategies and ensure
18 compliance with section 14703.

19 (C) The training implemented under sec-
20 tion 14704(c).

21 (D) Management of the whole-of-govern-
22 ment effort referred to in section 14704(b) to
23 combat corruption within the countries identi-
24 fied in section 14702 and efforts to improve co-

1 ordination across Federal departments and
2 agencies.

3 (E) The risk assessment tools and mitiga-
4 tion strategies utilized by the Department and
5 the Agency.

6 (F) Other information determined by the
7 Secretary to be necessary and appropriate.

8 (2) FORM OF REPORT.—Each report under this
9 subsection shall be submitted in an unclassified for-
10 mat but may include a classified annex.

11 (b) ONLINE PLATFORM.—The Secretary shall con-
12 solidate existing reports with anti-corruption components
13 into one online, public platform, which should—

14 (1) include—

15 (A) the annual Country Reports on
16 Human Rights Practices;

17 (B) the annual Fiscal Transparency Re-
18 port;

19 (C) the annual Investment Climate State-
20 ments;

21 (D) the annual International Narcotics
22 Control Strategy Report;

23 (E) the Country Scorecards of the Millen-
24 nium Challenge Corporation; and

25 (F) any other relevant public reports; and

1 (2) link to third-party indicators and compli-
2 ance mechanisms used by the United States Govern-
3 ment to inform policy and programming, such as—

4 (A) the International Finance Corpora-
5 tion's Doing Business surveys;

6 (B) the International Budget Partnership's
7 Open Budget Index; and

8 (C) multilateral peer review anti-corruption
9 compliance mechanisms, such as the Organiza-
10 tion for Economic Co-operation and Develop-
11 ment's Working Group on Bribery in Inter-
12 national Business Transactions and the United
13 Nations Convention Against Corruption, done
14 at New York October 31, 2003, to further high-
15 light expert international views on country chal-
16 lenges and country efforts.

17 (c) TRAINING.—The Secretary and the Administrator
18 of the United States Agency for International Develop-
19 ment shall incorporate anti-corruption components into
20 existing Foreign Service and Civil Service training courses
21 to—

22 (1) increase the ability of Department and
23 Agency personnel to support anti-corruption as a
24 foreign policy priority; and

1 (2) strengthen the ability of such personnel to
2 design, implement, and evaluate more effective anti-
3 corruption programming around the world, including
4 enhancing skills to better evaluate and mitigate pub-
5 lic corruption risks in assistance programs.

6 **SEC. 14706. FOREIGN INVESTMENTS AND NATIONAL SECU-**
7 **RITY.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act and biennially thereafter
10 for the following 5 years, the Secretary, in consultation
11 with the Secretary of the Treasury, the Director of Na-
12 tional Intelligence, and the heads of other agencies, as ap-
13 propriate, shall submit to Congress an interagency strat-
14 egy to work with foreign governments and multilateral in-
15 stitutions to guard against the risks of certain trans-
16 actions involving foreign investments.

17 (b) CONTENTS.—Each interagency strategy under
18 paragraph (1) shall include plans relating to the following:

19 (1) Information sharing with foreign govern-
20 ments and multilateral institutions regarding risks
21 associated with potential foreign investments.

22 (2) Promoting American and other alternatives
23 to foreign investments identified as presenting sub-
24 stantial risk to the national security or sovereignty
25 of a country.

1 (3) Providing technical assistance to foreign
2 governments or multilateral institutions regarding
3 screening foreign investments.

4 (4) Designating points of contact at each
5 United States mission to foreign governments and
6 multilateral institutions, and in associated regional
7 bureaus, to coordinate efforts described in this para-
8 graph.

9 (c) COORDINATION.—If the Secretary determines
10 such is appropriate, the designated points of contact re-
11 ferred to in subsection (b)(4) may be the same individual
12 designated under section 14704(a).

13 **TITLE VIII—MISCELLANEOUS**

14 **SEC. 14801. CASE-ZABLOCKI ACT REFORM.**

15 Section 112b of title 1, United States Code, is
16 amended—

17 (1) in subsection (a), by striking “Committee
18 on International Relations” and inserting “Com-
19 mittee on Foreign Affairs”; and

20 (2) by amending subsection (b) to read as fol-
21 lows:

22 “(b) Each department or agency of the United States
23 Government that enters into any international agreement
24 described in subsection (a) on behalf of the United States,

1 shall designate a Chief International Agreements Officer,
2 who—

3 “(1) shall be a current employee of such depart-
4 ment or agency;

5 “(2) shall serve concurrently as Chief Inter-
6 national Agreements Officer; and

7 “(3) subject to the authority of the head of
8 such department or agency, shall have department
9 or agency-wide responsibility for efficient and appro-
10 priate compliance with subsection (a) to transmit the
11 text of any international agreement to the Depart-
12 ment of State expeditiously after such agreement
13 has been signed.”.

14 **SEC. 14802. LIMITATION ON ASSISTANCE TO COUNTRIES IN**
15 **DEFAULT.**

16 Section 620(q) of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2370(q)) is amended—

18 (1) by striking “No assistance” and inserting
19 the following:

20 “(1) No assistance”;

21 (2) by inserting “the government of” before
22 “any country”;

23 (3) by inserting “the government of” before
24 “such country” each place it appears;

1 (4) by striking “determines” and all that fol-
2 lows and inserting “determines, after consultation
3 with the Committee on Foreign Affairs and the
4 Committee on Appropriations of the House of Rep-
5 resentatives and the Committee on Foreign Rela-
6 tions and the Committee on Appropriations of the
7 Senate, that assistance for such country is in the na-
8 tional interest of the United States.”; and

9 (5) by adding at the end the following:

10 “(2) No assistance shall be furnished under this
11 Act, the Peace Corps Act, the Millennium Challenge
12 Act of 2003, the African Development Foundation
13 Act, the BUILD Act of 2018, section 504 of the
14 FREEDOM Support Act, or section 23 of the Arms
15 Export Control Act to the government of any coun-
16 try which is in default during a period in excess of
17 1 calendar year in payment to the United States of
18 principal or interest or any loan made to the govern-
19 ment of such country by the United States unless
20 the President determines, following consultation with
21 the congressional committees specified in paragraph
22 (1), that assistance for such country is in the na-
23 tional interest of the United States.”.

1 **SEC. 14803. PROHIBITION ON ASSISTANCE TO GOVERN-**
2 **MENTS SUPPORTING INTERNATIONAL TER-**
3 **RORISM.**

4 (a) PROHIBITION.—Subsection (a) of section 620A of
5 the Foreign Assistance Act of 1961 (22 U.S.C. 2371) is
6 amended by striking “that the government of that coun-
7 try” and all that follows and inserting “that the govern-
8 ment of that country—

9 “(1) has repeatedly provided support for acts of
10 international terrorism;

11 “(2) grants sanctuary from prosecution to any
12 individual or group which has committed an act of
13 international terrorism;

14 “(3) otherwise supports international terrorism;
15 or

16 “(4) is controlled by an organization designated
17 as a foreign terrorist organization under section 219
18 of the Immigration and Nationality Act (8 U.S.C.
19 1189).”.

20 (b) RESCISSION.—Subsection (c) of such section is
21 amended by striking “and the Chairman of the Committee
22 on Foreign Relations of the Senate” and inserting “, the
23 Committee on Foreign Affairs of the House of Representa-
24 tives, the Committee on Foreign Relations of the Senate,
25 and the Committees on Appropriations of the House of
26 Representatives and the Senate”.

1 (c) WAIVER.—Subsection (d)(2) of such section is
2 amended by striking “and the chairman of the Committee
3 on Foreign Relations of the Senate” and inserting “, the
4 Committee on Foreign Affairs of the House of Representa-
5 tives, the Committee on Foreign Relations of the Senate,
6 and the Committees on Appropriations of the House of
7 Representatives and the Senate”.

8 (d) PROHIBITION ON LETHAL MILITARY EQUIPMENT
9 EXPORTS.—Such section, as so amended, is further
10 amended by adding at the end the following:

11 “(e) PROHIBITION ON LETHAL MILITARY EQUIP-
12 MENT EXPORTS.—

13 “(1) PROHIBITION.—

14 “(A) IN GENERAL.—The United States
15 shall not provide any assistance under this Act
16 or section 23 of the Arms Export Control Act
17 to any foreign government that provides lethal
18 military equipment to a country the government
19 of which the Secretary of State has determined
20 supports international terrorism for purposes of
21 section 1754(c) of the Export Control Reform
22 Act of 2018.

23 “(B) TERMINATION.—The prohibition on
24 assistance under subparagraph (A) with respect
25 to a foreign government shall terminate 12

1 months after such government ceases to provide
2 the lethal military equipment described in such
3 subparagraph.

4 “(C) APPLICABILITY.—This subsection ap-
5 plies with respect to lethal military equipment
6 provided under a contract entered into after Oc-
7 tober 1, 1997.

8 “(2) WAIVER.—The President may waive the
9 prohibition on assistance under paragraph (1) with
10 respect to a foreign government if the President de-
11 termines that to do so is important to the national
12 interest of the United States.

13 “(3) REPORT.—Upon the exercise of the waiver
14 authority pursuant to paragraph (2), the President
15 shall submit to the appropriate congressional com-
16 mittees a report with respect to the furnishing of as-
17 sistance under the waiver authority, including—

18 “(A) a detailed explanation of the assist-
19 ance to be provided;

20 “(B) the estimated dollar amount of such
21 assistance; and

22 “(C) an explanation of how the assistance
23 furthers the national interest of the United
24 States.

1 “(4) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES DEFINED.—In this subsection, the term ‘ap-
3 propriate congressional committees’ means—

4 “(A) the Committee on Foreign Affairs
5 and the Committee on Appropriations of the
6 House of Representatives; and

7 “(B) the Committee on Foreign Relations
8 and the Committee on Appropriations of the
9 Senate.”.

10 **SEC. 14804. SEAN AND DAVID GOLDMAN CHILD ABDUCTION**
11 **PREVENTION AND RETURN ACT OF 2014**
12 **AMENDMENT.**

13 Subsection (b) of section 101 of the Sean and David
14 Goldman International Child Abduction Prevention and
15 Return Act of 2014 (22 U.S.C. 9111; Public Law 113–
16 150) is amended—

17 (1) in paragraph (2)—

18 (A) in subparagraph (A)—

19 (i) by inserting “, respectively,” after
20 “access cases”; and

21 (ii) by inserting “and the number of
22 children involved” before the semicolon at
23 the end;

1 (B) in subparagraph (D), by inserting “re-
2 spectively, the number of children involved,”
3 after “access cases,”;

4 (2) in paragraph (7), by inserting “, and num-
5 ber of children involved in such cases” before the
6 semicolon at the end;

7 (3) in paragraph (8), by striking “and” after
8 the semicolon at the end;

9 (4) in paragraph (9), by striking the period at
10 the end and inserting “; and”; and

11 (5) by adding at the end the following new
12 paragraph:

13 “(10) the total number of pending cases the
14 Department of State has assigned to case officers
15 and number of children involved for each country
16 and as a total for all countries.”.

17 **SEC. 14805. MODIFICATION OF AUTHORITIES OF COMMIS-**
18 **SION FOR THE PRESERVATION OF AMERICA’S**
19 **HERITAGE ABROAD.**

20 (a) IN GENERAL.—Chapter 3123 of title 54, United
21 States Code, is amended as follows:

22 (1) In section 312302, by inserting “, and
23 unimpeded access to those sites,” after “and historic
24 buildings”.

25 (2) In section 312304(a)—

1 (A) in paragraph (2)—

2 (i) by striking “and historic build-
3 ings” and inserting “and historic buildings,
4 and unimpeded access to those sites”; and

5 (ii) by striking “and protected” and
6 inserting “, protected, and made acces-
7 sible”; and

8 (B) in paragraph (3), by striking “and
9 protecting” and inserting “, protecting, and
10 making accessible”.

11 (3) In section 312305, by inserting “and to the
12 Committee on Foreign Affairs of the House of Rep-
13 resentatives and the Committee on Foreign Rela-
14 tions of the Senate” after “President”.

15 (b) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, the Commission for the Pres-
17 ervation of America’s Heritage Abroad shall submit to the
18 President and to the Committee on Foreign Affairs of the
19 House of Representatives and the Committee on Foreign
20 Relations of the Senate a report that contains an evalua-
21 tion of the extent to which the Commission is prepared
22 to continue its activities and accomplishments with respect
23 to the foreign heritage of United States citizens from east-
24 ern and central Europe, were the Commission’s duties and
25 powers extended to include other regions, including the

1 Middle East and North Africa, and any additional re-
2 sources or personnel the Commission would require.

3 **SEC. 14806. CHIEF OF MISSION CONCURRENCE.**

4 In the course of providing concurrence to the exercise
5 of the authority pursuant to section 127e of title 10,
6 United State Code, or section 1202 of the National De-
7 fense Authorization Act for Fiscal Year 2018—

8 (1) each relevant chief of mission shall inform
9 and consult in a timely manner with relevant indi-
10 viduals at relevant missions or bureaus of the De-
11 partment of State; and

12 (2) the Secretary of State shall take such steps
13 as may be necessary to ensure that such relevant in-
14 dividuals have the security clearances necessary to
15 so consult in a timely manner with respect to such
16 concurrence.

17 **DIVISION J—COMBATING**
18 **RUSSIAN MONEY LAUNDERING**

19 **SEC. 15001. SHORT TITLE.**

20 This division may be cited as the “Combating Rus-
21 sian Money Laundering Act”.

22 **SEC. 15002. STATEMENT OF POLICY.**

23 It is the policy of the United States to—

24 (1) protect the United States financial sector
25 from abuse by malign actors; and

1 (2) use all available financial tools to counter
2 adversaries.

3 **SEC. 15003. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the efforts of the Government of the Rus-
6 sian Federation, Russian state-owned enterprises,
7 and Russian oligarchs to move and disguise the
8 source, ownership, location, or control of illicit funds
9 or value constitute money laundering;

10 (2) money laundering assists in the Russian
11 Government's political and economic influence and
12 destabilization operations, which in turn affect the
13 United States and European democracy, national se-
14 curity, and rule of law;

15 (3) the Secretary of the Treasury should deter-
16 mine whether Russia and the financial institutions
17 through which the Russian Government, political
18 leaders, state-owned enterprises, and oligarchs laun-
19 der money are of primary money laundering concern;
20 and

21 (4) the Secretary of the Treasury should con-
22 sider the need for financial institutions and other
23 obligated entities to apply enhanced due diligence
24 measures to transactions with the Russian Govern-

1 ment, political leaders, state-owned enterprises, and
2 financial institutions.

3 **SEC. 15004. DETERMINATION WITH RESPECT TO PRIMARY**
4 **MONEY LAUNDERING CONCERN OF RUSSIAN**
5 **ILLICIT FINANCE.**

6 (a) DETERMINATION.—If the Secretary of the Treas-
7 ury determines that reasonable grounds exist for con-
8 cluding that one or more financial or non-financial institu-
9 tions operating outside of the United States, or 1 or more
10 classes of transactions within, or involving, a jurisdiction
11 outside of the United States, or 1 or more types of ac-
12 counts is of primary money laundering concern in connec-
13 tion with Russian illicit finance, the Secretary of the
14 Treasury may require domestic financial institutions and
15 domestic financial agencies to take 1 or more of the special
16 measures described in section 5318A(b) of title 31, United
17 States Code by order, regulation, or otherwise as per-
18 mitted by law.

19 (b) REPORT REQUIRED.—

20 (1) IN GENERAL.—Not later than 120 days
21 after the date of enactment of this Act, the Sec-
22 retary of the Treasury shall submit to the Commit-
23 tees on Financial Services and Foreign Affairs of
24 the House of Representatives and the Committees
25 on Banking, Housing, and Urban Affairs and For-

1 eign Relations of the Senate a report on financial
2 and non-financial institutions operating outside of
3 the United States, classes of transactions, jurisdic-
4 tions outside of the United States, and accounts for
5 which there are reasonable grounds to conclude are
6 of primary money laundering concern in connection
7 with Russian illicit finance.

8 (2) CONTENTS.—The report required under
9 paragraph (1) shall also—

10 (A) identify any additional regulations,
11 statutory changes, enhanced due diligence, and
12 reporting requirements that are necessary to
13 better identify, prevent, and combat money
14 laundering linked to Russia, including related
15 to—

16 (i) identifying the beneficial ownership
17 of anonymous companies;

18 (ii) strengthening current, or enacting
19 new, reporting requirements and customer
20 due diligence requirements for the real es-
21 tate sector, law firms, and other trust and
22 corporate service providers;

23 (iii) enhanced know-your-customer
24 procedures and screening for transactions
25 involving Russian political leaders, Russian

1 state-owned enterprises, and known Rus-
2 sian transnational organized crime figures;
3 and

4 (iv) establishing a permanent solution
5 to collecting information nationwide to
6 track ownership of real estate; and

7 (B) include data and case studies on the
8 use of financial and non-financial institutions,
9 including limited liability companies, real estate,
10 law firms, and electronic currencies, to move
11 and disguise Russian funds.

12 (3) FORMAT.—The report required under this
13 subsection shall be made available to the public, in-
14 cluding on the website of the Department of the
15 Treasury, but may contain a classified annex and be
16 accompanied by a classified briefing.

17 (c) USE OF REPORT INFORMATION TO MAKE PRI-
18 MARY MONEY LAUNDERING CONCERN DETERMINA-
19 TIONS.—If applicable, the Secretary of the Treasury shall
20 use the information contained in the report issued under
21 subsection (b) to support findings that reasonable grounds
22 exist for concluding that a jurisdiction outside of the
23 United States, 1 or more financial institutions operating
24 outside of the United States, 1 or more classes of trans-
25 actions within, or involving, a jurisdiction outside of the

1 United States, or 1 or more types of accounts is of pri-
2 mary money laundering concern, in accordance with sec-
3 tion 5318A of title 31, United States Code.

4 (d) SENSE OF CONGRESS ON INTERNATIONAL CO-
5 OPERATION.—It is the sense of the Congress that the Sec-
6 retary of the Treasury and other relevant cabinet members
7 (such as the Secretary of State, Secretary of Defense, Sec-
8 retary of Homeland Security, and Attorney General)
9 should work jointly with European, E.U., and U.K. finan-
10 cial intelligence units, trade transparency units, and ap-
11 propriate law enforcement authorities to present, both in
12 the report required under subsection (b) and in future
13 analysis of suspicious transaction reports, cash trans-
14 action reports, currency and monetary instrument reports,
15 and other relevant data to identify trends and assess risks
16 in the movement of illicit funds from Russia through the
17 United States, British, and European financial systems.

18 **DIVISION K—KLEPTOCRACY**
19 **ASSET RECOVERY REWARDS**
20 **ACT**

21 **SEC. 16001. SHORT TITLE.**

22 The division may be cited as the “Kleptocracy Asset
23 Recovery Rewards Act”.

24 **SEC. 16002. FINDINGS; SENSE OF CONGRESS.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) The Stolen Asset Recovery Initiative
2 (StAR), a World Bank and United Nations anti-
3 money-laundering effort, estimates that between \$20
4 billion to \$40 billion has been lost to developing
5 countries annually through corruption.

6 (2) In 2014, more than \$480 million in corrup-
7 tion proceeds hidden in bank accounts around the
8 world by former Nigerian dictator Sani Abacha and
9 his co-conspirators was forfeited through efforts by
10 the Department of Justice.

11 (3) In 2010, the Department of Justice estab-
12 lished the Kleptocracy Asset Recovery Initiative, to
13 work in partnership with Federal law enforcement
14 agencies to forfeit the proceeds of foreign official
15 corruption and, where appropriate, return those pro-
16 ceeds to benefit the people harmed by these acts of
17 corruption and abuse of office.

18 (4) Of the \$20 billion to \$40 billion lost by de-
19 veloping countries annually through corruption, only
20 about \$5 billion has been repatriated in the last 15
21 years.

22 (5) Governments weakened by corruption and
23 loss of assets due to corruption have fewer resources
24 to devote to the fight against terrorism and fewer re-
25 sources to devote to building strong financial, law

1 enforcement, and judicial institutions to aid in the
2 fight against the financing of terrorism.

3 (6) The United States has a number of effective
4 programs to reward individuals who provide valuable
5 information that assist in the identification, arrest,
6 and conviction of criminal actors and their associ-
7 ates, as well as seizure and forfeiture of illicitly de-
8 rived assets and the proceeds of criminal activity.

9 (7) The Internal Revenue Service has the Whis-
10 tleblower Program, which pays awards to individuals
11 who provide specific and credible information to the
12 IRS if the information results in the collection of
13 taxes, penalties, interest or other amounts from non-
14 compliant taxpayers.

15 (8) The Department of State administers re-
16 wards programs on international terrorism, illegal
17 narcotics, and transnational organized crime with
18 the goal of bringing perpetrators to justice.

19 (9) None of these existing rewards programs
20 specifically provide monetary incentives for identi-
21 fying and recovering stolen assets linked solely to
22 foreign government corruption, as opposed to crimi-
23 nal prosecutions or civil or criminal forfeitures.

24 (10) The recovery of stolen assets linked to for-
25 eign government corruption and the proceeds of such

1 corruption may not always involve a BSA violation
2 or lead to a forfeiture action. In such cases there
3 would be no ability to pay rewards under existing
4 Treasury Department authorities.

5 (11) Foreign government corruption can take
6 many forms but typically entails government officials
7 stealing, misappropriating, or illegally diverting as-
8 sets and funds from their own government treasuries
9 to enrich their personal wealth directly through em-
10 bezzlement or bribes to allow government resources
11 to be expended in ways that are not transparent and
12 may not either be necessary or be the result of open
13 competition. Corruption also includes situations
14 where public officials take bribes to allow govern-
15 ment resources to be expended in ways which are
16 not transparent and may not be necessary or the re-
17 sult of open competition. These corrupt officials
18 often use the United States and international finan-
19 cial system to hide their stolen assets and the pro-
20 ceeds of corruption.

21 (12) The individuals who come forward to ex-
22 pose foreign governmental corruption and
23 kleptocracy often do so at great risk to their own
24 safety and that of their immediate family members
25 and face retaliation from persons who exercise for-

1 eign political or governmental power. Monetary re-
2 wards can provide a necessary incentive to expose
3 such corruption and provide a financial means to
4 provide for their well-being and avoid retribution.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that a Department of the Treasury stolen asset re-
7 covery rewards program to help identify and recover stolen
8 assets linked to foreign government corruption and the
9 proceeds of such corruption hidden behind complex finan-
10 cial structures is needed in order to—

11 (1) intensify the global fight against corruption;
12 and

13 (2) serve United States efforts to identify and
14 recover such stolen assets, forfeit proceeds of such
15 corruption, and, where appropriate and feasible, re-
16 turn the stolen assets or proceeds thereof to the
17 country harmed by the acts of corruption.

18 **SEC. 16003. IN GENERAL.**

19 (a) DEPARTMENT OF THE TREASURY KLEPTOCRACY
20 ASSET RECOVERY REWARDS PROGRAM.—Chapter 97 of
21 title 31, United States Code, is amended by adding at the
22 end the following:

23 **“§ 9706. Department of the Treasury Kleptocracy**
24 **Asset Recovery Rewards Program**

25 “(a) ESTABLISHMENT.—

1 “(1) IN GENERAL.—There is established in the
2 Department of the Treasury a program to be known
3 as the ‘Kleptocracy Asset Recovery Rewards Pro-
4 gram’ for the payment of rewards to carry out the
5 purposes of this section.

6 “(2) PURPOSE.—The rewards program shall be
7 designed to support U.S. Government programs and
8 investigations aimed at restraining, seizing, for-
9 feiting, or repatriating stolen assets linked to foreign
10 government corruption and the proceeds of such cor-
11 ruption.

12 “(3) IMPLEMENTATION.—The rewards program
13 shall be administered by, and at the sole discretion
14 of, the Secretary of the Treasury, in consultation, as
15 appropriate, with the Secretary of State, the Attor-
16 ney General, and the heads of such other depart-
17 ments and agencies as the Secretary may find ap-
18 propriate.

19 “(b) REWARDS AUTHORIZED.—In the sole discretion
20 of the Secretary and in consultation, as appropriate, with
21 the heads of other relevant Federal departments or agen-
22 cies, the Secretary may pay a reward to any individual,
23 or to any nonprofit humanitarian organization designated
24 by such individual, if that individual furnishes information
25 leading to—

1 “(1) the restraining or seizure of stolen assets
2 in an account at a U.S. financial institution (includ-
3 ing a U.S. branch of a foreign financial institution),
4 that come within the United States, or that come
5 within the possession or control of any United States
6 person;

7 “(2) the forfeiture of stolen assets in an ac-
8 count at a U.S. financial institution (including a
9 U.S. branch of a foreign financial institution), that
10 come within the United States, or that come within
11 the possession or control of any United States per-
12 son; or

13 “(3) where appropriate, the repatriation of sto-
14 len assets in an account at a U.S. financial institu-
15 tion (including a U.S. branch of a foreign financial
16 institution), that come within the United States, or
17 that come within the possession or control of any
18 United States person.

19 “(c) COORDINATION.—

20 “(1) PROCEDURES.—To ensure that the pay-
21 ment of rewards pursuant to this section does not
22 duplicate or interfere with any other payment au-
23 thorized by the Department of Justice or other Fed-
24 eral law enforcement agencies for the obtaining of
25 information or other evidence, the Secretary of the

1 Treasury, in consultation with the Secretary of
2 State, the Attorney General, and the heads of such
3 other agencies as the Secretary may find appro-
4 priate, shall establish procedures for the offering,
5 administration, and payment of rewards under this
6 section, including procedures for—

7 “(A) identifying actions with respect to
8 which rewards will be offered;

9 “(B) the receipt and analysis of data; and

10 “(C) the payment of rewards and approval
11 of such payments.

12 “(2) PRIOR APPROVAL OF THE ATTORNEY GEN-
13 ERAL REQUIRED.—Before making a reward under
14 this section in a matter over which there is Federal
15 criminal jurisdiction, the Secretary of the Treasury
16 shall obtain the written concurrence of the Attorney
17 General.

18 “(d) PAYMENT OF REWARDS.—

19 “(1) AUTHORIZATION OF APPROPRIATIONS.—
20 For the purpose of paying rewards pursuant to this
21 section, there is authorized to be appropriated—

22 “(A) \$450,000 for fiscal year 2020; and

23 “(B) for each fiscal year, any amount re-
24 covered in stolen assets described under sub-
25 section (b) that the Secretary determines is nec-

1 essary to carry out this program consistent with
2 this section.

3 “(2) LIMITATION ON ANNUAL PAYMENTS.—Ex-
4 cept as provided under paragraph (3), the total
5 amount of rewards paid pursuant to this section
6 may not exceed \$25 million in any calendar year.

7 “(3) PRESIDENTIAL AUTHORITY.—The Presi-
8 dent may waive the limitation under paragraph (2)
9 with respect to a calendar year if the President pro-
10 vides written notice of such waiver to the appro-
11 priate committees of the Congress at least 30 days
12 before any payment in excess of such limitation is
13 made pursuant to this section.

14 “(4) PAYMENTS TO BE MADE FIRST FROM STO-
15 LEN ASSET AMOUNTS.—In paying any reward under
16 this section, the Secretary shall, to the extent pos-
17 sible, make such reward payment—

18 “(A) first, from appropriated funds au-
19 thorized under paragraph (1)(B); and

20 “(B) second, from appropriated funds au-
21 thorized under paragraph (1)(A).

22 “(e) LIMITATIONS.—

23 “(1) SUBMISSION OF INFORMATION.—No award
24 may be made under this section based on informa-

1 tion submitted to the Secretary unless such informa-
2 tion is submitted under penalty of perjury.

3 “(2) MAXIMUM AMOUNT.—No reward paid
4 under this section may exceed \$5 million, unless the
5 Secretary—

6 “(A) personally authorizes such greater
7 amount in writing;

8 “(B) determines that offer or payment of
9 a reward of a greater amount is necessary due
10 to the exceptional nature of the case; and

11 “(C) notifies the appropriate committees of
12 the Congress of such determination.

13 “(3) APPROVAL.—

14 “(A) IN GENERAL.—No reward amount
15 may be paid under this section without the
16 written approval of the Secretary.

17 “(B) DELEGATION.—The Secretary may
18 not delegate the approval required under sub-
19 paragraph (A) to anyone other than an Under
20 Secretary of the Department of the Treasury.

21 “(4) PROTECTION MEASURES.—If the Secretary
22 determines that the identity of the recipient of a re-
23 ward or of the members of the recipient’s immediate
24 family must be protected, the Secretary shall take
25 such measures in connection with the payment of

1 the reward as the Secretary considers necessary to
2 effect such protection.

3 “(5) FORMS OF REWARD PAYMENT.—The Sec-
4 retary may make a reward under this section in the
5 form of a monetary payment.

6 “(f) INELIGIBILITY, REDUCTION IN, OR DENIAL OF
7 REWARD.—

8 “(1) OFFICER AND EMPLOYEES.—An officer or
9 employee of any entity of Federal, State, or local
10 government or of a foreign government who, while in
11 the performance of official duties, furnishes informa-
12 tion described under subsection (b) shall not be eligi-
13 ble for a reward under this section.

14 “(2) PARTICIPATING INDIVIDUALS.—If the
15 claim for a reward is brought by an individual who
16 the Secretary has a reasonable basis to believe know-
17 ingly planned, initiated, directly participated in, or
18 facilitated the actions that led to assets of a foreign
19 state or governmental entity being stolen, misappro-
20 priated, or illegally diverted or to the payment of
21 bribes or other foreign governmental corruption, the
22 Secretary shall appropriately reduce, and may deny,
23 such award. If such individual is convicted of crimi-
24 nal conduct arising from the role described in the

1 preceding sentence, the Secretary shall deny or may
2 seek to recover any reward, as the case may be.

3 “(g) REPORT.—

4 “(1) IN GENERAL.—Within 180 days of the en-
5 actment of this section, and annually thereafter for
6 5 years, the Secretary shall issue a report to the ap-
7 propriate committees of the Congress—

8 “(A) detailing to the greatest extent pos-
9 sible the amount, location, and ownership or
10 beneficial ownership of any stolen assets that,
11 on or after the date of the enactment of this
12 section, come within the United States or that
13 come within the possession or control of any
14 United States person;

15 “(B) discussing efforts being undertaken
16 to identify more such stolen assets and their
17 owners or beneficial owners; and

18 “(C) including a discussion of the inter-
19 actions of the Department of the Treasury with
20 the international financial institutions (as de-
21 fined in section 1701(c)(2) of the International
22 Financial Institutions Act) to identify the
23 amount, location, and ownership, or beneficial
24 ownership, of stolen assets held in financial in-
25 stitutions outside the United States.

1 “(2) EXCEPTION FOR ONGOING INVESTIGA-
2 TIONS.—The report issued under paragraph (1)
3 shall not include information related to ongoing in-
4 vestigations.

5 “(h) DEFINITIONS.—For purposes of this section:

6 “(1) APPROPRIATE COMMITTEES OF THE CON-
7 GRESS.—The term ‘appropriate committees of the
8 Congress’ means the Committee on Financial Serv-
9 ices of the House of Representatives and the Com-
10 mittee on Banking, Housing, and Urban Affairs of
11 the Senate.

12 “(2) FINANCIAL ASSET.—The term ‘financial
13 asset’ means any funds, investments, or ownership
14 interests, as defined by the Secretary, that on or
15 after the date of the enactment of this section come
16 within the United States or that come within the
17 possession or control of any United States person.

18 “(3) FOREIGN GOVERNMENT CORRUPTION.—
19 The term ‘foreign government corruption’ includes
20 bribery of a foreign public official, or the misappro-
21 priation, theft, or embezzlement of public funds or
22 property by or for the benefit of a foreign public of-
23 ficial.

24 “(4) FOREIGN PUBLIC OFFICIAL.—The term
25 ‘foreign public official’ includes any person who oc-

1 cupies a public office by virtue of having been elect-
2 ed, appointed, or employed, including any military,
3 civilian, special, honorary, temporary, or uncompen-
4 sated official.

5 “(5) IMMEDIATE FAMILY MEMBER.—The term
6 ‘immediate family member’, with respect to an indi-
7 vidual, has the meaning given the term ‘member of
8 the immediate family’ under section 36(k) of the
9 State Department Basic Authorities Act of 1956 (22
10 U.S.C. 2708(k)).

11 “(6) REWARDS PROGRAM.—The term ‘rewards
12 program’ means the program established in sub-
13 section (a)(1) of this section.

14 “(7) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of the Treasury.

16 “(8) STOLEN ASSETS.—The term ‘stolen assets’
17 means financial assets within the jurisdiction of the
18 United States, constituting, derived from, or trace-
19 able to, any proceeds obtained directly or indirectly
20 from foreign government corruption.”.

21 (b) REPORT ON DISPOSITION OF RECOVERED AS-
22 SETS.—Within 360 days of the enactment of this Act, the
23 Secretary of the Treasury shall issue a report to the ap-
24 propriate committees of Congress (as defined under sec-
25 tion 9706(h) of title 31, United States Code) describing

1 policy choices and recommendations for disposition of sto-
 2 len assets recovered pursuant to section 9706 of title 31,
 3 United States Code.

4 (c) TABLE OF CONTENTS AMENDMENT.—The table
 5 of contents for chapter 97 of title 31, United States Code,
 6 is amended by adding at the end the following:

“9706. Department of the Treasury Kleptocracy Asset Recovery Rewards Pro-
 gram.”.

7 **DIVISION L—STOPPING TRAF-**
 8 **FICKING, ILLICIT FLOWS,**
 9 **LAUNDERING, AND EXPLOI-**
 10 **TATION**

11 **SEC. 17001. SHORT TITLE.**

12 This division may be cited as the “Stopping Traf-
 13 ficking, Illicit Flows, Laundering, and Exploitation Act of
 14 2020” or the “STIFLE Act of 2020”.

15 **SEC. 17002. FINDINGS.**

16 The Congress finds the following:

17 (1) Trafficking is a national-security threat and
 18 an economic drain of our resources.

19 (2) As the U.S. Department of the Treasury’s
 20 recently released “2020 National Strategy for Com-
 21 bating Terrorist and Other Illicit Financing” con-
 22 cludes, “While money laundering, terrorism financ-
 23 ing, and WMD proliferation financing differ quali-
 24 tatively and quantitatively, the illicit actors engaging

1 in these activities can exploit the same vulnerabilities
2 and financial channels.”.

3 (3) Among those are bad actors engaged in
4 trafficking, whether they trade in drugs, arms, cul-
5 tural property, wildlife, natural resources, counter-
6 feit goods, organs, or, even, other humans.

7 (4) Their illegal (or “dark”) markets use simi-
8 lar and sometimes related or overlapping methods
9 and means to acquire, move, and profit from their
10 crimes.

11 (5) In a March 2017, report from Global Fi-
12 nancial Integrity, “Transnational Crime and the De-
13 veloping World”, the global business of transnational
14 crime was valued at \$1.6 trillion to \$2.2 trillion an-
15 nually, resulting in crime, violence, terrorism, insta-
16 bility, corruption, and lost tax revenues worldwide.

17 **SEC. 17003. GAO STUDY.**

18 (a) STUDY.—The Comptroller General of the United
19 States shall carry out a study on—

20 (1) the major trafficking routes used by
21 transnational criminal organizations, terrorists, and
22 others, and to what extent the trafficking routes for
23 people (including children), drugs, weapons, cash,
24 child sexual exploitation materials, or other illicit
25 goods are similar, related, or cooperative;

1 (2) commonly used methods to launder and
2 move the proceeds of trafficking;

3 (3) the types of suspicious financial activity
4 that are associated with illicit trafficking networks,
5 and how financial institutions identify and report
6 such activity;

7 (4) the nexus between the identities and fi-
8 nances of trafficked persons and fraud;

9 (5) the tools, guidance, training, partnerships,
10 supervision, or other mechanisms that Federal agen-
11 cies, including the Department of the Treasury's Fi-
12 nancial Crimes Enforcement Network, the Federal
13 financial regulators, and law enforcement, provide to
14 help financial institutions identify techniques and
15 patterns of transactions that may involve the pro-
16 ceeds of trafficking;

17 (6) what steps financial institutions are taking
18 to detect and prevent bad actors who are laundering
19 the proceeds of illicit trafficking, including data
20 analysis, policies, training procedures, rules, and
21 guidance;

22 (7) what role gatekeepers, such as lawyers, no-
23 taries, accountants, investment advisors, logistics
24 agents, and trust and company service providers,

1 play in facilitating trafficking networks and the
2 laundering of illicit proceeds; and

3 (8) the role that emerging technologies, includ-
4 ing artificial intelligence, digital identity tech-
5 nologies, blockchain technologies, virtual assets, and
6 related exchanges and online marketplaces, and
7 other innovative technologies, can play in both as-
8 sisting with and potentially enabling the laundering
9 of proceeds from trafficking.

10 (b) CONSULTATION.—In carrying out the study re-
11 quired under subsection (a), the Comptroller General shall
12 solicit feedback and perspectives to the extent practicable
13 from survivor and victim advocacy organizations, law en-
14 forcement, research organizations, private-sector organiza-
15 tions (including financial institutions and data and tech-
16 nology companies), and any other organization or entity
17 that the Comptroller General determines appropriate.

18 (c) REPORT.—The Comptroller General shall issue
19 one or more reports to the Congress containing the results
20 of the study required under subsection (a). The first re-
21 port shall be issued not later than the end of the 15-month
22 period beginning on the date of the enactment of this Act.
23 The reports shall contain—

1 (1) all findings and determinations made in car-
2 rying out the study required under subsection (a);
3 and

4 (2) recommendations for any legislative or regu-
5 latory changes necessary to combat trafficking or
6 the laundering of proceeds from trafficking.

7 **DIVISION M—IMPROVING COR-**
8 **PORATE GOVERNANCE**
9 **THROUGH DIVERSITY**

10 **SEC. 18001. SHORT TITLE.**

11 This division may be cited as the “Improving Cor-
12 porate Governance Through Diversity Act of 2020”.

13 **SEC. 18002. SUBMISSION OF DATA RELATING TO DIVERSITY**
14 **BY ISSUERS.**

15 Section 13 of the Securities Exchange Act of 1934
16 (15 U.S.C. 78m) is amended by adding at the end the
17 following:

18 “(s) SUBMISSION OF DATA RELATING TO DIVER-
19 SITY.—

20 “(1) DEFINITIONS.—In this subsection—

21 “(A) the term ‘executive officer’ has the
22 meaning given the term in section 230.501(f) of
23 title 17, Code of Federal Regulations, as in ef-
24 fect on the date of enactment of this subsection;
25 and

1 “(B) the term ‘veteran’ has the meaning
2 given the term in section 101 of title 38, United
3 States Code.

4 “(2) SUBMISSION OF DISCLOSURE.—Each
5 issuer required to file an annual report under sub-
6 section (a) shall disclose in any proxy statement and
7 any information statement relating to the election of
8 directors filed with the Commission the following:

9 “(A) Data, based on voluntary self-identi-
10 fication, on the racial, ethnic, and gender com-
11 position of—

12 “(i) the board of directors of the
13 issuer;

14 “(ii) nominees for the board of direc-
15 tors of the issuer; and

16 “(iii) the executive officers of the
17 issuer.

18 “(B) The status of any member of the
19 board of directors of the issuer, any nominee
20 for the board of directors of the issuer, or any
21 executive officer of the issuer, based on vol-
22 untary self-identification, as a veteran.

23 “(C) Whether the board of directors of the
24 issuer, or any committee of that board of direc-
25 tors, has, as of the date on which the issuer

1 makes a disclosure under this paragraph,
2 adopted any policy, plan, or strategy to promote
3 racial, ethnic, and gender diversity among—

4 “(i) the board of directors of the
5 issuer;

6 “(ii) nominees for the board of direc-
7 tors of the issuer; or

8 “(iii) the executive officers of the
9 issuer.

10 “(3) ALTERNATIVE SUBMISSION.—In any 1-
11 year period in which an issuer required to file an an-
12 nual report under subsection (a) does not file with
13 the Commission a proxy statement relating to the
14 election of directors or an information statement, the
15 issuer shall disclose the information required under
16 paragraph (2) in the first annual report of issuer
17 that the issuer submits to the Commission after the
18 end of that 1-year period.

19 “(4) ANNUAL REPORT.—Not later than 18
20 months after the date of the enactment of this sub-
21 section, and annually thereafter, the Commission
22 shall submit to the Committee on Financial Services
23 of the House of Representatives and to the Com-
24 mittee on Banking, Housing, and Urban Affairs of
25 the Senate and publish on the website of the Com-

mission a report that analyzes the information disclosed pursuant to paragraphs (1), (2), and (3) and identifies any trends in such information.

“(5) BEST PRACTICES.—

“(A) IN GENERAL.—The Director of the Office of Minority and Women Inclusion of the Commission shall, not later than the end of the 3-year period beginning on the date of the enactment of this subsection and every 3 years thereafter, publish best practices for compliance with this subsection.

“(B) COMMENTS.—The Director of the Office of Minority and Women Inclusion of the Commission may, pursuant to subchapter II of chapter 5 of title 5, United States Code, solicit public comments related to the best practices published under subparagraph (A).”.

SEC. 18003. DIVERSITY ADVISORY GROUP.

(a) ESTABLISHMENT.—The Securities and Exchange Commission shall establish a Diversity Advisory Group (the “Advisory Group”), which shall be composed of representatives from the government, academia, and the private sector.

(b) STUDY AND RECOMMENDATIONS.—The Advisory Group shall—

1 (1) carry out a study that identifies strategies
2 that can be used to increase gender, racial, and eth-
3 nic diversity among members of boards of directors
4 of issuers; and

5 (2) not later than 9 months after the establish-
6 ment of the Advisory Group, submit a report to the
7 Commission, the Committee on Financial Services of
8 the House of Representatives, and the Committee on
9 Banking, Housing, and Urban Affairs of the Senate
10 that—

11 (A) describes any findings from the study
12 conducted pursuant to paragraph (1); and

13 (B) makes recommendations of strategies
14 that issuers could use to increase gender, racial,
15 and ethnic diversity among board members.

16 (c) ANNUAL REPORT.—Not later than 1 year fol-
17 lowing the submission of a report pursuant to subsection
18 (b), and annually thereafter, the Commission shall submit
19 a report to the Committee on Financial Services of the
20 House of Representatives and the Committee on Banking,
21 Housing, and Urban Affairs of the Senate that describes
22 the status of gender, racial, and ethnic diversity among
23 members of the board of directors of issuers.

24 (d) PUBLIC AVAILABILITY OF REPORTS.—The Com-
25 mission shall make all reports of the Advisory Group avail-

1 able to issuers and the public, including on the website
2 of the Commission.

3 (e) DEFINITIONS.—For the purposes of this section:

4 (1) ISSUER.—The term “issuer” has the mean-
5 ing given the term in section 3 of the Securities Ex-
6 change Act of 1934.

7 (2) COMMISSION.—The term “Commission”
8 means the Securities and Exchange Commission.

9 **DIVISION N—BANKING TRANS-**
10 **PARENCY FOR SANCTIONED**
11 **PERSONS ACT OF 2019**

12 **SEC. 19001. SHORT TITLE.**

13 This division may be cited as the “Banking Trans-
14 parency for Sanctioned Persons Act of 2019”.

15 **SEC. 19002. REPORT ON FINANCIAL SERVICES BENEFIT-**
16 **TING STATE SPONSORS OF TERRORISM,**
17 **HUMAN RIGHTS ABUSERS, AND CORRUPT OF-**
18 **FICIALS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, and every 180 days
21 thereafter, the Secretary of the Treasury shall issue a re-
22 port to the Committees on Financial Services and Foreign
23 Affairs of the House of Representatives and the Commit-
24 tees on Banking, Housing, and Urban Affairs and Foreign
25 Relations of the Senate that includes—

1 (1) a copy of any license issued by the Sec-
2 retary in the preceding 180 days that authorizes a
3 financial institution to provide financial services ben-
4 efitting a state sponsor of terrorism; and

5 (2) a list of any foreign financial institutions
6 that, in the preceding 180 days, knowingly con-
7 ducted a significant transaction or transactions, di-
8 rectly or indirectly, for a sanctioned person included
9 on the Department of the Treasury's Specially Des-
10 ignated Nationals And Blocked Persons List who—

11 (A) is owned or controlled by, or acts on
12 behalf of, the government of a state sponsor of
13 terrorism; or

14 (B) is designated pursuant to any of the
15 following:

16 (i) Section 404 of the Russia and
17 Moldova Jackson-Vanik Repeal and Sergei
18 Magnitsky Rule of Law Accountability Act
19 of 2012 (Public Law 112–208).

20 (ii) Subtitle F of title XII of the Na-
21 tional Defense Authorization Act for Fiscal
22 Year 2017 (Public Law 114–328, the
23 Global Magnitsky Human Rights Account-
24 ability Act).

25 (iii) Executive Order No. 13818.

1 (b) FORM OF REPORT.—The report required under
2 subsection (a) shall be submitted in unclassified form but
3 may contain a classified annex.

4 **SEC. 19003. WAIVER.**

5 The Secretary of the Treasury may waive the require-
6 ments of section 19002 with respect to a foreign financial
7 institution described in paragraph (2) of such section—

8 (1) upon receiving credible assurances that the
9 foreign financial institution has ceased, or will immi-
10 nently cease, to knowingly conduct any significant
11 transaction or transactions, directly or indirectly, for
12 a person described in subparagraph (A) or (B) of
13 such paragraph (2); or

14 (2) upon certifying to the Committees on Fi-
15 nancial Services and Foreign Affairs of the House of
16 Representatives and the Committees on Banking,
17 Housing, and Urban Affairs and Foreign Relations
18 of the Senate that the waiver is important to the na-
19 tional interest of the United States, with an expla-
20 nation of the reasons therefor.

21 **SEC. 19004. DEFINITIONS.**

22 For purposes of this division:

23 (1) FINANCIAL INSTITUTION.—The term “fi-
24 nancial institution” means a United States financial
25 institution or a foreign financial institution.

1 (2) FOREIGN FINANCIAL INSTITUTION.—The
2 term “foreign financial institution” has the meaning
3 given that term under section 561.308 of title 31,
4 Code of Federal Regulations.

5 (3) KNOWINGLY.—The term “knowingly” with
6 respect to conduct, a circumstance, or a result,
7 means that a person has actual knowledge, or should
8 have known, of the conduct, the circumstance, or the
9 result.

10 (4) UNITED STATES FINANCIAL INSTITUTION.—
11 The term “United States financial institution” has
12 the meaning given the term “U.S. financial institu-
13 tion” under section 561.309 of title 31, Code of
14 Federal Regulations.

15 **SEC. 19005. SUNSET.**

16 The reporting requirement under this division shall
17 terminate on the date that is the end of the 7-year period
18 beginning on the date of the enactment of this Act.

19 **DIVISION O—PUBLIC LANDS**

20 **SEC. 20001. SHORT TITLE.**

21 This division may be cited as the “Protecting Amer-
22 ica’s Wilderness Act”.

TITLE I—COLORADO WILDERNESS

3 SEC. 20101. SHORT TITLE; DEFINITION.

4 (a) SHORT TITLE.—This title may be cited as the
5 “Colorado Wilderness Act of 2020”.

6 (b) SECRETARY DEFINED.—As used in this title, the
7 term “Secretary” means the Secretary of the Interior or
8 the Secretary of Agriculture, as appropriate.

9 SEC. 20102. ADDITIONS TO NATIONAL WILDERNESS PRES- 10 ERVATION SYSTEM IN THE STATE OF COLO- 11 RADO.

12 (a) ADDITIONS.—Section 2(a) of the Colorado Wil-
13 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;
14 16 U.S.C. 1132 note) is amended by adding at the end
15 the following paragraphs:

16 “(23) Certain lands managed by the Colorado
17 River Valley Field Office of the Bureau of Land
18 Management, which comprise approximately 316
19 acres, as generally depicted on a map titled ‘Maroon
20 Bells Addition Proposed Wilderness’, dated July 20,
21 2018, which is hereby incorporated in and shall be
22 deemed to be a part of the Maroon Bells-Snowmass
23 Wilderness Area designated by Public Law 88–577.

24 “(24) Certain lands managed by the Gunnison
25 Field Office of the Bureau of Land Management,

1 which comprise approximately 38,217 acres, as gen-
2 erally depicted on a map titled ‘Redcloud & Handies
3 Peak Proposed Wilderness’, dated October 9, 2019,
4 which shall be known as the Redcloud Peak Wilder-
5 ness.

6 “(25) Certain lands managed by the Gunnison
7 Field Office of the Bureau of Land Management or
8 located in the Grand Mesa, Uncompahgre, and Gun-
9 nison National Forests, which comprise approxi-
10 mately 26,734 acres, as generally depicted on a map
11 titled ‘Redcloud & Handies Peak Proposed Wilder-
12 ness’, dated October 9, 2019, which shall be known
13 as the Handies Peak Wilderness.

14 “(26) Certain lands managed by the Royal
15 Gorge Field Office of the Bureau of Land Manage-
16 ment, which comprise approximately 16,481 acres,
17 as generally depicted on a map titled ‘Table Moun-
18 tain & McIntyre Hills Proposed Wilderness’, dated
19 November 7, 2019, which shall be known as the
20 McIntyre Hills Wilderness.

21 “(27) Certain lands managed by the Colorado
22 River Valley Field Office of the Bureau of Land
23 Management, which comprise approximately 10,282
24 acres, as generally depicted on a map titled ‘Grand
25 Hogback Proposed Wilderness’, dated October 16,

1 2019, which shall be known as the Grand Hogback
2 Wilderness.

3 “(28) Certain lands managed by the Grand
4 Junction Field Office of the Bureau of Land Man-
5 agement, which comprise approximately 25,624
6 acres, as generally depicted on a map titled
7 ‘Demaree Canyon Proposed Wilderness’, dated Octo-
8 ber 9, 2019, which shall be known as the Demaree
9 Canyon Wilderness.

10 “(29) Certain lands managed by the Grand
11 Junction Field Office of the Bureau of Land Man-
12 agement, which comprise approximately 28,279
13 acres, as generally depicted on a map titled ‘Little
14 Books Cliff Proposed Wilderness’, dated October 9,
15 2019, which shall be known as the Little Bookcliffs
16 Wilderness.

17 “(30) Certain lands managed by the Colorado
18 River Valley Field Office of the Bureau of Land
19 Management, which comprise approximately 14,886
20 acres, as generally depicted on a map titled ‘Bull
21 Gulch & Castle Peak Proposed Wilderness’, dated
22 January 29, 2020, which shall be known as the Bull
23 Gulch Wilderness.

24 “(31) Certain lands managed by the Colorado
25 River Valley Field Office of the Bureau of Land

1 Management, which comprise approximately 12,016
2 acres, as generally depicted on a map titled ‘Bull
3 Gulch & Castle Peak Proposed Wilderness Areas’,
4 dated January 29, 2020, which shall be known as
5 the Castle Peak Wilderness.”.

6 (b) FURTHER ADDITIONS.—The following lands in
7 the State of Colorado administered by the Bureau of Land
8 Management or the United States Forest Service are here-
9 by designated as wilderness and, therefore, as components
10 of the National Wilderness Preservation System:

11 (1) Certain lands managed by the Colorado
12 River Valley Field Office of the Bureau of Land
13 Management or located in the White River National
14 Forest, which comprise approximately 19,240 acres,
15 as generally depicted on a map titled “Assignment
16 Ridge Proposed Wilderness”, dated November 12,
17 2019, which shall be known as the Assignment
18 Ridge Wilderness.

19 (2) Certain lands managed by the Royal Gorge
20 Field Office of the Bureau of Land Management or
21 located in the Pike and San Isabel National Forests,
22 which comprise approximately 23,116 acres, as gen-
23 erally depicted on a map titled “Badger Creek Pro-
24 posed Wilderness”, dated November 7, 2019, which
25 shall be known as the Badger Creek Wilderness.

1 (3) Certain lands managed by the Royal Gorge
2 Field Office of the Bureau of Land Management or
3 located in the Pike and San Isabel National Forests,
4 which comprise approximately 35,251 acres, as gen-
5 erally depicted on a map titled “Beaver Creek Pro-
6 posed Wilderness”, dated November 7, 2019, which
7 shall be known as the Beaver Creek Wilderness.

8 (4) Certain lands managed by the Royal Gorge
9 Field Office of the Bureau of Land Management or
10 the Bureau of Reclamation or located in the Pike
11 and San Isabel National Forests, which comprise ap-
12 proximately 32,884 acres, as generally depicted on a
13 map titled “Grape Creek Proposed Wilderness”,
14 dated November 7, 2019, which shall be known as
15 the Grape Creek Wilderness.

16 (5) Certain lands managed by the Grand Junc-
17 tion Field Office of the Bureau of Land Manage-
18 ment, which comprise approximately 13,351 acres,
19 as generally depicted on a map titled “North &
20 South Bangs Canyon Proposed Wilderness”, dated
21 October 9, 2019, which shall be known as the North
22 Bangs Canyon Wilderness.

23 (6) Certain lands managed by the Grand Junc-
24 tion Field Office of the Bureau of Land Manage-
25 ment, which comprise approximately 5,144 acres, as

1 generally depicted on a map titled “North & South
2 Bangs Canyon Proposed Wilderness”, dated October
3 9, 2019, which shall be known as the South Bangs
4 Canyon Wilderness.

5 (7) Certain lands managed by the Grand Junc-
6 tion Field Office of the Bureau of Land Manage-
7 ment, which comprise approximately 26,624 acres,
8 as generally depicted on a map titled “Unaweepe &
9 Palisade Proposed Wilderness”, dated October 9,
10 2019, which shall be known as The Palisade Wilder-
11 ness.

12 (8) Certain lands managed by the Grand Junc-
13 tion Field Office of the Bureau of Land Manage-
14 ment or located in the Grand Mesa, Uncompaghre,
15 and Gunnison National Forests, which comprise ap-
16 proximately 19,776 acres, as generally depicted on a
17 map titled “Unaweepe & Palisade Proposed Wilder-
18 ness”, dated October 9, 2019, which shall be known
19 as the Unaweepe Wilderness.

20 (9) Certain lands managed by the Grand Junc-
21 tion Field Office of the Bureau of Land Manage-
22 ment and Uncompaghre Field Office of the Bureau
23 of Land Management and in the Manti-LaSal Na-
24 tional Forest, which comprise approximately 37,637
25 acres, as generally depicted on a map titled

1 “Sewemup Mesa Proposed Wilderness”, dated No-
2 vember 7, 2019, which shall be known as the
3 Sewemup Mesa Wilderness.

4 (10) Certain lands managed by the Kremmling
5 Field Office of the Bureau of Land Management,
6 which comprise approximately 31 acres, as generally
7 depicted on a map titled “Platte River Addition Pro-
8 posed Wilderness”, dated July 20, 2018, and which
9 are hereby incorporated in and shall be deemed to
10 be part of the Platte River Wilderness designated by
11 Public Law 98–550.

12 (11) Certain lands managed by the
13 Uncompahgre Field Office of the Bureau of Land
14 Management, which comprise approximately 17,587
15 acres, as generally depicted on a map titled
16 “Roubideau Proposed Wilderness”, dated October 9,
17 2019, which shall be known as the Roubideau Wil-
18 derness.

19 (12) Certain lands managed by the
20 Uncompahgre Field Office of the Bureau of Land
21 Management or located in the Grand Mesa,
22 Uncompaghre, and Gunnison National Forests,
23 which comprise approximately 12,102 acres, as gen-
24 erally depicted on a map titled “Norwood Canyon
25 Proposed Wilderness”, dated November 7, 2019,

1 which shall be known as the Norwood Canyon Wil-
2 derness.

3 (13) Certain lands managed by the Tres Rios
4 Field Office of the Bureau of Land Management,
5 which comprise approximately 24,475 acres, as gen-
6 erally depicted on a map titled “Papoose & Cross
7 Canyon Proposed Wilderness”, and dated January
8 29, 2020, which shall be known as the Cross Canyon
9 Wilderness.

10 (14) Certain lands managed by the Tres Rios
11 Field Office of the Bureau of Land Management,
12 which comprise approximately 21,220 acres, as gen-
13 erally depicted on a map titled “McKenna Peak Pro-
14 posed Wilderness”, dated October 16, 2019, which
15 shall be known as the McKenna Peak Wilderness.

16 (15) Certain lands managed by the Tres Rios
17 Field Office of the Bureau of Land Management,
18 which comprise approximately 14,270 acres, as gen-
19 erally depicted on a map titled “Weber-Menefee
20 Mountain Proposed Wilderness”, dated October 9,
21 2019, which shall be known as the Weber-Menefee
22 Mountain Wilderness.

23 (16) Certain lands managed by the
24 Uncompahgre and Tres Rios Field Offices of the
25 Bureau of Land Management or the Bureau of Rec-

1 lamation, which comprise approximately 33,351
2 acres, as generally depicted on a map titled “Dolores
3 River Canyon Proposed Wilderness”, dated Novem-
4 ber 7, 2019, which shall be known as the Dolores
5 River Canyon Wilderness.

6 (17) Certain lands managed by the Royal Gorge
7 Field Office of the Bureau of Land Management or
8 located in the Pike and San Isabel National Forests,
9 which comprise approximately 17,922 acres, as gen-
10 erally depicted on a map titled “Browns Canyon
11 Proposed Wilderness”, dated October 9, 2019, which
12 shall be known as the Browns Canyon Wilderness.

13 (18) Certain lands managed by the San Luis
14 Field Office of the Bureau of Land Management,
15 which comprise approximately 10,527 acres, as gen-
16 erally depicted on a map titled “San Luis Hills Pro-
17 posed Wilderness”, dated October 9, 2019 which
18 shall be known as the San Luis Hills Wilderness.

19 (19) Certain lands managed by the Royal Gorge
20 Field Office of the Bureau of Land Management,
21 which comprise approximately 23,559 acres, as gen-
22 erally depicted on a map titled “Table Mountain &
23 McIntyre Hills Proposed Wilderness”, dated Novem-
24 ber 7, 2019, which shall be known as the Table
25 Mountain Wilderness.

1 (20) Certain lands managed by the Tres Rios
2 Field Office of the Bureau of Land Management or
3 located in the San Juan National Forest, which
4 comprise approximately 10,844 acres, as generally
5 depicted on a map titled “North & South Ponderosa
6 Gorge Proposed Wilderness”, and dated January 31,
7 2020, which shall be known as the North Ponderosa
8 Gorge Wilderness.

9 (21) Certain lands managed by the Tres Rios
10 Field Office of the Bureau of Land Management or
11 located in the San Juan National Forest, which
12 comprise approximately 12,393 acres, as generally
13 depicted on a map titled “North & South Ponderosa
14 Gorge Proposed Wilderness”, and dated January 31,
15 2020 which shall be known as the South Ponderosa
16 Gorge Wilderness.

17 (22) Certain lands managed by the Little Snake
18 Field Office of the Bureau of Land Management
19 which comprise approximately 33,168 acres, as gen-
20 erally depicted on a map titled “Diamond Breaks
21 Proposed Wilderness”, and dated January 31, 2020
22 which shall be known as the Diamond Breaks Wil-
23 derness.

24 (23) Certain lands managed by the Tres Rios
25 Field Office of the Bureau of Land Management

1 which comprises approximately 4,782 acres, as gen-
2 erally depicted on the map titled “Papoose & Cross
3 Canyon Proposed Wilderness’ ”, and dated January
4 29, 2020 which shall be known as the Papoose Can-
5 yon Wilderness.

6 (c) WEST ELK ADDITION.—Certain lands in the
7 State of Colorado administered by the Gunnison Field Of-
8 fice of the Bureau of Land Management, the United
9 States National Park Service, and the Bureau of Reclama-
10 tion, which comprise approximately 6,695 acres, as gen-
11 erally depicted on a map titled “West Elk Addition Pro-
12 posed Wilderness”, dated October 9, 2019, are hereby des-
13 ignated as wilderness and, therefore, as components of the
14 National Wilderness Preservation System and are hereby
15 incorporated in and shall be deemed to be a part of the
16 West Elk Wilderness designated by Public Law 88–577.
17 The boundary adjacent to Blue Mesa Reservoir shall be
18 50 feet landward from the water’s edge, and shall change
19 according to the water level.

20 (d) BLUE MESA RESERVOIR.—If the Bureau of Rec-
21 lamation determines that lands within the West Elk Wil-
22 derness Addition are necessary for future expansion of the
23 Blue Mesa Reservoir, the Secretary shall by publication
24 of a revised boundary description in the Federal Register
25 revise the boundary of the West Elk Wilderness Addition.

1 (e) MAPS AND DESCRIPTIONS.—As soon as prac-
2 ticable after the date of enactment of the Act, the Sec-
3 retary shall file a map and a boundary description of each
4 area designated as wilderness by this section with the
5 Committee on Natural Resources of the House of Rep-
6 resentatives and the Committee on Energy and Natural
7 Resources of the Senate. Each map and boundary descrip-
8 tion shall have the same force and effect as if included
9 in this title, except that the Secretary may correct clerical
10 and typographical errors in the map or boundary descrip-
11 tion. The maps and boundary descriptions shall be on file
12 and available for public inspection in the Office of the Di-
13 rector of the Bureau of Land Management, Department
14 of the Interior, and in the Office of the Chief of the Forest
15 Service, Department of Agriculture, as appropriate.

16 (f) STATE AND PRIVATE LANDS.—Lands within the
17 exterior boundaries of any wilderness area designated
18 under this section that are owned by a private entity or
19 by the State of Colorado, including lands administered by
20 the Colorado State Land Board, shall be included within
21 such wilderness area if such lands are acquired by the
22 United States. Such lands may be acquired by the United
23 States only as provided in the Wilderness Act (16 U.S.C.
24 1131 et seq.).

1 **SEC. 20103. ADMINISTRATIVE PROVISIONS.**

2 (a) IN GENERAL.—Subject to valid existing rights,
3 lands designated as wilderness by this title shall be man-
4 aged by the Secretary in accordance with the Wilderness
5 Act (16 U.S.C. 1131 et seq.) and this title, except that,
6 with respect to any wilderness areas designated by this
7 title, any reference in the Wilderness Act to the effective
8 date of the Wilderness Act shall be deemed to be a ref-
9 erence to the date of enactment of this Act.

10 (b) GRAZING.—Grazing of livestock in wilderness
11 areas designated by this title shall be administered in ac-
12 cordance with the provisions of section 4(d)(4) of the Wil-
13 derness Act (16 U.S.C. 1133(d)(4)), as further inter-
14 preted by section 108 of Public Law 96–560, and the
15 guidelines set forth in appendix A of House Report 101–
16 405 of the 101st Congress.

17 (c) STATE JURISDICTION.—As provided in section
18 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
19 nothing in this title shall be construed as affecting the
20 jurisdiction or responsibilities of the State of Colorado
21 with respect to wildlife and fish in Colorado.

22 (d) BUFFER ZONES.—

23 (1) IN GENERAL.—Nothing in this title creates
24 a protective perimeter or buffer zone around any
25 area designated as wilderness by this title.

1 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
2 fact that an activity or use on land outside the areas
3 designated as wilderness by this title can be seen or
4 heard within the wilderness shall not preclude the
5 activity or use outside the boundary of the wilder-
6 ness.

7 (e) MILITARY HELICOPTER OVERFLIGHTS AND OP-
8 ERATIONS.—

9 (1) IN GENERAL.—Nothing in this title restricts
10 or precludes—

11 (A) low-level overflights of military heli-
12 copters over the areas designated as wilderness
13 by this title, including military overflights that
14 can be seen or heard within any wilderness
15 area;

16 (B) military flight testing and evaluation;

17 (C) the designation or creation of new
18 units of special use airspace, or the establish-
19 ment of military flight training routes over any
20 wilderness area; or

21 (D) helicopter operations at designated
22 landing zones within the potential wilderness
23 areas established by subsection (i)(1).

24 (2) AERIAL NAVIGATION TRAINING EXER-
25 CISES.—The Colorado Army National Guard,

1 through the High-Altitude Army National Guard
2 Aviation Training Site, may conduct aerial naviga-
3 tion training maneuver exercises over, and associ-
4 ated operations within, the potential wilderness
5 areas designated by this title—

6 (A) in a manner and degree consistent
7 with the memorandum of understanding dated
8 August 4, 1987, entered into among the Colo-
9 rado Army National Guard, the Bureau of
10 Land Management, and the Forest Service; or

11 (B) in a manner consistent with any subse-
12 quent memorandum of understanding entered
13 into among the Colorado Army National Guard,
14 the Bureau of Land Management, and the For-
15 est Service.

16 (f) RUNNING EVENTS.—The Secretary may continue
17 to authorize competitive running events currently per-
18 mitted in the Redcloud Peak Wilderness Area and
19 Handies Peak Wilderness Area in a manner compatible
20 with the preservation of such areas as wilderness.

21 (g) LAND TRADES.—If the Secretary trades privately
22 owned land within the perimeter of the Redcloud Peak
23 Wilderness Area or the Handies Peak Wilderness Area in
24 exchange for Federal land, then such Federal land shall
25 be located in Hinsdale County, Colorado.

1 (h) RECREATIONAL CLIMBING.—Nothing in this title
2 prohibits recreational rock climbing activities in the wil-
3 derness areas, such as the placement, use, and mainte-
4 nance of fixed anchors, including any fixed anchor estab-
5 lished before the date of the enactment of this Act—

6 (1) in accordance with the Wilderness Act (16
7 U.S.C. 1131 et seq.); and

8 (2) subject to any terms and conditions deter-
9 mined to be necessary by the Secretary.

10 (i) POTENTIAL WILDERNESS DESIGNATIONS.—

11 (1) IN GENERAL.—The following lands are des-
12 ignated as potential wilderness areas:

13 (A) Certain lands managed by the Colo-
14 rado River Valley Field Office of the Bureau of
15 Land Management, which comprise approxi-
16 mately 7,376 acres, as generally depicted on a
17 map titled “Pisgah East & West Proposed Wil-
18 derness” and dated October 16, 2019, which,
19 upon designation as wilderness under para-
20 graph (2), shall be known as the Pisgah East
21 Wilderness.

22 (B) Certain lands managed by the Colo-
23 rado River Valley Field Office of the Bureau of
24 Land Management, which comprise approxi-
25 mately 6,828 acres, as generally depicted on a

1 map titled “Pisgah East & West Proposed Wil-
2 derness” and dated October 16, 2019, which,
3 upon designation as wilderness under para-
4 graph (2), shall be known as the Pisgah West
5 Wilderness.

6 (C) Certain lands managed by the Colo-
7 rado River Valley Field Office of the Bureau of
8 Land Management or located in the White
9 River National Forest, which comprise approxi-
10 mately 16,101 acres, as generally depicted on a
11 map titled “Flat Tops Proposed Wilderness Ad-
12 dition”, dated October 9, 2019, and which,
13 upon designation as wilderness under para-
14 graph (2), shall be incorporated in and shall be
15 deemed to be a part of the Flat Tops Wilder-
16 ness designated by Public Law 94–146.

17 (2) DESIGNATION AS WILDERNESS.—Lands
18 designated as a potential wilderness area by sub-
19 paragraphs (A) through (C) of paragraph (1) shall
20 be designated as wilderness on the date on which the
21 Secretary publishes in the Federal Register a notice
22 that all nonconforming uses of those lands author-
23 ized by subsection (e) in the potential wilderness
24 area that would be in violation of the Wilderness Act
25 (16 U.S.C. 1131 et seq.) have ceased. Such publica-

tion in the Federal Register and designation as wilderness shall occur for the potential wilderness area as the nonconforming uses cease in that potential wilderness area and designation as wilderness is not dependent on cessation of nonconforming uses in the other potential wilderness area.

(3) MANAGEMENT.—Except for activities provided for under subsection (e), lands designated as a potential wilderness area by paragraph (1) shall be managed by the Secretary in accordance with the Wilderness Act as wilderness pending the designation of such lands as wilderness under this subsection.

SEC. 20104. WATER.

(a) EFFECT ON WATER RIGHTS.—Nothing in this title—

(1) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(2) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(3) affects any interstate water compact in existence on the date of enactment of this Act;

1 (4) authorizes or imposes any new reserved
2 Federal water rights; and

3 (5) shall be considered to be a relinquishment
4 or reduction of any water rights reserved or appro-
5 priated by the United States in the State of Colo-
6 rado on or before the date of the enactment of this
7 Act.

8 (b) MIDSTREAM AREAS.—

9 (1) PURPOSE.—The purpose of this subsection
10 is to protect for the benefit and enjoyment of
11 present and future generations—

12 (A) the unique and nationally important
13 values of areas designated as wilderness by sec-
14 tion 20102(b) (including the geological, cul-
15 tural, archaeological, paleontological, natural,
16 scientific, recreational, environmental, biologi-
17 cal, wilderness, wildlife, riparian, historical,
18 educational, and scenic resources of the public
19 land); and

20 (B) the water resources of area streams,
21 based on seasonally available flows, that are
22 necessary to support aquatic, riparian, and ter-
23 restrial species and communities.

24 (2) WILDERNESS WATER RIGHTS.—

1 (A) IN GENERAL.—The Secretary shall en-
2 sure that any water rights within the wilderness
3 designated by section 20102(b) required to ful-
4 fill the purposes of such wilderness are secured
5 in accordance with subparagraphs (B) through
6 (G).

7 (B) STATE LAW.—

8 (i) PROCEDURAL REQUIREMENTS.—
9 Any water rights for which the Secretary
10 pursues adjudication shall be appropriated,
11 adjudicated, changed, and administered in
12 accordance with the procedural require-
13 ments and priority system of State law.

14 (ii) ESTABLISHMENT OF WATER
15 RIGHTS.—

16 (I) IN GENERAL.—Except as pro-
17 vided in subclause (II), the purposes
18 and other substantive characteristics
19 of the water rights pursued under this
20 paragraph shall be established in ac-
21 cordance with State law.

22 (II) EXCEPTION.—Notwith-
23 standing subclause (I) and in accord-
24 ance with this title, the Secretary may
25 appropriate and seek adjudication of

1 water rights to maintain surface water
2 levels and stream flows on and across
3 the wilderness designated by section
4 20102(b) to fulfill the purposes of
5 such wilderness.

6 (C) DEADLINE.—The Secretary shall
7 promptly, but not earlier than January 1, 2021,
8 appropriate the water rights required to fulfill
9 the purposes of the wilderness designated by
10 section 20102(b).

11 (D) REQUIRED DETERMINATION.—The
12 Secretary shall not pursue adjudication for any
13 instream flow water rights unless the Secretary
14 makes a determination pursuant to subpara-
15 graph (E)(ii) or (F).

16 (E) COOPERATIVE ENFORCEMENT.—

17 (i) IN GENERAL.—The Secretary shall
18 not pursue adjudication of any Federal
19 instream flow water rights established
20 under this paragraph if—

21 (I) the Secretary determines,
22 upon adjudication of the water rights
23 by the Colorado Water Conservation
24 Board, that the Board holds water
25 rights sufficient in priority, amount,

1 and timing to fulfill the purposes of
2 this subsection; and

3 (II) the Secretary has entered
4 into a perpetual agreement with the
5 Colorado Water Conservation Board
6 to ensure full exercise, protection, and
7 enforcement of the State water rights
8 within the wilderness to reliably fulfill
9 the purposes of this subsection.

10 (ii) ADJUDICATION.—If the Secretary
11 determines that the provisions of clause (i)
12 have not been met, the Secretary shall ad-
13 judicate and exercise any Federal water
14 rights required to fulfill the purposes of
15 the wilderness in accordance with this
16 paragraph.

17 (F) INSUFFICIENT WATER RIGHTS.—If the
18 Colorado Water Conservation Board modifies
19 the instream flow water rights obtained under
20 subparagraph (E) to such a degree that the
21 Secretary determines that water rights held by
22 the State are insufficient to fulfill the purposes
23 of this title, the Secretary shall adjudicate and
24 exercise Federal water rights required to fulfill

1 the purposes of this title in accordance with
2 subparagraph (B).

3 (G) FAILURE TO COMPLY.—The Secretary
4 shall promptly act to exercise and enforce the
5 water rights described in subparagraph (E) if
6 the Secretary determines that—

7 (i) the State is not exercising its
8 water rights consistent with subparagraph
9 (E)(i)(I); or

10 (ii) the agreement described in sub-
11 paragraph (E)(i)(II) is not fulfilled or com-
12 plied with sufficiently to fulfill the pur-
13 poses of this title.

14 (3) WATER RESOURCE FACILITY.—Notwith-
15 standing any other provision of law, beginning on
16 the date of enactment of this title, neither the Presi-
17 dent nor any other officer, employee, or agent of the
18 United States shall fund, assist, authorize, or issue
19 a license or permit for development of any new irri-
20 gation and pumping facility, reservoir, water con-
21 servation work, aqueduct, canal, ditch, pipeline, well,
22 hydropower project, transmission, other ancillary fa-
23 cility, or other water, diversion, storage, or carriage
24 structure in the wilderness designated by section
25 20102(b).

1 (c) ACCESS AND OPERATION.—

2 (1) DEFINITION.—As used in this subsection,
3 the term “water resource facility” means irrigation
4 and pumping facilities, reservoirs, water conserva-
5 tion works, aqueducts, canals, ditches, pipelines,
6 wells, hydropower projects, transmission and other
7 ancillary facilities, and other water diversion, stor-
8 age, and carriage structures.

9 (2) ACCESS TO WATER RESOURCE FACILI-
10 TIES.—Subject to the provisions of this subsection,
11 the Secretary shall allow reasonable access to water
12 resource facilities in existence on the date of enact-
13 ment of this Act within the areas described in sec-
14 tions 20102(b) and 20102(c), including motorized
15 access where necessary and customarily employed on
16 routes existing as of the date of enactment of this
17 Act.

18 (3) ACCESS ROUTES.—Existing access routes
19 within such areas customarily employed as of the
20 date of enactment of this Act may be used, main-
21 tained, repaired, and replaced to the extent nec-
22 essary to maintain their present function, design,
23 and serviceable operation, so long as such activities
24 have no increased adverse impacts on the resources
25 and values of the areas described in sections

1 20102(b) and 20102(c) than existed as of the date
2 of enactment of this Act.

3 (4) USE OF WATER RESOURCE FACILITIES.—

4 Subject to the provisions of this subsection and sub-
5 section (a)(4), the Secretary shall allow water re-
6 source facilities existing on the date of enactment of
7 this Act within areas described in sections 20102(b)
8 and 20102(c) to be used, operated, maintained, re-
9 paired, and replaced to the extent necessary for the
10 continued exercise, in accordance with Colorado
11 State law, of vested water rights adjudicated for use
12 in connection with such facilities by a court of com-
13 petent jurisdiction prior to the date of enactment of
14 this Act. The impact of an existing facility on the
15 water resources and values of the area shall not be
16 increased as a result of changes in the adjudicated
17 type of use of such facility as of the date of enact-
18 ment of this Act.

19 (5) REPAIR AND MAINTENANCE.—Water re-

20 source facilities, and access routes serving such fa-
21 cilities, existing within the areas described in sec-
22 tions 20102(b) and 20102(c) on the date of enact-
23 ment of this Act shall be maintained and repaired
24 when and to the extent necessary to prevent in-
25 creased adverse impacts on the resources and values

1 of the areas described in sections 20102(b) and
2 20102(c).

3 **SEC. 20105. SENSE OF CONGRESS.**

4 It is the sense of Congress that military aviation
5 training on Federal public lands in Colorado, including the
6 training conducted at the High-Altitude Army National
7 Guard Aviation Training Site, is critical to the national
8 security of the United States and the readiness of the
9 Armed Forces.

10 **SEC. 20106. DEPARTMENT OF DEFENSE STUDY ON IMPACTS**

11 **THAT THE EXPANSION OF WILDERNESS DES-**
12 **IGNATIONS IN THE WESTERN UNITED STATES**
13 **WOULD HAVE ON THE READINESS OF THE**
14 **ARMED FORCES OF THE UNITED STATES**
15 **WITH RESPECT TO AVIATION TRAINING.**

16 (a) STUDY REQUIRED.—The Secretary of Defense
17 shall conduct a study on the impacts that the expansion
18 of wilderness designations in the Western United States
19 would have on the readiness of the Armed Forces of the
20 United States with respect to aviation training.

21 (b) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary shall submit
23 to the Committees on Armed Services of the Senate and
24 House of Representatives a report on the study required
25 under subsection (a).

1 **TITLE II—NORTHWEST CALI-**
 2 **FORNIA WILDERNESS, RECRE-**
 3 **ATION, AND WORKING FOR-**
 4 **ESTS**

5 **SEC. 20201. SHORT TITLE.**

6 This title may be cited as the “Northwest California
 7 Wilderness, Recreation, and Working Forests Act”.

8 **SEC. 20202. DEFINITIONS.**

9 In this title:

10 (1) SECRETARY.—The term “Secretary”
 11 means—

12 (A) with respect to land under the jurisdic-
 13 tion of the Secretary of Agriculture, the Sec-
 14 retary of Agriculture; and

15 (B) with respect to land under the jurisdic-
 16 tion of the Secretary of the Interior, the Sec-
 17 retary of the Interior.

18 (2) STATE.—The term “State” means the State
 19 of California.

20 **Subtitle A—Restoration and**
 21 **Economic Development**

22 **SEC. 20211. SOUTH FORK TRINITY-MAD RIVER RESTORA-**
 23 **TION AREA.**

24 (a) DEFINITIONS.—In this section:

1 (1) COLLABORATIVELY DEVELOPED.—The term
2 “collaboratively developed” means projects that are
3 developed and implemented through a collaborative
4 process that—

5 (A) includes—

6 (i) appropriate Federal, State, and
7 local agencies; and

8 (ii) multiple interested persons rep-
9 resenting diverse interests; and

10 (B) is transparent and nonexclusive.

11 (2) PLANTATION.—The term “plantation”
12 means a forested area that has been artificially es-
13 tablished by planting or seeding.

14 (3) RESTORATION.—The term “restoration”
15 means the process of assisting the recovery of an
16 ecosystem that has been degraded, damaged, or de-
17 stroyed by establishing the composition, structure,
18 pattern, and ecological processes necessary to facili-
19 tate terrestrial and aquatic ecosystem sustainability,
20 resilience, and health under current and future con-
21 ditions.

22 (4) RESTORATION AREA.—The term “restora-
23 tion area” means the South Fork Trinity-Mad River
24 Restoration Area, established by subsection (b).

1 (5) SHADED FUEL BREAK.—The term “shaded
2 fuel break” means a vegetation treatment that effec-
3 tively addresses all project-generated slash and that
4 retains: adequate canopy cover to suppress plant re-
5 growth in the forest understory following treatment;
6 the longest lived trees that provide the most shade
7 over the longest period of time; the healthiest and
8 most vigorous trees with the greatest potential for
9 crown-growth in plantations and in natural stands
10 adjacent to plantations; and all mature hardwoods,
11 when practicable.

12 (6) STEWARDSHIP CONTRACT.—The term
13 “stewardship contract” means an agreement or con-
14 tract entered into under section 604 of the Healthy
15 Forests Restoration Act of 2003 (16 U.S.C. 6591c).

16 (7) WILDLAND-URBAN INTERFACE.—The term
17 “wildland-urban interface” has the meaning given
18 the term by section 101 of the Healthy Forests Res-
19 toration Act of 2003 (16 U.S.C. 6511).

20 (b) ESTABLISHMENT.—Subject to valid existing
21 rights, there is established the South Fork Trinity-Mad
22 River Restoration Area, comprising approximately
23 729,089 acres of Federal land administered by the Forest
24 Service and approximately 1,280 acres of Federal land ad-
25 ministered by the Bureau of Land Management, as gen-

1 erally depicted on the map entitled “South Fork Trinity-
2 Mad River Restoration Area—Proposed” and dated July
3 3, 2018, to be known as the South Fork Trinity-Mad
4 River Restoration Area.

5 (c) PURPOSES.—The purposes of the restoration area
6 are to—

7 (1) establish, restore, and maintain fire-resilient
8 forest structures containing late successional forest
9 structure characterized by large trees and multisto-
10 ried canopies, as ecologically appropriate;

11 (2) protect late successional reserves;

12 (3) enhance the restoration of Federal lands
13 within the restoration area;

14 (4) reduce the threat posed by wildfires to com-
15 munities within the restoration area;

16 (5) protect and restore aquatic habitat and
17 anadromous fisheries;

18 (6) protect the quality of water within the res-
19 toration area; and

20 (7) allow visitors to enjoy the scenic, rec-
21 reational, natural, cultural, and wildlife values of the
22 restoration area.

23 (d) MANAGEMENT.—

24 (1) IN GENERAL.—The Secretary shall manage
25 the restoration area—

1 (A) in a manner consistent with the pur-
2 poses described in subsection (c);

3 (B) in a manner that—

4 (i) in the case of the Forest Service,
5 prioritizes restoration of the restoration
6 area over other nonemergency vegetation
7 management projects on the portions of
8 the Six Rivers and Shasta-Trinity National
9 Forests in Humboldt and Trinity Counties;
10 and

11 (ii) in the case of the United States
12 Fish and Wildlife Service, establishes with
13 the Forest Service an agreement for co-
14 operation to ensure timely completion of
15 consultation required by section 7 of the
16 Endangered Species Act (15 U.S.C. 1536)
17 on restoration projects within the restora-
18 tion area and agreement to maintain and
19 exchange information on planning sched-
20 ules and priorities on a regular basis;

21 (C) in accordance with—

22 (i) the laws (including regulations)
23 and rules applicable to the National Forest
24 System for land managed by the Forest
25 Service;

1 (ii) the Federal Land Policy and Man-
2 agement Act of 1976 (43 U.S.C. 1701 et
3 seq.) for land managed by the Bureau of
4 Land Management;

5 (iii) this title; and

6 (iv) any other applicable law (includ-
7 ing regulations); and

8 (D) in a manner consistent with congres-
9 sional intent that consultation for restoration
10 projects within the restoration area is com-
11 pleted in a timely and efficient manner.

12 (2) CONFLICT OF LAWS.—

13 (A) IN GENERAL.—The establishment of
14 the restoration area shall not change the man-
15 agement status of any land or water that is
16 designated wilderness or as a wild and scenic
17 river, including lands and waters designated by
18 this title.

19 (B) RESOLUTION OF CONFLICT.—If there
20 is a conflict between the laws applicable to the
21 areas described in subparagraph (A) and this
22 section, the more restrictive provision shall con-
23 trol.

24 (3) USES.—

1 (A) IN GENERAL.—The Secretary shall
2 only allow uses of the restoration area that the
3 Secretary determines would further the pur-
4 poses described in subsection (c).

5 (B) PRIORITY.—The Secretary shall
6 prioritize restoration activities within the res-
7 toration area.

8 (C) LIMITATION.—Nothing in this section
9 shall limit the Secretary's ability to plan, ap-
10 prove, or prioritize activities outside of the res-
11 toration area.

12 (4) WILDLAND FIRE.—

13 (A) IN GENERAL.—Nothing in this section
14 prohibits the Secretary, in cooperation with
15 other Federal, State, and local agencies, as ap-
16 propriate, from conducting wildland fire oper-
17 ations in the restoration area, consistent with
18 the purposes of this section.

19 (B) PRIORITY.—The Secretary may use
20 prescribed burning and managed wildland fire
21 to the fullest extent practicable to achieve the
22 purposes of this section.

23 (5) ROAD DECOMMISSIONING.—

24 (A) IN GENERAL.—To the extent prac-
25 ticable, the Secretary shall decommission

1 unneded National Forest System roads identi-
2 fied for decommissioning and unauthorized
3 roads identified for decommissioning within the
4 restoration area—

5 (i) subject to appropriations;

6 (ii) consistent with the analysis re-
7 quired by subparts A and B of part 212 of
8 title 36, Code of Federal Regulations; and

9 (iii) in accordance with existing law.

10 (B) ADDITIONAL REQUIREMENT.—In mak-
11 ing determinations regarding road decommis-
12 sioning under subparagraph (A), the Secretary
13 shall consult with—

14 (i) appropriate State, Tribal, and local
15 governmental entities; and

16 (ii) members of the public.

17 (C) DEFINITION.—As used in subpara-
18 graph (A), the term “decommission” means—

19 (i) to reestablish vegetation on a road;
20 and

21 (ii) to restore any natural drainage,
22 watershed function, or other ecological
23 processes that are disrupted or adversely
24 impacted by the road by removing or

1 hydrologically disconnecting the road
2 prism.

3 (6) VEGETATION MANAGEMENT.—

4 (A) IN GENERAL.—Subject to subpara-
5 graphs (B), (C), and (D), the Secretary may
6 conduct vegetation management projects in the
7 restoration area only where necessary to—

8 (i) maintain or restore the character-
9 istics of ecosystem composition and struc-
10 ture;

11 (ii) reduce wildfire risk to commu-
12 nities by promoting forests that are fire re-
13 silient;

14 (iii) improve the habitat of threatened,
15 endangered, or sensitive species;

16 (iv) protect or improve water quality;
17 or

18 (v) enhance the restoration of lands
19 within the restoration area.

20 (B) ADDITIONAL REQUIREMENTS.—

21 (i) SHADED FUEL BREAKS.—In car-
22 rying out subparagraph (A), the Secretary
23 shall prioritize, as practicable, the estab-
24 lishment of a network of shaded fuel
25 breaks within—

1 (I) the portions of the wildland-
2 urban interface that are within 150
3 feet from private property contiguous
4 to Federal land;

5 (II) 150 feet from any road that
6 is open to motorized vehicles as of the
7 date of enactment of this Act—

8 (aa) except that, where to-
9 pography or other conditions re-
10 quire, the Secretary may estab-
11 lish shaded fuel breaks up to 275
12 feet from a road so long as the
13 combined total width of the
14 shaded fuel breaks for both sides
15 of the road does not exceed 300
16 feet; and

17 (bb) provided that the Sec-
18 retary shall include vegetation
19 treatments within a minimum of
20 25 feet of the road where prac-
21 ticable, feasible, and appropriate
22 as part of any shaded fuel break;
23 or

24 (III) 150 feet of any plantation.

1 (ii) PLANTATIONS; RIPARIAN RE-
2 SERVES.—The Secretary may undertake
3 vegetation management projects—

4 (I) in areas within the restora-
5 tion area in which fish and wildlife
6 habitat is significantly compromised
7 as a result of past management prac-
8 tices (including plantations); and

9 (II) within designated riparian
10 reserves only where necessary to
11 maintain the integrity of fuel breaks
12 and to enhance fire resilience.

13 (C) COMPLIANCE.—The Secretary shall
14 carry out vegetation management projects with-
15 in the restoration area—

16 (i) in accordance with—

17 (I) this section; and

18 (II) existing law (including regu-
19 lations);

20 (ii) after providing an opportunity for
21 public comment; and

22 (iii) subject to appropriations.

23 (D) BEST AVAILABLE SCIENCE.—The Sec-
24 retary shall use the best available science in

1 planning and implementing vegetation manage-
2 ment projects within the restoration area.

3 (7) GRAZING.—

4 (A) EXISTING GRAZING.—The grazing of
5 livestock in the restoration area, where estab-
6 lished before the date of enactment of this Act,
7 shall be permitted to continue—

8 (i) subject to—

9 (I) such reasonable regulations,
10 policies, and practices as the Sec-
11 retary considers necessary; and

12 (II) applicable law (including reg-
13 ulations); and

14 (ii) in a manner consistent with the
15 purposes described in subsection (c).

16 (B) TARGETED NEW GRAZING.—The Sec-
17 retary may issue annual targeted grazing per-
18 mits for the grazing of livestock in the restora-
19 tion area, where not established before the date
20 of the enactment of this Act, to control noxious
21 weeds, aid in the control of wildfire within the
22 wildland-urban interface, or to provide other ec-
23 ological benefits subject to—

1 (i) such reasonable regulations, poli-
2 cies, and practices as the Secretary con-
3 siders necessary; and

4 (ii) a manner consistent with the pur-
5 poses described in subsection (c).

6 (C) BEST AVAILABLE SCIENCE.—The Sec-
7 retary shall use the best available science when
8 determining whether to issue targeted grazing
9 permits within the restoration area.

10 (e) WITHDRAWAL.—Subject to valid existing rights,
11 the restoration area is withdrawn from—

12 (1) all forms of entry, appropriation, and dis-
13 posal under the public land laws;

14 (2) location, entry, and patent under the mining
15 laws; and

16 (3) disposition under all laws relating to min-
17 eral and geothermal leasing or mineral materials.

18 (f) USE OF STEWARDSHIP CONTRACTS.—To the
19 maximum extent practicable, the Secretary shall—

20 (1) use stewardship contracts to implement this
21 section; and

22 (2) use revenue derived from such stewardship
23 contracts for restoration and other activities within
24 the restoration area which shall include staff and ad-

1 ministrative costs to support timely consultation ac-
2 tivities for restoration projects.

3 (g) COLLABORATION.—In developing and imple-
4 menting restoration projects in the restoration area, the
5 Secretary shall consult with collaborative groups with an
6 interest in the restoration area.

7 (h) ENVIRONMENTAL REVIEW.—A collaboratively de-
8 veloped restoration project within the restoration area may
9 be carried out in accordance with the provisions for haz-
10 ardous fuel reduction projects set forth in sections 214,
11 215, and 216 of the Healthy Forests Restoration Act of
12 2003 (16 U.S.C. 6514–6516), as applicable.

13 (i) MULTIPARTY MONITORING.—The Secretary of
14 Agriculture shall—

15 (1) in collaboration with the Secretary of the
16 Interior and interested persons, use a multiparty
17 monitoring, evaluation, and accountability process to
18 assess the positive or negative ecological, social, and
19 economic effects of restoration projects within the
20 restoration area; and

21 (2) incorporate the monitoring results into the
22 management of the restoration area.

23 (j) FUNDING.—The Secretary shall use all existing
24 authorities to secure as much funding as necessary to ful-
25 fill the purposes of the restoration area.

1 (k) FOREST RESIDUES UTILIZATION.—

2 (1) IN GENERAL.—In accordance with applica-
3 ble law, including regulations, and this section, the
4 Secretary may utilize forest residues from restora-
5 tion projects, including shaded fuel breaks, in the
6 restoration area for research and development of
7 biobased products that result in net carbon seques-
8 tration.

9 (2) PARTNERSHIPS.—In carrying out para-
10 graph (1), the Secretary may enter into partnerships
11 with universities, nongovernmental organizations, in-
12 dustry, Tribes, and Federal, State, and local govern-
13 mental agencies.

14 **SEC. 20212. REDWOOD NATIONAL AND STATE PARKS RES-**
15 **TORATION.**

16 (a) PARTNERSHIP AGREEMENTS.—The Secretary of
17 the Interior is authorized to undertake initiatives to re-
18 store degraded redwood forest ecosystems in Redwood Na-
19 tional and State Parks in partnership with the State of
20 California, local agencies, and nongovernmental organiza-
21 tions.

22 (b) COMPLIANCE.—In carrying out any initiative au-
23 thorized by subsection (a), the Secretary of the Interior
24 shall comply with all applicable law.

1 **SEC. 20213. CALIFORNIA PUBLIC LANDS REMEDIATION**
2 **PARTNERSHIP.**

3 (a) DEFINITIONS.—In this section:

4 (1) PARTNERSHIP.—The term “partnership”
5 means the California Public Lands Remediation
6 Partnership, established by subsection (b).

7 (2) PRIORITY LANDS.—The term “priority
8 lands” means Federal land within the State that is
9 determined by the partnership to be a high priority
10 for remediation.

11 (3) REMEDIATION.—The term “remediation”
12 means to facilitate the recovery of lands and waters
13 that have been degraded, damaged, or destroyed by
14 illegal marijuana cultivation or another illegal activ-
15 ity. Remediation includes but is not limited to re-
16 moval of trash, debris, and other material, and es-
17 tablishing the composition, structure, pattern, and
18 ecological processes necessary to facilitate terrestrial
19 and aquatic ecosystem sustainability, resilience, and
20 health under current and future conditions.

21 (b) ESTABLISHMENT.—There is hereby established a
22 California Public Lands Remediation Partnership.

23 (c) PURPOSES.—The purposes of the partnership are
24 to—

25 (1) coordinate the activities of Federal, State,
26 Tribal, and local authorities, and the private sector,

1 in the remediation of priority lands in the State af-
2 fected by illegal marijuana cultivation or other illegal
3 activities; and

4 (2) use the resources and expertise of each
5 agency, authority, or entity in implementing remedi-
6 ation activities on priority lands in the State.

7 (d) MEMBERSHIP.—The members of the partnership
8 shall include the following:

9 (1) The Secretary of Agriculture, or a designee
10 of the Secretary of Agriculture to represent the For-
11 est Service.

12 (2) The Secretary of the Interior, or a designee
13 of the Secretary of the Interior, to represent the
14 United States Fish and Wildlife Service, Bureau of
15 Land Management, and National Park Service.

16 (3) The Director of the Office of National Drug
17 Control Policy, or a designee of the Director.

18 (4) The Secretary of the State Natural Re-
19 sources Agency, or a designee of the Secretary, to
20 represent the California Department of Fish and
21 Wildlife.

22 (5) A designee of the California State Water
23 Resources Control Board.

24 (6) A designee of the California State Sheriffs'
25 Association.

1 (7) One member to represent federally recog-
2 nized Indian Tribes, to be appointed by the Sec-
3 retary of Agriculture.

4 (8) One member to represent nongovernmental
5 organizations with an interest in Federal land reme-
6 diation, to be appointed by the Secretary of Agri-
7 culture.

8 (9) One member to represent local govern-
9 mental interests, to be appointed by the Secretary of
10 Agriculture.

11 (10) A law enforcement official from each of
12 the following:

13 (A) The Department of the Interior.

14 (B) The Department of Agriculture.

15 (11) A scientist to provide expertise and advise
16 on methods needed for remediation efforts, to be ap-
17 pointed by the Secretary of Agriculture.

18 (12) A designee of the National Guard Counter
19 Drug Program.

20 (e) DUTIES.—To further the purposes of this section,
21 the partnership shall—

22 (1) identify priority lands for remediation in the
23 State;

1 (2) secure resources from Federal and non-Fed-
2 eral sources to apply to remediation of priority lands
3 in the State;

4 (3) support efforts by Federal, State, Tribal,
5 and local agencies, and nongovernmental organiza-
6 tions in carrying out remediation of priority lands in
7 the State;

8 (4) support research and education on the im-
9 pacts of, and solutions to, illegal marijuana cultiva-
10 tion and other illegal activities on priority lands in
11 the State;

12 (5) involve other Federal, State, Tribal, and
13 local agencies, nongovernmental organizations, and
14 the public in remediation efforts, to the extent prac-
15 ticable; and

16 (6) take any other administrative or advisory
17 actions as necessary to address remediation of pri-
18 ority lands in the State.

19 (f) AUTHORITIES.—To implement this section, the
20 partnership may, subject to the prior approval of the Sec-
21 retary of Agriculture—

22 (1) make grants to the State, political subdivi-
23 sions of the State, nonprofit organizations, and
24 other persons;

1 (2) enter into cooperative agreements with, or
2 provide grants or technical assistance to, the State,
3 political subdivisions of the State, nonprofit organi-
4 zations, Federal agencies, and other interested par-
5 ties;

6 (3) hire and compensate staff;

7 (4) obtain funds or services from any source,
8 including Federal and non-Federal funds, and funds
9 and services provided under any other Federal law
10 or program;

11 (5) contract for goods or services; and

12 (6) support activities of partners and any other
13 activities that further the purposes of this section.

14 (g) PROCEDURES.—The partnership shall establish
15 such rules and procedures as it deems necessary or desir-
16 able.

17 (h) LOCAL HIRING.—The partnership shall, to the
18 maximum extent practicable and in accordance with exist-
19 ing law, give preference to local entities and persons when
20 carrying out this section.

21 (i) SERVICE WITHOUT COMPENSATION.—Members of
22 the partnership shall serve without pay.

23 (j) DUTIES AND AUTHORITIES OF THE SECRETARY
24 OF AGRICULTURE.—

1 (1) IN GENERAL.—The Secretary of Agriculture
2 shall convene the partnership on a regular basis to
3 carry out this section.

4 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—
5 The Secretary of Agriculture and Secretary of the
6 Interior may provide technical and financial assist-
7 ance, on a reimbursable or nonreimbursable basis, as
8 determined by the appropriate Secretary, to the
9 partnership or any members of the partnership to
10 carry out this title.

11 (3) COOPERATIVE AGREEMENTS.—The Sec-
12 retary of Agriculture and Secretary of the Interior
13 may enter into cooperative agreements with the
14 partnership, any members of the partnership, or
15 other public or private entities to provide technical,
16 financial, or other assistance to carry out this title.

17 **SEC. 20214. TRINITY LAKE VISITOR CENTER.**

18 (a) IN GENERAL.—The Secretary of Agriculture, act-
19 ing through the Chief of the Forest Service, may establish,
20 in cooperation with any other public or private entities
21 that the Secretary may determine to be appropriate, a vis-
22 itor center in Weaverville, California—

23 (1) to serve visitors; and

1 (2) to assist in fulfilling the purposes of the
2 Whiskeytown-Shasta-Trinity National Recreation
3 Area.

4 (b) REQUIREMENTS.—The Secretary shall ensure
5 that the visitor center authorized under subsection (a) is
6 designed to interpret the scenic, biological, natural, histor-
7 ical, scientific, paleontological, recreational, ecological, wil-
8 derness, and cultural resources of the Whiskeytown-Shas-
9 ta-Trinity National Recreation Area and other nearby
10 Federal lands.

11 (c) COOPERATIVE AGREEMENTS.—The Secretary of
12 Agriculture may, in a manner consistent with this title,
13 enter into cooperative agreements with the State and any
14 other appropriate institutions and organizations to carry
15 out the purposes of this section.

16 **SEC. 20215. DEL NORTE COUNTY VISITOR CENTER.**

17 (a) IN GENERAL.—The Secretary of Agriculture and
18 Secretary of the Interior, acting jointly or separately, may
19 establish, in cooperation with any other public or private
20 entities that the Secretaries determine to be appropriate,
21 a visitor center in Del Norte County, California—

22 (1) to serve visitors; and

23 (2) to assist in fulfilling the purposes of Red-
24 wood National and State Parks, the Smith River

1 National Recreation Area, and other nearby Federal
2 lands.

3 (b) REQUIREMENTS.—The Secretaries shall ensure
4 that the visitor center authorized under subsection (a) is
5 designed to interpret the scenic, biological, natural, histor-
6 ical, scientific, paleontological, recreational, ecological, wil-
7 derness, and cultural resources of Redwood National and
8 State Parks, the Smith River National Recreation Area,
9 and other nearby Federal lands.

10 **SEC. 20216. MANAGEMENT PLANS.**

11 (a) IN GENERAL.—In revising the land and resource
12 management plan for the Shasta-Trinity, Six Rivers,
13 Klamath, and Mendocino National Forests, the Secretary
14 shall—

15 (1) consider the purposes of the South Fork
16 Trinity-Mad River Restoration Area established by
17 section 20211; and

18 (2) include or update the fire management plan
19 for the wilderness areas and wilderness additions es-
20 tablished by this title.

21 (b) REQUIREMENT.—In carrying out the revisions re-
22 quired by subsection (a), the Secretary shall—

23 (1) develop spatial fire management plans in
24 accordance with—

1 (A) the Guidance for Implementation of
2 Federal Wildland Fire Management Policy
3 dated February 13, 2009, including any amend-
4 ments to that guidance; and

5 (B) other appropriate policies;

6 (2) ensure that a fire management plan—

7 (A) considers how prescribed or managed
8 fire can be used to achieve ecological manage-
9 ment objectives of wilderness and other natural
10 or primitive areas; and

11 (B) in the case of a wilderness area ex-
12 panded by section 20231, provides consistent
13 direction regarding fire management to the en-
14 tire wilderness area, including the addition;

15 (3) consult with—

16 (A) appropriate State, Tribal, and local
17 governmental entities; and

18 (B) members of the public; and

19 (4) comply with applicable laws (including regu-
20 lations).

21 **SEC. 20217. STUDY; PARTNERSHIPS RELATED TO OVER-**
22 **NIGHT ACCOMMODATIONS.**

23 (a) STUDY.—The Secretary of the Interior, in con-
24 sultation with interested Federal, State, Tribal, and local
25 entities, and private and nonprofit organizations, shall

1 conduct a study to evaluate the feasibility and suitability
2 of establishing overnight accommodations near Redwood
3 National and State Parks on—

4 (1) Federal land at the northern boundary or
5 on land within 20 miles of the northern boundary;
6 and

7 (2) Federal land at the southern boundary or
8 on land within 20 miles of the southern boundary.

9 (b) PARTNERSHIPS.—

10 (1) AGREEMENTS AUTHORIZED.—If the study
11 conducted under subsection (a) determines that es-
12 tablishing the described accommodations is suitable
13 and feasible, the Secretary may enter into agree-
14 ments with qualified private and nonprofit organiza-
15 tions for the development, operation, and mainte-
16 nance of overnight accommodations.

17 (2) CONTENTS.—Any agreements entered into
18 under paragraph (1) shall clearly define the role and
19 responsibility of the Secretary and the private or
20 nonprofit organization.

21 (3) COMPLIANCE.—The Secretary shall enter
22 agreements under paragraph (1) in accordance with
23 existing law.

24 (4) EFFECT.—Nothing in this subsection—

1 (A) reduces or diminishes the authority of
2 the Secretary to manage land and resources
3 under the jurisdiction of the Secretary; or

4 (B) amends or modifies the application of
5 any existing law (including regulations) applica-
6 ble to land under the jurisdiction of the Sec-
7 retary.

8 **Subtitle B—Recreation**

9 **SEC. 20221. HORSE MOUNTAIN SPECIAL MANAGEMENT** 10 **AREA.**

11 (a) ESTABLISHMENT.—Subject to valid existing
12 rights, there is established the Horse Mountain Special
13 Management Area (referred to in this section as the “spe-
14 cial management area”) comprising approximately 7,399
15 acres of Federal land administered by the Forest Service
16 in Humboldt County, California, as generally depicted on
17 the map entitled “Horse Mountain Special Management
18 Area—Proposed” and dated April 13, 2017.

19 (b) PURPOSES.—The purpose of the special manage-
20 ment area is to enhance the recreational and scenic values
21 of the special management area while conserving the
22 plants, wildlife, and other natural resource values of the
23 area.

24 (c) MANAGEMENT PLAN.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date of enactment of this Act and in accordance
3 with paragraph (2), the Secretary shall develop a
4 comprehensive plan for the long-term management
5 of the special management area.

6 (2) CONSULTATION.—In developing the man-
7 agement plan required under paragraph (1), the
8 Secretary shall consult with—

9 (A) appropriate State, Tribal, and local
10 governmental entities; and

11 (B) members of the public.

12 (3) ADDITIONAL REQUIREMENT.—The manage-
13 ment plan required under paragraph (1) shall ensure
14 that recreational use within the special management
15 area does not cause significant adverse impacts on
16 the plants and wildlife of the special management
17 area.

18 (d) MANAGEMENT.—

19 (1) IN GENERAL.—The Secretary shall manage
20 the special management area—

21 (A) in furtherance of the purposes de-
22 scribed in subsection (b); and

23 (B) in accordance with—

- 1 (i) the laws (including regulations)
2 generally applicable to the National Forest
3 System;
4 (ii) this section; and
5 (iii) any other applicable law (includ-
6 ing regulations).

7 (2) RECREATION.—The Secretary shall con-
8 tinue to authorize, maintain, and enhance the rec-
9 reational use of the special management area, in-
10 cluding hunting, fishing, camping, hiking, hang glid-
11 ing, sightseeing, nature study, horseback riding,
12 rafting, mountain biking, and motorized recreation
13 on authorized routes, and other recreational activi-
14 ties, so long as such recreational use is consistent
15 with the purposes of the special management area,
16 this section, other applicable law (including regula-
17 tions), and applicable management plans.

18 (3) MOTORIZED VEHICLES.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), the use of motorized vehicles
21 in the special management area shall be per-
22 mitted only on roads and trails designated for
23 the use of motorized vehicles.

1 (B) USE OF SNOWMOBILES.—The winter
2 use of snowmobiles shall be allowed in the spe-
3 cial management area—

4 (i) during periods of adequate snow
5 coverage during the winter season; and

6 (ii) subject to any terms and condi-
7 tions determined to be necessary by the
8 Secretary.

9 (4) NEW TRAILS.—

10 (A) IN GENERAL.—The Secretary may
11 construct new trails for motorized or non-
12 motorized recreation within the special manage-
13 ment area in accordance with—

14 (i) the laws (including regulations)
15 generally applicable to the National Forest
16 System;

17 (ii) this section; and

18 (iii) any other applicable law (includ-
19 ing regulations).

20 (B) PRIORITY.—In establishing new trails
21 within the special management area, the Sec-
22 retary shall—

23 (i) prioritize the establishment of
24 loops that provide high-quality, diverse rec-
25 reational experiences; and

1 (ii) consult with members of the pub-
2 lic.

3 (e) WITHDRAWAL.—Subject to valid existing rights,
4 the special management area is withdrawn from—

5 (1) all forms of appropriation or disposal under
6 the public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) disposition under laws relating to mineral
10 and geothermal leasing.

11 **SEC. 20222. BIGFOOT NATIONAL RECREATION TRAIL.**

12 (a) FEASIBILITY STUDY.—

13 (1) IN GENERAL.—Not later than 3 years after
14 the date of the enactment of this Act, the Secretary
15 of Agriculture, in cooperation with the Secretary of
16 the Interior, shall submit to the Committee on Nat-
17 ural Resources of the House of Representatives and
18 Committee on Energy and Natural Resources of the
19 Senate a study that describes the feasibility of estab-
20 lishing a nonmotorized Bigfoot National Recreation
21 Trail that follows the route described in paragraph
22 (2).

23 (2) ROUTE.—The trail described in paragraph
24 (1) shall extend from the Ides Cove Trailhead in the
25 Mendocino National Forest to Crescent City, Cali-

1 fornia, by roughly following the route as generally
2 depicted on the map entitled “Bigfoot National
3 Recreation Trail—Proposed” and dated July 25,
4 2018.

5 (3) ADDITIONAL REQUIREMENT.—In com-
6 pleting the study required by subsection (a), the Sec-
7 retary of Agriculture shall consult with—

8 (A) appropriate Federal, State, Tribal, re-
9 gional, and local agencies;

10 (B) private landowners;

11 (C) nongovernmental organizations; and

12 (D) members of the public.

13 (b) DESIGNATION.—

14 (1) IN GENERAL.—Upon a determination that
15 the Bigfoot National Recreation Trail is feasible and
16 meets the requirements for a National Recreation
17 Trail in section 1243 of title 16, United States
18 Code, the Secretary of Agriculture shall designate
19 the Bigfoot National Recreation Trail in accordance
20 with—

21 (A) the National Trails System Act (Public
22 Law 90–543);

23 (B) this title; and

24 (C) other applicable law (including regula-
25 tions).

1 (2) ADMINISTRATION.—Upon designation by
2 the Secretary of Agriculture, the Bigfoot National
3 Recreation Trail (referred to in this section as the
4 “trail”) shall be administered by the Secretary of
5 Agriculture, in consultation with—

6 (A) other Federal, State, Tribal, regional,
7 and local agencies;

8 (B) private landowners; and

9 (C) other interested organizations.

10 (3) PRIVATE PROPERTY RIGHTS.—

11 (A) IN GENERAL.—No portions of the trail
12 may be located on non-Federal land without the
13 written consent of the landowner.

14 (B) PROHIBITION.—The Secretary of Agri-
15 culture shall not acquire for the trail any land
16 or interest in land outside the exterior boundary
17 of any federally managed area without the con-
18 sent of the owner of the land or interest in the
19 land.

20 (C) EFFECT.—Nothing in this section—

21 (i) requires any private property
22 owner to allow public access (including
23 Federal, State, or local government access)
24 to private property; or

1 (ii) modifies any provision of Federal,
2 State, or local law with respect to public
3 access to or use of private land.

4 (c) COOPERATIVE AGREEMENTS.—In carrying out
5 this section, the Secretary of Agriculture may enter into
6 cooperative agreements with State, Tribal, and local gov-
7 ernment entities and private entities to complete needed
8 trail construction, reconstruction, realignment, mainte-
9 nance, or education projects related to the Bigfoot Na-
10 tional Recreation Trail.

11 (d) MAP.—

12 (1) MAP REQUIRED.—Upon designation of the
13 Bigfoot National Recreation Trail, the Secretary of
14 Agriculture shall prepare a map of the trail.

15 (2) PUBLIC AVAILABILITY.—The map referred
16 to in paragraph (1) shall be on file and available for
17 public inspection in the appropriate offices of the
18 Forest Service.

19 **SEC. 20223. ELK CAMP RIDGE RECREATION TRAIL.**

20 (a) DESIGNATION.—

21 (1) IN GENERAL.—In accordance with para-
22 graph (2), the Secretary of Agriculture after an op-
23 portunity for public comment, shall designate a trail
24 (which may include a system of trails)—

1 (A) for use by off-highway vehicles or
2 mountain bicycles, or both; and

3 (B) to be known as the Elk Camp Ridge
4 Recreation Trail.

5 (2) REQUIREMENTS.—In designating the Elk
6 Camp Ridge Recreation Trail (referred to in this
7 section as the “trail”), the Secretary shall only in-
8 clude trails that are—

9 (A) as of the date of enactment of this
10 Act, authorized for use by off-highway vehicles
11 or mountain bikes, or both; and

12 (B) located on land that is managed by the
13 Forest Service in Del Norte County.

14 (3) MAP.—A map that depicts the trail shall be
15 on file and available for public inspection in the ap-
16 propriate offices of the Forest Service.

17 (b) MANAGEMENT.—

18 (1) IN GENERAL.—The Secretary shall manage
19 the trail—

20 (A) in accordance with applicable laws (in-
21 cluding regulations);

22 (B) to ensure the safety of citizens who
23 use the trail; and

1 (C) in a manner by which to minimize any
2 damage to sensitive habitat or cultural re-
3 sources.

4 (2) MONITORING; EVALUATION.—To minimize
5 the impacts of the use of the trail on environmental
6 and cultural resources, the Secretary shall annually
7 assess the effects of the use of off-highway vehicles
8 and mountain bicycles on—

9 (A) the trail;

10 (B) land located in proximity to the trail;

11 and

12 (C) plants, wildlife, and wildlife habitat.

13 (3) CLOSURE.—The Secretary, in consultation
14 with the State and Del Norte County, and subject
15 to paragraph (4), may temporarily close or perma-
16 nently reroute a portion of the trail if the Secretary
17 determines that—

18 (A) the trail is having an adverse impact
19 on—

20 (i) wildlife habitats;

21 (ii) natural resources;

22 (iii) cultural resources; or

23 (iv) traditional uses;

24 (B) the trail threatens public safety; or

25 (C) closure of the trail is necessary—

1 (i) to repair damage to the trail; or

2 (ii) to repair resource damage.

3 (4) REROUTING.—Any portion of the trail that
4 is temporarily closed by the Secretary under para-
5 graph (3) may be permanently rerouted along any
6 road or trail—

7 (A) that is—

8 (i) in existence as of the date of the
9 closure of the portion of the trail;

10 (ii) located on public land; and

11 (iii) open to motorized or mechanized
12 use; and

13 (B) if the Secretary determines that re-
14 routing the portion of the trail would not sig-
15 nificantly increase or decrease the length of the
16 trail.

17 (5) NOTICE OF AVAILABLE ROUTES.—The Sec-
18 retary shall ensure that visitors to the trail have ac-
19 cess to adequate notice relating to the availability of
20 trail routes through—

21 (A) the placement of appropriate signage
22 along the trail; and

23 (B) the distribution of maps, safety edu-
24 cation materials, and other information that the

1 Secretary concerned determines to be appro-
2 priate.

3 (c) EFFECT.—Nothing in this section affects the
4 ownership, management, or other rights relating to any
5 non-Federal land (including any interest in any non-Fed-
6 eral land).

7 **SEC. 20224. TRINITY LAKE TRAIL.**

8 (a) TRAIL CONSTRUCTION.—

9 (1) FEASIBILITY STUDY.—Not later than 18
10 months after the date of enactment of this Act, the
11 Secretary shall study the feasibility and public inter-
12 est of constructing a recreational trail for non-
13 motorized uses around Trinity Lake.

14 (2) CONSTRUCTION.—

15 (A) CONSTRUCTION AUTHORIZED.—Sub-
16 ject to appropriations, and in accordance with
17 paragraph (3), if the Secretary determines
18 under paragraph (1) that the construction of
19 the trail described in such paragraph is feasible
20 and in the public interest, the Secretary may
21 provide for the construction of the trail.

22 (B) USE OF VOLUNTEER SERVICES AND
23 CONTRIBUTIONS.—The trail may be constructed
24 under this section through the acceptance of
25 volunteer services and contributions from non-

1 Federal sources to reduce or eliminate the need
2 for Federal expenditures to construct the trail.

3 (3) COMPLIANCE.—In carrying out this section,
4 the Secretary shall comply with—

5 (A) the laws (including regulations) gen-
6 erally applicable to the National Forest System;
7 and

8 (B) this title.

9 (b) EFFECT.—Nothing in this section affects the
10 ownership, management, or other rights relating to any
11 non-Federal land (including any interest in any non-Fed-
12 eral land).

13 **SEC. 20225. TRAILS STUDY.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of enactment of this Act, the Secretary of Agri-
16 culture, in accordance with subsection (b) and in consulta-
17 tion with interested parties, shall conduct a study to im-
18 prove motorized and nonmotorized recreation trail oppor-
19 tunities (including mountain bicycling) on land not des-
20 ignated as wilderness within the portions of the Six Rivers,
21 Shasta-Trinity, and Mendocino National Forests located
22 in Del Norte, Humboldt, Trinity, and Mendocino Coun-
23 ties.

24 (b) CONSULTATION.—In carrying out the study re-
25 quired by subsection (a), the Secretary of Agriculture shall

1 consult with the Secretary of the Interior regarding oppor-
2 tunities to improve, through increased coordination, recre-
3 ation trail opportunities on land under the jurisdiction of
4 the Secretary of the Interior that shares a boundary with
5 the national forest land described in subsection (a).

6 **SEC. 20226. CONSTRUCTION OF MOUNTAIN BICYCLING**
7 **ROUTES.**

8 (a) TRAIL CONSTRUCTION.—

9 (1) FEASIBILITY STUDY.—Not later than 18
10 months after the date of enactment of this Act, the
11 Secretary of Agriculture shall study the feasibility
12 and public interest of constructing recreational trails
13 for mountain bicycling and other nonmotorized uses
14 on the routes as generally depicted in the report en-
15 titled “Trail Study for Smith River National Recre-
16 ation Area Six Rivers National Forest” and dated
17 2016.

18 (2) CONSTRUCTION.—

19 (A) CONSTRUCTION AUTHORIZED.—Sub-
20 ject to appropriations, and in accordance with
21 paragraph (3), if the Secretary determines
22 under paragraph (1) that the construction of
23 one or more routes described in such paragraph
24 is feasible and in the public interest, the Sec-

1 retary may provide for the construction of the
2 routes.

3 (B) MODIFICATIONS.—The Secretary may
4 modify the routes as necessary in the opinion of
5 the Secretary.

6 (C) USE OF VOLUNTEER SERVICES AND
7 CONTRIBUTIONS.—Routes may be constructed
8 under this section through the acceptance of
9 volunteer services and contributions from non-
10 Federal sources to reduce or eliminate the need
11 for Federal expenditures to construct the route.

12 (3) COMPLIANCE.—In carrying out this section,
13 the Secretary shall comply with—

14 (A) the laws (including regulations) gen-
15 erally applicable to the National Forest System;
16 and

17 (B) this title.

18 (b) EFFECT.—Nothing in this section affects the
19 ownership, management, or other rights relating to any
20 non-Federal land (including any interest in any non-Fed-
21 eral land).

22 **SEC. 20227. PARTNERSHIPS.**

23 (a) AGREEMENTS AUTHORIZED.—The Secretary is
24 authorized to enter into agreements with qualified private
25 and nonprofit organizations to undertake the following ac-

1 tivities on Federal lands in Mendocino, Humboldt, Trinity,
2 and Del Norte Counties—

3 (1) trail and campground maintenance;

4 (2) public education, visitor contacts, and out-
5 reach; and

6 (3) visitor center staffing.

7 (b) CONTENTS.—Any agreements entered into under
8 subsection (a) shall clearly define the role and responsi-
9 bility of the Secretary and the private or nonprofit organi-
10 zation.

11 (c) COMPLIANCE.—The Secretary shall enter into
12 agreements under subsection (a) in accordance with exist-
13 ing law.

14 (d) EFFECT.—Nothing in this section—

15 (1) reduces or diminishes the authority of the
16 Secretary to manage land and resources under the
17 jurisdiction of the Secretary; or

18 (2) amends or modifies the application of any
19 existing law (including regulations) applicable to
20 land under the jurisdiction of the Secretary.

21 **Subtitle C—Conservation**

22 **SEC. 20231. DESIGNATION OF WILDERNESS.**

23 (a) IN GENERAL.—In accordance with the Wilderness
24 Act (16 U.S.C. 1131 et seq.), the following areas in the

1 State are designated as wilderness areas and as compo-
2 nents of the National Wilderness Preservation System:

3 (1) BLACK BUTTE RIVER WILDERNESS.—Cer-
4 tain Federal land managed by the Forest Service in
5 the State, comprising approximately 11,117 acres,
6 as generally depicted on the map entitled “Black
7 Butte River Wilderness—Proposed” and dated April
8 13, 2017, which shall be known as the Black Butte
9 River Wilderness.

10 (2) CHANCELULLA WILDERNESS ADDI-
11 TIONS.—Certain Federal land managed by the For-
12 est Service in the State, comprising approximately
13 6,212 acres, as generally depicted on the map enti-
14 tled “Chancelulla Wilderness Additions—Proposed”
15 and dated July 16, 2018, which is incorporated in,
16 and considered to be a part of, the Chancelulla Wil-
17 derness, as designated by section 101(a)(4) of the
18 California Wilderness Act of 1984 (16 U.S.C. 1132
19 note; 98 Stat. 1619).

20 (3) CHINQUAPIN WILDERNESS.—Certain Fed-
21 eral land managed by the Forest Service in the
22 State, comprising approximately 27,258 acres, as
23 generally depicted on the map entitled “Chinquapin
24 Wilderness—Proposed” and dated January 15,

1 2020, which shall be known as the Chinquapin Wil-
2 derness.

3 (4) ELKHORN RIDGE WILDERNESS ADDITION.—
4 Certain Federal land managed by the Bureau of
5 Land Management in the State, comprising approxi-
6 mately 37 acres, as generally depicted on the map
7 entitled “Proposed Elkhorn Ridge Wilderness Addi-
8 tions” and dated October 24, 2019, which is incor-
9 porated in, and considered to be a part of, the Elk-
10 horn Ridge Wilderness, as designated by section
11 6(d) of Public Law 109–362 (16 U.S.C. 1132 note;
12 120 Stat. 2070).

13 (5) ENGLISH RIDGE WILDERNESS.—Certain
14 Federal land managed by the Bureau of Land Man-
15 agement in the State, comprising approximately
16 6,204 acres, as generally depicted on the map enti-
17 tled “English Ridge Wilderness—Proposed” and
18 dated March 29, 2019, which shall be known as the
19 English Ridge Wilderness.

20 (6) HEADWATERS FOREST WILDERNESS.—Cer-
21 tain Federal land managed by the Bureau of Land
22 Management in the State, comprising approximately
23 4,360 acres, as generally depicted on the map enti-
24 tled “Headwaters Forest Wilderness—Proposed”

1 and dated October 15, 2019, which shall be known
2 as the Headwaters Forest Wilderness.

3 (7) MAD RIVER BUTTES WILDERNESS.—Certain
4 Federal land managed by the Forest Service in the
5 State, comprising approximately 6,002 acres, as gen-
6 erally depicted on the map entitled “Mad River
7 Buttes Wilderness—Proposed” and dated July 25,
8 2018, which shall be known as the Mad River
9 Buttes Wilderness.

10 (8) MOUNT LASSIC WILDERNESS ADDITION.—
11 Certain Federal land managed by the Forest Service
12 in the State, comprising approximately 1,292 acres,
13 as generally depicted on the map entitled “Mount
14 Lassic Wilderness Additions—Proposed” and dated
15 February 23, 2017, which is incorporated in, and
16 considered to be a part of, the Mount Lassic Wilder-
17 ness, as designated by section 3(6) of Public Law
18 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065).

19 (9) NORTH FORK EEL WILDERNESS ADDI-
20 TION.—Certain Federal land managed by the Forest
21 Service and the Bureau of Land Management in the
22 State, comprising approximately 16,274 acres, as
23 generally depicted on the map entitled “North Fork
24 Wilderness Additions” and dated January 15, 2020,
25 which is incorporated in, and considered to be a part

1 of, the North Fork Eel Wilderness, as designated by
2 section 101(a)(19) of the California Wilderness Act
3 of 1984 (16 U.S.C. 1132 note; 98 Stat. 1621).

4 (10) PATTISON WILDERNESS.—Certain Federal
5 land managed by the Forest Service in the State,
6 comprising approximately 28,595 acres, as generally
7 depicted on the map entitled “Pattison Wilderness—
8 Proposed” and dated July 16, 2018, which shall be
9 known as the Pattison Wilderness.

10 (11) SANHEDRIN WILDERNESS ADDITION.—
11 Certain Federal land managed by the Forest Service
12 in the State, comprising approximately 112 acres, as
13 generally depicted on the map entitled “Sanhedrin
14 Wilderness Addition—Proposed” and dated March
15 29, 2019, which is incorporated in, and considered
16 to be a part of, the Sanhedrin Wilderness, as des-
17 ignated by section 3(2) of Public Law 109–362 (16
18 U.S.C. 1132 note; 120 Stat. 2065).

19 (12) SISKIYOU WILDERNESS ADDITION.—Cer-
20 tain Federal land managed by the Forest Service in
21 the State, comprising approximately 27,747 acres,
22 as generally depicted on the map entitled “Siskiyou
23 Wilderness Additions and Potential Wildernesses—
24 Proposed” and dated July 24, 2018, which is incor-
25 porated in, and considered to be a part of, the

1 Siskiyou Wilderness, as designated by section
2 101(a)(30) of the California Wilderness Act of 1984
3 (16 U.S.C. 1132 note; 98 Stat. 1623) (as amended
4 by section 3(5) of Public Law 109–362 (16 U.S.C.
5 1132 note; 120 Stat. 2065)).

6 (13) SOUTH FORK EEL RIVER WILDERNESS AD-
7 DITION.—Certain Federal land managed by the Bu-
8 reau of Land Management in the State, comprising
9 approximately 603 acres, as generally depicted on
10 the map entitled “South Fork Eel River Wilderness
11 Additions—Proposed” and dated October 24, 2019,
12 which is incorporated in, and considered to be a part
13 of, the South Fork Eel River Wilderness, as des-
14 ignated by section 3(10) of Public Law 109–362 (16
15 U.S.C. 1132 note; 120 Stat. 2066).

16 (14) SOUTH FORK TRINITY RIVER WILDER-
17 NESS.—Certain Federal land managed by the Forest
18 Service in the State, comprising approximately
19 26,446 acres, as generally depicted on the map enti-
20 tled “South Fork Trinity River Wilderness and Po-
21 tential Wildernesses—Proposed” and dated March
22 11, 2019, which shall be known as the South Fork
23 Trinity River Wilderness.

24 (15) TRINITY ALPS WILDERNESS ADDITION.—
25 Certain Federal land managed by the Forest Service

1 in the State, comprising approximately 60,826 acres,
2 as generally depicted on the maps entitled “Trinity
3 Alps Proposed Wilderness Additions EAST” and
4 “Trinity Alps Proposed Wilderness Additions
5 WEST” and dated January 15, 2020, which is in-
6 corporated in, and considered to be a part of, the
7 Trinity Alps Wilderness, as designated by section
8 101(a)(34) of the California Wilderness Act of 1984
9 (16 U.S.C. 1132 note; 98 Stat. 1623) (as amended
10 by section 3(7) of Public Law 109–362 (16 U.S.C.
11 1132 note; 120 Stat. 2065)).

12 (16) UNDERWOOD WILDERNESS.—Certain Fed-
13 eral land managed by the Forest Service in the
14 State, comprising approximately 15,069 acres, as
15 generally depicted on the map entitled “Underwood
16 Wilderness—Proposed” and dated January 15,
17 2020, which shall be known as the Underwood Wil-
18 derness.

19 (17) YOLLA BOLLY-MIDDLE EEL WILDERNESS
20 ADDITIONS.—Certain Federal land managed by the
21 Forest Service and the Bureau of Land Management
22 in the State, comprising approximately 10,729 acres,
23 as generally depicted on the map entitled “Yolla
24 Bolly Middle Eel Wilderness Additions and Potential
25 Wildernesses—Proposed” and dated June 7, 2018,

1 which is incorporated in, and considered to be a part
2 of, the Yolla Bolly-Middle Eel Wilderness, as des-
3 ignated by section 3 of the Wilderness Act (16
4 U.S.C. 1132) (as amended by section 3(4) of Public
5 Law 109–362 (16 U.S.C. 1132 note; 120 Stat.
6 2065)).

7 (18) YUKI WILDERNESS ADDITION.—Certain
8 Federal land managed by the Forest Service and the
9 Bureau of Land Management in the State, com-
10 prising approximately 11,076 acres, as generally de-
11 picted on the map entitled “Yuki Wilderness Addi-
12 tions—Proposed” and dated January 15, 2020,
13 which is incorporated in, and considered to be a part
14 of, the Yuki Wilderness, as designated by section
15 3(3) of Public Law 109–362 (16 U.S.C. 1132 note;
16 120 Stat. 2065).

17 (b) REDESIGNATION OF NORTH FORK WILDERNESS
18 AS NORTH FORK EEL RIVER WILDERNESS.—Section
19 101(a)(19) of Public Law 98–425 (16 U.S.C. 1132 note;
20 98 Stat. 1621) is amended by striking “North Fork Wil-
21 derness” and inserting “North Fork Eel River Wilder-
22 ness”. Any reference in a law, map, regulation, document,
23 paper, or other record of the United States to the North
24 Fork Wilderness shall be deemed to be a reference to the
25 North Fork Eel River Wilderness.

1 (c) ELKHORN RIDGE WILDERNESS ADJUSTMENTS.—

2 The boundary of the Elkhorn Ridge Wilderness estab-
3 lished by section 6(d) of Public Law 109–362 (16 U.S.C.
4 1132 note) is adjusted by deleting approximately 30 acres
5 of Federal land as generally depicted on the map entitled
6 “Proposed Elkhorn Ridge Wilderness Additions” and
7 dated October 24, 2019.

8 **SEC. 20232. ADMINISTRATION OF WILDERNESS.**

9 (a) IN GENERAL.—Subject to valid existing rights,
10 the wilderness areas and wilderness additions established
11 by section 20231 shall be administered by the Secretary
12 in accordance with this subtitle and the Wilderness Act
13 (16 U.S.C. 1131 et seq.), except that—

14 (1) any reference in the Wilderness Act to the
15 effective date of that Act shall be considered to be
16 a reference to the date of enactment of this Act; and

17 (2) any reference in that Act to the Secretary
18 of Agriculture shall be considered to be a reference
19 to the Secretary.

20 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
21 TIES.—

22 (1) IN GENERAL.—The Secretary may take
23 such measures in a wilderness area or wilderness ad-
24 dition designated by section 20231 as are necessary
25 for the control of fire, insects, and diseases in ac-

1 cordance with section 4(d)(1) of the Wilderness Act
2 (16 U.S.C. 1133(d)(1)) and House Report 98–40 of
3 the 98th Congress.

4 (2) FUNDING PRIORITIES.—Nothing in this
5 subtitle limits funding for fire and fuels manage-
6 ment in the wilderness areas or wilderness additions
7 designated by this title.

8 (3) ADMINISTRATION.—Consistent with para-
9 graph (1) and other applicable Federal law, to en-
10 sure a timely and efficient response to fire emer-
11 gencies in the wilderness additions designated by
12 this subtitle, the Secretary of Agriculture shall—

13 (A) not later than 1 year after the date of
14 enactment of this Act, establish agency ap-
15 proval procedures (including appropriate delega-
16 tions of authority to the Forest Supervisor, Dis-
17 trict Manager, or other agency officials) for re-
18 sponding to fire emergencies; and

19 (B) enter into agreements with appropriate
20 State or local firefighting agencies.

21 (c) GRAZING.—The grazing of livestock in the wilder-
22 ness areas and wilderness additions designated by this
23 title, if established before the date of enactment of this
24 Act, shall be administered in accordance with—

1 (1) section 4(d)(4) of the Wilderness Act (16
2 U.S.C. 1133(d)(4)); and

3 (2)(A) for lands under the jurisdiction of the
4 Secretary of Agriculture, the guidelines set forth in
5 the report of the Committee on Interior and Insular
6 Affairs of the House of Representatives accom-
7 panying H.R. 5487 of the 96th Congress (H. Rept.
8 96–617); or

9 (B) for lands under the jurisdiction of the Sec-
10 retary of the Interior, the guidelines set forth in Ap-
11 pendix A of the report of the Committee on Interior
12 and Insular Affairs of the House of Representatives
13 accompanying H.R. 2570 of the 101st Congress (H.
14 Rept. 101–405).

15 (d) FISH AND WILDLIFE.—

16 (1) IN GENERAL.—In accordance with section
17 4(d)(7) of the Wilderness Act (16 U.S.C.
18 1133(d)(7)), nothing in this title affects the jurisdic-
19 tion or responsibilities of the State with respect to
20 fish and wildlife on public land in the State.

21 (2) MANAGEMENT ACTIVITIES.—In furtherance
22 of the purposes and principles of the Wilderness Act
23 (16 U.S.C. 1131 et seq.), the Secretary may conduct
24 any management activities that are necessary to
25 maintain or restore fish, wildlife, and plant popu-

1 lations and habitats in the wilderness areas or wil-
2 derness additions designated by section 20231, if the
3 management activities are—

4 (A) consistent with relevant wilderness
5 management plans; and

6 (B) conducted in accordance with—

7 (i) the Wilderness Act (16 U.S.C.
8 1131 et seq.); and

9 (ii) appropriate policies, such as the
10 policies established in Appendix B of
11 House Report 101–405.

12 (e) BUFFER ZONES.—

13 (1) IN GENERAL.—Congress does not intend for
14 designation of wilderness or wilderness additions by
15 this title to lead to the creation of protective perim-
16 eters or buffer zones around each wilderness area or
17 wilderness addition.

18 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

19 The fact that nonwilderness activities or uses can be
20 seen or heard from within a wilderness area shall
21 not, of itself, preclude the activities or uses up to the
22 boundary of the wilderness area.

23 (f) MILITARY ACTIVITIES.—Nothing in this subtitle
24 precludes—

1 (1) low-level overflights of military aircraft over
2 the wilderness areas or wilderness additions des-
3 ignated by section 20231;

4 (2) the designation of new units of special air-
5 space over the wilderness areas or wilderness addi-
6 tions designated by section 20231; or

7 (3) the use or establishment of military flight
8 training routes over the wilderness areas or wilder-
9 ness additions designated by section 20231.

10 (g) HORSES.—Nothing in this subtitle precludes
11 horseback riding in, or the entry of recreational or com-
12 mercial saddle or pack stock into, an area designated as
13 a wilderness area or wilderness addition by section
14 20231—

15 (1) in accordance with section 4(d)(5) of the
16 Wilderness Act (16 U.S.C. 1133(d)(5)); and

17 (2) subject to any terms and conditions deter-
18 mined to be necessary by the Secretary.

19 (h) WITHDRAWAL.—Subject to valid existing rights,
20 the wilderness areas and wilderness additions designated
21 by section 20231 are withdrawn from—

22 (1) all forms of entry, appropriation, and dis-
23 posal under the public land laws;

24 (2) location, entry, and patent under the mining
25 laws; and

1 (3) operation of the mineral materials and geo-
2 thermal leasing laws.

3 (i) USE BY MEMBERS OF INDIAN TRIBES.—

4 (1) ACCESS.—In recognition of the past use of
5 wilderness areas and wilderness additions designated
6 by this title by members of Indian Tribes for tradi-
7 tional cultural and religious purposes, the Secretary
8 shall ensure that Indian Tribes have access to the
9 wilderness areas and wilderness additions designated
10 by section 20231 for traditional cultural and reli-
11 gious purposes.

12 (2) TEMPORARY CLOSURES.—

13 (A) IN GENERAL.—In carrying out this
14 section, the Secretary, on request of an Indian
15 Tribe, may temporarily close to the general
16 public one or more specific portions of a wilder-
17 ness area or wilderness addition to protect the
18 privacy of the members of the Indian Tribe in
19 the conduct of the traditional cultural and reli-
20 gious activities in the wilderness area or wilder-
21 ness addition.

22 (B) REQUIREMENT.—Any closure under
23 subparagraph (A) shall be made in such a man-
24 ner as to affect the smallest practicable area for

1 the minimum period of time necessary for the
2 activity to be carried out.

3 (3) APPLICABLE LAW.—Access to the wilder-
4 ness areas and wilderness additions under this sub-
5 section shall be in accordance with—

6 (A) Public Law 95–341 (commonly known
7 as the American Indian Religious Freedom Act)
8 (42 U.S.C. 1996 et seq.); and

9 (B) the Wilderness Act (16 U.S.C. 1131 et
10 seq.).

11 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
12 ESTS.—Any land within the boundary of a wilderness area
13 or wilderness addition designated by section 20231 that
14 is acquired by the United States shall—

15 (1) become part of the wilderness area in which
16 the land is located;

17 (2) be withdrawn in accordance with subsection
18 (h); and

19 (3) be managed in accordance with this section,
20 the Wilderness Act (16 U.S.C. 1131 et seq.), and
21 any other applicable law.

22 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
23 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
24 and subject to such terms and conditions as the Secretary
25 may prescribe, the Secretary may authorize the installa-

tion and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas and wilderness additions designated by section 20231 if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(l) AUTHORIZED EVENTS.—The Secretary may continue to authorize the competitive equestrian event permitted since 2012 in the Chinquapin Wilderness established by section 20231 in a manner compatible with the preservation of the area as wilderness.

(m) RECREATIONAL CLIMBING.—Nothing in this title prohibits recreational rock climbing activities in the wilderness areas, such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established before the date of the enactment of this Act—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 20233. DESIGNATION OF POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as potential wilderness areas:

1 (1) Certain Federal land managed by the For-
2 est Service, comprising approximately 3,797 acres,
3 as generally depicted on the map entitled “Chin-
4 quapin Proposed Potential Wilderness” and dated
5 January 15, 2020.

6 (2) Certain Federal land administered by the
7 National Park Service, compromising approximately
8 31,000 acres, as generally depicted on the map enti-
9 tled “Redwood National Park—Potential Wilder-
10 ness” and dated October 9, 2019.

11 (3) Certain Federal land managed by the For-
12 est Service, comprising approximately 8,961 acres,
13 as generally depicted on the map entitled “Siskiyou
14 Wilderness Additions and Potential Wildernesses—
15 Proposed” and dated July 24, 2018.

16 (4) Certain Federal land managed by the For-
17 est Service, comprising approximately 405 acres, as
18 generally depicted on the map entitled “South Fork
19 Trinity River Wilderness and Potential Wilder-
20 nesses—Proposed” and dated March 11, 2019.

21 (5) Certain Federal land managed by the For-
22 est Service, comprising approximately 1,256 acres,
23 as generally depicted on the map entitled “Trinity
24 Alps Proposed Potential Wilderness” and dated Jan-
25 uary 15, 2020.

1 (6) Certain Federal land managed by the For-
2 est Service, comprising approximately 4,282 acres,
3 as generally depicted on the map entitled “Yolla
4 Bolly Middle Eel Wilderness Additions and Potential
5 Wildernesses—Proposed” and dated June 7, 2018.

6 (7) Certain Federal land managed by the For-
7 est Service, comprising approximately 2,909 acres,
8 as generally depicted on the map entitled “Yuki Pro-
9 posed Potential Wilderness” and dated January 15,
10 2020.

11 (b) MANAGEMENT.—Except as provided in subsection
12 (c) and subject to valid existing rights, the Secretary shall
13 manage the potential wilderness areas designated by sub-
14 section (a) (referred to in this section as “potential wilder-
15 ness areas”) as wilderness until the potential wilderness
16 areas are designated as wilderness under subsection (d).

17 (c) ECOLOGICAL RESTORATION.—

18 (1) IN GENERAL.—For purposes of ecological
19 restoration (including the elimination of nonnative
20 species, removal of illegal, unused, or decommis-
21 sioned roads, repair of skid tracks, and any other
22 activities necessary to restore the natural ecosystems
23 in a potential wilderness area and consistent with
24 paragraph (2)), the Secretary may use motorized
25 equipment and mechanized transport in a potential

1 wilderness area until the potential wilderness area is
2 designated as wilderness under subsection (d).

3 (2) LIMITATION.—To the maximum extent
4 practicable, the Secretary shall use the minimum
5 tool or administrative practice necessary to accom-
6 plish ecological restoration with the least amount of
7 adverse impact on wilderness character and re-
8 sources.

9 (d) EVENTUAL WILDERNESS DESIGNATION.—The
10 potential wilderness areas shall be designated as wilder-
11 ness and as a component of the National Wilderness Pres-
12 ervation System on the earlier of—

13 (1) the date on which the Secretary publishes in
14 the Federal Register notice that the conditions in a
15 potential wilderness area that are incompatible with
16 the Wilderness Act (16 U.S.C. 1131 et seq.) have
17 been removed; or

18 (2) the date that is 10 years after the date of
19 enactment of this Act for potential wilderness areas
20 located on lands managed by the Forest Service.

21 (e) ADMINISTRATION AS WILDERNESS.—

22 (1) IN GENERAL.—On its designation as wilder-
23 ness under subsection (d), a potential wilderness
24 area shall be administered in accordance with sec-

tion 20232 and the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) DESIGNATION.—On its designation as wilderness under subsection (d)—

(A) the land described in subsection (a)(1) shall be incorporated in, and considered to be a part of, the Chinquapin Wilderness established by section 20231(a)(3);

(B) the land described in subsection (a)(3) shall be incorporated in, and considered to be a part of, the Siskiyou Wilderness as designated by section 231(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 1623) (as amended by section 3(5) of Public Law 109–362 (16 U.S.C. 1132 note; 120 Stat. 2065) and expanded by section 20231(a)(12));

(C) the land described in subsection (a)(4) shall be incorporated in, and considered to be a part of, the South Fork Trinity River Wilderness established by section 20231(a)(14);

(D) the land described in subsection (a)(5) shall be incorporated in, and considered to be a part of, the Trinity Alps Wilderness as designated by section 101(a)(34) of the California

1 Wilderness Act of 1984 (16 U.S.C. 1132 note;
2 98 Stat. 1623) (as amended by section 3(7) of
3 Public Law 109–362 (16 U.S.C. 1132 note;
4 120 Stat. 2065) and expanded by section
5 20231(a)(15));

6 (E) the land described in subsection (a)(6)
7 shall be incorporated in, and considered to be a
8 part of, the Yolla Bolly-Middle Eel Wilderness
9 as designated by section 3 of the Wilderness
10 Act (16 U.S.C. 1132) (as amended by section
11 3(4) of Public Law 109–362 (16 U.S.C. 1132
12 note; 120 Stat. 2065) and expanded by section
13 20231(a)(17)); and

14 (F) the land described in subsection (a)(7)
15 shall be incorporated in, and considered to be a
16 part of, the Yuki Wilderness as designated by
17 section 3(3) of Public Law 109–362 (16 U.S.C.
18 1132 note; 120 Stat. 2065) and expanded by
19 section 20231(a)(18).

20 (f) REPORT.—Within 3 years after the date of enact-
21 ment of this Act, and every 3 years thereafter until the
22 date upon which the potential wilderness is designated wil-
23 derness under subsection (d), the Secretary shall submit
24 a report to the Committee on Natural Resources of the
25 House of Representatives and the Committee on Energy

1 and Natural Resources of the Senate on the status of eco-
2 logical restoration within the potential wilderness area and
3 the progress toward the potential wilderness area's even-
4 tual wilderness designation under subsection (d).

5 **SEC. 20234. DESIGNATION OF WILD AND SCENIC RIVERS.**

6 Section 3(a) of the National Wild and Scenic Rivers
7 Act (16 U.S.C. 1274(a)) is amended by adding at the end
8 the following:

9 “(231) SOUTH FORK TRINITY RIVER.—The fol-
10 lowing segments from the source tributaries in the
11 Yolla Bolly-Middle Eel Wilderness, to be adminis-
12 tered by the Secretary of Agriculture:

13 “(A) The 18.3-mile segment from its mul-
14 tiple source springs in the Cedar Basin of the
15 Yolla Bolly-Middle Eel Wilderness in section
16 15, T. 27 N., R. 10 W. to .25 miles upstream
17 of the Wild Mad Road, as a wild river.

18 “(B) The .65-mile segment from .25 miles
19 upstream of Wild Mad Road to the confluence
20 with the unnamed tributary approximately .4
21 miles downstream of the Wild Mad Road in sec-
22 tion 29, T. 28 N., R. 11 W., as a scenic river.

23 “(C) The 9.8-mile segment from .75 miles
24 downstream of Wild Mad Road to Silver Creek,
25 as a wild river.

1 “(D) The 5.4-mile segment from Silver
2 Creek confluence to Farley Creek, as a scenic
3 river.

4 “(E) The 3.6-mile segment from Farley
5 Creek to Cave Creek, as a recreational river.

6 “(F) The 5.6-mile segment from Cave
7 Creek to the confluence of the unnamed creek
8 upstream of Hidden Valley Ranch in section 5,
9 T. 15, R. 7 E., as a wild river.

10 “(G) The 2.5-mile segment from unnamed
11 creek confluence upstream of Hidden Valley
12 Ranch to the confluence with the unnamed
13 creek flowing west from Bear Wallow Mountain
14 in section 29, T. 1 N., R. 7 E., as a scenic
15 river.

16 “(H) The 3.8-mile segment from the
17 unnamed creek confluence in section 29, T. 1
18 N., R. 7 E. to Plummer Creek, as a wild river.

19 “(I) The 1.8-mile segment from Plummer
20 Creek to the confluence with the unnamed trib-
21 utary north of McClellan Place in section 6, T.
22 1 N., R. 7 E., as a scenic river.

23 “(J) The 5.4-mile segment from the
24 unnamed tributary confluence in section 6, T. 1
25 N., R. 7 E. to Hitchcock Creek, as a wild river.

1 “(K) The 7-mile segment from Eltapom
2 Creek to the Grouse Creek, as a scenic river.

3 “(L) The 5-mile segment from Grouse
4 Creek to Coon Creek, as a wild river.

5 “(232) EAST FORK SOUTH FORK TRINITY
6 RIVER.—The following segments to be administered
7 by the Secretary of Agriculture:

8 “(A) The 8.4-mile segment from its source
9 in the Pettijohn Basin in the Yolla Bolly-Middle
10 Eel Wilderness in section 10, T. 3 S., R. 10 W.
11 to .25 miles upstream of the Wild Mad Road,
12 as a wild river.

13 “(B) The 3.4-mile segment from .25 miles
14 upstream of the Wild Mad Road to the South
15 Fork Trinity River, as a recreational river.

16 “(233) RATTLESNAKE CREEK.—The 5.9-mile
17 segment from the confluence with the unnamed trib-
18 utary in the southeast corner of section 5, T. 1 S.,
19 R. 12 W. to the South Fork Trinity River, to be ad-
20 ministered by the Secretary of Agriculture as a rec-
21 reational river.

22 “(234) BUTTER CREEK.—The 7-mile segment
23 from .25 miles downstream of the Road 3N08 cross-
24 ing to the South Fork Trinity River, to be adminis-

1 tered by the Secretary of Agriculture as a scenic
2 river.

3 “(235) HAYFORK CREEK.—The following seg-
4 ments to be administered by the Secretary of Agri-
5 culture:

6 “(A) The 3.2-mile segment from Little
7 Creek to Bear Creek, as a recreational river.

8 “(B) The 13.2-mile segment from Bear
9 Creek to the northern boundary of section 19,
10 T. 3 N., R. 7 E., as a scenic river.

11 “(236) OLSEN CREEK.—The 2.8-mile segment
12 from the confluence of its source tributaries in sec-
13 tion 5, T. 3 N., R. 7 E. to the northern boundary
14 of section 24, T. 3 N., R. 6 E., to be administered
15 by the Secretary of the Interior as a scenic river.

16 “(237) RUSCH CREEK.—The 3.2-mile segment
17 from .25 miles downstream of the 32N11 Road
18 crossing to Hayfork Creek, to be administered by
19 the Secretary of Agriculture as a recreational river.

20 “(238) ELTAPOM CREEK.—The 3.4-mile seg-
21 ment from Buckhorn Creek to the South Fork Trin-
22 ity River, to be administered by the Secretary of Ag-
23 riculture as a wild river.

1 “(239) GROUSE CREEK.—The following seg-
2 ments to be administered by the Secretary of Agri-
3 culture:

4 “(A) The 3.9-mile segment from Carson
5 Creek to Cow Creek, as a scenic river.

6 “(B) The 7.4-mile segment from Cow
7 Creek to the South Fork Trinity River, as a
8 recreational river.

9 “(240) MADDEN CREEK.—The following seg-
10 ments to be administered by the Secretary of Agri-
11 culture:

12 “(A) The 6.8-mile segment from the con-
13 fluence of Madden Creek and its unnamed trib-
14 utary in section 18, T. 5 N., R. 5 E. to
15 Fourmile Creek, as a wild river.

16 “(B) The 1.6-mile segment from Fourmile
17 Creek to the South Fork Trinity River, as a
18 recreational river.

19 “(241) CANYON CREEK.—The following seg-
20 ments to be administered by the Secretary of Agri-
21 culture and the Secretary of the Interior:

22 “(A) The 6.6-mile segment from the outlet
23 of lower Canyon Creek Lake to Bear Creek up-
24 stream of Ripstein, as a wild river.

1 “(B) The 11.2-mile segment from Bear
2 Creek upstream of Ripstein to the southern
3 boundary of section 25, T. 34 N., R. 11 W., as
4 a recreational river.

5 “(242) NORTH FORK TRINITY RIVER.—The fol-
6 lowing segments to be administered by the Secretary
7 of Agriculture:

8 “(A) The 12-mile segment from the con-
9 fluence of source tributaries in section 24, T. 8
10 N., R. 12 W. to the Trinity Alps Wilderness
11 boundary upstream of Hobo Gulch, as a wild
12 river.

13 “(B) The .5-mile segment from where the
14 river leaves the Trinity Alps Wilderness to
15 where it fully reenters the Trinity Alps Wilder-
16 ness downstream of Hobo Gulch, as a scenic
17 river.

18 “(C) The 13.9-mile segment from where
19 the river fully reenters the Trinity Alps Wilder-
20 ness downstream of Hobo Gulch to the Trinity
21 Alps Wilderness boundary upstream of the
22 County Road 421 crossing, as a wild river.

23 “(D) The 1.3-mile segment from the Trin-
24 ity Alps Wilderness boundary upstream of the

1 County Road 421 crossing to the Trinity River,
2 as a recreational river.

3 “(243) EAST FORK NORTH FORK TRINITY
4 RIVER.—The following segments to be administered
5 by the Secretary of Agriculture:

6 “(A) The 9.5-mile segment from the river’s
7 source north of Mt. Hilton in section 19, T. 36
8 N., R. 10 W. to the end of Road 35N20 ap-
9 proximately .5 miles downstream of the con-
10 fluence with the East Branch East Fork North
11 Fork Trinity River, as a wild river.

12 “(B) The 3.25-mile segment from the end
13 of Road 35N20 to .25 miles upstream of
14 Coleridge, as a scenic river.

15 “(C) The 4.6-mile segment from .25 miles
16 upstream of Coleridge to the confluence of Fox
17 Gulch, as a recreational river.

18 “(244) NEW RIVER.—The following segments
19 to be administered by the Secretary of Agriculture:

20 “(A) The 12.7-mile segment of Virgin
21 Creek from its source spring in section 22, T.
22 9 N., R. 7 E. to Slide Creek, as a wild river.

23 “(B) The 2.3-mile segment of the New
24 River where it begins at the confluence of Vir-

1 gin and Slide Creeks to Barron Creek, as a wild
2 river.

3 “(245) MIDDLE EEL RIVER.—The following
4 segment, to be administered by the Secretary of Ag-
5 riculture:

6 “(A) The 37.7-mile segment from its
7 source in Frying Pan Meadow to Rose Creek,
8 as a wild river.

9 “(B) The 1.5-mile segment from Rose
10 Creek to the Black Butte River, as a rec-
11 reational river.

12 “(C) The 10.5-mile segment of Balm of
13 Gilead Creek from its source in Hopkins Hollow
14 to the Middle Eel River, as a wild river.

15 “(D) The 13-mile segment of the North
16 Fork Middle Fork Eel River from the source on
17 Dead Puppy Ridge in section 11, T. 26 N., R.
18 11 W. to the confluence of the Middle Eel
19 River, as a wild river.

20 “(246) NORTH FORK EEL RIVER, CA.—The
21 14.3-mile segment from the confluence with Gilman
22 Creek to the Six Rivers National Forest boundary,
23 to be administered by the Secretary of Agriculture
24 as a wild river.

1 “(247) RED MOUNTAIN CREEK, CA.—The fol-
2 lowing segments to be administered by the Secretary
3 of Agriculture:

4 “(A) The 5.25-mile segment from its
5 source west of Mike’s Rock in section 23, T. 26
6 N., R. 12 E. to the confluence with Littlefield
7 Creek, as a wild river.

8 “(B) The 1.6-mile segment from the con-
9 fluence with Littlefield Creek to the confluence
10 with the unnamed tributary in section 32, T. 26
11 N., R. 8 E., as a scenic river.

12 “(C) The 1.25-mile segment from the con-
13 fluence with the unnamed tributary in section
14 32, T. 4 S., R. 8 E. to the confluence with the
15 North Fork Eel River, as a wild river.

16 “(248) REDWOOD CREEK.—The following seg-
17 ments to be administered by the Secretary of the In-
18 terior:

19 “(A) The 6.2-mile segment from the con-
20 fluence with Lacks Creek to the confluence with
21 Coyote Creek as a scenic river on publication by
22 the Secretary of a notice in the Federal Reg-
23 ister that sufficient inholdings within the
24 boundaries of the segments have been acquired

1 in fee title to establish a manageable addition
2 to the system.

3 “(B) The 19.1-mile segment from the con-
4 fluence with Coyote Creek in section 2, T. 8 N.,
5 R. 2 E. to the Redwood National Park bound-
6 ary upstream of Orick in section 34, T. 11 N.,
7 R. 1 E. as a scenic river.

8 “(C) The 2.3-mile segment of Emerald
9 Creek (also known as Harry Weir Creek) from
10 its source in section 29, T. 10 N., R. 2 E. to
11 the confluence with Redwood Creek as a scenic
12 river.

13 “(249) LACKS CREEK.—The following segments
14 to be administered by the Secretary of the Interior:

15 “(A) The 5.1-mile segment from the con-
16 fluence with two unnamed tributaries in section
17 14, T. 7 N., R. 3 E. to Kings Crossing in sec-
18 tion 27, T. 8 N., R. 3 E. as a wild river.

19 “(B) The 2.7-mile segment from Kings
20 Crossing to the confluence with Redwood Creek
21 as a scenic river upon publication by the Sec-
22 retary of a notice in the Federal Register that
23 sufficient inholdings within the segment have
24 been acquired in fee title or as scenic easements

1 to establish a manageable addition to the sys-
2 tem.

3 “(250) LOST MAN CREEK.—The following seg-
4 ments to be administered by the Secretary of the In-
5 terior:

6 “(A) The 6.4-mile segment of Lost Man
7 Creek from its source in section 5, T. 10 N., R.
8 2 E. to .25 miles upstream of the Prairie Creek
9 confluence, as a recreational river.

10 “(B) The 2.3-mile segment of Larry
11 Damm Creek from its source in section 8, T. 11
12 N., R. 2 E. to the confluence with Lost Man
13 Creek, as a recreational river.

14 “(251) LITTLE LOST MAN CREEK.—The 3.6-
15 mile segment of Little Lost Man Creek from its
16 source in section 6, T. 10 N., R. 2 E. to .25 miles
17 upstream of the Lost Man Creek road crossing, to
18 be administered by the Secretary of the Interior as
19 a wild river.

20 “(252) SOUTH FORK ELK RIVER.—The fol-
21 lowing segments to be administered by the Secretary
22 of the Interior through a cooperative management
23 agreement with the State of California:

24 “(A) The 3.6-mile segment of the Little
25 South Fork Elk River from the source in sec-

1 tion 21, T. 3 N., R. 1 E. to the confluence with
2 the South Fork Elk River, as a wild river.

3 “(B) The 2.2-mile segment of the
4 unnamed tributary of the Little South Fork Elk
5 River from its source in section 15, T. 3 N., R.
6 1 E. to the confluence with the Little South
7 Fork Elk River, as a wild river.

8 “(C) The 3.6-mile segment of the South
9 Fork Elk River from the confluence of the Lit-
10 tle South Fork Elk River to the confluence with
11 Tom Gulch, as a recreational river.

12 “(253) SALMON CREEK.—The 4.6-mile segment
13 from its source in section 27, T. 3 N., R. 1 E. to
14 the Headwaters Forest Reserve boundary in section
15 18, T. 3 N., R. 1 E. to be administered by the Sec-
16 retary of the Interior as a wild river through a coop-
17 erative management agreement with the State of
18 California.

19 “(254) SOUTH FORK EEL RIVER.—The fol-
20 lowing segments to be administered by the Secretary
21 of the Interior:

22 “(A) The 6.2-mile segment from the con-
23 fluence with Jack of Hearts Creek to the south-
24 ern boundary of the South Fork Eel Wilderness
25 in section 8, T. 22 N., R. 16 W., as a rec-

1 reational river to be administered by the Sec-
2 retary through a cooperative management
3 agreement with the State of California.

4 “(B) The 6.1-mile segment from the south-
5 ern boundary of the South Fork Eel Wilderness
6 to the northern boundary of the South Fork
7 Eel Wilderness in section 29, T. 23 N., R. 16
8 W., as a wild river.

9 “(255) ELDER CREEK.—The following seg-
10 ments to be administered by the Secretary of the In-
11 terior through a cooperative management agreement
12 with the State of California:

13 “(A) The 3.6-mile segment from its source
14 north of Signal Peak in section 6, T. 21 N., R.
15 15 W. to the confluence with the unnamed trib-
16 utary near the center of section 28, T. 22 N.,
17 R. 16 W., as a wild river.

18 “(B) The 1.3-mile segment from the con-
19 fluence with the unnamed tributary near the
20 center of section 28, T. 22 N., R. 15 W. to the
21 confluence with the South Fork Eel River, as a
22 recreational river.

23 “(C) The 2.1-mile segment of Paralyze
24 Canyon from its source south of Signal Peak in

1 section 7, T. 21 N., R. 15 W. to the confluence
2 with Elder Creek, as a wild river.

3 “(256) CEDAR CREEK.—The following seg-
4 ments to be administered as a wild river by the Sec-
5 retary of the Interior:

6 “(A) The 7.7-mile segment from its source
7 in section 22, T. 24 N., R. 16 W. to the south-
8 ern boundary of the Red Mountain unit of the
9 South Fork Eel Wilderness.

10 “(B) The 1.9-mile segment of North Fork
11 Cedar Creek from its source in section 28, T.
12 24 N., R. 16 E. to the confluence with Cedar
13 Creek.

14 “(257) EAST BRANCH SOUTH FORK EEL
15 RIVER.—The following segments to be administered
16 by the Secretary of the Interior as a scenic river on
17 publication by the Secretary of a notice in the Fed-
18 eral Register that sufficient inholdings within the
19 boundaries of the segments have been acquired in
20 fee title or as scenic easements to establish a man-
21 ageable addition to the system:

22 “(A) The 2.3-mile segment of Cruso Cabin
23 Creek from the confluence of two unnamed trib-
24 utaries in section 18, T. 24 N., R. 15 W. to the
25 confluence with Elkhorn Creek.

1 “(B) The 1.8-mile segment of Elkhorn
2 Creek from the confluence of two unnamed trib-
3 utaries in section 22, T. 24 N., R. 16 W. to the
4 confluence with Cruso Cabin Creek.

5 “(C) The 14.2-mile segment of the East
6 Branch South Fork Eel River from the con-
7 fluence of Cruso Cabin and Elkhorn Creeks to
8 the confluence with Rays Creek.

9 “(D) The 1.7-mile segment of the
10 unnamed tributary from its source on the north
11 flank of Red Mountain’s north ridge in section
12 2, T. 24 N., R. 17 W. to the confluence with
13 the East Branch South Fork Eel River.

14 “(E) The 1.3-mile segment of the
15 unnamed tributary from its source on the north
16 flank of Red Mountain’s north ridge in section
17 1, T. 24 N., R. 17 W. to the confluence with
18 the East Branch South Fork Eel River.

19 “(F) The 1.8-mile segment of Tom Long
20 Creek from the confluence with the unnamed
21 tributary in section 12, T. 5 S., R. 4 E. to the
22 confluence with the East Branch South Fork
23 Eel River.

24 “(258) MATTOLE RIVER ESTUARY.—The 1.5-
25 mile segment from the confluence of Stansberry

1 Creek to the Pacific Ocean, to be administered as a
2 recreational river by the Secretary of the Interior.

3 “(259) HONEYDEW CREEK.—The following seg-
4 ments to be administered as a wild river by the Sec-
5 retary of the Interior:

6 “(A) The 5.1-mile segment of Honeydew
7 Creek from its source in the southwest corner
8 of section 25, T. 3 S., R. 1 W. to the eastern
9 boundary of the King Range National Con-
10 servation Area in section 18, T. 3 S., R. 1 E.

11 “(B) The 2.8-mile segment of West Fork
12 Honeydew Creek from its source west of North
13 Slide Peak to the confluence with Honeydew
14 Creek.

15 “(C) The 2.7-mile segment of Upper East
16 Fork Honeydew Creek from its source in sec-
17 tion 23, T. 3 S., R. 1 W. to the confluence with
18 Honeydew Creek.

19 “(260) BEAR CREEK.—The following segments
20 to be administered by the Secretary of the Interior:

21 “(A) The 1.9-mile segment of North Fork
22 Bear Creek from the confluence with the
23 unnamed tributary immediately downstream of
24 the Horse Mountain Road crossing to the con-
25 fluence with the South Fork, as a scenic river.

1 “(B) The 6.1-mile segment of South Fork
2 Bear Creek from the confluence in section 2, T.
3 5 S., R. 1 W. with the unnamed tributary flow-
4 ing from the southwest flank of Queen Peak to
5 the confluence with the North Fork, as a scenic
6 river.

7 “(C) The 3-mile segment of Bear Creek
8 from the confluence of the North and South
9 Forks to the southern boundary of section 11,
10 T. 4 S., R. 1 E., as a wild river.

11 “(261) GITCHELL CREEK.—The 3-mile segment
12 of Gitchell Creek from its source near Saddle Moun-
13 tain to the Pacific Ocean to be administered by the
14 Secretary of the Interior as a wild river.

15 “(262) BIG FLAT CREEK.—The following seg-
16 ments to be administered by the Secretary of the In-
17 terior as a wild river:

18 “(A) The 4-mile segment of Big Flat
19 Creek from its source near King Peak in sec-
20 tion 36, T. 3 S., R. 1 W. to the Pacific Ocean.

21 “(B) The .8-mile segment of the unnamed
22 tributary from its source in section 35, T. 3 S.,
23 R. 1 W. to the confluence with Big Flat Creek.

24 “(C) The 2.7-mile segment of North Fork
25 Big Flat Creek from the source in section 34,

1 T. 3 S., R. 1 W. to the confluence with Big
2 Flat Creek.

3 “(263) BIG CREEK.—The following segments to
4 be administered by the Secretary of the Interior as
5 wild rivers:

6 “(A) The 2.7-mile segment of Big Creek
7 from its source in section 26, T. 3 S., R. 1 W.
8 to the Pacific Ocean.

9 “(B) The 1.9-mile unnamed southern trib-
10 utary from its source in section 25, T. 3 S., R.
11 1 W. to the confluence with Big Creek.

12 “(264) ELK CREEK.—The 11.4-mile segment
13 from its confluence with Lookout Creek to its con-
14 fluence with Deep Hole Creek, to be jointly adminis-
15 tered by the Secretaries of Agriculture and the Inte-
16 rior, as a wild river.

17 “(265) EDEN CREEK.—The 2.7-mile segment
18 from the private property boundary in the northwest
19 quarter of section 27, T. 21 N., R. 12 W. to the
20 eastern boundary of section 23, T. 21 N., R. 12 W.,
21 to be administered by the Secretary of the Interior
22 as a wild river.

23 “(266) DEEP HOLE CREEK.—The 4.3-mile seg-
24 ment from the private property boundary in the
25 southwest quarter of section 13, T. 20 N., R. 12 W.

1 to the confluence with Elk Creek, to be administered
2 by the Secretary of the Interior as a wild river.

3 “(267) INDIAN CREEK.—The 3.3-mile segment
4 from 300 feet downstream of the jeep trail in section
5 13, T. 20 N., R. 13 W. to the confluence with the
6 Eel River, to be administered by the Secretary of the
7 Interior as a wild river.

8 “(268) FISH CREEK.—The 4.2-mile segment
9 from the source at Buckhorn Spring to the con-
10 fluence with the Eel River, to be administered by the
11 Secretary of the Interior as a wild river.”.

12 **SEC. 20235. SANHEDRIN SPECIAL CONSERVATION MANAGE-**
13 **MENT AREA.**

14 (a) ESTABLISHMENT.—Subject to valid existing
15 rights, there is established the Sanhedrin Special Con-
16 servation Management Area (referred to in this section as
17 the “conservation management area”), comprising ap-
18 proximately 14,177 acres of Federal land administered by
19 the Forest Service in Mendocino County, California, as
20 generally depicted on the map entitled “Sanhedrin Special
21 Conservation Management Area—Proposed” and dated
22 April 12, 2017.

23 (b) PURPOSES.—The purposes of the conservation
24 management area are to—

1 (1) conserve, protect, and enhance for the ben-
2 efit and enjoyment of present and future generations
3 the ecological, scenic, wildlife, recreational, roadless,
4 cultural, historical, natural, educational, and sci-
5 entific resources of the conservation management
6 area;

7 (2) protect and restore late-successional forest
8 structure, oak woodlands and grasslands, aquatic
9 habitat, and anadromous fisheries within the con-
10 servation management area;

11 (3) protect and restore the wilderness character
12 of the conservation management area; and

13 (4) allow visitors to enjoy the scenic, natural,
14 cultural, and wildlife values of the conservation man-
15 agement area.

16 (c) MANAGEMENT.—

17 (1) IN GENERAL.—The Secretary shall manage
18 the conservation management area—

19 (A) in a manner consistent with the pur-
20 poses described in subsection (b); and

21 (B) in accordance with—

22 (i) the laws (including regulations)
23 generally applicable to the National Forest
24 System;

25 (ii) this section; and

1 (iii) any other applicable law (includ-
2 ing regulations).

3 (2) USES.—The Secretary shall only allow uses
4 of the conservation management area that the Sec-
5 retary determines would further the purposes de-
6 scribed in subsection (b).

7 (d) MOTORIZED VEHICLES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (3), the use of motorized vehicles in the con-
10 servation management area shall be permitted only
11 on existing roads, trails, and areas designated for
12 use by such vehicles as of the date of enactment of
13 this Act.

14 (2) NEW OR TEMPORARY ROADS.—Except as
15 provided in paragraph (3), no new or temporary
16 roads shall be constructed within the conservation
17 management area.

18 (3) EXCEPTION.—Nothing in paragraph (1) or
19 (2) prevents the Secretary from—

20 (A) rerouting or closing an existing road or
21 trail to protect natural resources from degrada-
22 tion, or to protect public safety, as determined
23 to be appropriate by the Secretary;

24 (B) designating routes of travel on lands
25 acquired by the Secretary and incorporated into

1 the conservation management area if the des-
2 ignations are—

3 (i) consistent with the purposes de-
4 scribed in subsection (b); and

5 (ii) completed, to the maximum extent
6 practicable, within 3 years of the date of
7 acquisition;

8 (C) constructing a temporary road on
9 which motorized vehicles are permitted as part
10 of a vegetation management project carried out
11 in accordance with subsection (e);

12 (D) authorizing the use of motorized vehi-
13 cles for administrative purposes; or

14 (E) responding to an emergency.

15 (4) DECOMMISSIONING OF TEMPORARY
16 ROADS.—

17 (A) REQUIREMENT.—The Secretary shall
18 decommission any temporary road constructed
19 under paragraph (3)(C) not later than 3 years
20 after the date on which the applicable vegeta-
21 tion management project is completed.

22 (B) DEFINITION.—As used in subpara-
23 graph (A), the term “decommission” means—

24 (i) to reestablish vegetation on a road;
25 and

1 (ii) to restore any natural drainage,
2 watershed function, or other ecological
3 processes that are disrupted or adversely
4 impacted by the road by removing or
5 hydrologically disconnecting the road
6 prism.

7 (e) TIMBER HARVEST.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), no harvesting of timber shall be allowed
10 within the conservation management area.

11 (2) EXCEPTIONS.—The Secretary may author-
12 ize harvesting of timber in the conservation manage-
13 ment area—

14 (A) if the Secretary determines that the
15 harvesting is necessary to further the purposes
16 of the conservation management area;

17 (B) in a manner consistent with the pur-
18 poses described in subsection (b); and

19 (C) subject to—

20 (i) such reasonable regulations, poli-
21 cies, and practices as the Secretary deter-
22 mines appropriate; and

23 (ii) all applicable laws (including regu-
24 lations).

1 (f) GRAZING.—The grazing of livestock in the con-
2 servation management area, where established before the
3 date of enactment of this Act, shall be permitted to con-
4 tinue—

5 (1) subject to—

6 (A) such reasonable regulations, policies,
7 and practices as the Secretary considers nec-
8 essary; and

9 (B) applicable law (including regulations);
10 and

11 (2) in a manner consistent with the purposes
12 described in subsection (b).

13 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
14 MENT.—Consistent with this section, the Secretary may
15 take any measures within the conservation management
16 area that the Secretary determines to be necessary to con-
17 trol fire, insects, and diseases, including the coordination
18 of those activities with a State or local agency.

19 (h) ACQUISITION AND INCORPORATION OF LAND AND
20 INTERESTS IN LAND.—

21 (1) ACQUISITION AUTHORITY.—In accordance
22 with applicable laws (including regulations), the Sec-
23 retary may acquire any land or interest in land with-
24 in or adjacent to the boundaries of the conservation

1 management area by purchase from willing sellers,
2 donation, or exchange.

3 (2) INCORPORATION.—Any land or interest in
4 land acquired by the Secretary under paragraph (1)
5 shall be—

6 (A) incorporated into, and administered as
7 part of, the conservation management area; and

8 (B) withdrawn in accordance with sub-
9 section (i).

10 (i) WITHDRAWAL.—Subject to valid existing rights,
11 all Federal land located in the conservation management
12 area is withdrawn from—

13 (1) all forms of entry, appropriation, and dis-
14 posal under the public land laws;

15 (2) location, entry, and patenting under the
16 mining laws; and

17 (3) operation of the mineral leasing, mineral
18 materials, and geothermal leasing laws.

19 **Subtitle D—Miscellaneous**

20 **SEC. 20241. MAPS AND LEGAL DESCRIPTIONS.**

21 (a) IN GENERAL.—As soon as practicable after the
22 date of enactment of this Act, the Secretary shall prepare
23 maps and legal descriptions of the—

24 (1) wilderness areas and wilderness additions
25 designated by section 20231;

1 (2) potential wilderness areas designated by
2 section 20233;

3 (3) South Fork Trinity-Mad River Restoration
4 Area;

5 (4) Horse Mountain Special Management Area;
6 and

7 (5) Sanhedrin Special Conservation Manage-
8 ment Area.

9 (b) SUBMISSION OF MAPS AND LEGAL DESCRIP-
10 TIONS.—The Secretary shall file the maps and legal de-
11 scriptions prepared under subsection (a) with—

12 (1) the Committee on Natural Resources of the
13 House of Representatives; and

14 (2) the Committee on Energy and Natural Re-
15 sources of the Senate.

16 (c) FORCE OF LAW.—The maps and legal descrip-
17 tions prepared under subsection (a) shall have the same
18 force and effect as if included in this title, except that
19 the Secretary may correct any clerical and typographical
20 errors in the maps and legal descriptions.

21 (d) PUBLIC AVAILABILITY.—The maps and legal de-
22 scriptions prepared under subsection (a) shall be on file
23 and available for public inspection in the appropriate of-
24 fices of the Forest Service, Bureau of Land Management,
25 and National Park Service.

1 **SEC. 20242. UPDATES TO LAND AND RESOURCE MANAGE-**
2 **MENT PLANS.**

3 As soon as practicable, in accordance with applicable
4 laws (including regulations), the Secretary shall incor-
5 porate the designations and studies required by this title
6 into updated management plans for units covered by this
7 title.

8 **SEC. 20243. PACIFIC GAS AND ELECTRIC COMPANY UTILITY**
9 **FACILITIES AND RIGHTS-OF-WAY.**

10 (a) EFFECT OF ACT.—Nothing in this title—

11 (1) affects any validly issued right-of-way for
12 the customary operation, maintenance, upgrade, re-
13 pair, relocation within an existing right-of-way, re-
14 placement, or other authorized activity (including
15 the use of any mechanized vehicle, helicopter, and
16 other aerial device) in a right-of-way acquired by or
17 issued, granted, or permitted to Pacific Gas and
18 Electric Company (including any predecessor or suc-
19 cessor in interest or assign) that is located on land
20 included in the South Fork Trinity—Mad River Res-
21 toration Area, Bigfoot National Recreation Trail,
22 Sanhedrin Special Conservation Management Area,
23 and Horse Mountain Special Management Area; or
24 (2) prohibits the upgrading or replacement of
25 any—

1 (A) utility facilities of the Pacific Gas and
2 Electric Company, including those utility facili-
3 ties known on the date of enactment of this Act
4 within the—

5 (i) South Fork Trinity—Mad River
6 Restoration Area known as—

7 (I) Gas Transmission Line 177A
8 or rights-of-way;

9 (II) Gas Transmission Line
10 DFM 1312-02 or rights-of-way;

11 (III) Electric Transmission Line
12 Bridgeville—Cottonwood 115 kV or
13 rights-of-way;

14 (IV) Electric Transmission Line
15 Humboldt—Trinity 60 kV or rights-
16 of-way;

17 (V) Electric Transmission Line
18 Humboldt—Trinity 115 kV or rights-
19 of-way;

20 (VI) Electric Transmission Line
21 Maple Creek—Hoopa 60 kV or rights-
22 of-way;

23 (VII) Electric Distribution
24 Line—Willow Creek 1101 12 kV or
25 rights-of-way;

1 (VIII) Electric Distribution
2 Line—Willow Creek 1103 12 kV or
3 rights-of-way;

4 (IX) Electric Distribution Line—
5 Low Gap 1101 12 kV or rights-of-
6 way;

7 (X) Electric Distribution Line—
8 Fort Seward 1121 12 kV or rights-of-
9 way;

10 (XI) Forest Glen Border District
11 Regulator Station or rights-of-way;

12 (XII) Durret District Gas Regu-
13 lator Station or rights-of-way;

14 (XIII) Gas Distribution Line
15 4269C or rights-of-way;

16 (XIV) Gas Distribution Line
17 43991 or rights-of-way;

18 (XV) Gas Distribution Line
19 4993D or rights-of-way;

20 (XVI) Sportsmans Club District
21 Gas Regulator Station or rights-of-
22 way;

23 (XVII) Highway 36 and Zenia
24 District Gas Regulator Station or
25 rights-of-way;

1 (XVIII) Dinsmore Lodge 2nd
2 Stage Gas Regulator Station or
3 rights-of-way;

4 (XIX) Electric Distribution
5 Line—Wildwood 1101 12kV or rights-
6 of-way;

7 (XX) Low Gap Substation;

8 (XXI) Hyampom Switching Sta-
9 tion; or

10 (XXII) Wildwood Substation;

11 (ii) Bigfoot National Recreation Trail
12 known as—

13 (I) Gas Transmission Line 177A
14 or rights-of-way;

15 (II) Electric Transmission Line
16 Humboldt—Trinity 115 kV or rights-
17 of-way;

18 (III) Electric Transmission Line
19 Bridgeville—Cottonwood 115 kV or
20 rights-of-way; or

21 (IV) Electric Transmission Line
22 Humboldt—Trinity 60 kV or rights-
23 of-way;

24 (iii) Sanhedrin Special Conservation
25 Management Area known as, Electric Dis-

1 tribution Line—Willits 1103 12 kV or
2 rights-of-way; or

3 (iv) Horse Mountain Special Manage-
4 ment Area known as, Electric Distribution
5 Line Willow Creek 1101 12 kV or rights-
6 of-way; or

7 (B) utility facilities of the Pacific Gas and
8 Electric Company in rights-of-way issued,
9 granted, or permitted by the Secretary adjacent
10 to a utility facility referred to in paragraph (1).

11 (b) PLANS FOR ACCESS.—Not later than 1 year after
12 the date of enactment of this subtitle or the issuance of
13 a new utility facility right-of-way within the South Fork
14 Trinity—Mad River Restoration Area, Bigfoot National
15 Recreation Trail, Sanhedrin Special Conservation Man-
16 agement Area, and Horse Mountain Special Management
17 Area, whichever is later, the Secretary, in consultation
18 with the Pacific Gas and Electric Company, shall publish
19 plans for regular and emergency access by the Pacific Gas
20 and Electric Company to the rights-of-way of the Pacific
21 Gas and Electric Company.

1 **TITLE III—CENTRAL COAST**
2 **HERITAGE PROTECTION**

3 **SEC. 20301. SHORT TITLE.**

4 This title may be cited as the “Central Coast Herit-
5 age Protection Act”.

6 **SEC. 20302. DEFINITIONS.**

7 In this title:

8 (1) SCENIC AREAS.—The term “scenic area”
9 means a scenic area designated by section 20308(a).

10 (2) SECRETARY.—The term “Secretary”
11 means—

12 (A) with respect to land managed by the
13 Bureau of Land Management, the Secretary of
14 the Interior; and

15 (B) with respect to land managed by the
16 Forest Service, the Secretary of Agriculture.

17 (3) STATE.—The term “State” means the State
18 of California.

19 (4) WILDERNESS AREA.—The term “wilderness
20 area” means a wilderness area or wilderness addi-
21 tion designated by section 20303(a).

22 **SEC. 20303. DESIGNATION OF WILDERNESS.**

23 (a) IN GENERAL.—In accordance with the Wilderness
24 Act (16 U.S.C. 1131 et seq.), the following areas in the

1 State are designated as wilderness areas and as compo-
2 nents of the National Wilderness Preservation System:

3 (1) Certain land in the Bakersfield Field Office
4 of the Bureau of Land Management comprising ap-
5 proximately 35,116 acres, as generally depicted on
6 the map entitled “Proposed Caliente Mountain Wil-
7 derness” and dated November 13, 2019, which shall
8 be known as the “Caliente Mountain Wilderness”.

9 (2) Certain land in the Bakersfield Field Office
10 of the Bureau of Land Management comprising ap-
11 proximately 13,332 acres, as generally depicted on
12 the map entitled “Proposed Soda Lake Wilderness”
13 and dated June 25, 2019, which shall be known as
14 the “Soda Lake Wilderness”.

15 (3) Certain land in the Bakersfield Field Office
16 of the Bureau of Land Management comprising ap-
17 proximately 12,585 acres, as generally depicted on
18 the map entitled “Proposed Temblor Range Wilder-
19 ness” and dated June 25, 2019, which shall be
20 known as the “Temblor Range Wilderness”.

21 (4) Certain land in the Los Padres National
22 Forest comprising approximately 23,670 acres, as
23 generally depicted on the map entitled “Chumash
24 Wilderness Area Additions—Proposed” and dated
25 March 29, 2019, which shall be incorporated into

1 and managed as part of the Chumash Wilderness as
2 designated by the Los Padres Condor Range and
3 River Protection Act (Public Law 102–301; 106
4 Stat. 242).

5 (5) Certain land in the Los Padres National
6 Forest comprising approximately 54,036 acres, as
7 generally depicted on the maps entitled “Dick Smith
8 Wilderness Area Additions—Proposed Map 1 of 2
9 (Bear Canyon and Cuyama Peak Units)” and “Dick
10 Smith Wilderness Area Additions—Proposed Map 2
11 of 2 (Buckhorn and Mono Units)” and dated No-
12 vember 14, 2019, which shall be incorporated into
13 and managed as part of the Dick Smith Wilderness
14 as designated by the California Wilderness Act of
15 1984 (Public Law 98–425; 16 U.S.C. 1132 note).

16 (6) Certain land in the Los Padres National
17 Forest and the Bakersfield Field Office of the Bu-
18 reau of Land Management comprising approximately
19 7,289 acres, as generally depicted on the map enti-
20 tled “Garcia Wilderness Area Additions—Proposed”
21 and dated March 29, 2019, which shall be incor-
22 porated into and managed as part of the Garcia Wil-
23 derness as designated by the Los Padres Condor
24 Range and River Protection Act (Public Law 102–
25 301; 106 Stat. 242).

1 (7) Certain land in the Los Padres National
2 Forest and the Bakersfield Field Office of the Bu-
3 reau of Land Management comprising approximately
4 8,774 acres, as generally depicted on the map enti-
5 tled “Machesna Mountain Wilderness—Proposed
6 Additions” and dated October 30, 2019, which shall
7 be incorporated into and managed as part of the
8 Machesna Mountain Wilderness as designated by the
9 California Wilderness Act of 1984 (Public Law 98–
10 425; 16 U.S.C. 1132 note).

11 (8) Certain land in the Los Padres National
12 Forest comprising approximately 30,184 acres, as
13 generally depicted on the map entitled “Matilija Wil-
14 derness Area Additions—Proposed” and dated
15 March 29, 2019, which shall be incorporated into
16 and managed as part of the Matilija Wilderness as
17 designated by the Los Padres Condor Range and
18 River Protection Act (Public Law 102–301; 106
19 Stat. 242).

20 (9) Certain land in the Los Padres National
21 Forest comprising approximately 23,969 acres, as
22 generally depicted on the map entitled “San Rafael
23 Wilderness Area Additions—Proposed” and dated
24 March 29, 2019, which shall be incorporated into
25 and managed as part of the San Rafael Wilderness

1 as designated by Public Law 90–271 (82 Stat. 51),
2 the California Wilderness Act of 1984 (Public Law
3 98–425; 16 U.S.C. 1132 note), and the Los Padres
4 Condor Range and River Protection Act (Public Law
5 102–301; 106 Stat. 242).

6 (10) Certain land in the Los Padres National
7 Forest comprising approximately 2,921 acres, as
8 generally depicted on the map entitled “Santa Lucia
9 Wilderness Area Additions—Proposed” and dated
10 March 29, 2019, which shall be incorporated into
11 and managed as part of the Santa Lucia Wilderness
12 as designated by the Endangered American Wilder-
13 ness Act of 1978 (Public Law 95–237; 16 U.S.C.
14 1132 note).

15 (11) Certain land in the Los Padres National
16 Forest comprising approximately 14,313 acres, as
17 generally depicted on the map entitled “Sespe Wil-
18 derness Area Additions—Proposed” and dated
19 March 29, 2019, which shall be incorporated into
20 and managed as part of the Sespe Wilderness as
21 designated by the Los Padres Condor Range and
22 River Protection Act (Public Law 102–301; 106
23 Stat. 242).

24 (12) Certain land in the Los Padres National
25 Forest comprising approximately 17,870 acres, as

1 generally depicted on the map entitled “Diablo
2 Caliente Wilderness Area—Proposed” and dated
3 March 29, 2019, which shall be known as the “Dia-
4 blo Caliente Wilderness”.

5 (b) MAPS AND LEGAL DESCRIPTIONS.—

6 (1) IN GENERAL.—As soon as practicable after
7 the date of enactment of this Act, the Secretary
8 shall file maps and legal descriptions of the wilder-
9 ness areas with—

10 (A) the Committee on Energy and Natural
11 Resources of the Senate; and

12 (B) the Committee on Natural Resources
13 of the House of Representatives.

14 (2) FORCE OF LAW.—The maps and legal de-
15 scriptions filed under paragraph (1) shall have the
16 same force and effect as if included in this title, ex-
17 cept that the Secretary may correct any clerical and
18 typographical errors in the maps and legal descrip-
19 tions.

20 (3) PUBLIC AVAILABILITY.—The maps and
21 legal descriptions filed under paragraph (1) shall be
22 on file and available for public inspection in the ap-
23 propriate offices of the Forest Service and Bureau
24 of Land Management.

1 **SEC. 20304. DESIGNATION OF THE MACHESNA MOUNTAIN**
2 **POTENTIAL WILDERNESS.**

3 (a) DESIGNATION.—In furtherance of the purposes of
4 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land
5 in the Los Padres National Forest comprising approxi-
6 mately 2,359 acres, as generally depicted on the map enti-
7 tled “Machesna Mountain Potential Wilderness” and
8 dated March 29, 2019, is designated as the Machesna
9 Mountain Potential Wilderness Area.

10 (b) MAP AND LEGAL DESCRIPTION.—

11 (1) IN GENERAL.—As soon as practicable after
12 the date of enactment of this Act, the Secretary
13 shall file a map and legal description of the
14 Machesna Mountain Potential Wilderness Area (re-
15 ferred to in this section as the “potential wilderness
16 area”) with—

17 (A) the Committee on Energy and Natural
18 Resources of the Senate; and

19 (B) the Committee on Natural Resources
20 of the House of Representatives.

21 (2) FORCE OF LAW.—The map and legal de-
22 scription filed under paragraph (1) shall have the
23 same force and effect as if included in this title, ex-
24 cept that the Secretary may correct any clerical and
25 typographical errors in the map and legal descrip-
26 tion.

1 (3) PUBLIC AVAILABILITY.—The map and legal
2 description filed under paragraph (1) shall be on file
3 and available for public inspection in the appropriate
4 offices of the Forest Service.

5 (c) MANAGEMENT.—Except as provided in subsection
6 (d) and subject to valid existing rights, the Secretary shall
7 manage the potential wilderness area in accordance with
8 the Wilderness Act (16 U.S.C. 1131 et seq.).

9 (d) TRAIL USE, CONSTRUCTION, RECONSTRUCTION,
10 AND REALIGNMENT.—

11 (1) IN GENERAL.—In accordance with para-
12 graph (2), the Secretary may reconstruct, realign, or
13 reroute the Pine Mountain Trail.

14 (2) REQUIREMENT.—In carrying out the recon-
15 struction, realignment, or rerouting under paragraph
16 (1), the Secretary shall—

17 (A) comply with all existing laws (including
18 regulations); and

19 (B) to the maximum extent practicable,
20 use the minimum tool or administrative practice
21 necessary to accomplish the reconstruction, re-
22 alignment, or rerouting with the least amount
23 of adverse impact on wilderness character and
24 resources.

1 (3) MOTORIZED VEHICLES AND MACHINERY.—

2 In accordance with paragraph (2), the Secretary
3 may use motorized vehicles and machinery to carry
4 out the trail reconstruction, realignment, or rerout-
5 ing authorized by this subsection.

6 (4) MOTORIZED AND MECHANIZED VEHI-

7 CLES.—The Secretary may permit the use of motor-
8 ized and mechanized vehicles on the existing Pine
9 Mountain Trail in accordance with existing law (in-
10 cluding regulations) and this subsection until such
11 date as the potential wilderness area is designated
12 as wilderness in accordance with subsection (h).

13 (e) WITHDRAWAL.—Subject to valid existing rights,
14 the Federal land in the potential wilderness area is with-
15 drawn from all forms of—

16 (1) entry, appropriation, or disposal under the
17 public land laws;

18 (2) location, entry, and patent under the mining
19 laws; and

20 (3) disposition under all laws pertaining to min-
21 eral and geothermal leasing or mineral materials.

22 (f) COOPERATIVE AGREEMENTS.—In carrying out
23 this section, the Secretary may enter into cooperative
24 agreements with State, Tribal, and local governmental en-
25 tities and private entities to complete the trail construc-

1 tion, realignment, or rerouting authorized by subsection
2 (d).

3 (g) BOUNDARIES.—The Secretary shall modify the
4 boundary of the potential wilderness area to exclude any
5 area within 150 feet of the centerline of the new location
6 of any trail that has been reconstructed, realigned, or re-
7 routed under subsection (d).

8 (h) WILDERNESS DESIGNATION.—

9 (1) IN GENERAL.—The potential wilderness
10 area, as modified under subsection (g), shall be des-
11 ignated as wilderness and as a component of the Na-
12 tional Wilderness Preservation System on the earlier
13 of—

14 (A) the date on which the Secretary pub-
15 lishes in the Federal Register notice that the
16 trail reconstruction, realignment, or rerouting
17 authorized by subsection (d) has been com-
18 pleted; or

19 (B) the date that is 20 years after the date
20 of enactment of this Act.

21 (2) ADMINISTRATION OF WILDERNESS.—On
22 designation as wilderness under this section, the po-
23 tential wilderness area shall be—

24 (A) incorporated into the Machesna Moun-
25 tain Wilderness Area, as designated by the Cali-

1 fornia Wilderness Act of 1984 (Public Law 98–
2 425; 16 U.S.C. 1132 note) and expanded by
3 section 20303; and

4 (B) administered in accordance with sec-
5 tion 305 and the Wilderness Act (16 U.S.C.
6 1131 et seq.).

7 **SEC. 20305. ADMINISTRATION OF WILDERNESS.**

8 (a) IN GENERAL.—Subject to valid existing rights,
9 the wilderness areas shall be administered by the Sec-
10 retary in accordance with this title and the Wilderness Act
11 (16 U.S.C. 1131 et seq.), except that—

12 (1) any reference in the Wilderness Act (16
13 U.S.C. 1131 et seq.) to the effective date of that Act
14 shall be considered to be a reference to the date of
15 enactment of this Act; and

16 (2) any reference in the Wilderness Act (16
17 U.S.C. 1131 et seq.) to the Secretary of Agriculture
18 shall be considered to be a reference to the Secretary
19 that has jurisdiction over the wilderness area.

20 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
21 TIES.—

22 (1) IN GENERAL.—The Secretary may take any
23 measures in a wilderness area as are necessary for
24 the control of fire, insects, and diseases in accord-
25 ance with section 4(d)(1) of the Wilderness Act (16

1 U.S.C. 1133(d)(1)) and House Report 98–40 of the
2 98th Congress.

3 (2) FUNDING PRIORITIES.—Nothing in this title
4 limits funding for fire and fuels management in the
5 wilderness areas.

6 (3) REVISION AND DEVELOPMENT OF LOCAL
7 FIRE MANAGEMENT PLANS.—As soon as practicable
8 after the date of enactment of this Act, the Sec-
9 retary shall amend the local information in the Fire
10 Management Reference System or individual oper-
11 ational plans that apply to the land designated as a
12 wilderness area.

13 (4) ADMINISTRATION.—Consistent with para-
14 graph (1) and other applicable Federal law, to en-
15 sure a timely and efficient response to fire emer-
16 gencies in the wilderness areas, the Secretary shall
17 enter into agreements with appropriate State or
18 local firefighting agencies.

19 (c) GRAZING.—The grazing of livestock in the wilder-
20 ness areas, if established before the date of enactment of
21 this Act, shall be permitted to continue, subject to any
22 reasonable regulations as the Secretary considers nec-
23 essary in accordance with—

24 (1) section 4(d)(4) of the Wilderness Act (16
25 U.S.C. 1133(d)(4));

1 (2) the guidelines set forth in Appendix A of
2 House Report 101–405, accompanying H.R. 2570 of
3 the 101st Congress for land under the jurisdiction of
4 the Secretary of the Interior;

5 (3) the guidelines set forth in House Report
6 96–617, accompanying H.R. 5487 of the 96th Con-
7 gress for land under the jurisdiction of the Secretary
8 of Agriculture; and

9 (4) all other laws governing livestock grazing on
10 Federal public land.

11 (d) FISH AND WILDLIFE.—

12 (1) IN GENERAL.—In accordance with section
13 4(d)(7) of the Wilderness Act (16 U.S.C.
14 1133(d)(7)), nothing in this title affects the jurisdic-
15 tion or responsibilities of the State with respect to
16 fish and wildlife on public land in the State.

17 (2) MANAGEMENT ACTIVITIES.—In furtherance
18 of the purposes and principles of the Wilderness Act
19 (16 U.S.C. 1131 et seq.), the Secretary may conduct
20 any management activities that are necessary to
21 maintain or restore fish and wildlife populations and
22 habitats in the wilderness areas, if the management
23 activities are—

24 (A) consistent with relevant wilderness
25 management plans;

1 (B) conducted in accordance with appro-
2 priate policies, such as the policies established
3 in Appendix B of House Report 101–405; and

4 (C) in accordance with memoranda of un-
5 derstanding between the Federal agencies and
6 the State Department of Fish and Wildlife.

7 (e) BUFFER ZONES.—

8 (1) IN GENERAL.—Congress does not intend for
9 the designation of wilderness areas by this title to
10 lead to the creation of protective perimeters or buff-
11 er zones around each wilderness area.

12 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

13 The fact that nonwilderness activities or uses can be
14 seen or heard from within a wilderness area shall
15 not, of itself, preclude the activities or uses up to the
16 boundary of the wilderness area.

17 (f) MILITARY ACTIVITIES.—Nothing in this title pre-
18 cludes—

19 (1) low-level overflights of military aircraft over
20 the wilderness areas;

21 (2) the designation of new units of special air-
22 space over the wilderness areas; or

23 (3) the use or establishment of military flight
24 training routes over wilderness areas.

1 (g) HORSES.—Nothing in this title precludes horse-
2 back riding in, or the entry of recreational saddle or pack
3 stock into, a wilderness area—

4 (1) in accordance with section 4(d)(5) of the
5 Wilderness Act (16 U.S.C. 1133(d)(5)); and

6 (2) subject to any terms and conditions deter-
7 mined to be necessary by the Secretary.

8 (h) WITHDRAWAL.—Subject to valid existing rights,
9 the wilderness areas are withdrawn from—

10 (1) all forms of entry, appropriation, and dis-
11 posal under the public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under all laws pertaining to min-
15 eral and geothermal leasing or mineral materials.

16 (i) INCORPORATION OF ACQUIRED LAND AND INTER-
17 ESTS.—Any land within the boundary of a wilderness area
18 that is acquired by the United States shall—

19 (1) become part of the wilderness area in which
20 the land is located; and

21 (2) be managed in accordance with—

22 (A) this section;

23 (B) the Wilderness Act (16 U.S.C. 1131 et
24 seq.); and

25 (C) any other applicable law.

1 (j) CLIMATOLOGICAL DATA COLLECTION.—In ac-
2 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
3 and subject to terms and conditions as the Secretary may
4 prescribe, the Secretary may authorize the installation and
5 maintenance of hydrologic, meteorologic, or climatological
6 collection devices in the wilderness areas if the Secretary
7 determines that the facilities and access to the facilities
8 are essential to flood warning, flood control, or water res-
9 ervoir operation activities.

10 **SEC. 20306. DESIGNATION OF WILD AND SCENIC RIVERS.**

11 (a) INDIAN CREEK, MONO CREEK, AND MATILIJIA
12 CREEK, CALIFORNIA.—Section 3(a) of the National Wild
13 and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended
14 by adding at the end the following:

15 “(231) INDIAN CREEK, CALIFORNIA.—The fol-
16 lowing segments of Indian Creek in the State of
17 California, to be administered by the Secretary of
18 Agriculture:

19 “(A) The 9.5-mile segment of Indian Creek
20 from its source in sec. 19, T. 7 N., R. 26 W.,
21 to the Dick Smith Wilderness boundary, as a
22 wild river.

23 “(B) The 1-mile segment of Indian Creek
24 from the Dick Smith Wilderness boundary to

1 0.25 miles downstream of Road 6N24, as a sce-
2 nic river.

3 “(C) The 3.9-mile segment of Indian Creek
4 from 0.25 miles downstream of Road 6N24 to
5 the southern boundary of sec. 32, T. 6 N., R.
6 26 W., as a wild river.

7 “(232) MONO CREEK, CALIFORNIA.—The fol-
8 lowing segments of Mono Creek in the State of Cali-
9 fornia, to be administered by the Secretary of Agri-
10 culture:

11 “(A) The 4.2-mile segment of Mono Creek
12 from its source in sec. 1, T. 7 N., R. 26 W.,
13 to 0.25 miles upstream of Don Victor Fire
14 Road in sec. 28, T. 7 N., R. 25 W., as a wild
15 river.

16 “(B) The 2.1-mile segment of Mono Creek
17 from 0.25 miles upstream of the Don Victor
18 Fire Road in sec. 28, T. 7 N., R. 25 W., to
19 0.25 miles downstream of Don Victor Fire
20 Road in sec. 34, T. 7 N., R. 25 W., as a rec-
21 reational river.

22 “(C) The 14.7-mile segment of Mono
23 Creek from 0.25 miles downstream of Don Vic-
24 tor Fire Road in sec. 34, T. 7 N., R. 25 W.,

1 to the Ogilvy Ranch private property boundary
2 in sec. 22, T. 6 N., R. 26 W., as a wild river.

3 “(D) The 3.5-mile segment of Mono Creek
4 from the Ogilvy Ranch private property bound-
5 ary to the southern boundary of sec. 33, T. 6
6 N., R. 26 W., as a recreational river.

7 “(233) MATILIJA CREEK, CALIFORNIA.—The
8 following segments of Matilija Creek in the State of
9 California, to be administered by the Secretary of
10 Agriculture:

11 “(A) The 7.2-mile segment of the Matilija
12 Creek from its source in sec. 25, T. 6 N., R.
13 25 W., to the private property boundary in sec.
14 9, T. 5 N., R. 24 W., as a wild river.

15 “(B) The 7.25-mile segment of the Upper
16 North Fork Matilija Creek from its source in
17 sec. 36, T. 6 N., R. 24 W., to the Matilija Wil-
18 derness boundary, as a wild river.”.

19 (b) SESPE CREEK, CALIFORNIA.—Section 3(a) of the
20 National Wild and Scenic Rivers Act (16 U.S.C. 1274(a))
21 is amended by striking paragraph (142) and inserting the
22 following:

23 “(142) SESPE CREEK, CALIFORNIA.—The fol-
24 lowing segments of Sespe Creek in the State of Cali-

1 fornia, to be administered by the Secretary of Agri-
2 culture:

3 “(A) The 2.7-mile segment of Sespe Creek
4 from the private property boundary in sec. 10,
5 T. 6 N., R. 24 W., to the Hartman Ranch pri-
6 vate property boundary in sec. 14, T. 6 N., R.
7 24 W., as a wild river.

8 “(B) The 15-mile segment of Sespe Creek
9 from the Hartman Ranch private property
10 boundary in sec. 14, T. 6 N., R. 24 W., to the
11 western boundary of sec. 6, T. 5 N., R. 22 W.,
12 as a recreational river.

13 “(C) The 6.1-mile segment of Sespe Creek
14 from the western boundary of sec. 6, T. 5 N.,
15 R. 22 W., to the confluence with Trout Creek,
16 as a scenic river.

17 “(D) The 28.6-mile segment of Sespe
18 Creek from the confluence with Trout Creek to
19 the southern boundary of sec. 35, T. 5 N., R.
20 20 W., as a wild river.”.

21 (c) SISQUOC RIVER, CALIFORNIA.—Section 3(a) of
22 the National Wild and Scenic Rivers Act (16 U.S.C.
23 1274(a)) is amended by striking paragraph (143) and in-
24 serting the following:

1 “(143) SISQUOC RIVER, CALIFORNIA.—The fol-
2 lowing segments of the Sisquoc River and its tribu-
3 taries in the State of California, to be administered
4 by the Secretary of Agriculture:

5 “(A) The 33-mile segment of the main
6 stem of the Sisquoc River extending from its
7 origin downstream to the Los Padres Forest
8 boundary, as a wild river.

9 “(B) The 4.2-mile segment of the South
10 Fork Sisquoc River from its source northeast of
11 San Rafael Mountain in sec. 2, T. 7 N., R. 28
12 W., to its confluence with the Sisquoc River, as
13 a wild river.

14 “(C) The 10.4-mile segment of Manzana
15 Creek from its source west of San Rafael Peak
16 in sec. 4, T. 7 N., R. 28 W., to the San Rafael
17 Wilderness boundary upstream of Nira Camp-
18 ground, as a wild river.

19 “(D) The 0.6-mile segment of Manzana
20 Creek from the San Rafael Wilderness bound-
21 ary upstream of the Nira Campground to the
22 San Rafael Wilderness boundary downstream of
23 the confluence of Davy Brown Creek, as a rec-
24 reational river.

1 “(E) The 5.8-mile segment of Manzana
2 Creek from the San Rafael Wilderness bound-
3 ary downstream of the confluence of Davy
4 Brown Creek to the private property boundary
5 in sec. 1, T. 8 N., R. 30 W., as a wild river.

6 “(F) The 3.8-mile segment of Manzana
7 Creek from the private property boundary in
8 sec. 1, T. 8 N., R. 30 W., to the confluence of
9 the Sisquoc River, as a recreational river.

10 “(G) The 3.4-mile segment of Davy Brown
11 Creek from its source west of Ranger Peak in
12 sec. 32, T. 8 N., R. 29 W., to 300 feet up-
13 stream of its confluence with Munch Canyon, as
14 a wild river.

15 “(H) The 1.4-mile segment of Davy Brown
16 Creek from 300 feet upstream of its confluence
17 with Munch Canyon to its confluence with
18 Manzana Creek, as a recreational river.

19 “(I) The 2-mile segment of Munch Canyon
20 from its source north of Ranger Peak in sec.
21 33, T. 8 N., R. 29 W., to 300 feet upstream
22 of its confluence with Sunset Valley Creek, as
23 a wild river.

24 “(J) The 0.5-mile segment of Munch Can-
25 yon from 300 feet upstream of its confluence

1 with Sunset Valley Creek to its confluence with
2 Davy Brown Creek, as a recreational river.

3 “(K) The 2.6-mile segment of Fish Creek
4 from 500 feet downstream of Sunset Valley
5 Road to its confluence with Manzana Creek, as
6 a wild river.

7 “(L) The 1.5-mile segment of East Fork
8 Fish Creek from its source in sec. 26, T. 8 N.,
9 R. 29 W., to its confluence with Fish Creek, as
10 a wild river.”.

11 (d) PIRU CREEK, CALIFORNIA.—Section 3(a) of the
12 National Wild and Scenic Rivers Act (16 U.S.C. 1274(a))
13 is amended by striking paragraph (199) and inserting the
14 following:

15 “(199) PIRU CREEK, CALIFORNIA.—The fol-
16 lowing segments of Piru Creek in the State of Cali-
17 fornia, to be administered by the Secretary of Agri-
18 culture:

19 “(A) The 9.1-mile segment of Piru Creek
20 from its source in sec. 3, T. 6 N., R. 22 W.,
21 to the private property boundary in sec. 4, T.
22 6 N., R. 21 W., as a wild river.

23 “(B) The 17.2-mile segment of Piru Creek
24 from the private property boundary in sec. 4, T.

1 6 N., R. 21 W., to 0.25 miles downstream of
2 the Gold Hill Road, as a scenic river.

3 “(C) The 4.1-mile segment of Piru Creek
4 from 0.25 miles downstream of Gold Hill Road
5 to the confluence with Trail Canyon, as a wild
6 river.

7 “(D) The 7.25-mile segment of Piru Creek
8 from the confluence with Trail Canyon to the
9 confluence with Buck Creek, as a scenic river.

10 “(E) The 3-mile segment of Piru Creek
11 from 0.5 miles downstream of Pyramid Dam at
12 the first bridge crossing to the boundary of the
13 Sespe Wilderness, as a recreational river.

14 “(F) The 13-mile segment of Piru Creek
15 from the boundary of the Sespe Wilderness to
16 the boundary of the Sespe Wilderness, as a wild
17 river.

18 “(G) The 2.2-mile segment of Piru Creek
19 from the boundary of the Sespe Wilderness to
20 the upper limit of Piru Reservoir, as a rec-
21 reational river.”.

22 (e) EFFECT.—The designation of additional miles of
23 Piru Creek under subsection (d) shall not affect valid
24 water rights in existence on the date of enactment of this
25 Act.

1 (f) **MOTORIZED USE OF TRAILS.**—Nothing in this
2 section (including the amendments made by this section)
3 affects the motorized use of trails designated by the Forest
4 Service for motorized use that are located adjacent to and
5 crossing upper Piru Creek, if the use is consistent with
6 the protection and enhancement of river values under the
7 National Wild and Scenic Rivers Act (16 U.S.C. 1271 et
8 seq.).

9 **SEC. 20307. DESIGNATION OF THE FOX MOUNTAIN POTEN-**
10 **TIAL WILDERNESS.**

11 (a) **DESIGNATION.**—In furtherance of the purposes of
12 the Wilderness Act (16 U.S.C. 1131 et seq.), certain land
13 in the Los Padres National Forest comprising approxi-
14 mately 41,082 acres, as generally depicted on the map en-
15 titled “Fox Mountain Potential Wilderness Area” and
16 dated November 14, 2019, is designated as the Fox Moun-
17 tain Potential Wilderness Area.

18 (b) **MAP AND LEGAL DESCRIPTION.**—

19 (1) **IN GENERAL.**—As soon as practicable after
20 the date of enactment of this Act, the Secretary of
21 Agriculture shall file a map and a legal description
22 of the Fox Mountain Potential Wilderness Area (re-
23 ferred to in this section as the “potential wilderness
24 area”) with—

1 (A) the Committee on Energy and Natural
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources
4 of the House of Representatives.

5 (2) FORCE OF LAW.—The map and legal de-
6 scription filed under paragraph (1) shall have the
7 same force and effect as if included in this title, ex-
8 cept that the Secretary of Agriculture may correct
9 any clerical and typographical errors in the map and
10 legal description.

11 (3) PUBLIC AVAILABILITY.—The map and legal
12 description filed under paragraph (1) shall be on file
13 and available for public inspection in the appropriate
14 offices of the Forest Service.

15 (c) MANAGEMENT.—Except as provided in subsection
16 (d) and subject to valid existing rights, the Secretary shall
17 manage the potential wilderness area in accordance with
18 the Wilderness Act (16 U.S.C. 1131 et seq.).

19 (d) TRAIL USE CONSTRUCTION, RECONSTRUCTION,
20 AND REALIGNMENT.—

21 (1) IN GENERAL.—In accordance with para-
22 graph (2), the Secretary of Agriculture may—

23 (A) construct a new trail for use by hikers,
24 equestrians, and mechanized vehicles that con-

1 nects the Aliso Park Campground to the Bull
2 Ridge Trail; and

3 (B) reconstruct or realign—

4 (i) the Bull Ridge Trail; and

5 (ii) the Rocky Ridge Trail.

6 (2) REQUIREMENT.—In carrying out the con-
7 struction, reconstruction, or alignment under para-
8 graph (1), the Secretary shall—

9 (A) comply with all existing laws (including
10 regulations); and

11 (B) to the maximum extent practicable,
12 use the minimum tool or administrative practice
13 necessary to accomplish the construction, recon-
14 struction, or alignment with the least amount of
15 adverse impact on wilderness character and re-
16 sources.

17 (3) MOTORIZED VEHICLES AND MACHINERY.—

18 In accordance with paragraph (2), the Secretary
19 may use motorized vehicles and machinery to carry
20 out the trail construction, reconstruction, or realign-
21 ment authorized by this subsection.

22 (4) MECHANIZED VEHICLES.—The Secretary
23 may permit the use of mechanized vehicles on the
24 existing Bull Ridge Trail and Rocky Ridge Trail in
25 accordance with existing law (including regulations)

1 and this subsection until such date as the potential
2 wilderness area is designated as wilderness in ac-
3 cordance with subsection (h).

4 (e) WITHDRAWAL.—Subject to valid existing rights,
5 the Federal land in the potential wilderness area is with-
6 drawn from all forms of—

7 (1) entry, appropriation, or disposal under the
8 public land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) disposition under all laws pertaining to min-
12 eral and geothermal leasing or mineral materials.

13 (f) COOPERATIVE AGREEMENTS.—In carrying out
14 this section, the Secretary may enter into cooperative
15 agreements with State, Tribal, and local governmental en-
16 tities and private entities to complete the trail construc-
17 tion, reconstruction, and realignment authorized by sub-
18 section (d).

19 (g) BOUNDARIES.—The Secretary shall modify the
20 boundary of the potential wilderness area to exclude any
21 area within 50 feet of the centerline of the new location
22 of any trail that has been constructed, reconstructed, or
23 realigned under subsection (d).

24 (h) WILDERNESS DESIGNATION.—

1 (1) IN GENERAL.—The potential wilderness
2 area, as modified under subsection (g), shall be des-
3 ignated as wilderness and as a component of the Na-
4 tional Wilderness Preservation System on the earlier
5 of—

6 (A) the date on which the Secretary pub-
7 lishes in the Federal Register notice that the
8 trail construction, reconstruction, or alignment
9 authorized by subsection (d) has been com-
10 pleted; or

11 (B) the date that is 20 years after the date
12 of enactment of this Act.

13 (2) ADMINISTRATION OF WILDERNESS.—On
14 designation as wilderness under this section, the po-
15 tential wilderness area shall be—

16 (A) incorporated into the San Rafael Wil-
17 derness, as designated by Public Law 90–271
18 (82 Stat. 51), the California Wilderness Act of
19 1984 (Public Law 98–425; 16 U.S.C. 1132
20 note), and the Los Padres Condor Range and
21 River Protection Act (Public Law 102–301; 106
22 Stat. 242), and section 20303; and

23 (B) administered in accordance with sec-
24 tion 20305 and the Wilderness Act (16 U.S.C.
25 1131 et seq.).

1 **SEC. 20308. DESIGNATION OF SCENIC AREAS.**

2 (a) IN GENERAL.—Subject to valid existing rights,
3 there are established the following scenic areas:

4 (1) CONDOR RIDGE SCENIC AREA.—Certain
5 land in the Los Padres National Forest comprising
6 approximately 18,666 acres, as generally depicted on
7 the map entitled “Condor Ridge Scenic Area—Pro-
8 posed” and dated March 29, 2019, which shall be
9 known as the “Condor Ridge Scenic Area”.

10 (2) BLACK MOUNTAIN SCENIC AREA.—Certain
11 land in the Los Padres National Forest and the Ba-
12 kersfield Field Office of the Bureau of Land Man-
13 agement comprising approximately 16,216 acres, as
14 generally depicted on the map entitled “Black Moun-
15 tain Scenic Area—Proposed” and dated March 29,
16 2019, which shall be known as the “Black Mountain
17 Scenic Area”.

18 (b) MAPS AND LEGAL DESCRIPTIONS.—

19 (1) IN GENERAL.—As soon as practicable after
20 the date of enactment of this Act, the Secretary of
21 Agriculture shall file a map and legal description of
22 the Condor Ridge Scenic Area and Black Mountain
23 Scenic Area with—

24 (A) the Committee on Energy and Natural
25 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The maps and legal de-
4 scriptions filed under paragraph (1) shall have the
5 same force and effect as if included in this title, ex-
6 cept that the Secretary of Agriculture may correct
7 any clerical and typographical errors in the maps
8 and legal descriptions.

9 (3) PUBLIC AVAILABILITY.—The maps and
10 legal descriptions filed under paragraph (1) shall be
11 on file and available for public inspection in the ap-
12 propriate offices of the Forest Service and Bureau
13 of Land Management.

14 (c) PURPOSE.—The purpose of the scenic areas is to
15 conserve, protect, and enhance for the benefit and enjoy-
16 ment of present and future generations the ecological, sce-
17 nic, wildlife, recreational, cultural, historical, natural, edu-
18 cational, and scientific resources of the scenic areas.

19 (d) MANAGEMENT.—

20 (1) IN GENERAL.—The Secretary shall admin-
21 ister the scenic areas—

22 (A) in a manner that conserves, protects,
23 and enhances the resources of the scenic areas,
24 and in particular the scenic character attributes
25 of the scenic areas; and

1 (B) in accordance with—

2 (i) this section;

3 (ii) the Federal Land Policy and Man-
4 agement Act (43 U.S.C. 1701 et seq.) for
5 land under the jurisdiction of the Secretary
6 of the Interior;

7 (iii) any laws (including regulations)
8 relating to the National Forest System, for
9 land under the jurisdiction of the Secretary
10 of Agriculture; and

11 (iv) any other applicable law (includ-
12 ing regulations).

13 (2) USES.—The Secretary shall only allow those
14 uses of the scenic areas that the Secretary deter-
15 mines would further the purposes described in sub-
16 section (c).

17 (e) WITHDRAWAL.—Subject to valid existing rights,
18 the Federal land in the scenic areas is withdrawn from
19 all forms of—

20 (1) entry, appropriation, or disposal under the
21 public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

24 (3) disposition under all laws pertaining to min-
25 eral and geothermal leasing or mineral materials.

1 (f) PROHIBITED USES.—The following shall be pro-
2 hibited on the Federal land within the scenic areas:

3 (1) Permanent roads.

4 (2) Permanent structures.

5 (3) Timber harvesting except when necessary
6 for the purposes described in subsection (g).

7 (4) Transmission lines.

8 (5) Except as necessary to meet the minimum
9 requirements for the administration of the scenic
10 areas and to protect public health and safety—

11 (A) the use of motorized vehicles; or

12 (B) the establishment of temporary roads.

13 (6) Commercial enterprises, except as necessary
14 for realizing the purposes of the scenic areas.

15 (g) WILDFIRE, INSECT, AND DISEASE MANAGE-
16 MENT.—Consistent with this section, the Secretary may
17 take any measures in the scenic areas that the Secretary
18 determines to be necessary to control fire, insects, and dis-
19 eases, including, as the Secretary determines to be appro-
20 priate, the coordination of those activities with the State
21 or a local agency.

22 (h) ADJACENT MANAGEMENT.—The fact that an oth-
23 erwise authorized activity or use can be seen or heard
24 within a scenic area shall not preclude the activity or use
25 outside the boundary of the scenic area.

1 **SEC. 20309. CONDOR NATIONAL SCENIC TRAIL.**

2 (a) IN GENERAL.—The contiguous trail established
3 pursuant to this section shall be known as the “Condor
4 National Scenic Trail” named after the California condor,
5 a critically endangered bird species that lives along the
6 extent of the trail corridor.

7 (b) PURPOSE.—The purposes of the Condor National
8 Scenic Trail are to—

9 (1) provide a continual extended hiking corridor
10 that connects the southern and northern portions of
11 the Los Padres National Forest, spanning the entire
12 length of the forest along the coastal mountains of
13 southern and central California; and

14 (2) provide for the public enjoyment of the na-
15 tionally significant scenic, historic, natural, and cul-
16 tural qualities of the Los Padres National Forest.

17 (c) AMENDMENT.—Section 5(a) of the National
18 Trails System Act (16 U.S.C. 1244(a)) is amended by
19 adding at the end the following:

20 “(31) CONDOR NATIONAL SCENIC TRAIL.—

21 “(A) IN GENERAL.—The Condor National
22 Scenic Trail, a trail extending approximately
23 400 miles from Lake Piru in the southern por-
24 tion of the Los Padres National Forest to the
25 Botchers Gap Campground in northern portion
26 of the Los Padres National Forest.

1 “(B) ADMINISTRATION.—The trail shall be
2 administered by the Secretary of Agriculture, in
3 consultation with—

4 “(i) other Federal, State, Tribal, re-
5 gional, and local agencies;

6 “(ii) private landowners; and

7 “(iii) other interested organizations.

8 “(C) RECREATIONAL USES.—Notwith-
9 standing section 7(c), the use of motorized vehi-
10 cles on roads or trails included in the Condor
11 National Scenic Trail on which motorized vehi-
12 cles are permitted as of the date of enactment
13 of this paragraph may be permitted.

14 “(D) PRIVATE PROPERTY RIGHTS.—

15 “(i) PROHIBITION.—The Secretary
16 shall not acquire for the trail any land or
17 interest in land outside the exterior bound-
18 ary of any federally managed area without
19 the consent of the owner of land or interest
20 in land.

21 “(ii) EFFECT.—Nothing in this para-
22 graph—

23 “(I) requires any private prop-
24 erty owner to allow public access (in-
25 cluding Federal, State, or local gov-

1 ernment access) to private property;
2 or
3 “(II) modifies any provision of
4 Federal, State, or local law with re-
5 spect to public access to or use of pri-
6 vate land.

7 “(E) REALIGNMENT.—The Secretary of
8 Agriculture may realign segments of the Condor
9 National Scenic Trail as necessary to fulfill the
10 purposes of the trail.

11 “(F) MAP.—A map generally depicting the
12 trail described in subparagraph (A) shall be on
13 file and available for public inspection in the
14 appropriate offices of the Forest Service.”.

15 (d) STUDY.—

16 (1) STUDY REQUIRED.—Not later than 3 years
17 after the date of enactment of this Act, in accord-
18 ance with this section, the Secretary of Agriculture
19 shall conduct a study that—

20 (A) addresses the feasibility of, and alter-
21 natives for, connecting the northern and south-
22 ern portions of the Los Padres National Forest
23 by establishing a trail across the applicable por-
24 tions of the northern and southern Santa Lucia

1 Mountains of the southern California Coastal
2 Range; and

3 (B) considers realignment of the trail or
4 construction of new trail segments to avoid ex-
5 isting trail segments that currently allow motor-
6 ized vehicles.

7 (2) CONTENTS.—In carrying out the study re-
8 quired by paragraph (1), the Secretary of Agri-
9 culture shall—

10 (A) conform to the requirements for na-
11 tional scenic trail studies described in section
12 5(b) of the National Trails System Act (16
13 U.S.C. 1244(b));

14 (B) provide for a continual hiking route
15 through and connecting the southern and
16 northern sections of the Los Padres National
17 Forest;

18 (C) promote recreational, scenic, wilder-
19 ness and cultural values;

20 (D) enhance connectivity with the overall
21 National Forest trail system;

22 (E) consider new connectors and realign-
23 ment of existing trails;

1 (F) emphasize safe and continuous public
2 access, dispersal from high-use areas, and suit-
3 able water sources; and

4 (G) to the extent practicable, provide all-
5 year use.

6 (3) ADDITIONAL REQUIREMENT.—In com-
7 pleting the study required by paragraph (1), the
8 Secretary of Agriculture shall consult with—

9 (A) appropriate Federal, State, Tribal, re-
10 gional, and local agencies;

11 (B) private landowners;

12 (C) nongovernmental organizations; and

13 (D) members of the public.

14 (4) SUBMISSION.—The Secretary of Agriculture
15 shall submit the study required by paragraph (1)
16 to—

17 (A) the Committee on Natural Resources
18 of the House of Representatives; and

19 (B) the Committee on Energy and Natural
20 Resources of the Senate.

21 (5) ADDITIONS AND ALTERATIONS TO THE
22 CONDOR NATIONAL SCENIC TRAIL.—

23 (A) IN GENERAL.—Upon completion of the
24 study required by paragraph (1), if the Sec-
25 retary of Agriculture determines that additional

1 or alternative trail segments are feasible for in-
2 clusion in the Condor National Scenic Trail, the
3 Secretary of Agriculture shall include those seg-
4 ments in the Condor National Scenic Trail.

5 (B) EFFECTIVE DATE.—Additions or alter-
6 nations to the Condor National Scenic Trail
7 shall be effective on the date the Secretary of
8 Agriculture publishes in the Federal Register
9 notice that the additional or alternative seg-
10 ments are included in the Condor National Sce-
11 nic Trail.

12 (e) COOPERATIVE AGREEMENTS.—In carrying out
13 this section (including the amendments made by this sec-
14 tion), the Secretary of Agriculture may enter into coopera-
15 tive agreements with State, Tribal, and local government
16 entities and private entities to complete needed trail con-
17 struction, reconstruction, and realignment projects au-
18 thorized by this section (including the amendments made
19 by this section).

20 **SEC. 20310. FOREST SERVICE STUDY.**

21 Not later than 6 years after the date of enactment
22 of this Act, the Secretary of Agriculture (acting through
23 the Chief of the Forest Service) shall study the feasibility
24 of opening a new trail, for vehicles measuring 50 inches
25 or less, connecting Forest Service Highway 95 to the exist-

1 ing off-highway vehicle trail system in the Ballinger Can-
2 yon off-highway vehicle area.

3 **SEC. 20311. NONMOTORIZED RECREATION OPPORTUNITIES.**

4 Not later than 6 years after the date of enactment
5 of this Act, the Secretary of Agriculture, in consultation
6 with interested parties, shall conduct a study to improve
7 nonmotorized recreation trail opportunities (including
8 mountain bicycling) on land not designated as wilderness
9 within the Santa Barbara, Ojai, and Mt. Pinos ranger dis-
10 tricts.

11 **SEC. 20312. USE BY MEMBERS OF TRIBES.**

12 (a) ACCESS.—The Secretary shall ensure that Tribes
13 have access, in accordance with the Wilderness Act (16
14 U.S.C. 1131 et seq.), to the wilderness areas, scenic areas,
15 and potential wilderness areas designated by this title for
16 traditional cultural and religious purposes.

17 (b) TEMPORARY CLOSURES.—

18 (1) IN GENERAL.—In carrying out this section,
19 the Secretary, on request of a Tribe, may tempo-
20 rarily close to the general public one or more specific
21 portions of a wilderness area, scenic area, or poten-
22 tial wilderness area designated by this title to pro-
23 tect the privacy of the members of the Tribe in the
24 conduct of traditional cultural and religious activi-
25 ties.

1 (2) REQUIREMENT.—Any closure under para-
2 graph (1) shall be—

3 (A) made in such a manner as to affect
4 the smallest practicable area for the minimum
5 period of time necessary for the activity to be
6 carried out; and

7 (B) be consistent with the purpose and in-
8 tent of Public Law 95–341 (commonly known
9 as the American Indian Religious Freedom Act)
10 (42 U.S.C. 1996) and the Wilderness Act (16
11 U.S.C. 1131 et seq.).

12 **TITLE IV—SAN GABRIEL MOUN-**
13 **TAINS FOOTHILLS AND RIV-**
14 **ERS PROTECTION**

15 **SEC. 20401. SHORT TITLE.**

16 This title may be cited as the “San Gabriel Moun-
17 tains Foothills and Rivers Protection Act”.

18 **SEC. 20402. DEFINITION OF STATE.**

19 In this title, the term “State” means the State of
20 California.

21 **Subtitle A—San Gabriel National**
22 **Recreation Area**

23 **SEC. 20411. PURPOSES.**

24 The purposes of this subtitle are—

1 (1) to conserve, protect, and enhance for the
2 benefit and enjoyment of present and future genera-
3 tions the ecological, scenic, wildlife, recreational, cul-
4 tural, historical, natural, educational, and scientific
5 resources of the Recreation Area;

6 (2) to provide environmentally responsible, well-
7 managed recreational opportunities within the
8 Recreation Area;

9 (3) to improve access to and from the Recre-
10 ation Area;

11 (4) to provide expanded educational and inter-
12 pretive services to increase public understanding of,
13 and appreciation for, the natural and cultural re-
14 sources of the Recreation Area;

15 (5) to facilitate the cooperative management of
16 the land and resources within the Recreation Area,
17 in collaboration with the State and political subdivi-
18 sions of the State, historical, business, cultural,
19 civic, recreational, tourism and other nongovern-
20 mental organizations, and the public; and

21 (6) to allow the continued use of the Recreation
22 Area by all individuals, entities, and local govern-
23 ment agencies in activities relating to integrated
24 water management, flood protection, water conserva-
25 tion, water quality, water rights, water supply,

1 groundwater recharge and monitoring, wastewater
2 treatment, public roads and bridges, and utilities
3 within or adjacent to the Recreation Area.

4 **SEC. 20412. DEFINITIONS.**

5 In this subtitle:

6 (1) **ADJUDICATION.**—The term “adjudication”
7 means any final judgment, order, ruling, or decree
8 entered in any judicial proceeding adjudicating or af-
9 fecting water rights, surface water management, or
10 groundwater management.

11 (2) **ADVISORY COUNCIL.**—The term “Advisory
12 Council” means the San Gabriel National Recreation
13 Area Public Advisory Council established under sec-
14 tion 20417(a).

15 (3) **FEDERAL LANDS.**—The term “Federal
16 lands” means—

17 (A) public lands under the jurisdiction of
18 the Secretary of the Interior; and

19 (B) lands under the jurisdiction of the Sec-
20 retary of Defense, acting through the Chief of
21 Engineers.

22 (4) **MANAGEMENT PLAN.**—The term “manage-
23 ment plan” means the management plan for the
24 Recreation Area required under section 20414(d).

1 (5) PARTNERSHIP.—The term “Partnership”
2 means the San Gabriel National Recreation Area
3 Partnership established by section 20418(a).

4 (6) PUBLIC WATER SYSTEM.—The term “public
5 water system” has the meaning given the term in 42
6 U.S.C. 300(f)(4) or in section 116275 of the Cali-
7 fornia Health and Safety Code.

8 (7) RECREATION AREA.—The term “Recreation
9 Area” means the San Gabriel National Recreation
10 Area established by section 20413(a).

11 (8) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (9) UTILITY FACILITY.—The term “utility facil-
14 ity” means—

15 (A) any electric substations, communica-
16 tion facilities, towers, poles, and lines, ground
17 wires, communication circuits, and other struc-
18 tures, and related infrastructure; and

19 (B) any such facilities associated with a
20 public water system.

21 (10) WATER RESOURCE FACILITY.—The term
22 “water resource facility” means irrigation and
23 pumping facilities, dams and reservoirs, flood control
24 facilities, water conservation works, including debris
25 protection facilities, sediment placement sites, rain

1 gauges and stream gauges, water quality facilities,
2 recycled water facilities, water pumping, conveyance
3 and distribution systems, water storage tanks and
4 reservoirs, and water treatment facilities, aqueducts,
5 canals, ditches, pipelines, wells, hydropower projects,
6 and transmission and other ancillary facilities,
7 groundwater recharge facilities, water conservation,
8 water filtration plants, and other water diversion,
9 conservation, groundwater recharge, storage, and
10 carriage structures.

11 **SEC. 20413. SAN GABRIEL NATIONAL RECREATION AREA.**

12 (a) ESTABLISHMENT; BOUNDARIES.—Subject to
13 valid existing rights, there is established as a unit of the
14 National Park System in the State the San Gabriel Na-
15 tional Recreation Area depicted as the “Proposed San Ga-
16 briel National Recreation Area” on the map entitled “San
17 Gabriel National Recreation Area Proposed Boundary,”
18 numbered 503/152,737, and dated July 2019.

19 (b) MAP AND LEGAL DESCRIPTION.—

20 (1) IN GENERAL.—As soon as practicable after
21 the date of the enactment of this Act, the Secretary
22 shall file a map and a legal description of the Recre-
23 ation Area with—

24 (A) the Committee on Energy and Natural
25 Resources of the Senate; and

1 (B) the Committee on Natural Resources
2 of the House of Representatives.

3 (2) FORCE OF LAW.—The map and legal de-
4 scription filed under paragraph (1) shall have the
5 same force and effect as if included in this title, ex-
6 cept that the Secretary may correct any clerical or
7 typographical error in the map or legal description.

8 (3) PUBLIC AVAILABILITY.—The map and legal
9 description filed under paragraph (1) shall be on file
10 and available for public inspection in the appropriate
11 offices of the National Park Service.

12 (c) ADMINISTRATION AND JURISDICTION.—

13 (1) PUBLIC LANDS.—The public lands included
14 in the Recreation Area shall be administered by the
15 Secretary, acting through the Director of the Na-
16 tional Park Service.

17 (2) DEPARTMENT OF DEFENSE LAND.—Al-
18 though certain Federal lands under the jurisdiction
19 of the Secretary of Defense are included in the
20 recreation area, nothing in this subtitle transfers ad-
21 ministration jurisdiction of such Federal lands from
22 the Secretary of Defense or otherwise affects Fed-
23 eral lands under the jurisdiction of the Secretary of
24 Defense.

1 (3) STATE AND LOCAL JURISDICTION.—Noth-
2 ing in this subtitle alters, modifies, or diminishes
3 any right, responsibility, power, authority, jurisdic-
4 tion, or entitlement of the State, a political subdivi-
5 sion of the State, including, but not limited to courts
6 of competent jurisdiction, regulatory commissions,
7 boards, and departments, or any State or local agen-
8 cy under any applicable Federal, State, or local law
9 (including regulations).

10 **SEC. 20414. MANAGEMENT.**

11 (a) NATIONAL PARK SYSTEM.—Subject to valid ex-
12 isting rights, the Secretary shall manage the public lands
13 included in the Recreation Area in a manner that protects
14 and enhances the natural resources and values of the pub-
15 lic lands, in accordance with—

16 (1) this subtitle;

17 (2) section 100101(a), chapter 1003, and sec-
18 tions 100751(a), 100752, 100753 and 102101 of
19 title 54, United States Code (formerly known as the
20 “National Park Service Organic Act”);

21 (3) the laws generally applicable to units of the
22 National Park System; and

23 (4) other applicable law, regulations, adjudica-
24 tions, and orders.

1 (b) COOPERATION WITH SECRETARY OF DE-
2 FENSE.—The Secretary shall cooperate with the Secretary
3 of Defense to develop opportunities for the management
4 of the Federal land under the jurisdiction of the Secretary
5 of Defense included in the Recreation Area in accordance
6 with the purposes described in section 20411, to the max-
7 imum extent practicable.

8 (c) TREATMENT OF NON-FEDERAL LAND.—

9 (1) IN GENERAL.—Nothing in this subtitle—

10 (A) authorizes the Secretary to take any
11 action that would affect the use of any land not
12 owned by the United States within the Recre-
13 ation Area;

14 (B) affects the use of, or access to, any
15 non-Federal land within the Recreation Area;

16 (C) modifies any provision of Federal,
17 State, or local law with respect to public access
18 to, or use of, non-Federal land;

19 (D) requires any owner of non-Federal
20 land to allow public access (including Federal,
21 State, or local government access) to private
22 property or any other non-Federal land;

23 (E) alters any duly adopted land use regu-
24 lation, approved land use plan, or any other

1 regulatory authority of any State or local agen-
2 cy or unit of Tribal government;

3 (F) creates any liability, or affects any li-
4 ability under any other law, of any private
5 property owner or other owner of non-Federal
6 land with respect to any person injured on the
7 private property or other non-Federal land;

8 (G) conveys to the Partnership any land
9 use or other regulatory authority;

10 (H) shall be construed to cause any Fed-
11 eral, State, or local regulation or permit re-
12 quirement intended to apply to units of the Na-
13 tional Park System to affect the Federal lands
14 under the jurisdiction of the Secretary of De-
15 fense or non-Federal lands within the bound-
16 aries of the recreation area; or

17 (I) requires any local government to par-
18 ticipate in any program administered by the
19 Secretary.

20 (2) COOPERATION.—The Secretary is encour-
21 aged to work with owners of non-Federal land who
22 have agreed to cooperate with the Secretary to ad-
23 vance the purposes of this subtitle.

24 (3) BUFFER ZONES.—

1 (A) IN GENERAL.—Nothing in this subtitle
2 establishes any protective perimeter or buffer
3 zone around the Recreation Area.

4 (B) ACTIVITIES OR USES UP TO BOUND-
5 ARIES.—The fact that an activity or use of land
6 can be seen or heard from within the Recre-
7 ation Area shall not preclude the activity or
8 land use up to the boundary of the Recreation
9 Area.

10 (4) FACILITIES.—Nothing in this subtitle af-
11 fects the operation, maintenance, modification, con-
12 struction, destruction, removal, relocation, improve-
13 ment or expansion of any water resource facility or
14 public water system, or any solid waste, sanitary
15 sewer, water or waste-water treatment, groundwater
16 recharge or conservation, hydroelectric, conveyance
17 distribution system, recycled water facility, or utility
18 facility located within or adjacent to the Recreation
19 Area.

20 (5) EXEMPTION.—Section 100903 of title 54,
21 United States Code, shall not apply to the Puente
22 Hills landfill, materials recovery facility, or inter-
23 modal facility.

24 (d) MANAGEMENT PLAN.—

1 (1) DEADLINE.—Not later than 3 years after
2 the date of the enactment of this Act, the Secretary
3 and the Advisory Council shall establish a com-
4 prehensive management plan for the Recreation
5 Area that supports the purposes described in section
6 20411.

7 (2) USE OF EXISTING PLANS.—In developing
8 the management plan, to the extent consistent with
9 this section, the Secretary may incorporate any pro-
10 vision of a land use or other plan applicable to the
11 public lands included in the Recreation Area.

12 (3) INCORPORATION OF VISITOR SERVICES
13 PLAN.—To the maximum extent practicable, the
14 Secretary shall incorporate into the management
15 plan the visitor services plan under section
16 20419(a)(2).

17 (4) PARTNERSHIP.—In developing the manage-
18 ment plan, the Secretary shall consider recommenda-
19 tions of the Partnership. To the maximum extent
20 practicable, the Secretary shall incorporate rec-
21 ommendations of the Partnership into the manage-
22 ment plan if the Secretary determines that the rec-
23 ommendations are feasible and consistent with the
24 purposes in section 20411, this subtitle, and applica-
25 ble laws (including regulations).

1 (e) FISH AND WILDLIFE.—Nothing in this subtitle
2 affects the jurisdiction of the State with respect to fish
3 or wildlife located on public lands in the State.

4 **SEC. 20415. ACQUISITION OF NON-FEDERAL LAND WITHIN**
5 **RECREATION AREA.**

6 (a) LIMITED ACQUISITION AUTHORITY.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary may acquire non-Federal land within
9 the boundaries of the Recreation Area only through
10 exchange, donation, or purchase from a willing sell-
11 er.

12 (2) ADDITIONAL REQUIREMENT.—As a further
13 condition on the acquisition of land, the Secretary
14 shall make a determination that the land contains
15 important biological, cultural, historic, or rec-
16 reational values.

17 (b) PROHIBITION ON USE OF EMINENT DOMAIN.—
18 Nothing in this subtitle authorizes the use of eminent do-
19 main to acquire land or an interest in land.

20 (c) TREATMENT OF ACQUIRED LAND.—Any land or
21 interest in land acquired by the United States within the
22 boundaries of the Recreation Area shall be—

23 (1) included in the Recreation Area; and

24 (2) administered by the Secretary in accordance
25 with—

1 (A) this subtitle; and

2 (B) other applicable laws (including regu-
3 lations).

4 **SEC. 20416. WATER RIGHTS; WATER RESOURCE FACILITIES;**
5 **PUBLIC ROADS; UTILITY FACILITIES.**

6 (a) NO EFFECT ON WATER RIGHTS.—Nothing in
7 this subtitle or section 20422—

8 (1) shall affect the use or allocation, as in exist-
9 ence on the date of the enactment of this Act, of any
10 water, water right, or interest in water (including
11 potable, recycled, reclaimed, waste, imported, ex-
12 ported, banked, or stored water, surface water,
13 groundwater, and public trust interest);

14 (2) shall affect any public or private contract in
15 existence on the date of the enactment of this Act
16 for the sale, lease, loan, or transfer of any water (in-
17 cluding potable, recycled, reclaimed, waste, imported,
18 exported, banked, or stored water, surface water,
19 and groundwater);

20 (3) shall be considered to be a relinquishment
21 or reduction of any water rights reserved or appro-
22 priated by the United States in the State on or be-
23 fore the date of the enactment of this Act;

24 (4) authorizes or imposes any new reserved
25 Federal water right or expands water usage pursu-

1 ant to any existing Federal reserved, riparian or ap-
2 propriative right;

3 (5) shall be considered a relinquishment or re-
4 duction of any water rights (including potable, recy-
5 cled, reclaimed, waste, imported, exported, banked,
6 or stored water, surface water, and groundwater)
7 held, reserved, or appropriated by any public entity
8 or other persons or entities, on or before the date of
9 the enactment of this Act;

10 (6) shall be construed to, or shall interfere or
11 conflict with the exercise of the powers or duties of
12 any watermaster, public agency, public water sys-
13 tem, court of competent jurisdiction, or other body
14 or entity responsible for groundwater or surface
15 water management or groundwater replenishment as
16 designated or established pursuant to any adjudica-
17 tion or Federal or State law, including the manage-
18 ment of the San Gabriel River watershed and basin,
19 to provide water supply or other environmental bene-
20 fits;

21 (7) shall be construed to impede or adversely
22 impact any previously adopted Los Angeles County
23 Drainage Area project, as described in the report of
24 the Chief of Engineers dated June 30, 1992, includ-

1 ing any supplement or addendum to that report, or
2 any maintenance agreement to operate that project;

3 (8) shall interfere or conflict with any action by
4 a watermaster, water agency, public water system,
5 court of competent jurisdiction, or public agency
6 pursuant to any Federal or State law, water right,
7 or adjudication, including any action relating to
8 water conservation, water quality, surface water di-
9 version or impoundment, groundwater recharge,
10 water treatment, conservation or storage of water,
11 pollution, waste discharge, the pumping of ground-
12 water; the spreading, injection, pumping, storage, or
13 the use of water from local sources, storm water
14 flows, and runoff, or from imported or recycled
15 water, that is undertaken in connection with the
16 management or regulation of the San Gabriel River;

17 (9) shall interfere with, obstruct, hinder, or
18 delay the exercise of, or access to, any water right
19 by the owner of a public water system or any other
20 individual or entity, including the construction, oper-
21 ation, maintenance, replacement, removal, repair, lo-
22 cation, or relocation of any well; pipeline; or water
23 pumping, treatment, diversion, impoundment, or
24 storage facility; or other facility or property nec-

1 essary or useful to access any water right or operate
2 an public water system;

3 (10) shall require the initiation or reinitiation
4 of consultation with the United States Fish and
5 Wildlife Service under, or the application of any pro-
6 vision of, the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.) relating to any action affecting
8 any water, water right, or water management or
9 water resource facility in the San Gabriel River wa-
10 tershed and basin; or

11 (11) authorizes any agency or employee of the
12 United States, or any other person, to take any ac-
13 tion inconsistent with any of paragraphs (1) through
14 (10).

15 (b) WATER RESOURCE FACILITIES.—

16 (1) NO EFFECT ON EXISTING WATER RE-
17 SOURCE FACILITIES.—Nothing in this subtitle or
18 section 20422 shall affect—

19 (A) the use, operation, maintenance, re-
20 pair, construction, destruction, removal, recon-
21 figuration, expansion, improvement or replace-
22 ment of a water resource facility or public
23 water system within or adjacent to the Recre-
24 ation Area or San Gabriel Mountains National
25 Monument; or

1 (B) access to a water resource facility
2 within or adjacent to the Recreation Area or
3 San Gabriel Mountains National Monument.

4 (2) NO EFFECT ON NEW WATER RESOURCE FA-
5 CILITIES.—Nothing in this subtitle or section 20422
6 shall preclude the establishment of a new water re-
7 source facility (including instream sites, routes, and
8 areas) within the Recreation Area or San Gabriel
9 Mountains National Monument if the water resource
10 facility or public water system is necessary to pre-
11 serve or enhance the health, safety, reliability, qual-
12 ity or accessibility of water supply, or utility services
13 to residents of Los Angeles County.

14 (3) FLOOD CONTROL.—Nothing in this subtitle
15 or section 20422 shall be construed to—

16 (A) impose any new restriction or require-
17 ment on flood protection, water conservation,
18 water supply, groundwater recharge, water
19 transfers, or water quality operations and main-
20 tenance; or

21 (B) increase the liability of an agency or
22 public water system carrying out flood protec-
23 tion, water conservation, water supply, ground-
24 water recharge, water transfers, or water qual-
25 ity operations.

1 (4) DIVERSION OR USE OF WATER.—Nothing in
2 this subtitle or section 20422 shall authorize or re-
3 quire the use of water or water rights in, or the di-
4 version of water to, the Recreation Area or San Ga-
5 briel Mountains National Monument.

6 (c) UTILITY FACILITIES AND RIGHTS OF WAY.—
7 Nothing in this subtitle or section 20422 shall—

8 (1) affect the use, operation, maintenance, re-
9 pair, construction, destruction, reconfiguration, ex-
10 pansion, inspection, renewal, reconstruction, alter-
11 ation, addition, relocation, improvement, removal, or
12 replacement of a utility facility or appurtenant right-
13 of-way within or adjacent to the Recreation Area or
14 San Gabriel Mountains National Monument;

15 (2) affect access to a utility facility or right-of-
16 way within or adjacent to the Recreation Area or
17 San Gabriel Mountains National Monument; or

18 (3) preclude the establishment of a new utility
19 facility or right-of-way (including instream sites,
20 routes, and areas) within the Recreation Area or
21 San Gabriel Mountains National Monument if such
22 a facility or right-of-way is necessary for public
23 health and safety, electricity supply, or other utility
24 services.

25 (d) ROADS; PUBLIC TRANSIT.—

1 (1) DEFINITIONS.—In this subsection:

2 (A) PUBLIC ROAD.—The term “public
3 road” means any paved road or bridge (includ-
4 ing any appurtenant structure and right-of-
5 way) that is—

6 (i) operated or maintained by a non-
7 Federal entity; and

8 (ii)(I) open to vehicular use by the
9 public; or

10 (II) used by a public agency or utility
11 for the operation, maintenance, improve-
12 ment, repair, removal, relocation, construc-
13 tion, destruction or rehabilitation of infra-
14 structure, a utility facility, or a right-of-
15 way.

16 (B) PUBLIC TRANSIT.—The term “public
17 transit” means any transit service (including
18 operations and rights-of-way) that is—

19 (i) operated or maintained by a non-
20 Federal entity; and

21 (ii)(I) open to the public; or

22 (II) used by a public agency or con-
23 tractor for the operation, maintenance, re-
24 pair, construction, or rehabilitation of in-

1 frastructure, a utility facility, or a right-of-
2 way.

3 (2) NO EFFECT ON PUBLIC ROADS OR PUBLIC
4 TRANSIT.—Nothing in this subtitle or section
5 20422—

6 (A) authorizes the Secretary to take any
7 action that would affect the operation, mainte-
8 nance, repair, or rehabilitation of public roads
9 or public transit (including activities necessary
10 to comply with Federal or State safety or public
11 transit standards); or

12 (B) creates any new liability, or increases
13 any existing liability, of an owner or operator of
14 a public road.

15 **SEC. 20417. SAN GABRIEL NATIONAL RECREATION AREA**
16 **PUBLIC ADVISORY COUNCIL.**

17 (a) ESTABLISHMENT.—Not later than 180 days after
18 the date of the enactment of this Act, the Secretary shall
19 establish an advisory council, to be known as the “San
20 Gabriel National Recreation Area Public Advisory Coun-
21 cil”.

22 (b) DUTIES.—The Advisory Council shall advise the
23 Secretary regarding the development and implementation
24 of the management plan and the visitor services plan.

1 (c) APPLICABLE LAW.—The Advisory Council shall
2 be subject to—

3 (1) the Federal Advisory Committee Act (5
4 U.S.C. App.); and

5 (2) all other applicable laws (including regula-
6 tions).

7 (d) MEMBERSHIP.—The Advisory Council shall con-
8 sist of 22 members, to be appointed by the Secretary after
9 taking into consideration recommendations of the Partner-
10 ship, of whom—

11 (1) 2 shall represent local, regional, or national
12 environmental organizations;

13 (2) 2 shall represent the interests of outdoor
14 recreation, including off-highway vehicle recreation,
15 within the Recreation Area;

16 (3) 2 shall represent the interests of commu-
17 nity-based organizations, the missions of which in-
18 clude expanding access to the outdoors;

19 (4) 2 shall represent business interests;

20 (5) 1 shall represent Indian Tribes within or
21 adjacent to the Recreation Area;

22 (6) 1 shall represent the interests of home-
23 owners' associations within the Recreation Area;

24 (7) 3 shall represent the interests of holders of
25 adjudicated water rights, public water systems,

1 water agencies, wastewater and sewer agencies, recy-
2 cled water facilities, and water management and re-
3 plenishment entities;

4 (8) 1 shall represent energy and mineral devel-
5 opment interests;

6 (9) 1 shall represent owners of Federal grazing
7 permits or other land use permits within the Recre-
8 ation Area;

9 (10) 1 shall represent archaeological and histor-
10 ical interests;

11 (11) 1 shall represent the interests of environ-
12 mental educators;

13 (12) 1 shall represent cultural history interests;

14 (13) 1 shall represent environmental justice in-
15 terests;

16 (14) 1 shall represent electrical utility interests;
17 and

18 (15) 2 shall represent the affected public at
19 large.

20 (e) TERMS.—

21 (1) STAGGERED TERMS.—A member of the Ad-
22 visory Council shall be appointed for a term of 3
23 years, except that, of the members first appointed,
24 7 of the members shall be appointed for a term of

1 1 year and 7 of the members shall be appointed for
2 a term of 2 years.

3 (2) REAPPOINTMENT.—A member may be re-
4 appointed to serve on the Advisory Council on the
5 expiration of the term of service of the member.

6 (3) VACANCY.—A vacancy on the Advisory
7 Council shall be filled in the same manner in which
8 the original appointment was made.

9 (f) QUORUM.—A quorum shall be ten members of the
10 advisory council. The operations of the advisory council
11 shall not be impaired by the fact that a member has not
12 yet been appointed as long as a quorum has been attained.

13 (g) CHAIRPERSON; PROCEDURES.—The Advisory
14 Council shall elect a chairperson and establish such rules
15 and procedures as the advisory council considers necessary
16 or desirable.

17 (h) SERVICE WITHOUT COMPENSATION.—Members
18 of the Advisory Council shall serve without pay.

19 (i) TERMINATION.—The Advisory Council shall cease
20 to exist—

21 (1) on the date that is 5 years after the date
22 on which the management plan is adopted by the
23 Secretary; or

24 (2) on such later date as the Secretary con-
25 siders to be appropriate.

1 **SEC. 20418. SAN GABRIEL NATIONAL RECREATION AREA**
2 **PARTNERSHIP.**

3 (a) ESTABLISHMENT.—There is established a Part-
4 nership, to be known as the “San Gabriel National Recre-
5 ation Area Partnership”.

6 (b) PURPOSES.—The purposes of the Partnership are
7 to—

8 (1) coordinate the activities of Federal, State,
9 Tribal, and local authorities and the private sector
10 in advancing the purposes of this subtitle; and

11 (2) use the resources and expertise of each
12 agency in improving management and recreational
13 opportunities within the Recreation Area.

14 (c) MEMBERSHIP.—The Partnership shall include the
15 following:

16 (1) The Secretary (or a designee) to represent
17 the National Park Service.

18 (2) The Secretary of Defense (or a designee) to
19 represent the Corps of Engineers.

20 (3) The Secretary of Agriculture (or a designee)
21 to represent the Forest Service.

22 (4) The Secretary of the Natural Resources
23 Agency of the State (or a designee) to represent—

24 (A) the California Department of Parks
25 and Recreation; and

1 (B) the Rivers and Mountains Conser-
2 vancy.

3 (5) One designee of the Los Angeles County
4 Board of Supervisors.

5 (6) One designee of the Puente Hills Habitat
6 Preservation Authority.

7 (7) Four designees of the San Gabriel Council
8 of Governments, of whom one shall be selected from
9 a local land conservancy.

10 (8) One designee of the San Gabriel Valley Eco-
11 nomic Partnership.

12 (9) One designee of the Los Angeles County
13 Flood Control District.

14 (10) One designee of the San Gabriel Valley
15 Water Association.

16 (11) One designee of the Central Basin Water
17 Association.

18 (12) One designee of the Main San Gabriel
19 Basin Watermaster.

20 (13) One designee of a public utility company,
21 to be appointed by the Secretary.

22 (14) One designee of the Watershed Conserva-
23 tion Authority.

1 (15) One designee of the Advisory Council for
2 the period during which the Advisory Council re-
3 mains in effect.

4 (16) One designee of San Gabriel Mountains
5 National Monument Community Collaborative.

6 (d) DUTIES.—To advance the purposes described in
7 section 20411, the Partnership shall—

8 (1) make recommendations to the Secretary re-
9 garding the development and implementation of the
10 management plan;

11 (2) review and comment on the visitor services
12 plan under section 20419(a)(2), and facilitate the
13 implementation of that plan;

14 (3) assist units of local government, regional
15 planning organizations, and nonprofit organizations
16 in advancing the purposes of the Recreation Area
17 by—

18 (A) carrying out programs and projects
19 that recognize, protect, and enhance important
20 resource values within the Recreation Area;

21 (B) establishing and maintaining interpre-
22 tive exhibits and programs within the Recre-
23 ation Area;

1 (C) developing recreational and educational
2 opportunities in the Recreation Area in accord-
3 ance with the purposes of this subtitle;

4 (D) increasing public awareness of, and
5 appreciation for, natural, historic, scenic, and
6 cultural resources of the Recreation Area;

7 (E) ensuring that signs identifying points
8 of public access and sites of interest are posted
9 throughout the Recreation Area;

10 (F) promoting a wide range of partner-
11 ships among governments, organizations, and
12 individuals to advance the purposes of the
13 Recreation Area; and

14 (G) ensuring that management of the
15 Recreation Area takes into consideration—

16 (i) local ordinances and land-use
17 plans; and

18 (ii) adjacent residents and property
19 owners;

20 (4) make recommendations to the Secretary re-
21 garding the appointment of members to the Advisory
22 Council; and

23 (5) carry out any other actions necessary to
24 achieve the purposes of this subtitle.

1 (e) AUTHORITIES.—Subject to approval by the Sec-
2 retary, for the purposes of preparing and implementing
3 the management plan, the Partnership may use Federal
4 funds made available under this section—

5 (1) to make grants to the State, political sub-
6 divisions of the State, nonprofit organizations, and
7 other persons;

8 (2) to enter into cooperative agreements with,
9 or provide grants or technical assistance to, the
10 State, political subdivisions of the State, nonprofit
11 organizations, Federal agencies, and other interested
12 parties;

13 (3) to hire and compensate staff;

14 (4) to obtain funds or services from any source,
15 including funds and services provided under any
16 other Federal law or program;

17 (5) to contract for goods or services; and

18 (6) to support activities of partners and any
19 other activities that—

20 (A) advance the purposes of the Recreation
21 Area; and

22 (B) are in accordance with the manage-
23 ment plan.

24 (f) TERMS OF OFFICE; REAPPOINTMENT; VACAN-
25 CIES.—

1 (1) TERMS.—A member of the Partnership
2 shall be appointed for a term of 3 years.

3 (2) REAPPOINTMENT.—A member may be re-
4 appointed to serve on the Partnership on the expira-
5 tion of the term of service of the member.

6 (3) VACANCY.—A vacancy on the Partnership
7 shall be filled in the same manner in which the origi-
8 nal appointment was made.

9 (g) QUORUM.—A quorum shall be 11 members of the
10 Partnership. The operations of the Partnership shall not
11 be impaired by the fact that a member has not yet been
12 appointed as long as a quorum has been attained.

13 (h) CHAIRPERSON; PROCEDURES.—The Partnership
14 shall elect a chairperson and establish such rules and pro-
15 cedures as it deems necessary or desirable.

16 (i) SERVICE WITHOUT COMPENSATION.—A member
17 of the Partnership shall serve without compensation.

18 (j) DUTIES AND AUTHORITIES OF SECRETARY.—

19 (1) IN GENERAL.—The Secretary shall convene
20 the Partnership on a regular basis to carry out this
21 subtitle.

22 (2) TECHNICAL AND FINANCIAL ASSISTANCE.—
23 The Secretary may provide to the Partnership or
24 any member of the Partnership, on a reimbursable
25 or nonreimbursable basis, such technical and finan-

1 cial assistance as the Secretary determines to be ap-
2 propriate to carry out this subtitle.

3 (3) COOPERATIVE AGREEMENTS.—The Sec-
4 retary may enter into a cooperative agreement with
5 the Partnership, a member of the Partnership, or
6 any other public or private entity to provide tech-
7 nical, financial, or other assistance to carry out this
8 subtitle.

9 (4) CONSTRUCTION OF FACILITIES ON NON-
10 FEDERAL LAND.—

11 (A) IN GENERAL.—In order to facilitate
12 the administration of the Recreation Area, the
13 Secretary is authorized, subject to valid existing
14 rights, to construct administrative or visitor use
15 facilities on land owned by a non-profit organi-
16 zation, local agency, or other public entity in
17 accordance with this title and applicable law
18 (including regulations).

19 (B) ADDITIONAL REQUIREMENTS.—A fa-
20 cility under this paragraph may only be devel-
21 oped—

22 (i) with the consent of the owner of
23 the non-Federal land; and

1 (ii) in accordance with applicable Fed-
2 eral, State, and local laws (including regu-
3 lations) and plans.

4 (5) PRIORITY.—The Secretary shall give pri-
5 ority to actions that—

6 (A) conserve the significant natural, his-
7 toric, cultural, and scenic resources of the
8 Recreation Area; and

9 (B) provide educational, interpretive, and
10 recreational opportunities consistent with the
11 purposes of the Recreation Area.

12 (k) COMMITTEES.—The Partnership shall establish—

13 (1) a Water Technical Advisory Committee to
14 advise the Secretary regarding water-related issues
15 relating to the Recreation Area; and

16 (2) a Public Safety Advisory Committee to ad-
17 vise the Secretary regarding public safety issues re-
18 lating to the Recreation Area.

19 **SEC. 20419. VISITOR SERVICES AND FACILITIES.**

20 (a) VISITOR SERVICES.—

21 (1) PURPOSE.—The purpose of this subsection
22 is to facilitate the development of an integrated vis-
23 itor services plan to improve visitor experiences in
24 the Recreation Area through expanded recreational

1 opportunities and increased interpretation, edu-
2 cation, resource protection, and enforcement.

3 (2) VISITOR SERVICES PLAN.—

4 (A) IN GENERAL.—Not later than 3 years
5 after the date of the enactment of this Act, the
6 Secretary shall develop and carry out an inte-
7 grated visitor services plan for the Recreation
8 Area in accordance with this paragraph.

9 (B) CONTENTS.—The visitor services plan
10 shall—

11 (i) assess current and anticipated fu-
12 ture visitation to the Recreation Area, in-
13 cluding recreation destinations;

14 (ii) consider the demand for various
15 types of recreation (including hiking, pic-
16 nicking, horseback riding, and the use of
17 motorized and mechanized vehicles), as
18 permissible and appropriate;

19 (iii) evaluate the impacts of recreation
20 on natural and cultural resources, water
21 rights and water resource facilities, public
22 roads, adjacent residents and property
23 owners, and utilities within the Recreation
24 Area, as well as the effectiveness of cur-
25 rent enforcement and efforts;

1 (iv) assess the current level of inter-
2 pretive and educational services and facili-
3 ties;

4 (v) include recommendations to—

5 (I) expand opportunities for high-
6 demand recreational activities, in ac-
7 cordance with the purposes described
8 in section 20411;

9 (II) better manage Recreation
10 Area resources and improve the expe-
11 rience of Recreation Area visitors
12 through expanded interpretive and
13 educational services and facilities, and
14 improved enforcement; and

15 (III) better manage Recreation
16 Area resources to reduce negative im-
17 pacts on the environment, ecology,
18 and integrated water management ac-
19 tivities in the Recreation Area;

20 (vi) in coordination and consultation
21 with affected owners of non-Federal land,
22 assess options to incorporate recreational
23 opportunities on non-Federal land into the
24 Recreation Area—

1 (I) in manner consistent with the
2 purposes and uses of the non-Federal
3 land; and

4 (II) with the consent of the non-
5 Federal landowner;

6 (vii) assess opportunities to provide
7 recreational opportunities that connect
8 with adjacent National Forest System
9 land; and

10 (viii) be developed and carried out in
11 accordance with applicable Federal, State,
12 and local laws and ordinances.

13 (C) CONSULTATION.—In developing the
14 visitor services plan, the Secretary shall—

15 (i) consult with—

16 (I) the Partnership;

17 (II) the Advisory Council;

18 (III) appropriate State and local
19 agencies; and

20 (IV) interested nongovernmental
21 organizations; and

22 (ii) involve members of the public.

23 (b) VISITOR USE FACILITIES.—

24 (1) IN GENERAL.—The Secretary may con-
25 struct visitor use facilities in the Recreation Area.

1 (2) REQUIREMENTS.—Each facility under para-
2 graph (1) shall be developed in accordance with ap-
3 plicable Federal, State, and local—

4 (A) laws (including regulations); and

5 (B) plans.

6 (c) DONATIONS.—

7 (1) IN GENERAL.—The Secretary may accept
8 and use donated funds (subject to appropriations),
9 property, in-kind contributions, and services to carry
10 out this subtitle.

11 (2) PROHIBITION.—The Secretary may not use
12 the authority provided by paragraph (1) to accept
13 non-Federal land that has been acquired after the
14 date of the enactment of this Act through the use
15 of eminent domain.

16 (d) COOPERATIVE AGREEMENTS.—In carrying out
17 this subtitle, the Secretary may make grants to, or enter
18 into cooperative agreements with, units of State, Tribal,
19 and local governments and private entities to conduct re-
20 search, develop scientific analyses, and carry out any other
21 initiative relating to the management of, and visitation to,
22 the Recreation Area.

23 **Subtitle B—San Gabriel Mountains**

24 **SEC. 20421. DEFINITIONS.**

25 In this subtitle:

1 (1) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (2) WILDERNESS AREA OR ADDITION.—The
4 term “wilderness area or addition” means any wil-
5 derness area or wilderness addition designated by
6 section 20423(a).

7 **SEC. 20422. NATIONAL MONUMENT BOUNDARY MODIFICA-**
8 **TION.**

9 (a) IN GENERAL.—The San Gabriel Mountains Na-
10 tional Monument established by Presidential Proclamation
11 9194 (54 U.S.C. 320301 note) (referred to in this section
12 as the “Monument”) is modified to include the approxi-
13 mately 109,167 acres of additional National Forest Sys-
14 tem land depicted as the “Proposed San Gabriel Moun-
15 tains National Monument Expansion” on the map entitled
16 “Proposed San Gabriel Mountains National Monument
17 Expansion” and dated June 26, 2019.

18 (b) ADMINISTRATION.—The Secretary shall admin-
19 ister the San Gabriel Mountains National Monument, in-
20 cluding the lands added by subsection (a), in accordance
21 with—

22 (1) Presidential Proclamation 9194, as issued
23 on October 10, 2014 (54 U.S.C. 320301 note);

24 (2) the laws generally applicable to the Monu-
25 ment; and

1 (3) this title.

2 (c) MANAGEMENT PLAN.—Within 3 years after the
3 date of enactment of this Act, the Secretary shall consult
4 with State and local governments and the interested public
5 to update the existing San Gabriel Mountains National
6 Monument Plan to provide management direction and pro-
7 tection for the lands added to the Monument by subsection
8 (a).

9 **SEC. 20423. DESIGNATION OF WILDERNESS AREAS AND AD-**
10 **DITIONS.**

11 (a) DESIGNATION.—In accordance with the Wilder-
12 ness Act (16 U.S.C. 1131 et seq.), the following parcels
13 of National Forest System land in the State are des-
14 ignated as wilderness and as components of the National
15 Wilderness Preservation System:

16 (1) CONDOR PEAK WILDERNESS.—Certain Fed-
17 eral land in the Angeles National Forest, comprising
18 approximately 8,207 acres, as generally depicted on
19 the map entitled “Condor Peak Wilderness—Pro-
20 posed” and dated June 6, 2019, which shall be
21 known as the “Condor Peak Wilderness”.

22 (2) SAN GABRIEL WILDERNESS ADDITIONS.—
23 Certain Federal land in the Angeles National Forest,
24 comprising approximately 2,032 acres, as generally
25 depicted on the map entitled “San Gabriel Wilder-

ness Additions” and dated June 6, 2019, which is incorporated in, and considered to be a part of, the San Gabriel Wilderness designated by Public Law 90–318 (16 U.S.C. 1132 note; 82 Stat. 131).

(3) SHEEP MOUNTAIN WILDERNESS ADDITIONS.—Certain Federal land in the Angeles National Forest, comprising approximately 13,726 acres, as generally depicted on the map entitled “Sheep Mountain Wilderness Additions” and dated June 6, 2019, which is incorporated in, and considered to be a part of, the Sheep Mountain Wilderness designated by section 101(a)(29) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 1623; Public Law 98–425).

(4) YERBA BUENA WILDERNESS.—Certain Federal land in the Angeles National Forest, comprising approximately 6,694 acres, as generally depicted on the map entitled “Yerba Buena Wilderness—Proposed” and dated June 6, 2019, which shall be known as the “Yerba Buena Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of the wilderness areas and additions with—

1 (A) the Committee on Energy and Natural
2 Resources of the Senate; and

3 (B) the Committee on Natural Resources
4 of the House of Representatives.

5 (2) FORCE OF LAW.—The map and legal de-
6 scription filed under paragraph (1) shall have the
7 same force and effect as if included in this subtitle,
8 except that the Secretary may correct any clerical or
9 typographical error in the map or legal description.

10 (3) PUBLIC AVAILABILITY.—The map and legal
11 description filed under paragraph (1) shall be on file
12 and available for public inspection in the appropriate
13 offices of the Forest Service.

14 **SEC. 20424. ADMINISTRATION OF WILDERNESS AREAS AND**
15 **ADDITIONS.**

16 (a) IN GENERAL.—Subject to valid existing rights,
17 the wilderness areas and additions shall be administered
18 by the Secretary in accordance with this section and the
19 Wilderness Act (16 U.S.C. 1131 et seq.), except that any
20 reference in that Act to the effective date of that Act shall
21 be considered to be a reference to the date of the enact-
22 ment of this Act.

23 (b) FIRE MANAGEMENT AND RELATED ACTIVI-
24 TIES.—

1 (1) IN GENERAL.—The Secretary may take
2 such measures in a wilderness area or addition des-
3 ignated in section 20423 as are necessary for the
4 control of fire, insects, or diseases in accordance
5 with—

6 (A) section 4(d)(1) of the Wilderness Act
7 (16 U.S.C. 1133(d)(1)); and

8 (B) House Report 98–40 of the 98th Con-
9 gress.

10 (2) FUNDING PRIORITIES.—Nothing in this
11 subtitle limits funding for fire or fuels management
12 in a wilderness area or addition.

13 (3) REVISION AND DEVELOPMENT OF LOCAL
14 FIRE MANAGEMENT PLANS.—As soon as practicable
15 after the date of the enactment of this Act, the Sec-
16 retary shall amend, as applicable, any local fire man-
17 agement plan that applies to a wilderness area or
18 addition designated in section 20423.

19 (4) ADMINISTRATION.—In accordance with
20 paragraph (1) and any other applicable Federal law,
21 to ensure a timely and efficient response to a fire
22 emergency in a wilderness area or addition, the Sec-
23 retary shall—

24 (A) not later than 1 year after the date of
25 the enactment of this Act, establish agency ap-

1 proval procedures (including appropriate delega-
2 tions of authority to the Forest Supervisor, Dis-
3 trict Manager, or other agency officials) for re-
4 sponding to fire emergencies; and

5 (B) enter into agreements with appropriate
6 State or local firefighting agencies.

7 (c) GRAZING.—The grazing of livestock in a wilder-
8 ness area or addition, if established before the date of the
9 enactment of this Act, shall be administered in accordance
10 with—

11 (1) section 4(d)(4) of the Wilderness Act (16
12 U.S.C. 1133(d)(4)); and

13 (2) the guidelines contained in Appendix A of
14 the report of the Committee on Interior and Insular
15 Affairs of the House of Representatives accom-
16 panying H.R. 2570 of the 101st Congress (H. Rept.
17 101–405).

18 (d) FISH AND WILDLIFE.—

19 (1) IN GENERAL.—In accordance with section
20 4(d)(7) of the Wilderness Act (16 U.S.C.
21 1133(d)(7)), nothing in this subtitle affects the ju-
22 risdiction or responsibility of the State with respect
23 to fish or wildlife on public land in the State.

24 (2) MANAGEMENT ACTIVITIES.—

1 (A) IN GENERAL.—In furtherance of the
2 purposes and principles of the Wilderness Act
3 (16 U.S.C. 1131 et seq.), the Secretary may
4 conduct any management activity that are nec-
5 essary to maintain or restore fish or wildlife
6 populations or habitats in the wilderness areas
7 and wilderness additions designated in section
8 20423, if the management activities are—

9 (i) consistent with relevant wilderness
10 management plans; and

11 (ii) conducted in accordance with ap-
12 propriate policies, such as the policies es-
13 tablished in Appendix B of the report of
14 the Committee on Interior and Insular Af-
15 fairs of the House of Representatives ac-
16 companying H.R. 2570 of the 101st Con-
17 gress (H. Rept. 101–405).

18 (B) INCLUSIONS.—A management activity
19 under subparagraph (A) may include the occa-
20 sional and temporary use of motorized vehicles,
21 if the use, as determined by the Secretary,
22 would promote healthy, viable, and more natu-
23 rally distributed wildlife populations that would
24 enhance wilderness values while causing the

1 minimum impact necessary to accomplish those
2 tasks.

3 (C) EXISTING ACTIVITIES.—In accordance
4 with section 4(d)(1) of the Wilderness Act (16
5 U.S.C. 1133(d)(1)) and appropriate policies
6 (such as the policies established in Appendix B
7 of House Report 101–405), the State may use
8 aircraft (including helicopters) in a wilderness
9 area or addition to survey, capture, transplant,
10 monitor, or provide water for a wildlife popu-
11 lation, including bighorn sheep.

12 (e) BUFFER ZONES.—

13 (1) IN GENERAL.—Congress does not intend for
14 the designation of wilderness areas or wilderness ad-
15 ditions by section 20423 to lead to the creation of
16 protective perimeters or buffer zones around each
17 wilderness area or wilderness addition.

18 (2) ACTIVITIES OR USES UP TO BOUNDARIES.—

19 The fact that a nonwilderness activities or uses can
20 be seen or heard from within a wilderness area or
21 wilderness addition designated by section 20423
22 shall not, of itself, preclude the activities or uses up
23 to the boundary of the wilderness area or addition.

24 (f) MILITARY ACTIVITIES.—Nothing in this title pre-
25 cludes—

1 (1) low-level overflights of military aircraft over
2 the wilderness areas or wilderness additions des-
3 ignated by section 20423;

4 (2) the designation of new units of special air-
5 space over the wilderness areas or wilderness addi-
6 tions designated by section 20423; or

7 (3) the use or establishment of military flight
8 training routes over wilderness areas or wilderness
9 additions designated by section 20423.

10 (g) HORSES.—Nothing in this subtitle precludes
11 horseback riding in, or the entry of recreational or com-
12 mercial saddle or pack stock into, an area designated as
13 a wilderness area or wilderness addition by section
14 20423—

15 (1) in accordance with section 4(d)(5) of the
16 Wilderness Act (16 U.S.C. 1133(d)(5)); and

17 (2) subject to such terms and conditions as the
18 Secretary determines to be necessary.

19 (h) LAW ENFORCEMENT.—Nothing in this subtitle
20 precludes any law enforcement or drug interdiction effort
21 within the wilderness areas or wilderness additions des-
22 ignated by section 20423 in accordance with the Wilder-
23 ness Act (16 U.S.C. 1131 et seq.).

1 (i) WITHDRAWAL.—Subject to valid existing rights,
2 the wilderness areas and additions designated by section
3 20423 are withdrawn from—

4 (1) all forms of entry, appropriation, and dis-
5 posal under the public land laws;

6 (2) location, entry, and patent under the mining
7 laws; and

8 (3) operation of the mineral materials and geo-
9 thermal leasing laws.

10 (j) INCORPORATION OF ACQUIRED LAND AND INTER-
11 ESTS.—Any land within the boundary of a wilderness area
12 or addition that is acquired by the United States shall—

13 (1) become part of the wilderness area or addi-
14 tion in which the land is located; and

15 (2) be managed in accordance with this section,
16 the Wilderness Act (16 U.S.C. 1131 et seq.), and
17 any other applicable laws (including regulations).

18 (k) CLIMATOLOGICAL DATA COLLECTION.—In ac-
19 cordance with the Wilderness Act (16 U.S.C. 1131 et seq.)
20 and subject to such terms and conditions as the Secretary
21 may prescribe, the Secretary may authorize the installa-
22 tion and maintenance of hydrologic, meteorologic, or cli-
23 matological collection devices in a wilderness area or addi-
24 tion if the Secretary determines that the facilities and ac-

1 cess to the facilities is essential to a flood warning, flood
2 control, or water reservoir operation activity.

3 (l) AUTHORIZED EVENTS.—The Secretary of Agri-
4 culture may authorize the Angeles Crest 100 competitive
5 running event to continue in substantially the same man-
6 ner and degree in which this event was operated and per-
7 mitted in 2015 within additions to the Sheep Mountain
8 Wilderness in section 20423 of this title and the Pleasant
9 View Ridge Wilderness Area designated by section 1802
10 of the Omnibus Public Land Management Act of 2009,
11 provided that the event is authorized and conducted in a
12 manner compatible with the preservation of the areas as
13 wilderness.

14 **SEC. 20425. DESIGNATION OF WILD AND SCENIC RIVERS.**

15 (a) DESIGNATION.—Section 3(a) of the National
16 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amend-
17 ed by adding at the end the following:

18 “(____) EAST FORK SAN GABRIEL RIVER, CALI-
19 FORNIA.—The following segments of the East Fork
20 San Gabriel River, to be administered by the Sec-
21 retary of Agriculture in the following classes:

22 “(A) The 10-mile segment from the con-
23 fluence of the Prairie Fork and Vincent Gulch
24 to 100 yards upstream of the Heaton Flats
25 trailhead and day use area, as a wild river.

1 “(B) The 2.7-mile segment from 100 yards
2 upstream of the Heaton Flats trailhead and day
3 use area to 100 yards upstream of the con-
4 fluence with Williams Canyon, as a recreational
5 river.

6 “(____) NORTH FORK SAN GABRIEL RIVER,
7 CALIFORNIA.—The 4.3-mile segment of the North
8 Fork San Gabriel River from the confluence with
9 Cloudburst Canyon to 0.25 miles upstream of the
10 confluence with the West Fork San Gabriel River, to
11 be administered by the Secretary of Agriculture as
12 a recreational river.

13 “(____) WEST FORK SAN GABRIEL RIVER, CALI-
14 FORNIA.—The following segments of the West Fork
15 San Gabriel River, to be administered by the Sec-
16 retary of Agriculture in the following classes:

17 “(A) The 6.7-mile segment from 0.25
18 miles downstream of its source near Red Box
19 Gap in sec. 14, T. 2 N., R. 12 W., to the con-
20 fluence with the unnamed tributary 0.25 miles
21 downstream of the power lines in sec. 22, T. 2
22 N., R. 11 W., as a recreational river.

23 “(B) The 1.6-mile segment of the West
24 Fork from 0.25 miles downstream of the

1 powerlines in sec. 22, T. 2 N., R. 11 W., to the
2 confluence with Bobcat Canyon, as a wild river.

3 “(____) LITTLE ROCK CREEK, CALIFORNIA.—

4 The following segments of Little Rock Creek and
5 tributaries, to be administered by the Secretary of
6 Agriculture in the following classes:

7 “(A) The 10.3-mile segment from its
8 source on Mt. Williamson in sec. 6, T. 3 N., R.
9 9 W., to 100 yards upstream of the confluence
10 with the South Fork Little Rock Creek, as a
11 wild river.

12 “(B) The 6.6-mile segment from 100 yards
13 upstream of the confluence with the South Fork
14 Little Rock Creek to the confluence with
15 Santiago Canyon, as a recreational river.

16 “(C) The 1-mile segment of Cooper Can-
17 yon Creek from 0.25 miles downstream of
18 Highway 2 to 100 yards downstream of Cooper
19 Canyon Campground, as a scenic river.

20 “(D) The 1.3-mile segment of Cooper Can-
21 yon Creek from 100 yards downstream of Coo-
22 per Canyon Campground to the confluence with
23 Little Rock Creek, as a wild river.

24 “(E) The 1-mile segment of Buckhorn
25 Creek from 100 yards downstream of the

1 Buckhorn Campground to its confluence with
2 Cooper Canyon Creek, as a wild river.”.

3 (b) WATER RESOURCE FACILITIES; AND WATER
4 USE.—

5 (1) WATER RESOURCE FACILITIES.—

6 (A) DEFINITION.—In this section, the
7 term “water resource facility” means irrigation
8 and pumping facilities, dams and reservoirs,
9 flood control facilities, water conservation works
10 and facilities, including debris protection facili-
11 ties, sediment placement sites, rain gauges and
12 stream gauges, water quality facilities, recycled
13 water facilities and water pumping, conveyance
14 distribution systems, water storage tanks and
15 reservoirs, and water treatment facilities, aque-
16 ducts, canals, ditches, pipelines, wells, hydro-
17 power projects, and transmission and other an-
18 cillary facilities, groundwater recharge facilities,
19 water conservation, water filtration plants, and
20 other water diversion, conservation, ground-
21 water recharge, storage, and carriage struc-
22 tures.

23 (B) NO EFFECT ON EXISTING WATER RE-
24 SOURCE FACILITIES.—Nothing in this section
25 shall alter, modify, or affect—

1 (i) the use, operation, maintenance,
2 repair, construction, destruction, reconfig-
3 uration, expansion, relocation or replace-
4 ment of a water resource facility down-
5 stream of a wild and scenic river segment
6 designated by this section, provided that
7 the physical structures of such facilities or
8 reservoirs shall not be located within the
9 river areas designated in this section; or

10 (ii) access to a water resource facility
11 downstream of a wild and scenic river seg-
12 ment designated by this section.

13 (C) NO EFFECT ON NEW WATER RE-
14 SOURCE FACILITIES.—Nothing in this section
15 shall preclude the establishment of a new water
16 resource facilities (including instream sites,
17 routes, and areas) downstream of a wild and
18 scenic river segment.

19 (2) LIMITATION.—Any new reservation of water
20 or new use of water pursuant to existing water
21 rights held by the United States to advance the pur-
22 poses of the National Wild and Scenic Rivers Act
23 (16 U.S.C. 1271 et seq.) shall be for nonconsump-
24 tive instream use only within the segments des-
25 ignated by this section.

1 (3) EXISTING LAW.—Nothing in this section af-
2 fects the implementation of the Endangered Species
3 Act of 1973 (16 U.S.C. 1531 et seq.).

4 **SEC. 20426. WATER RIGHTS.**

5 (a) STATUTORY CONSTRUCTION.—Nothing in this
6 title, and no action to implement this title—

7 (1) shall constitute an express or implied res-
8 ervation of any water or water right, or authorizing
9 an expansion of water use pursuant to existing water
10 rights held by the United States, with respect to the
11 San Gabriel Mountains National Monument, the
12 land designated as a wilderness area or wilderness
13 addition by section 20423 or land adjacent to the
14 wild and scenic river segments designated by the
15 amendment made by section 20425;

16 (2) shall affect, alter, modify, or condition any
17 water rights in the State in existence on the date of
18 the enactment of this Act, including any water
19 rights held by the United States;

20 (3) shall be construed as establishing a prece-
21 dent with regard to any future wilderness or wild
22 and scenic river designations;

23 (4) shall affect, alter, or modify the interpreta-
24 tion of, or any designation, decision, adjudication or
25 action made pursuant to, any other Act; or

1 (5) shall be construed as limiting, altering,
2 modifying, or amending any of the interstate com-
3 pacts or equitable apportionment decrees that appor-
4 tions water among or between the State and any
5 other State.

6 (b) STATE WATER LAW.—The Secretary shall com-
7 ply with applicable procedural and substantive require-
8 ments of the law of the State in order to obtain and hold
9 any water rights not in existence on the date of the enact-
10 ment of this Act with respect to the San Gabriel Moun-
11 tains National Monument, wilderness areas and wilderness
12 additions designated by section 20423, and the wild and
13 scenic rivers designated by amendment made by section
14 20425.

15 **TITLE V—RIM OF THE VALLEY** 16 **CORRIDOR PRESERVATION**

17 **SEC. 20501. SHORT TITLE.**

18 This title may be cited as the “Rim of the Valley Cor-
19 ridor Preservation Act”.

20 **SEC. 20502. BOUNDARY ADJUSTMENT; LAND ACQUISITION;** 21 **ADMINISTRATION.**

22 (a) BOUNDARY ADJUSTMENT.—Section 507(c)(1) of
23 the National Parks and Recreation Act of 1978 (16
24 U.S.C. 460kk(c)(1)) is amended in the first sentence by
25 striking “, which shall” and inserting “ and generally de-

1 picted as ‘Rim of the Valley Unit Proposed Addition’ on
2 the map entitled ‘Rim of the Valley Unit—Santa Monica
3 Mountains National Recreation Area’, numbered 638/
4 147,723, and dated September 2018. Both maps shall”.

5 (b) RIM OF THE VALLEY UNIT.—Section 507 of the
6 National Parks and Recreation Act of 1978 (16 U.S.C.
7 460kk) is amended by adding at the end the following:
8 “(u) RIM OF THE VALLEY UNIT.—(1) Not later than
9 3 years after the date of the enactment of this subsection,
10 the Secretary shall update the general management plan
11 for the recreation area to reflect the boundaries designated
12 on the map referred to in subsection (c)(1) as the ‘Rim
13 of the Valley Unit’ (hereafter in the subsection referred
14 to as the ‘Rim of the Valley Unit’). Subject to valid exist-
15 ing rights, the Secretary shall administer the Rim of the
16 Valley Unit, and any land or interest in land acquired by
17 the United States and located within the boundaries of
18 the Rim of the Valley Unit, as part of the recreation area
19 in accordance with the provisions of this section and appli-
20 cable laws and regulations.

21 “(2) The Secretary may acquire non-Federal land
22 within the boundaries of the Rim of the Valley Unit only
23 through exchange, donation, or purchase from a willing
24 seller. Nothing in this subsection authorizes the use of
25 eminent domain to acquire land or interests in land.

1 “(3) Nothing in this subsection or the application of
2 the management plan for the Rim of the Valley Unit shall
3 be construed to—

4 “(A) modify any provision of Federal, State, or
5 local law with respect to public access to or use of
6 non-Federal land;

7 “(B) create any liability, or affect any liability
8 under any other law, of any private property owner
9 or other owner of non-Federal land with respect to
10 any person injured on private property or other non-
11 Federal land;

12 “(C) affect the ownership, management, or
13 other rights relating to any non-Federal land (in-
14 cluding any interest in any non-Federal land);

15 “(D) require any local government to partici-
16 pate in any program administered by the Secretary;

17 “(E) alter, modify, or diminish any right, re-
18 sponsibility, power, authority, jurisdiction, or entitle-
19 ment of the State, any political subdivision of the
20 State, or any State or local agency under existing
21 Federal, State, and local law (including regulations);

22 “(F) require the creation of protective perim-
23 eters or buffer zones, and the fact that certain ac-
24 tivities or land can be seen or heard from within the
25 Rim of the Valley Unit shall not, of itself, preclude

1 the activities or land uses up to the boundary of the
2 Rim of the Valley Unit;

3 “(G) require or promote use of, or encourage
4 trespass on, lands, facilities, and rights-of-way
5 owned by non-Federal entities, including water re-
6 source facilities and public utilities, without the writ-
7 ten consent of the owner;

8 “(H) affect the operation, maintenance, modi-
9 fication, construction, or expansion of any water re-
10 source facility or utility facility located within or ad-
11 jacent to the Rim of the Valley Unit;

12 “(I) terminate the fee title to lands or cus-
13 tomary operation, maintenance, repair, and replace-
14 ment activities on or under such lands granted to
15 public agencies that are authorized pursuant to Fed-
16 eral or State statute;

17 “(J) interfere with, obstruct, hinder, or delay
18 the exercise of any right to, or access to any water
19 resource facility or other facility or property nec-
20 essary or useful to access any water right to operate
21 any public water or utility system;

22 “(K) require initiation or reinitiation of con-
23 sultation with the United States Fish and Wildlife
24 Service under, or the application of provisions of, the
25 Endangered Species Act of 1973 (16 U.S.C. 1531 et

1 seq.), the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.), or division A of sub-
3 title III of title 54, United States Code, concerning
4 any action or activity affecting water, water rights
5 or water management or water resource facilities
6 within the Rim of the Valley Unit; or

7 “(L) limit the Secretary’s ability to update ap-
8 plicable fire management plans, which may consider
9 fuels management strategies including managed nat-
10 ural fire, prescribed fires, non-fire mechanical haz-
11 ardous fuel reduction activities, or post-fire remedi-
12 ation of damage to natural and cultural resources.

13 “(4) The activities of a utility facility or water re-
14 source facility shall take into consideration ways to rea-
15 sonably avoid or reduce the impact on the resources of
16 the Rim of the Valley Unit.

17 “(5) For the purpose of paragraph (4)—

18 “(A) the term ‘utility facility’ means electric
19 substations, communication facilities, towers, poles,
20 and lines, ground wires, communications circuits,
21 and other structures, and related infrastructure; and

22 “(B) the term ‘water resource facility’ means
23 irrigation and pumping facilities; dams and res-
24 ervoirs; flood control facilities; water conservation
25 works, including debris protection facilities, sediment

1 placement sites, rain gauges, and stream gauges;
2 water quality, recycled water, and pumping facilities;
3 conveyance distribution systems; water treatment fa-
4 cilities; aqueducts; canals; ditches; pipelines; wells;
5 hydropower projects; transmission facilities; and
6 other ancillary facilities, groundwater recharge facili-
7 ties, water conservation, water filtration plants, and
8 other water diversion, conservation, groundwater re-
9 charge, storage, and carriage structures.”.

10 **TITLE VI—WILD OLYMPICS WIL-**
11 **DERNESS AND WILD AND SCE-**
12 **NIC RIVERS**

13 **SEC. 20601. SHORT TITLE.**

14 This title may be cited as the “Wild Olympics Wilder-
15 ness and Wild and Scenic Rivers Act”.

16 **SEC. 20602. DESIGNATION OF OLYMPIC NATIONAL FOREST**
17 **WILDERNESS AREAS.**

18 (a) IN GENERAL.—In furtherance of the Wilderness
19 Act (16 U.S.C. 1131 et seq.), the following Federal land
20 in the Olympic National Forest in the State of Wash-
21 ington comprising approximately 126,554 acres, as gen-
22 erally depicted on the map entitled “Proposed Wild Olym-
23 pics Wilderness and Wild and Scenic Rivers Act” and
24 dated April 8, 2019 (referred to in this section as the

1 “map”), is designated as wilderness and as components
2 of the National Wilderness Preservation System:

3 (1) LOST CREEK WILDERNESS.—Certain Fed-
4 eral land managed by the Forest Service, comprising
5 approximately 7,159 acres, as generally depicted on
6 the map, which shall be known as the “Lost Creek
7 Wilderness”.

8 (2) RUGGED RIDGE WILDERNESS.—Certain
9 Federal land managed by the Forest Service, com-
10 prising approximately 5,956 acres, as generally de-
11 picted on the map, which shall be known as the
12 “Rugged Ridge Wilderness”.

13 (3) ALCKEE CREEK WILDERNESS.—Certain
14 Federal land managed by the Forest Service, com-
15 prising approximately 1,787 acres, as generally de-
16 picted on the map, which shall be known as the
17 “Alckee Creek Wilderness”.

18 (4) GATES OF THE ELWHA WILDERNESS.—Cer-
19 tain Federal land managed by the Forest Service,
20 comprising approximately 5,669 acres, as generally
21 depicted on the map, which shall be known as the
22 “Gates of the Elwha Wilderness”.

23 (5) BUCKHORN WILDERNESS ADDITIONS.—Cer-
24 tain Federal land managed by the Forest Service,
25 comprising approximately 21,965 acres, as generally

1 depicted on the map, is incorporated in, and shall be
2 managed as part of, the “Buckhorn Wilderness”, as
3 designated by section 3 of the Washington State
4 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
5 lic Law 98–339).

6 (6) GREEN MOUNTAIN WILDERNESS.—Certain
7 Federal land managed by the Forest Service, com-
8 prising approximately 4,790 acres, as generally de-
9 picted on the map, which shall be known as the
10 “Green Mountain Wilderness”.

11 (7) THE BROTHERS WILDERNESS ADDITIONS.—
12 Certain land managed by the Forest Service, com-
13 prising approximately 8,625 acres, as generally de-
14 picted on the map, is incorporated in, and shall be
15 managed as part of, the “The Brothers Wilderness”,
16 as designated by section 3 of the Washington State
17 Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-
18 lic Law 98–339).

19 (8) MOUNT SKOKOMISH WILDERNESS ADDI-
20 TIONS.—Certain land managed by the Forest Serv-
21 ice, comprising approximately 8,933 acres, as gen-
22 erally depicted on the map, is incorporated in, and
23 shall be managed as part of, the “Mount Skokomish
24 Wilderness”, as designated by section 3 of the

1 Washington State Wilderness Act of 1984 (16
2 U.S.C. 1132 note; Public Law 98–339).

3 (9) WONDER MOUNTAIN WILDERNESS ADDI-
4 TIONS.—Certain land managed by the Forest Serv-
5 ice, comprising approximately 26,517 acres, as gen-
6 erally depicted on the map, is incorporated in, and
7 shall be managed as part of, the “Wonder Mountain
8 Wilderness”, as designated by section 3 of the
9 Washington State Wilderness Act of 1984 (16
10 U.S.C. 1132 note; Public Law 98–339).

11 (10) MOONLIGHT DOME WILDERNESS.—Certain
12 Federal land managed by the Forest Service, com-
13 prising approximately 9,117 acres, as generally de-
14 picted on the map, which shall be known as the
15 “Moonlight Dome Wilderness”.

16 (11) SOUTH QUINULT RIDGE WILDERNESS.—
17 Certain Federal land managed by the Forest Serv-
18 ice, comprising approximately 10,887 acres, as gen-
19 erally depicted on the map, which shall be known as
20 the “South Quinault Ridge Wilderness”.

21 (12) COLONEL BOB WILDERNESS ADDITIONS.—
22 Certain Federal land managed by the Forest Serv-
23 ice, comprising approximately 353 acres, as gen-
24 erally depicted on the map, is incorporated in, and
25 shall be managed as part of, the “Colonel Bob Wil-

1 derness”, as designated by section 3 of the Wash-
2 ington State Wilderness Act of 1984 (16 U.S.C.
3 1132 note; Public Law 98–339).

4 (13) SAM’S RIVER WILDERNESS.—Certain Fed-
5 eral land managed by the Forest Service, comprising
6 approximately 13,418 acres, as generally depicted on
7 the map, which shall be known as the “Sam’s River
8 Wilderness”.

9 (14) CANOE CREEK WILDERNESS.—Certain
10 Federal land managed by the Forest Service, com-
11 prising approximately 1,378 acres, as generally de-
12 picted on the map, which shall be known as the
13 “Canoe Creek Wilderness”.

14 (b) ADMINISTRATION.—

15 (1) MANAGEMENT.—Subject to valid existing
16 rights, the land designated as wilderness by sub-
17 section (a) shall be administered by the Secretary of
18 Agriculture (referred to in this section as the “Sec-
19 retary”), in accordance with the Wilderness Act (16
20 U.S.C. 1131 et seq.), except that any reference in
21 that Act to the effective date of that Act shall be
22 considered to be a reference to the date of enact-
23 ment of this Act.

24 (2) MAP AND DESCRIPTION.—

1 (A) IN GENERAL.—As soon as practicable
2 after the date of enactment of this Act, the Sec-
3 retary shall file a map and a legal description
4 of the land designated as wilderness by sub-
5 section (a) with—

6 (i) the Committee on Natural Re-
7 sources of the House of Representatives;
8 and

9 (ii) the Committee on Energy and
10 Natural Resources of the Senate.

11 (B) EFFECT.—Each map and legal de-
12 scription filed under subparagraph (A) shall
13 have the same force and effect as if included in
14 this title, except that the Secretary may correct
15 minor errors in the map and legal description.

16 (C) PUBLIC AVAILABILITY.—Each map
17 and legal description filed under subparagraph
18 (A) shall be filed and made available for public
19 inspection in the appropriate office of the For-
20 est Service.

21 (c) POTENTIAL WILDERNESS.—

22 (1) IN GENERAL.—In furtherance of the pur-
23 poses of the Wilderness Act (16 U.S.C. 1131 et
24 seq.), certain Federal land managed by the Forest
25 Service, comprising approximately 5,346 acres as

1 identified as “Potential Wilderness” on the map, is
2 designated as potential wilderness.

3 (2) DESIGNATION AS WILDERNESS.—On the
4 date on which the Secretary publishes in the Federal
5 Register notice that any nonconforming uses in the
6 potential wilderness designated by paragraph (1)
7 have terminated, the potential wilderness shall be—

8 (A) designated as wilderness and as a com-
9 ponent of the National Wilderness Preservation
10 System; and

11 (B) incorporated into the adjacent wilder-
12 ness area.

13 (d) ADJACENT MANAGEMENT.—

14 (1) NO PROTECTIVE PERIMETERS OR BUFFER
15 ZONES.—The designations in this section shall not
16 create a protective perimeter or buffer zone around
17 any wilderness area.

18 (2) NONCONFORMING USES PERMITTED OUT-
19 SIDE OF BOUNDARIES OF WILDERNESS AREAS.—Any
20 activity or use outside of the boundary of any wilder-
21 ness area designated under this section shall be per-
22 mitted even if the activity or use would be seen or
23 heard within the boundary of the wilderness area.

24 (e) FIRE, INSECTS, AND DISEASES.—The Secretary
25 may take such measures as are necessary to control fire,

1 insects, and diseases, in the wilderness areas designated
2 by this section, in accordance with section 4(d)(1) of the
3 Wilderness Act (16 U.S.C. 1133(d)(1)) and subject to
4 such terms and conditions as the Secretary determines to
5 be appropriate.

6 **SEC. 20603. WILD AND SCENIC RIVER DESIGNATIONS.**

7 (a) IN GENERAL.—Section 3(a) of the National Wild
8 and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended
9 by adding at the end the following:

10 “(231) ELWHA RIVER, WASHINGTON.—The ap-
11 proximately 29.0-mile segment of the Elwha River
12 and tributaries from the source to Cat Creek, to be
13 administered by the Secretary of the Interior as a
14 wild river.

15 “(232) DUNGENESS RIVER, WASHINGTON.—
16 The segment of the Dungeness River from the head-
17 waters to the State of Washington Department of
18 Natural Resources land in T. 29 N., R. 4 W., sec.
19 12, to be administered by the Secretary of Agri-
20 culture, except that portions of the river within the
21 boundaries of Olympic National Park shall be ad-
22 ministered by the Secretary of the Interior, including
23 the following segments of the mainstem and major
24 tributary the Gray Wolf River, in the following class-
25 es:

1 “(A) The approximately 5.8-mile segment
2 of the Dungeness River from the headwaters to
3 the 2870 Bridge, as a wild river.

4 “(B) The approximately 2.1-mile segment
5 of the Dungeness River from the 2870 Bridge
6 to Silver Creek, as a scenic river.

7 “(C) The approximately 2.7-mile segment
8 of the Dungeness River from Silver Creek to
9 Sleepy Hollow Creek, as a wild river.

10 “(D) The approximately 6.3-mile segment
11 of the Dungeness River from Sleepy Hollow
12 Creek to the Olympic National Forest bound-
13 ary, as a scenic river.

14 “(E) The approximately 1.9-mile segment
15 of the Dungeness River from the National For-
16 est boundary to the State of Washington De-
17 partment of Natural Resources land in T. 29
18 N., R. 4 W., sec. 12, to be administered as a
19 recreational river through a cooperative man-
20 agement agreement between the State of Wash-
21 ington and the Secretary of Agriculture as pro-
22 vided in section 10(e) of the Wild and Scenic
23 Rivers Act (16 U.S.C. 1281(e)).

1 “(F) The approximately 16.1-mile segment
2 of the Gray Wolf River from the headwaters to
3 the 2870 Bridge, as a wild river.

4 “(G) The approximately 1.1-mile segment
5 of the Gray Wolf River from the 2870 Bridge
6 to the confluence with the Dungeness River, as
7 a scenic river.

8 “(233) BIG QUILCENE RIVER, WASHINGTON.—
9 The segment of the Big Quilcene River from the
10 headwaters to the City of Port Townsend water in-
11 take facility, to be administered by the Secretary of
12 Agriculture, in the following classes:

13 “(A) The approximately 4.4-mile segment
14 from the headwaters to the Buckhorn Wilder-
15 ness boundary, as a wild river.

16 “(B) The approximately 5.3-mile segment
17 from the Buckhorn Wilderness boundary to the
18 City of Port Townsend water intake facility, as
19 a scenic river.

20 “(C) Section 7(a), with respect to the li-
21 censing of dams, water conduits, reservoirs,
22 powerhouses, transmission lines, or other
23 project works, shall apply to the approximately
24 5-mile segment from the City of Port Townsend

1 water intake facility to the Olympic National
2 Forest boundary.

3 “(234) DOSEWALLIPS RIVER, WASHINGTON.—

4 The segment of the Dosewallips River from the
5 headwaters to the private land in T. 26 N., R. 3 W.,
6 sec. 15, to be administered by the Secretary of Agri-
7 culture, except that portions of the river within the
8 boundaries of Olympic National Park shall be ad-
9 ministered by the Secretary of the Interior, in the
10 following classes:

11 “(A) The approximately 12.9-mile segment
12 from the headwaters to Station Creek, as a wild
13 river.

14 “(B) The approximately 6.8-mile segment
15 from Station Creek to the private land in T. 26
16 N., R. 3 W., sec. 15, as a scenic river.

17 “(235) DUCKABUSH RIVER, WASHINGTON.—

18 The segment of the Duckabush River from the head-
19 waters to the private land in T. 25 N., R. 3 W., sec.
20 1, to be administered by the Secretary of Agri-
21 culture, except that portions of the river within the
22 boundaries of Olympic National Park shall be ad-
23 ministered by the Secretary of the Interior, in the
24 following classes:

1 “(A) The approximately 19.0-mile segment
2 from the headwaters to the Brothers Wilderness
3 boundary, as a wild river.

4 “(B) The approximately 1.9-mile segment
5 from the Brothers Wilderness boundary to the
6 private land in T. 25 N., R. 3 W., sec. 1, as
7 a scenic river.

8 “(236) HAMMA HAMMA RIVER, WASHINGTON.—
9 The segment of the Hamma Hamma River from the
10 headwaters to the eastern edge of the NW1/4 sec.
11 21, T. 24 N., R. 3 W., to be administered by the
12 Secretary of Agriculture, in the following classes:

13 “(A) The approximately 3.1-mile segment
14 from the headwaters to the Mt. Skokomish Wil-
15 derness boundary, as a wild river.

16 “(B) The approximately 5.8-mile segment
17 from the Mt. Skokomish Wilderness boundary
18 to Lena Creek, as a scenic river.

19 “(C) The approximately 6.8-mile segment
20 from Lena Creek to the eastern edge of the
21 NW1/4 sec. 21, T. 24 N., R. 3 W., to be ad-
22 ministered as a recreational river through a co-
23 operative management agreement between the
24 State of Washington and the Secretary of Agri-

1 culture as provided in section 10(e) of the Wild
2 and Scenic Rivers Act (16 U.S.C. 1281(e)).

3 “(237) SOUTH FORK SKOKOMISH RIVER, WASH-
4 INGTON.—The segment of the South Fork
5 Skokomish River from the headwaters to the Olym-
6 pic National Forest boundary to be administered by
7 the Secretary of Agriculture, in the following classes:

8 “(A) The approximately 6.7-mile segment
9 from the headwaters to Church Creek, as a wild
10 river.

11 “(B) The approximately 8.3-mile segment
12 from Church Creek to LeBar Creek, as a scenic
13 river.

14 “(C) The approximately 4.0-mile segment
15 from LeBar Creek to upper end of gorge in the
16 NW1/4 sec. 22, T. 22 N., R. 5 W., as a rec-
17 reational river.

18 “(D) The approximately 6.0-mile segment
19 from the upper end of the gorge to the Olympic
20 National Forest boundary, as a scenic river.

21 “(238) MIDDLE FORK SATSOP RIVER, WASH-
22 INGTON.—The approximately 7.9-mile segment of
23 the Middle Fork Satsop River from the headwaters
24 to the Olympic National Forest boundary, to be ad-

1 ministered by the Secretary of Agriculture, as a sce-
2 nic river.

3 “(239) WEST FORK SATSOP RIVER, WASH-
4 INGTON.—The approximately 8.2-mile segment of
5 the West Fork Satsop River from the headwaters to
6 the Olympic National Forest boundary, to be admin-
7 istered by the Secretary of Agriculture, as a scenic
8 river.

9 “(240) WYNOOCHEE RIVER, WASHINGTON.—
10 The segment of the Wynoochee River from the head-
11 waters to the head of Wynoochee Reservoir to be ad-
12 ministered by the Secretary of Agriculture, except
13 that portions of the river within the boundaries of
14 Olympic National Park shall be administered by the
15 Secretary of the Interior, in the following classes:

16 “(A) The approximately 2.5-mile segment
17 from the headwaters to the boundary of the
18 Wonder Mountain Wilderness, as a wild river.

19 “(B) The approximately 7.4-mile segment
20 from the boundary of the Wonder Mountain
21 Wilderness to the head of Wynoochee Reservoir,
22 as a recreational river.

23 “(241) EAST FORK HUMPTULIPS RIVER, WASH-
24 INGTON.—The segment of the East Fork
25 Humptulips River from the headwaters to the Olym-

1 pic National Forest boundary to be administered by
2 the Secretary of Agriculture, in the following classes:

3 “(A) The approximately 7.4-mile segment
4 from the headwaters to the Moonlight Dome
5 Wilderness boundary, as a wild river.

6 “(B) The approximately 10.3-mile segment
7 from the Moonlight Dome Wilderness boundary
8 to the Olympic National Forest boundary, as a
9 scenic river.

10 “(242) WEST FORK HUMPTULIPS RIVER, WASH-
11 INGTON.—The approximately 21.4-mile segment of
12 the West Fork Humptulips River from the head-
13 waters to the Olympic National Forest Boundary, to
14 be administered by the Secretary of Agriculture, as
15 a scenic river.

16 “(243) QUINAULT RIVER, WASHINGTON.—The
17 segment of the Quinault River from the headwaters
18 to private land in T. 24 N., R. 8 W., sec. 33, to be
19 administered by the Secretary of the Interior, in the
20 following classes:

21 “(A) The approximately 16.5-mile segment
22 from the headwaters to Graves Creek, as a wild
23 river.

1 “(B) The approximately 6.7-mile segment
2 from Graves Creek to Cannings Creek, as a sce-
3 nic river.

4 “(C) The approximately 1.0-mile segment
5 from Cannings Creek to private land in T. 24
6 N., R. 8 W., sec. 33, as a recreational river.

7 “(244) QUEETS RIVER, WASHINGTON.—The
8 segment of the Queets River from the headwaters to
9 the Olympic National Park boundary to be adminis-
10 tered by the Secretary of the Interior, except that
11 portions of the river outside the boundaries of Olym-
12 pic National Park shall be administered by the Sec-
13 retary of Agriculture, including the following seg-
14 ments of the mainstem and certain tributaries in the
15 following classes:

16 “(A) The approximately 28.6-mile segment
17 of the Queets River from the headwaters to the
18 confluence with Sams River, as a wild river.

19 “(B) The approximately 16.0-mile segment
20 of the Queets River from the confluence with
21 Sams River to the Olympic National Park
22 boundary, as a scenic river.

23 “(C) The approximately 15.7-mile segment
24 of the Sams River from the headwaters to the

1 confluence with the Queets River, as a scenic
2 river.

3 “(D) The approximately 17.7-mile segment
4 of Matheny Creek from the headwaters to the
5 confluence with the Queets River, to be admin-
6 istered as a scenic river through a cooperative
7 management agreement between the State of
8 Washington and the Secretary of Agriculture as
9 provided in section 10(e) of the Wild and Scenic
10 Rivers Act (16 U.S.C. 1281(e)).

11 “(245) HOH RIVER, WASHINGTON.—The seg-
12 ment of the Hoh River and the major tributary
13 South Fork Hoh from the headwaters to Olympic
14 National Park boundary, to be administered by the
15 Secretary of the Interior, in the following classes:

16 “(A) The approximately 20.7-mile segment
17 of the Hoh River from the headwaters to Jack-
18 son Creek, as a wild river.

19 “(B) The approximately 6.0-mile segment
20 of the Hoh River from Jackson Creek to the
21 Olympic National Park boundary, as a scenic
22 river.

23 “(C) The approximately 13.8-mile segment
24 of the South Fork Hoh River from the head-

1 waters to the Olympic National Park boundary,
2 as a wild river.

3 “(D) The approximately 4.6-mile segment
4 of the South Fork Hoh River from the Olympic
5 National Park boundary to the Washington
6 State Department of Natural Resources bound-
7 ary in T. 27 N., R. 10 W., sec. 29, to be ad-
8 ministered as a recreational river through a co-
9 operative management agreement between the
10 State of Washington and the Secretary of Agri-
11 culture as provided in section 10(e) of the Wild
12 and Scenic Rivers Act (16 U.S.C. 1281(e)).

13 “(246) BOGACHIEL RIVER, WASHINGTON.—The
14 approximately 25.6-mile segment of the Bogachiel
15 River from the source to the Olympic National Park
16 boundary, to be administered by the Secretary of the
17 Interior, as a wild river.

18 “(247) SOUTH FORK CALAWAH RIVER, WASH-
19 INGTON.—The segment of the South Fork Calawah
20 River and the major tributary Sitkum River from
21 the headwaters to Hyas Creek to be administered by
22 the Secretary of Agriculture, except those portions
23 of the river within the boundaries of Olympic Na-
24 tional Park shall be administered by the Secretary

1 of the Interior, including the following segments in
2 the following classes:

3 “(A) The approximately 15.7-mile segment
4 of the South Fork Calawah River from the
5 headwaters to the Sitkum River, as a wild river.

6 “(B) The approximately 0.9-mile segment
7 of the South Fork Calawah River from the
8 Sitkum River to Hvas Creek, as a scenic river.

9 “(C) The approximately 1.6-mile segment
10 of the Sitkum River from the headwaters to the
11 Rugged Ridge Wilderness boundary, as a wild
12 river.

13 “(D) The approximately 11.9-mile segment
14 of the Sitkum River from the Rugged Ridge
15 Wilderness boundary to the confluence with the
16 South Fork Calawah, as a scenic river.

17 “(248) SOL DUC RIVER, WASHINGTON.—The
18 segment of the Sol Duc River from the headwaters
19 to the Olympic National Park boundary to be ad-
20 ministered by the Secretary of the Interior, including
21 the following segments of the mainstem and certain
22 tributaries in the following classes:

23 “(A) The approximately 7.0-mile segment
24 of the Sol Duc River from the headwaters to

1 the end of Sol Duc Hot Springs Road, as a wild
2 river.

3 “(B) The approximately 10.8-mile segment
4 of the Sol Duc River from the end of Sol Duc
5 Hot Springs Road to the Olympic National
6 Park boundary, as a scenic river.

7 “(C) The approximately 14.2-mile segment
8 of the North Fork Sol Duc River from the
9 headwaters to the Olympic Hot Springs Road
10 bridge, as a wild river.

11 “(D) The approximately 0.2-mile segment
12 of the North Fork Sol Duc River from the
13 Olympic Hot Springs Road bridge to the con-
14 fluence with the Sol Duc River, as a scenic
15 river.

16 “(E) The approximately 8.0-mile segment
17 of the South Fork Sol Duc River from the
18 headwaters to the confluence with the Sol Duc
19 River, as a scenic river.

20 “(249) LYRE RIVER, WASHINGTON.—The ap-
21 proximately 0.2-mile segment of the Lyre River from
22 Lake Crescent to the Olympic National Park bound-
23 ary, to be administered by the Secretary of the Inte-
24 rior as a scenic river.”.

1 (b) EFFECT.—The amendment made by subsection
2 (a) does not affect valid existing water rights.

3 (c) UPDATES TO LAND AND RESOURCE MANAGE-
4 MENT PLANS.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), not later than 3 years after the date of
7 the enactment of this Act, the Secretary of Agri-
8 culture shall, with respect to the designations made
9 under subsection (a) on lands under the jurisdiction
10 of the Secretary, incorporate such designations into
11 updated management plans for units of the National
12 Forest System in accordance with applicable laws
13 (including regulations).

14 (2) EXCEPTION.—The date specified in para-
15 graph (1) shall be 5 years after the date of the en-
16 actment of this Act if the Secretary of Agriculture—

17 (A) is unable to meet the requirement
18 under such paragraph by the date specified in
19 such paragraph; and

20 (B) not later than 3 years after the date
21 of the enactment of this Act, includes in the
22 Department of Agriculture annual budget sub-
23 mission to Congress a request for additional
24 sums as may be necessary to meet the require-
25 ment of such paragraph.

1 (3) COMPREHENSIVE MANAGEMENT PLAN RE-
2 QUIREMENTS.—Updated management plans under
3 paragraph (1) or (2) satisfy the requirements under
4 section 3(d) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1274(d)).

6 **SEC. 20604. EXISTING RIGHTS AND WITHDRAWAL.**

7 (a) IN GENERAL.—In accordance with section 12(b)
8 of the National Wild and Scenic Rivers Act (16 U.S.C.
9 1283(b)), nothing in this title or the amendment made by
10 section 20603(a) affects or abrogates existing rights,
11 privileges, or contracts held by private parties, nor does
12 this title in any way modify or direct the management,
13 acquisition, or disposition of lands managed by the Wash-
14 ington Department of Natural Resources on behalf of the
15 State of Washington.

16 (b) WITHDRAWAL.—Subject to valid existing rights,
17 the Federal land within the boundaries of the river seg-
18 ments designated by this title and the amendment made
19 by section 20603(a) is withdrawn from all forms of—

20 (1) entry, appropriation, or disposal under the
21 public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

24 (3) disposition under all laws relating to min-
25 eral and geothermal leasing or mineral materials.

1 **SEC. 20605. TREATY RIGHTS.**

2 Nothing in this title alters, modifies, diminishes, or
3 extinguishes the reserved treaty rights of any Indian tribe
4 with hunting, fishing, gathering, and cultural or religious
5 rights in the Olympic National Forest as protected by a
6 treaty.

7 **TITLE VII—STUDY ON FLOOD**
8 **RISK MITIGATION**

9 **SEC. 20701. STUDY ON FLOOD RISK MITIGATION.**

10 The Comptroller General shall conduct a study to de-
11 termine the contributions of wilderness designations under
12 this division to protections to flood risk mitigation in resi-
13 dential areas.

14 **TITLE VIII—MISCELLANEOUS**

15 **SEC. 20801. PROMOTING HEALTH AND WELLNESS FOR VET-**
16 **ERANS AND SERVICEMEMBERS.**

17 The Secretary of Interior and the Secretary of Agri-
18 culture are encouraged to ensure servicemember and vet-
19 eran access to public lands designed by this division for
20 the purposes of outdoor recreation and to participate in
21 outdoor-related volunteer and wellness programs.

22 **SEC. 20802. FIRE, INSECTS, AND DISEASES.**

23 Nothing in this division may be construed to limit the
24 authority of the Secretary of the Interior or the Secretary
25 of Agriculture under section 4(d)(1) of the Wilderness Act

1 (16 U.S.C. 1133(d)(1)), in accordance with existing laws
2 (including regulations).

3 **SEC. 20803. MILITARY ACTIVITIES.**

4 Nothing in this division precludes—

5 (1) low-level overflights of military aircraft over
6 wilderness areas;

7 (2) the designation of new units of special air-
8 space over wilderness areas; or

9 (3) the establishment of military flight training
10 routes over wilderness areas.

11 **DIVISION P—COLORADO OUT-**
12 **DOOR RECREATION AND**
13 **ECONOMY ACT**

14 **SEC. 21001. SHORT TITLE.**

15 This division may be cited as the “Colorado Outdoor
16 Recreation and Economy Act”.

17 **SEC. 21002. DEFINITION OF STATE.**

18 In this division, the term “State” means the State
19 of Colorado.

20 **TITLE I—CONTINENTAL DIVIDE**

21 **SEC. 21101. DEFINITIONS.**

22 In this title:

23 (1) COVERED AREA.—The term “covered area”
24 means any area designated as wilderness by the
25 amendments to section 2(a) of the Colorado Wilder-

1 ness Act of 1993 (16 U.S.C. 1132 note; Public Law
2 103–77) made by section 21102(a).

3 (2) HISTORIC LANDSCAPE.—The term “His-
4 toric Landscape” means the Camp Hale National
5 Historic Landscape designated by section 21107(a).

6 (3) RECREATION MANAGEMENT AREA.—The
7 term “Recreation Management Area” means the
8 Tenmile Recreation Management Area designated by
9 section 21104(a).

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture.

12 (5) WILDLIFE CONSERVATION AREA.—The
13 term “Wildlife Conservation Area” means, as appli-
14 cable—

15 (A) the Porcupine Gulch Wildlife Con-
16 servation Area designated by section 21105(a);
17 and

18 (B) the Williams Fork Mountains Wildlife
19 Conservation Area designated by section
20 21106(a).

21 **SEC. 21102. COLORADO WILDERNESS ADDITIONS.**

22 (a) DESIGNATION.—Section 2(a) of the Colorado Wil-
23 derness Act of 1993 (16 U.S.C. 1132 note; Public Law
24 103–77) is amended—

1 (1) in paragraph (18), by striking “1993,” and
2 inserting “1993, and certain Federal land within the
3 White River National Forest that comprises approxi-
4 mately 6,896 acres, as generally depicted as ‘Pro-
5 posed Ptarmigan Peak Wilderness Additions’ on the
6 map entitled ‘Proposed Ptarmigan Peak Wilderness
7 Additions’ and dated June 24, 2019,”; and

8 (2) by adding at the end the following:

9 “(23) HOLY CROSS WILDERNESS ADDITION.—
10 Certain Federal land within the White River Na-
11 tional Forest that comprises approximately 3,866
12 acres, as generally depicted as ‘Proposed Megan
13 Dickie Wilderness Addition’ on the map entitled
14 ‘Holy Cross Wilderness Addition Proposal’ and
15 dated June 24, 2019, which shall be incorporated
16 into, and managed as part of, the Holy Cross Wil-
17 derness designated by section 102(a)(5) of Public
18 Law 96–560 (94 Stat. 3266).

19 “(24) HOOSIER RIDGE WILDERNESS.—Certain
20 Federal land within the White River National Forest
21 that comprises approximately 5,235 acres, as gen-
22 erally depicted as ‘Proposed Hoosier Ridge Wilder-
23 ness’ on the map entitled ‘Tenmile Proposal’ and
24 dated June 24, 2019, which shall be known as the
25 ‘Hoosier Ridge Wilderness’.

1 “(25) TENMILE WILDERNESS.—Certain Federal
2 land within the White River National Forest that
3 comprises approximately 7,624 acres, as generally
4 depicted as ‘Proposed Tenmile Wilderness’ on the
5 map entitled ‘Tenmile Proposal’ and dated June 24,
6 2019, which shall be known as the ‘Tenmile Wilder-
7 ness’.

8 “(26) EAGLES NEST WILDERNESS ADDI-
9 TIONS.—Certain Federal land within the White
10 River National Forest that comprises approximately
11 9,670 acres, as generally depicted as ‘Proposed
12 Freeman Creek Wilderness Addition’ and ‘Proposed
13 Spraddle Creek Wilderness Addition’ on the map en-
14 titled ‘Eagles Nest Wilderness Additions Proposal’
15 and dated June 24, 2019, which shall be incor-
16 porated into, and managed as part of, the Eagles
17 Nest Wilderness designated by Public Law 94–352
18 (90 Stat. 870).”.

19 (b) APPLICABLE LAW.—Any reference in the Wilder-
20 ness Act (16 U.S.C. 1131 et seq.) to the effective date
21 of that Act shall be considered to be a reference to the
22 date of enactment of this Act for purposes of admin-
23 istering a covered area.

24 (c) FIRE, INSECTS, AND DISEASES.—In accordance
25 with section 4(d)(1) of the Wilderness Act (16 U.S.C.

1 1133(d)(1)), the Secretary may carry out any activity in
2 a covered area that the Secretary determines to be nec-
3 essary for the control of fire, insects, and diseases, subject
4 to such terms and conditions as the Secretary determines
5 to be appropriate.

6 (d) GRAZING.—The grazing of livestock on a covered
7 area, if established before the date of enactment of this
8 Act, shall be permitted to continue subject to such reason-
9 able regulations as are considered to be necessary by the
10 Secretary, in accordance with—

11 (1) section 4(d)(4) of the Wilderness Act (16
12 U.S.C. 1133(d)(4)); and

13 (2) the guidelines set forth in Appendix A of
14 the report of the Committee on Interior and Insular
15 Affairs of the House of Representatives accom-
16 panying H.R. 2570 of the 101st Congress (H. Rept.
17 101–405).

18 (e) COORDINATION.—For purposes of administering
19 the Federal land designated as wilderness by paragraph
20 (26) of section 2(a) of the Colorado Wilderness Act of
21 1993 (16 U.S.C. 1132 note; Public Law 103–77) (as
22 added by subsection (a)(2)), the Secretary shall, as deter-
23 mined to be appropriate for the protection of watersheds,
24 coordinate the activities of the Secretary in response to
25 fires and flooding events with interested State and local

1 agencies, including operations using aircraft or mecha-
2 nized equipment.

3 **SEC. 21103. WILLIAMS FORK MOUNTAINS WILDERNESS.**

4 (a) DESIGNATION.—In furtherance of the purposes of
5 the Wilderness Act (16 U.S.C. 1131 et seq.), certain Fed-
6 eral land in the White River National Forest in the State,
7 comprising approximately 8,036 acres and generally de-
8 picted as “Proposed Williams Fork Mountains Wilder-
9 ness” on the map entitled “Williams Fork Mountains Pro-
10 posal” and dated June 24, 2019, is designated as a poten-
11 tial wilderness area.

12 (b) MANAGEMENT.—Subject to valid existing rights
13 and except as provided in subsection (d), the potential wil-
14 derness area designated by subsection (a) shall be man-
15 aged in accordance with—

16 (1) the Wilderness Act (16 U.S.C. 1131 et
17 seq.); and

18 (2) this section.

19 (c) LIVESTOCK USE OF VACANT ALLOTMENTS.—

20 (1) IN GENERAL.—Not later than 3 years after
21 the date of enactment of this Act, in accordance
22 with applicable laws (including regulations), the Sec-
23 retary shall publish a determination regarding
24 whether to authorize livestock grazing or other use
25 by livestock on the vacant allotments known as—

1 (A) the “Big Hole Allotment”; and

2 (B) the “Blue Ridge Allotment”.

3 (2) MODIFICATION OF ALLOTMENTS.—In pub-
4 lishing a determination pursuant to paragraph (1),
5 the Secretary may modify or combine the vacant al-
6 lotments referred to in that paragraph.

7 (3) PERMIT OR OTHER AUTHORIZATION.—Not
8 later than 1 year after the date on which a deter-
9 mination of the Secretary to authorize livestock
10 grazing or other use by livestock is published under
11 paragraph (1), if applicable, the Secretary shall
12 grant a permit or other authorization for that live-
13 stock grazing or other use in accordance with appli-
14 cable laws (including regulations).

15 (d) RANGE IMPROVEMENTS.—

16 (1) IN GENERAL.—If the Secretary permits live-
17 stock grazing or other use by livestock on the poten-
18 tial wilderness area under subsection (c), the Sec-
19 retary, or a third party authorized by the Secretary,
20 may use any motorized or mechanized transport or
21 equipment for purposes of constructing or rehabili-
22 tating such range improvements as are necessary to
23 obtain appropriate livestock management objectives
24 (including habitat and watershed restoration).

1 (2) TERMINATION OF AUTHORITY.—The au-
2 thority provided by this subsection terminates on the
3 date that is 2 years after the date on which the Sec-
4 retary publishes a positive determination under sub-
5 section (c)(3).

6 (e) DESIGNATION AS WILDERNESS.—

7 (1) DESIGNATION.—The potential wilderness
8 area designated by subsection (a) shall be designated
9 as wilderness, to be known as the “Williams Fork
10 Mountains Wilderness”—

11 (A) effective not earlier than the date that
12 is 180 days after the date of enactment this
13 Act; and

14 (B) on the earliest of—

15 (i) the date on which the Secretary
16 publishes in the Federal Register a notice
17 that the construction or rehabilitation of
18 range improvements under subsection (d)
19 is complete;

20 (ii) the date described in subsection
21 (d)(2); and

22 (iii) the effective date of a determina-
23 tion of the Secretary not to authorize live-
24 stock grazing or other use by livestock
25 under subsection (c)(1).

1 (2) ADMINISTRATION.—Subject to valid existing
2 rights, the Secretary shall manage the Williams
3 Fork Mountains Wilderness in accordance with—

4 (A) the Colorado Wilderness Act of 1993
5 (16 U.S.C. 1132 note; Public Law 103–77);
6 and

7 (B) this title.

8 **SEC. 21104. TENMILE RECREATION MANAGEMENT AREA.**

9 (a) DESIGNATION.—Subject to valid existing rights,
10 the approximately 17,122 acres of Federal land in the
11 White River National Forest in the State, as generally de-
12 picted as “Proposed Tenmile Recreation Management
13 Area” on the map entitled “Tenmile Proposal” and dated
14 June 24, 2019, are designated as the “Tenmile Recreation
15 Management Area”.

16 (b) PURPOSES.—The purposes of the Recreation
17 Management Area are to conserve, protect, and enhance
18 for the benefit and enjoyment of present and future gen-
19 erations the recreational, scenic, watershed, habitat, and
20 ecological resources of the Recreation Management Area.

21 (c) MANAGEMENT.—

22 (1) IN GENERAL.—The Secretary shall manage
23 the Recreation Management Area—

24 (A) in a manner that conserves, protects,
25 and enhances—

1 (i) the purposes of the Recreation
2 Management Area described in subsection
3 (b); and

4 (ii) recreation opportunities, including
5 mountain biking, hiking, fishing, horseback
6 riding, snowshoeing, climbing, skiing,
7 camping, and hunting; and

8 (B) in accordance with—

9 (i) the Forest and Rangeland Renew-
10 able Resources Planning Act of 1974 (16
11 U.S.C. 1600 et seq.);

12 (ii) any other applicable laws (includ-
13 ing regulations); and

14 (iii) this section.

15 (2) USES.—

16 (A) IN GENERAL.—The Secretary shall
17 only allow such uses of the Recreation Manage-
18 ment Area as the Secretary determines would
19 further the purposes described in subsection
20 (b).

21 (B) VEHICLES.—

22 (i) IN GENERAL.—Except as provided
23 in clause (iii), the use of motorized vehicles
24 in the Recreation Management Area shall
25 be limited to the roads, vehicle classes, and

1 periods authorized for motorized vehicle
2 use on the date of enactment of this Act.

3 (ii) NEW OR TEMPORARY ROADS.—
4 Except as provided in clause (iii), no new
5 or temporary road shall be constructed in
6 the Recreation Management Area.

7 (iii) EXCEPTIONS.—Nothing in clause
8 (i) or (ii) prevents the Secretary from—

9 (I) rerouting or closing an exist-
10 ing road or trail to protect natural re-
11 sources from degradation, as the Sec-
12 retary determines to be appropriate;

13 (II) authorizing the use of motor-
14 ized vehicles for administrative pur-
15 poses or roadside camping;

16 (III) constructing temporary
17 roads or permitting the use of motor-
18 ized vehicles to carry out pre- or post-
19 fire watershed protection projects;

20 (IV) authorizing the use of mo-
21 torized vehicles to carry out any activ-
22 ity described in subsection (d), (e)(1),
23 or (f); or

24 (V) responding to an emergency.

25 (C) COMMERCIAL TIMBER.—

1 (i) IN GENERAL.—Subject to clause
2 (ii), no project shall be carried out in the
3 Recreation Management Area for the pur-
4 pose of harvesting commercial timber.

5 (ii) LIMITATION.—Nothing in clause
6 (i) prevents the Secretary from harvesting
7 or selling a merchantable product that is a
8 byproduct of an activity authorized under
9 this section.

10 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
11 may carry out any activity, in accordance with applicable
12 laws (including regulations), that the Secretary deter-
13 mines to be necessary to prevent, control, or mitigate fire,
14 insects, or disease in the Recreation Management Area,
15 subject to such terms and conditions as the Secretary de-
16 termines to be appropriate.

17 (e) WATER.—

18 (1) EFFECT ON WATER MANAGEMENT INFRA-
19 STRUCTURE.—Nothing in this section affects the
20 construction, repair, reconstruction, replacement, op-
21 eration, maintenance, or renovation within the
22 Recreation Management Area of—

23 (A) water management infrastructure in
24 existence on the date of enactment of this Act;
25 or

1 (B) any future infrastructure necessary for
2 the development or exercise of water rights de-
3 creed before the date of enactment of this Act.

4 (2) APPLICABLE LAW.—Section 3(e) of the
5 James Peak Wilderness and Protection Area Act
6 (Public Law 107–216; 116 Stat. 1058) shall apply
7 to the Recreation Management Area.

8 (f) REGIONAL TRANSPORTATION PROJECTS.—Noth-
9 ing in this section precludes the Secretary from author-
10 izing, in accordance with applicable laws (including regula-
11 tions), the use or leasing of Federal land within the Recre-
12 ation Management Area for—

13 (1) a regional transportation project, includ-
14 ing—

15 (A) highway widening or realignment; and

16 (B) construction of multimodal transpor-
17 tation systems; or

18 (2) any infrastructure, activity, or safety meas-
19 ure associated with the implementation or use of a
20 facility constructed under paragraph (1).

21 (g) APPLICABLE LAW.—Nothing in this section af-
22 fects the designation of the Federal land within the Recre-
23 ation Management Area for purposes of—

24 (1) section 138 of title 23, United States Code;
25 or

1 (2) section 303 of title 49, United States Code.

2 (h) PERMITS.—Nothing in this section alters or lim-
3 its—

4 (1) any permit held by a ski area or other enti-
5 ty; or

6 (2) the acceptance, review, or implementation of
7 associated activities or facilities proposed or author-
8 ized by law or permit outside the boundaries of the
9 Recreation Management Area.

10 **SEC. 21105. PORCUPINE GULCH WILDLIFE CONSERVATION**
11 **AREA.**

12 (a) DESIGNATION.—Subject to valid existing rights,
13 the approximately 8,287 acres of Federal land located in
14 the White River National Forest, as generally depicted as
15 “Proposed Porcupine Gulch Wildlife Conservation Area”
16 on the map entitled “Porcupine Gulch Wildlife Conserva-
17 tion Area Proposal” and dated June 24, 2019, are des-
18 igned as the “Porcupine Gulch Wildlife Conservation
19 Area” (referred to in this section as the “Wildlife Con-
20 servation Area”).

21 (b) PURPOSES.—The purposes of the Wildlife Con-
22 servation Area are—

23 (1) to conserve and protect a wildlife migration
24 corridor over Interstate 70; and

1 (2) to conserve, protect, and enhance for the
2 benefit and enjoyment of present and future genera-
3 tions the wildlife, scenic, roadless, watershed, and
4 ecological resources of the Wildlife Conservation
5 Area.

6 (c) MANAGEMENT.—

7 (1) IN GENERAL.—The Secretary shall manage
8 the Wildlife Conservation Area—

9 (A) in a manner that conserves, protects,
10 and enhances the purposes described in sub-
11 section (b); and

12 (B) in accordance with—

13 (i) the Forest and Rangeland Renew-
14 able Resources Planning Act of 1974 (16
15 U.S.C. 1600 et seq.);

16 (ii) any other applicable laws (includ-
17 ing regulations); and

18 (iii) this section.

19 (2) USES.—

20 (A) IN GENERAL.—The Secretary shall
21 only allow such uses of the Wildlife Conserva-
22 tion Area as the Secretary determines would
23 further the purposes described in subsection
24 (b).

1 (B) RECREATION.—The Secretary may
2 permit such recreational activities in the Wild-
3 life Conservation Area that the Secretary deter-
4 mines are consistent with the purposes de-
5 scribed in subsection (b).

6 (C) MOTORIZED VEHICLES AND MECHA-
7 NIZED TRANSPORT; NEW OR TEMPORARY
8 ROADS.—

9 (i) MOTORIZED VEHICLES AND
10 MECHANIZED TRANSPORT.—Except as pro-
11 vided in clause (iii), the use of motorized
12 vehicles and mechanized transport in the
13 Wildlife Conservation Area shall be prohib-
14 ited.

15 (ii) NEW OR TEMPORARY ROADS.—
16 Except as provided in clause (iii) and sub-
17 section (e), no new or temporary road shall
18 be constructed within the Wildlife Con-
19 servation Area.

20 (iii) EXCEPTIONS.—Nothing in clause
21 (i) or (ii) prevents the Secretary from—

22 (I) authorizing the use of motor-
23 ized vehicles or mechanized transport
24 for administrative purposes;

1 (II) constructing temporary
2 roads or permitting the use of motor-
3 ized vehicles or mechanized transport
4 to carry out pre- or post-fire water-
5 shed protection projects;

6 (III) authorizing the use of mo-
7 torized vehicles or mechanized trans-
8 port to carry out activities described
9 in subsection (d) or (e); or

10 (IV) responding to an emergency.

11 (D) COMMERCIAL TIMBER.—

12 (i) IN GENERAL.—Subject to clause
13 (ii), no project shall be carried out in the
14 Wildlife Conservation Area for the purpose
15 of harvesting commercial timber.

16 (ii) LIMITATION.—Nothing in clause
17 (i) prevents the Secretary from harvesting
18 or selling a merchantable product that is a
19 byproduct of an activity authorized under
20 this section.

21 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
22 may carry out any activity, in accordance with applicable
23 laws (including regulations), that the Secretary deter-
24 mines to be necessary to prevent, control, or mitigate fire,
25 insects, or disease in the Wildlife Conservation Area, sub-

1 ject to such terms and conditions as the Secretary deter-
2 mines to be appropriate.

3 (e) REGIONAL TRANSPORTATION PROJECTS.—Noth-
4 ing in this section or section 21110(e) precludes the Sec-
5 retary from authorizing, in accordance with applicable
6 laws (including regulations), the use or leasing of Federal
7 land within the Wildlife Conservation Area for—

8 (1) a regional transportation project, includ-
9 ing—

10 (A) highway widening or realignment; and

11 (B) construction of multimodal transpor-
12 tation systems; or

13 (2) any infrastructure, activity, or safety meas-
14 ure associated with the implementation or use of a
15 facility constructed under paragraph (1).

16 (f) APPLICABLE LAW.—Nothing in this section af-
17 fects the designation of the Federal land within the Wild-
18 life Conservation Area for purposes of—

19 (1) section 138 of title 23, United States Code;
20 or

21 (2) section 303 of title 49, United States Code.

22 (g) WATER.—Section 3(e) of the James Peak Wilder-
23 ness and Protection Area Act (Public Law 107–216; 116
24 Stat. 1058) shall apply to the Wildlife Conservation Area.

1 **SEC. 21106. WILLIAMS FORK MOUNTAINS WILDLIFE CON-**
2 **SERVATION AREA.**

3 (a) DESIGNATION.—Subject to valid existing rights,
4 the approximately 3,528 acres of Federal land in the
5 White River National Forest in the State, as generally de-
6 picted as “Proposed Williams Fork Mountains Wildlife
7 Conservation Area” on the map entitled “Williams Fork
8 Mountains Proposal” and dated June 24, 2019, are des-
9 ignated as the “Williams Fork Mountains Wildlife Con-
10 servation Area” (referred to in this section as the “Wild-
11 life Conservation Area”).

12 (b) PURPOSES.—The purposes of the Wildlife Con-
13 servation Area are to conserve, protect, and enhance for
14 the benefit and enjoyment of present and future genera-
15 tions the wildlife, scenic, roadless, watershed, recreational,
16 and ecological resources of the Wildlife Conservation Area.

17 (c) MANAGEMENT.—

18 (1) IN GENERAL.—The Secretary shall manage
19 the Wildlife Conservation Area—

20 (A) in a manner that conserves, protects,
21 and enhances the purposes described in sub-
22 section (b); and

23 (B) in accordance with—

24 (i) the Forest and Rangeland Renew-
25 able Resources Planning Act of 1974 (16
26 U.S.C. 1600 et seq.);

1 (ii) any other applicable laws (includ-
2 ing regulations); and

3 (iii) this section.

4 (2) USES.—

5 (A) IN GENERAL.—The Secretary shall
6 only allow such uses of the Wildlife Conserva-
7 tion Area as the Secretary determines would
8 further the purposes described in subsection
9 (b).

10 (B) MOTORIZED VEHICLES.—

11 (i) IN GENERAL.—Except as provided
12 in clause (iii), the use of motorized vehicles
13 in the Wildlife Conservation Area shall be
14 limited to designated roads and trails.

15 (ii) NEW OR TEMPORARY ROADS.—
16 Except as provided in clause (iii), no new
17 or temporary road shall be constructed in
18 the Wildlife Conservation Area.

19 (iii) EXCEPTIONS.—Nothing in clause
20 (i) or (ii) prevents the Secretary from—

21 (I) authorizing the use of motor-
22 ized vehicles for administrative pur-
23 poses;

1 (II) authorizing the use of motor-
2 ized vehicles to carry out activities de-
3 scribed in subsection (d); or

4 (III) responding to an emer-
5 gency.

6 (C) BICYCLES.—The use of bicycles in the
7 Wildlife Conservation Area shall be limited to
8 designated roads and trails.

9 (D) COMMERCIAL TIMBER.—

10 (i) IN GENERAL.—Subject to clause
11 (ii), no project shall be carried out in the
12 Wildlife Conservation Area for the purpose
13 of harvesting commercial timber.

14 (ii) LIMITATION.—Nothing in clause
15 (i) prevents the Secretary from harvesting
16 or selling a merchantable product that is a
17 byproduct of an activity authorized under
18 this section.

19 (E) GRAZING.—The laws (including regu-
20 lations) and policies followed by the Secretary
21 in issuing and administering grazing permits or
22 leases on land under the jurisdiction of the Sec-
23 retary shall continue to apply with regard to
24 the land in the Wildlife Conservation Area, con-

1 sistent with the purposes described in sub-
2 section (b).

3 (d) FIRE, INSECTS, AND DISEASES.—The Secretary
4 may carry out any activity, in accordance with applicable
5 laws (including regulations), that the Secretary deter-
6 mines to be necessary to prevent, control, or mitigate fire,
7 insects, or disease in the Wildlife Conservation Area, sub-
8 ject to such terms and conditions as the Secretary deter-
9 mines to be appropriate.

10 (e) REGIONAL TRANSPORTATION PROJECTS.—Noth-
11 ing in this section or section 21110(e) precludes the Sec-
12 retary from authorizing, in accordance with applicable
13 laws (including regulations), the use or leasing of Federal
14 land within the Wildlife Conservation Area for—

15 (1) a regional transportation project, includ-
16 ing—

17 (A) highway widening or realignment; and

18 (B) construction of multimodal transpor-
19 tation systems; or

20 (2) any infrastructure, activity, or safety meas-
21 ure associated with the implementation or use of a
22 facility constructed under paragraph (1).

23 (f) WATER.—Section 3(e) of the James Peak Wilder-
24 ness and Protection Area Act (Public Law 107–216; 116
25 Stat. 1058) shall apply to the Wildlife Conservation Area.

1 **SEC. 21107. CAMP HALE NATIONAL HISTORIC LANDSCAPE.**

2 (a) DESIGNATION.—Subject to valid existing rights,
3 the approximately 28,676 acres of Federal land in the
4 White River National Forest in the State, as generally de-
5 picted as “Proposed Camp Hale National Historic Land-
6 scape” on the map entitled “Camp Hale National Historic
7 Landscape Proposal” and dated June 24, 2019, are des-
8 ignated the “Camp Hale National Historic Landscape”.

9 (b) PURPOSES.—The purposes of the Historic Land-
10 scape are—

11 (1) to provide for—

12 (A) the interpretation of historic events,
13 activities, structures, and artifacts of the His-
14 toric Landscape, including with respect to the
15 role of the Historic Landscape in local, na-
16 tional, and world history;

17 (B) the historic preservation of the His-
18 toric Landscape, consistent with—

19 (i) the designation of the Historic
20 Landscape as a national historic site; and

21 (ii) the other purposes of the Historic
22 Landscape;

23 (C) recreational opportunities, with an em-
24 phasis on the activities related to the historic
25 use of the Historic Landscape, including skiing,
26 snowshoeing, snowmobiling, hiking, horseback

riding, climbing, other road- and trail-based activities, and other outdoor activities; and

(D) the continued environmental remediation and removal of unexploded ordnance at the Camp Hale Formerly Used Defense Site and the Camp Hale historic cantonment area; and

(2) to conserve, protect, restore, and enhance for the benefit and enjoyment of present and future generations the scenic, watershed, and ecological resources of the Historic Landscape.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Historic Landscape in accordance with—

(A) the purposes of the Historic Landscape described in subsection (b); and

(B) any other applicable laws (including regulations).

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall prepare a management plan for the Historic Landscape.

1 (B) CONTENTS.—The management plan
2 prepared under subparagraph (A) shall include
3 plans for—

4 (i) improving the interpretation of his-
5 toric events, activities, structures, and arti-
6 facts of the Historic Landscape, including
7 with respect to the role of the Historic
8 Landscape in local, national, and world
9 history;

10 (ii) conducting historic preservation
11 and veteran outreach and engagement ac-
12 tivities;

13 (iii) managing recreational opportuni-
14 ties, including the use and stewardship
15 of—

16 (I) the road and trail systems;

17 and

18 (II) dispersed recreation re-
19 sources;

20 (iv) the conservation, protection, res-
21 toration, or enhancement of the scenic, wa-
22 tershed, and ecological resources of the
23 Historic Landscape, including conducting
24 the restoration and enhancement project
25 under subsection (d); and

1 (v) environmental remediation and,
2 consistent with subsection (e)(2), the re-
3 moval of unexploded ordnance.

4 (3) EXPLOSIVE HAZARDS.—The Secretary shall
5 provide to the Secretary of the Army a notification
6 of any unexploded ordnance (as defined in section
7 101(e) of title 10, United States Code) that is dis-
8 covered in the Historic Landscape.

9 (d) CAMP HALE RESTORATION AND ENHANCEMENT
10 PROJECT.—

11 (1) IN GENERAL.—The Secretary shall conduct
12 a restoration and enhancement project in the His-
13 toric Landscape—

14 (A) to improve aquatic, riparian, and wet-
15 land conditions in and along the Eagle River
16 and tributaries of the Eagle River;

17 (B) to maintain or improve recreation and
18 interpretive opportunities and facilities; and

19 (C) to conserve historic values in the Camp
20 Hale area.

21 (2) COORDINATION.—In carrying out the
22 project described in paragraph (1), the Secretary
23 shall coordinate with—

24 (A) the United States Army Corps of En-
25 gineers;

1 (B) the Camp Hale-Eagle River Head-
2 waters Collaborative Group;

3 (C) the National Forest Foundation;

4 (D) the Colorado Department of Public
5 Health and Environment;

6 (E) the Colorado State Historic Preserva-
7 tion Office;

8 (F) units of local government; and

9 (G) other interested organizations and
10 members of the public.

11 (e) ENVIRONMENTAL REMEDIATION.—

12 (1) IN GENERAL.—The Secretary of the Army
13 shall continue to carry out the projects and activities
14 of the Department of the Army in existence on the
15 date of enactment of this Act relating to cleanup
16 of—

17 (A) the Camp Hale Formerly Used De-
18 fense Site; or

19 (B) the Camp Hale historic cantonment
20 area.

21 (2) REMOVAL OF UNEXPLODED ORDNANCE.—

22 (A) IN GENERAL.—The Secretary of the
23 Army may remove unexploded ordnance (as de-
24 fined in section 101(e) of title 10, United
25 States Code) from the Historic Landscape, as

1 the Secretary of the Army determines to be ap-
2 propriate in accordance with applicable law (in-
3 cluding regulations).

4 (B) ACTION ON RECEIPT OF NOTICE.—On
5 receipt from the Secretary of a notification of
6 unexploded ordnance under subsection (c)(3),
7 the Secretary of the Army may remove the
8 unexploded ordnance in accordance with—

9 (i) the program for environmental res-
10 toration of formerly used defense sites
11 under section 2701 of title 10, United
12 States Code;

13 (ii) the Comprehensive Environmental
14 Response, Compensation, and Liability Act
15 of 1980 (42 U.S.C. 9601 et seq.); and

16 (iii) any other applicable provision of
17 law (including regulations).

18 (3) EFFECT OF SUBSECTION.—Nothing in this
19 subsection modifies any obligation in existence on
20 the date of enactment of this Act relating to envi-
21 ronmental remediation or removal of any unexploded
22 ordnance located in or around the Camp Hale his-
23 toric cantonment area, the Camp Hale Formerly
24 Used Defense Site, or the Historic Landscape, in-
25 cluding such an obligation under—

1 (A) the program for environmental restora-
2 tion of formerly used defense sites under sec-
3 tion 2701 of title 10, United States Code;

4 (B) the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of
6 1980 (42 U.S.C. 9601 et seq.); or

7 (C) any other applicable provision of law
8 (including regulations).

9 (f) INTERAGENCY AGREEMENT.—The Secretary and
10 the Secretary of the Army shall enter into an agreement—

11 (1) to specify—

12 (A) the activities of the Secretary relating
13 to the management of the Historic Landscape;
14 and

15 (B) the activities of the Secretary of the
16 Army relating to environmental remediation
17 and the removal of unexploded ordnance in ac-
18 cordance with subsection (e) and other applica-
19 ble laws (including regulations); and

20 (2) to require the Secretary to provide to the
21 Secretary of the Army, by not later than 1 year
22 after the date of enactment of this Act and periodi-
23 cally thereafter, as appropriate, a management plan
24 for the Historic Landscape for purposes of the re-
25 moval activities described in subsection (e).

1 (g) EFFECT.—Nothing in this section—

2 (1) affects the jurisdiction of the State over any
3 water law, water right, or adjudication or adminis-
4 tration relating to any water resource;

5 (2) affects any water right in existence on or
6 after the date of enactment of this Act, or the exer-
7 cise of such a water right, including—

8 (A) a water right under an interstate
9 water compact (including full development of
10 any apportionment made in accordance with
11 such a compact);

12 (B) a water right decreed within, above,
13 below, or through the Historic Landscape;

14 (C) a water right held by the United
15 States;

16 (D) the management or operation of any
17 reservoir, including the storage, management,
18 release, or transportation of water; and

19 (E) the construction or operation of such
20 infrastructure as is determined to be necessary
21 by an individual or entity holding water rights
22 to develop and place to beneficial use those
23 rights, subject to applicable Federal, State, and
24 local law (including regulations);

1 (3) constitutes an express or implied reservation
2 by the United States of any reserved or appropria-
3 tive water right;

4 (4) alters or limits—

5 (A) a permit held by a ski area;

6 (B) the implementation of activities gov-
7 erned by a ski area permit; or

8 (C) the authority of the Secretary to mod-
9 ify or expand an existing ski area permit;

10 (5) prevents the Secretary from closing portions
11 of the Historic Landscape for public safety, environ-
12 mental remediation, or other use in accordance with
13 applicable laws; or

14 (6) affects—

15 (A) any special use permit in effect on the
16 date of enactment of this Act; or

17 (B) the renewal of a permit described in
18 subparagraph (A).

19 (h)(1) FUNDING.—There is established in the general
20 fund of the Treasury a special account, to be known as
21 the “Camp Hale Historic Preservation and Restoration
22 Fund”.

23 (2) There is authorized to be appropriated to the
24 Camp Hale Historic Preservation and Restoration Fund
25 \$10,000,000, to be available to the Secretary until ex-

1 pending, for activities relating to historic interpretation,
2 preservation, and restoration carried out in and around
3 the Historic Landscape.

4 (i) DESIGNATION OF OVERLOOK.—The interpretive
5 site located beside United States Route 24 in the State,
6 at 39.431N 106.323W, is hereby designated as the
7 “Sandy Treat Overlook”.

8 **SEC. 21108. WHITE RIVER NATIONAL FOREST BOUNDARY**
9 **MODIFICATION.**

10 (a) IN GENERAL.—The boundary of the White River
11 National Forest is modified to include the approximately
12 120 acres comprised of the SW 1/4, the SE 1/4, and the
13 NE 1/4 of the SE 1/4 of sec. 1, T. 2 S., R. 80 W., 6th
14 Principal Meridian, in Summit County in the State.

15 (b) LAND AND WATER CONSERVATION FUND.—For
16 purposes of section 200306 of title 54, United States
17 Code, the boundaries of the White River National Forest,
18 as modified under subsection (a), shall be considered to
19 be the boundaries of the White River National Forest as
20 in existence on January 1, 1965.

21 **SEC. 21109. ROCKY MOUNTAIN NATIONAL PARK POTENTIAL**
22 **WILDERNESS BOUNDARY ADJUSTMENT.**

23 (a) PURPOSE.—The purpose of this section is to pro-
24 vide for the ongoing maintenance and use of portions of
25 the Trail River Ranch and the associated property located

1 within Rocky Mountain National Park in Grand County
2 in the State.

3 (b) BOUNDARY ADJUSTMENT.—Section 1952(b) of
4 the Omnibus Public Land Management Act of 2009 (Pub-
5 lic Law 111–11; 123 Stat. 1070) is amended by adding
6 at the end the following:

7 “(3) BOUNDARY ADJUSTMENT.—The boundary
8 of the Potential Wilderness is modified to exclude
9 the area comprising approximately 15.5 acres of
10 land identified as ‘Potential Wilderness to Non-wil-
11 derness’ on the map entitled ‘Rocky Mountain Na-
12 tional Park Proposed Wilderness Area Amendment’
13 and dated January 16, 2018.”.

14 **SEC. 21110. ADMINISTRATIVE PROVISIONS.**

15 (a) FISH AND WILDLIFE.—Nothing in this title af-
16 fects the jurisdiction or responsibility of the State with
17 respect to fish and wildlife in the State.

18 (b) NO BUFFER ZONES.—

19 (1) IN GENERAL.—Nothing in this title or an
20 amendment made by this title establishes a protec-
21 tive perimeter or buffer zone around—

22 (A) a covered area;

23 (B) a wilderness area or potential wilder-
24 ness area designated by section 21103;

25 (C) the Recreation Management Area;

1 (D) a Wildlife Conservation Area; or

2 (E) the Historic Landscape.

3 (2) OUTSIDE ACTIVITIES.—The fact that a non-
4 wilderness activity or use on land outside of a cov-
5 ered area can be seen or heard from within the cov-
6 ered area shall not preclude the activity or use out-
7 side the boundary of the covered area.

8 (c) MAPS AND LEGAL DESCRIPTIONS.—

9 (1) IN GENERAL.—As soon as practicable after
10 the date of enactment of this Act, the Secretary
11 shall file maps and legal descriptions of each area
12 described in subsection (b)(1) with—

13 (A) the Committee on Natural Resources
14 of the House of Representatives; and

15 (B) the Committee on Energy and Natural
16 Resources of the Senate.

17 (2) FORCE OF LAW.—Each map and legal de-
18 scription filed under paragraph (1) shall have the
19 same force and effect as if included in this title, ex-
20 cept that the Secretary may correct any typo-
21 graphical errors in the maps and legal descriptions.

22 (3) PUBLIC AVAILABILITY.—Each map and
23 legal description filed under paragraph (1) shall be
24 on file and available for public inspection in the ap-
25 propriate offices of the Forest Service.

1 (d) ACQUISITION OF LAND.—

2 (1) IN GENERAL.—The Secretary may acquire
3 any land or interest in land within the boundaries of
4 an area described in subsection (b)(1) only through
5 exchange, donation, or purchase from a willing sell-
6 er.

7 (2) MANAGEMENT.—Any land or interest in
8 land acquired under paragraph (1) shall be incor-
9 porated into, and administered as a part of, the wil-
10 derness area, Recreation Management Area, Wildlife
11 Conservation Area, or Historic Landscape, as appli-
12 cable, in which the land or interest in land is lo-
13 cated.

14 (e) WITHDRAWAL.—Subject to valid rights in exist-
15 ence on the date of enactment of this Act, the areas de-
16 scribed in subsection (b)(1) are withdrawn from—

17 (1) entry, appropriation, and disposal under the
18 public land laws;

19 (2) location, entry, and patent under mining
20 laws; and

21 (3) operation of the mineral leasing, mineral
22 materials, and geothermal leasing laws.

23 (f) MILITARY OVERFLIGHTS.—Nothing in this title
24 or an amendment made by this title restricts or pre-
25 cludes—

1 (1) any low-level overflight of military aircraft
2 over any area subject to this title or an amendment
3 made by this title, including military overflights that
4 can be seen, heard, or detected within such an area;

5 (2) flight testing or evaluation over an area de-
6 scribed in paragraph (1); or

7 (3) the use or establishment of—

8 (A) any new unit of special use airspace
9 over an area described in paragraph (1); or

10 (B) any military flight training or trans-
11 portation over such an area.

12 (g) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that military aviation training on Federal public
14 lands in Colorado, including the training conducted at the
15 High-Altitude Army National Guard Aviation Training
16 Site, is critical to the national security of the United
17 States and the readiness of the Armed Forces.

18 **TITLE II—SAN JUAN MOUNTAINS**

19 **SEC. 21201. DEFINITIONS.**

20 In this title:

21 (1) COVERED LAND.—The term “covered land”
22 means—

23 (A) land designated as wilderness under
24 paragraphs (27) through (29) of section 2(a) of
25 the Colorado Wilderness Act of 1993 (16

1 U.S.C. 1132 note; Public Law 103–77) (as
2 added by section 21202); and

3 (B) a Special Management Area.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 (3) SPECIAL MANAGEMENT AREA.—The term
7 “Special Management Area” means each of—

8 (A) the Sheep Mountain Special Manage-
9 ment Area designated by section 21203(a)(1);
10 and

11 (B) the Liberty Bell East Special Manage-
12 ment Area designated by section 21203(a)(2).

13 **SEC. 21202. ADDITIONS TO NATIONAL WILDERNESS PRES-**
14 **ERVATION SYSTEM.**

15 Section 2(a) of the Colorado Wilderness Act of 1993
16 (16 U.S.C. 1132 note; Public Law 103–77) (as amended
17 by section 21102(a)(2)) is amended by adding at the end
18 the following:

19 “(27) LIZARD HEAD WILDERNESS ADDITION.—
20 Certain Federal land in the Grand Mesa,
21 Uncompahgre, and Gunnison National Forests com-
22 prising approximately 3,141 acres, as generally de-
23 picted on the map entitled ‘Proposed Wilson, Sun-
24 shine, Black Face and San Bernardo Additions to
25 the Lizard Head Wilderness’ and dated September

1 6, 2018, which is incorporated in, and shall be ad-
2 ministered as part of, the Lizard Head Wilderness.

3 “(28) MOUNT SNEFFELS WILDERNESS ADDI-
4 TIONS.—

5 “(A) LIBERTY BELL AND LAST DOLLAR
6 ADDITIONS.—Certain Federal land in the
7 Grand Mesa, Uncompahgre, and Gunnison Na-
8 tional Forests comprising approximately 7,235
9 acres, as generally depicted on the map entitled
10 ‘Proposed Liberty Bell and Last Dollar Addi-
11 tions to the Mt. Sneffels Wilderness, Liberty
12 Bell East Special Management Area’ and dated
13 September 6, 2018, which is incorporated in,
14 and shall be administered as part of, the Mount
15 Sneffels Wilderness.

16 “(B) WHITEHOUSE ADDITIONS.—Certain
17 Federal land in the Grand Mesa, Uncompahgre,
18 and Gunnison National Forests comprising ap-
19 proximately 12,465 acres, as generally depicted
20 on the map entitled ‘Proposed Whitehouse Ad-
21 ditions to the Mt. Sneffels Wilderness’ and
22 dated September 6, 2018, which is incorporated
23 in, and shall be administered as part of, the
24 Mount Sneffels Wilderness.

1 “(29) MCKENNA PEAK WILDERNESS.—Certain
2 Federal land in the State of Colorado comprising ap-
3 proximately 8,884 acres of Bureau of Land Manage-
4 ment land, as generally depicted on the map entitled
5 ‘Proposed McKenna Peak Wilderness Area’ and
6 dated September 18, 2018, to be known as the
7 ‘McKenna Peak Wilderness’.”.

8 **SEC. 21203. SPECIAL MANAGEMENT AREAS.**

9 (a) DESIGNATION.—

10 (1) SHEEP MOUNTAIN SPECIAL MANAGEMENT
11 AREA.—The Federal land in the Grand Mesa,
12 Uncompahgre, and Gunnison and San Juan Na-
13 tional Forests in the State comprising approximately
14 21,663 acres, as generally depicted on the map enti-
15 tled “Proposed Sheep Mountain Special Manage-
16 ment Area” and dated September 19, 2018, is des-
17 ignated as the “Sheep Mountain Special Manage-
18 ment Area”.

19 (2) LIBERTY BELL EAST SPECIAL MANAGE-
20 MENT AREA.—The Federal land in the Grand Mesa,
21 Uncompahgre, and Gunnison National Forests in
22 the State comprising approximately 792 acres, as
23 generally depicted on the map entitled “Proposed
24 Liberty Bell and Last Dollar Additions to the Mt.
25 Sneffels Wilderness, Liberty Bell East Special Man-

1 agement Area” and dated September 6, 2018, is
2 designated as the “Liberty Bell East Special Man-
3 agement Area”.

4 (b) PURPOSE.—The purpose of the Special Manage-
5 ment Areas is to conserve and protect for the benefit and
6 enjoyment of present and future generations the geologi-
7 cal, cultural, archaeological, paleontological, natural, sci-
8 entific, recreational, wilderness, wildlife, riparian, histor-
9 ical, educational, and scenic resources of the Special Man-
10 agement Areas.

11 (c) MANAGEMENT.—

12 (1) IN GENERAL.—The Secretary shall manage
13 the Special Management Areas in a manner that—

14 (A) conserves, protects, and enhances the
15 resources and values of the Special Manage-
16 ment Areas described in subsection (b);

17 (B) subject to paragraph (3), maintains or
18 improves the wilderness character of the Special
19 Management Areas and the suitability of the
20 Special Management Areas for potential inclu-
21 sion in the National Wilderness Preservation
22 System; and

23 (C) is in accordance with—

24 (i) the National Forest Management
25 Act of 1976 (16 U.S.C. 1600 et seq.);

1 (ii) this title; and

2 (iii) any other applicable laws.

3 (2) PROHIBITIONS.—The following shall be pro-
4 hibited in the Special Management Areas:

5 (A) Permanent roads.

6 (B) Except as necessary to meet the min-
7 imum requirements for the administration of
8 the Federal land, to provide access for aban-
9 doned mine cleanup, and to protect public
10 health and safety—

11 (i) the use of motor vehicles, motor-
12 ized equipment, or mechanical transport
13 (other than as provided in paragraph (3));
14 and

15 (ii) the establishment of temporary
16 roads.

17 (3) AUTHORIZED ACTIVITIES.—

18 (A) IN GENERAL.—The Secretary may
19 allow any activities (including helicopter access
20 for recreation and maintenance and the com-
21 petitive running event permitted since 1992)
22 that have been authorized by permit or license
23 as of the date of enactment of this Act to con-
24 tinue within the Special Management Areas,

1 subject to such terms and conditions as the
2 Secretary may require.

3 (B) PERMITTING.—The designation of the
4 Special Management Areas by subsection (a)
5 shall not affect the issuance of permits relating
6 to the activities covered under subparagraph
7 (A) after the date of enactment of this Act.

8 (C) BICYCLES.—The Secretary may permit
9 the use of bicycles in—

10 (i) the portion of the Sheep Mountain
11 Special Management Area identified as
12 “Ophir Valley Area” on the map entitled
13 “Proposed Sheep Mountain Special Man-
14 agement Area” and dated September 19,
15 2018; and

16 (ii) the portion of the Liberty Bell
17 East Special Management Area identified
18 as “Liberty Bell Corridor” on the map en-
19 titled “Proposed Liberty Bell and Last
20 Dollar Additions to the Mt. Sneffels Wil-
21 derness, Liberty Bell East Special Manage-
22 ment Area” and dated September 6, 2018.

23 (d) APPLICABLE LAW.—Water and water rights in
24 the Special Management Areas shall be administered in
25 accordance with section 8 of the Colorado Wilderness Act

1 of 1993 (Public Law 103–77; 107 Stat. 762), except that,
2 for purposes of this division—

3 (1) any reference contained in that section to
4 “the lands designated as wilderness by this Act”,
5 “the Piedra, Roubideau, and Tabeguache areas iden-
6 tified in section 9 of this Act, or the Bowen Gulch
7 Protection Area or the Fossil Ridge Recreation Man-
8 agement Area identified in sections 5 and 6 of this
9 Act”, or “the areas described in sections 2, 5, 6, and
10 9 of this Act” shall be considered to be a reference
11 to “the Special Management Areas”; and

12 (2) any reference contained in that section to
13 “this Act” shall be considered to be a reference to
14 “the Colorado Outdoor Recreation and Economy
15 Act”.

16 **SEC. 21204. RELEASE OF WILDERNESS STUDY AREAS.**

17 (a) DOMINGUEZ CANYON WILDERNESS STUDY
18 AREA.—Subtitle E of title II of Public Law 111–11 is
19 amended—

20 (1) by redesignating section 2408 (16 U.S.C.
21 460zzz–7) as section 2409; and

22 (2) by inserting after section 2407 (16 U.S.C.
23 460zzz–6) the following:

1 **“SEC. 2408. RELEASE.**

2 “(a) IN GENERAL.—Congress finds that, for the pur-
3 poses of section 603(c) of the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1782(c)), the por-
5 tions of the Dominguez Canyon Wilderness Study Area
6 not designated as wilderness by this subtitle have been
7 adequately studied for wilderness designation.

8 “(b) RELEASE.—Any public land referred to in sub-
9 section (a) that is not designated as wilderness by this
10 subtitle—

11 “(1) is no longer subject to section 603(c) of
12 the Federal Land Policy and Management Act of
13 1976 (43 U.S.C. 1782(c)); and

14 “(2) shall be managed in accordance with this
15 subtitle and any other applicable laws.”.

16 (b) MCKENNA PEAK WILDERNESS STUDY AREA.—

17 (1) IN GENERAL.—Congress finds that, for the
18 purposes of section 603(c) of the Federal Land Pol-
19 icy and Management Act of 1976 (43 U.S.C.
20 1782(c)), the portions of the McKenna Peak Wilder-
21 ness Study Area in San Miguel County in the State
22 not designated as wilderness by paragraph (29) of
23 section 2(a) of the Colorado Wilderness Act of 1993
24 (16 U.S.C. 1132 note; Public Law 103–77) (as
25 added by section 21202) have been adequately stud-
26 ied for wilderness designation.

1 (2) RELEASE.—Any public land referred to in
2 paragraph (1) that is not designated as wilderness
3 by paragraph (29) of section 2(a) of the Colorado
4 Wilderness Act of 1993 (16 U.S.C. 1132 note; Pub-
5 lic Law 103–77) (as added by section 21202)—

6 (A) is no longer subject to section 603(c)
7 of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1782(c)); and

9 (B) shall be managed in accordance with
10 applicable laws.

11 **SEC. 21205. ADMINISTRATIVE PROVISIONS.**

12 (a) FISH AND WILDLIFE.—Nothing in this title af-
13 fects the jurisdiction or responsibility of the State with
14 respect to fish and wildlife in the State.

15 (b) NO BUFFER ZONES.—

16 (1) IN GENERAL.—Nothing in this title estab-
17 lishes a protective perimeter or buffer zone around
18 covered land.

19 (2) ACTIVITIES OUTSIDE WILDERNESS.—The
20 fact that a nonwilderness activity or use on land out-
21 side of the covered land can be seen or heard from
22 within covered land shall not preclude the activity or
23 use outside the boundary of the covered land.

24 (c) MAPS AND LEGAL DESCRIPTIONS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of enactment of this Act, the Secretary or
3 the Secretary of the Interior, as appropriate, shall
4 file a map and a legal description of each wilderness
5 area designated by paragraphs (27) through (29) of
6 section 2(a) of the Colorado Wilderness Act of 1993
7 (16 U.S.C. 1132 note; Public Law 103–77) (as
8 added by section 21202) and the Special Manage-
9 ment Areas with—

10 (A) the Committee on Natural Resources
11 of the House of Representatives; and

12 (B) the Committee on Energy and Natural
13 Resources of the Senate.

14 (2) FORCE OF LAW.—Each map and legal de-
15 scription filed under paragraph (1) shall have the
16 same force and effect as if included in this title, ex-
17 cept that the Secretary or the Secretary of the Inte-
18 rior, as appropriate, may correct any typographical
19 errors in the maps and legal descriptions.

20 (3) PUBLIC AVAILABILITY.—Each map and
21 legal description filed under paragraph (1) shall be
22 on file and available for public inspection in the ap-
23 propriate offices of the Bureau of Land Management
24 and the Forest Service.

25 (d) ACQUISITION OF LAND.—

1 (1) IN GENERAL.—The Secretary or the Sec-
2 retary of the Interior, as appropriate, may acquire
3 any land or interest in land within the boundaries of
4 a Special Management Area or the wilderness des-
5 ignated under paragraphs (27) through (29) of sec-
6 tion 2(a) of the Colorado Wilderness Act of 1993
7 (16 U.S.C. 1132 note; Public Law 103–77) (as
8 added by section 21202) only through exchange, do-
9 nation, or purchase from a willing seller.

10 (2) MANAGEMENT.—Any land or interest in
11 land acquired under paragraph (1) shall be incor-
12 porated into, and administered as a part of, the wil-
13 derness or Special Management Area in which the
14 land or interest in land is located.

15 (e) GRAZING.—The grazing of livestock on covered
16 land, if established before the date of enactment of this
17 Act, shall be permitted to continue subject to such reason-
18 able regulations as are considered to be necessary by the
19 Secretary with jurisdiction over the covered land, in ac-
20 cordance with—

21 (1) section 4(d)(4) of the Wilderness Act (16
22 U.S.C. 1133(d)(4)); and

23 (2) the applicable guidelines set forth in Appen-
24 dix A of the report of the Committee on Interior and
25 Insular Affairs of the House of Representatives ac-

1 accompanying H.R. 2570 of the 101st Congress (H.
2 Rept. 101–405) or H.R. 5487 of the 96th Congress
3 (H. Rept. 96–617).

4 (f) FIRE, INSECTS, AND DISEASES.—In accordance
5 with section 4(d)(1) of the Wilderness Act (16 U.S.C.
6 1133(d)(1)), the Secretary with jurisdiction over a wilder-
7 ness area designated by paragraphs (27) through (29) of
8 section 2(a) of the Colorado Wilderness Act of 1993 (16
9 U.S.C. 1132 note; Public Law 103–77) (as added by sec-
10 tion 21202) may carry out any activity in the wilderness
11 area that the Secretary determines to be necessary for the
12 control of fire, insects, and diseases, subject to such terms
13 and conditions as the Secretary determines to be appro-
14 priate.

15 (g) WITHDRAWAL.—Subject to valid rights in exist-
16 ence on the date of enactment of this Act, the covered
17 land and the approximately 6,590 acres generally depicted
18 on the map entitled “Proposed Naturita Canyon Mineral
19 Withdrawal Area” and dated September 6, 2018, is with-
20 drawn from—

21 (1) entry, appropriation, and disposal under the
22 public land laws;

23 (2) location, entry, and patent under mining
24 laws; and

- 1 (3) operation of the mineral leasing, mineral
2 materials, and geothermal leasing laws.

3 **TITLE III—THOMPSON DIVIDE**

4 **SEC. 21301. PURPOSES.**

5 The purposes of this title are—

- 6 (1) subject to valid existing rights, to withdraw
7 certain Federal land in the Thompson Divide area
8 from mineral and other disposal laws; and

- 9 (2) to promote the capture of fugitive methane
10 emissions that would otherwise be emitted into the
11 atmosphere—

- 12 (A) to reduce methane gas emissions; and

- 13 (B) to provide—

- 14 (i) new renewable electricity supplies
15 and other beneficial uses of fugitive meth-
16 ane emissions; and

- 17 (ii) increased royalties for taxpayers.

18 **SEC. 21302. DEFINITIONS.**

19 In this title:

- 20 (1) FUGITIVE METHANE EMISSIONS.—The term
21 “fugitive methane emissions” means methane gas
22 from those Federal lands in Garfield, Gunnison,
23 Delta, or Pitkin County in the State generally de-
24 picted on the pilot program map as “Fugitive Coal
25 Mine Methane Use Pilot Program Area” that would

1 leak or be vented into the atmosphere from an ac-
2 tive, inactive or abandoned underground coal mine.

3 (2) PILOT PROGRAM.—The term “pilot pro-
4 gram” means the Greater Thompson Divide Fugitive
5 Coal Mine Methane Use Pilot Program established
6 by section 21305(a)(1).

7 (3) PILOT PROGRAM MAP.—The term “pilot
8 program map” means the map entitled “Greater
9 Thompson Divide Fugitive Coal Mine Methane Use
10 Pilot Program Area” and dated June 17, 2019.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (5) THOMPSON DIVIDE LEASE.—

14 (A) IN GENERAL.—The term “Thompson
15 Divide lease” means any oil or gas lease in ef-
16 fect on the date of enactment of this Act within
17 the Thompson Divide Withdrawal and Protec-
18 tion Area.

19 (B) EXCLUSIONS.—The term “Thompson
20 Divide lease” does not include any oil or gas
21 lease that—

22 (i) is associated with a Wolf Creek
23 Storage Field development right; or

1 (ii) before the date of enactment of
2 this Act, has expired, been cancelled, or
3 otherwise terminated.

4 (6) THOMPSON DIVIDE MAP.—The term
5 “Thompson Divide map” means the map entitled
6 “Greater Thompson Divide Area Map” and dated
7 June 13, 2019.

8 (7) THOMPSON DIVIDE WITHDRAWAL AND PRO-
9 TECTION AREA.—The term “Thompson Divide With-
10 drawal and Protection Area” means the Federal
11 land and minerals generally depicted on the Thomp-
12 son Divide map as the “Thompson Divide With-
13 drawal and Protection Area”.

14 (8) WOLF CREEK STORAGE FIELD DEVELOP-
15 MENT RIGHT.—

16 (A) IN GENERAL.—The term “Wolf Creek
17 Storage Field development right” means a de-
18 velopment right for any of the Federal mineral
19 leases numbered COC 007496, COC 007497,
20 COC 007498, COC 007499, COC 007500, COC
21 007538, COC 008128, COC 015373, COC
22 0128018, COC 051645, and COC 051646, and
23 generally depicted on the Thompson Divide map
24 as “Wolf Creek Storage Agreement”.

1 (B) EXCLUSIONS.—The term “Wolf Creek
2 Storage Field development right” does not in-
3 clude any storage right or related activity with-
4 in the area described in subparagraph (A).

5 **SEC. 21303. THOMPSON DIVIDE WITHDRAWAL AND PROTEC-**
6 **TION AREA.**

7 (a) WITHDRAWAL.—Subject to valid existing rights,
8 the Thompson Divide Withdrawal and Protection Area is
9 withdrawn from—

10 (1) entry, appropriation, and disposal under the
11 public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) operation of the mineral leasing, mineral
15 materials, and geothermal leasing laws.

16 (b) SURVEYS.—The exact acreage and legal descrip-
17 tion of the Thompson Divide Withdrawal and Protection
18 Area shall be determined by surveys approved by the Sec-
19 retary, in consultation with the Secretary of Agriculture.

20 (c) GRAZING.—The grazing of livestock on covered
21 land, if established before the date of enactment of this
22 Act, shall be allowed to continue subject to such reason-
23 able regulations as are considered to be necessary by the
24 Secretary with jurisdiction over the covered land.

1 **SEC. 21304. THOMPSON DIVIDE LEASE EXCHANGE.**

2 (a) IN GENERAL.—In exchange for the relinquish-
3 ment by a leaseholder of all Thompson Divide leases of
4 the leaseholder, the Secretary may issue to the leaseholder
5 credits for any bid, royalty, or rental payment due under
6 any Federal oil or gas lease on Federal land in the State,
7 in accordance with subsection (b).

8 (b) AMOUNT OF CREDITS.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the amount of the credits issued to a leaseholder of
11 a Thompson Divide lease relinquished under sub-
12 section (a) shall—

13 (A) be equal to the sum of—

14 (i) the amount of the bonus bids paid
15 for the applicable Thompson Divide leases;

16 (ii) the amount of any rental paid for
17 the applicable Thompson Divide leases as
18 of the date on which the leaseholder sub-
19 mits to the Secretary a notice of the deci-
20 sion to relinquish the applicable Thompson
21 Divide leases; and

22 (iii) the amount of any expenses in-
23 curred by the leaseholder of the applicable
24 Thompson Divide leases in the preparation
25 of any drilling permit, sundry notice, or
26 other related submission in support of the

1 development of the applicable Thompson
2 Divide leases as of January 28, 2019, in-
3 cluding any expenses relating to the prepa-
4 ration of any analysis under the National
5 Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.); and

7 (B) require the approval of the Secretary.

8 (2) EXCLUSION.—The amount of a credit
9 issued under subsection (a) shall not include any ex-
10 penses paid by the leaseholder of a Thompson Divide
11 lease for legal fees or related expenses for legal work
12 with respect to a Thompson Divide lease.

13 (c) CANCELLATION.—Effective on relinquishment
14 under this section, and without any additional action by
15 the Secretary, a Thompson Divide lease—

16 (1) shall be permanently cancelled; and

17 (2) shall not be reissued.

18 (d) CONDITIONS.—

19 (1) APPLICABLE LAW.—Except as otherwise
20 provided in this section, each exchange under this
21 section shall be conducted in accordance with—

22 (A) this division; and

23 (B) other applicable laws (including regu-
24 lations).

1 (2) ACCEPTANCE OF CREDITS.—The Secretary
2 may, subject to appropriations, accept credits issued
3 under subsection (a) in the same manner as cash for
4 the payments described in that subsection.

5 (3) APPLICABILITY.—The use of a credit issued
6 under subsection (a) shall be subject to the laws (in-
7 cluding regulations) applicable to the payments de-
8 scribed in that subsection, to the extent that the
9 laws are consistent with this section.

10 (4) TREATMENT OF CREDITS.—Subject to ap-
11 propriations, all amounts in the form of credits
12 issued under subsection (a) accepted by the Sec-
13 retary shall be considered to be amounts received for
14 the purposes of—

15 (A) section 35 of the Mineral Leasing Act
16 (30 U.S.C. 191); and

17 (B) section 20 of the Geothermal Steam
18 Act of 1970 (30 U.S.C. 1019).

19 (e) WOLF CREEK STORAGE FIELD DEVELOPMENT
20 RIGHTS.—

21 (1) CONVEYANCE TO SECRETARY.—As a condi-
22 tion precedent to the relinquishment of a Thompson
23 Divide lease, any leaseholder with a Wolf Creek
24 Storage Field development right shall permanently
25 relinquish, transfer, and otherwise convey to the

1 Secretary, in a form acceptable to the Secretary, all
2 Wolf Creek Storage Field development rights of the
3 leaseholder.

4 (2) LIMITATION OF TRANSFER.—An interest
5 acquired by the Secretary under paragraph (1)—

6 (A) shall be held in perpetuity; and

7 (B) shall not be—

8 (i) transferred;

9 (ii) reissued; or

10 (iii) otherwise used for mineral extrac-
11 tion.

12 **SEC. 21305. GREATER THOMPSON DIVIDE FUGITIVE COAL**
13 **MINE METHANE USE PILOT PROGRAM.**

14 (a) FUGITIVE COAL MINE METHANE USE PILOT
15 PROGRAM.—

16 (1) ESTABLISHMENT.—There is established in
17 the Bureau of Land Management a pilot program,
18 to be known as the “Greater Thompson Divide Fu-
19 gitive Coal Mine Methane Use Pilot Program”.

20 (2) PURPOSE.—The purpose of the pilot pro-
21 gram is to promote the capture, beneficial use, miti-
22 gation, and sequestration of fugitive methane emis-
23 sions—

24 (A) to reduce methane emissions;

25 (B) to promote economic development;

1 (C) to produce bid and royalty revenues;

2 (D) to improve air quality; and

3 (E) to improve public safety.

4 (3) PLAN.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of enactment of this Act,
7 the Secretary shall develop a plan—

8 (i) to complete an inventory of fugitive
9 methane emissions in accordance with sub-
10 section (b);

11 (ii) to provide for the leasing of fugi-
12 tive methane emissions in accordance with
13 subsection (c); and

14 (iii) to provide for the capping or de-
15 struction of fugitive methane emissions in
16 accordance with subsection (d).

17 (B) COORDINATION.—In developing the
18 plan under this paragraph, the Secretary shall
19 coordinate with—

20 (i) the State;

21 (ii) Garfield, Gunnison, Delta, and
22 Pitkin Counties in the State;

23 (iii) lessees of Federal coal within the
24 counties referred to in clause (ii);

1 (iv) interested institutions of higher
2 education in the State; and

3 (v) interested members of the public.

4 (b) FUGITIVE METHANE EMISSION INVENTORY.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall complete an inventory of fugitive methane
8 emissions.

9 (2) CONDUCT.—The Secretary may conduct the
10 inventory under paragraph (1) through, or in col-
11 laboration with—

12 (A) the Bureau of Land Management;

13 (B) the United States Geological Survey;

14 (C) the Environmental Protection Agency;

15 (D) the United States Forest Service;

16 (E) State departments or agencies;

17 (F) Garfield, Gunnison, Delta, or Pitkin
18 County in the State;

19 (G) the Garfield County Federal Mineral
20 Lease District;

21 (H) institutions of higher education in the
22 State;

23 (I) lessees of Federal coal within a county
24 referred to in subparagraph (F);

1 (J) the National Oceanic and Atmospheric
2 Administration;

3 (K) the National Center for Atmospheric
4 Research; or

5 (L) other interested entities, including
6 members of the public.

7 (3) CONTENTS.—The inventory under para-
8 graph (1) shall include—

9 (A) the general location and geographic co-
10 ordinates of each vent, seep, or other source
11 producing significant fugitive methane emis-
12 sions;

13 (B) an estimate of the volume and con-
14 centration of fugitive methane emissions from
15 each source of significant fugitive methane
16 emissions including details of measurements
17 taken and the basis for that emissions estimate;

18 (C) an estimate of the total volume of fugi-
19 tive methane emissions each year;

20 (D) relevant data and other information
21 available from—

22 (i) the Environmental Protection
23 Agency;

24 (ii) the Mine Safety and Health Ad-
25 ministration;

1 (iii) Colorado Department of Natural
2 Resources;

3 (iv) Colorado Public Utility Commis-
4 sion;

5 (v) Colorado Department of Health
6 and Environment; and

7 (vi) Office of Surface Mining Rec-
8 lamation and Enforcement; and

9 (E) such other information as may be use-
10 ful in advancing the purposes of the pilot pro-
11 gram.

12 (4) PUBLIC PARTICIPATION; DISCLOSURE.—

13 (A) PUBLIC PARTICIPATION.—The Sec-
14 retary shall provide opportunities for public
15 participation in the inventory under this sub-
16 section.

17 (B) AVAILABILITY.—The Secretary shall
18 make the inventory under this subsection pub-
19 licly available.

20 (C) DISCLOSURE.—Nothing in this sub-
21 section requires the Secretary to publicly re-
22 lease information that—

23 (i) poses a threat to public safety;

24 (ii) is confidential business informa-
25 tion; or

1 (iii) is otherwise protected from public
2 disclosure.

3 (5) USE.—The Secretary shall use the inven-
4 tory in carrying out—

5 (A) the leasing program under subsection
6 (c); and

7 (B) the capping or destruction of fugitive
8 methane emissions under subsection (d).

9 (c) FUGITIVE METHANE EMISSION LEASING PRO-
10 GRAM.—

11 (1) IN GENERAL.—Subject to valid existing
12 rights and in accordance with this section, not later
13 than 1 year after the date of completion of the in-
14 ventory required under subsection (b), the Secretary
15 shall carry out a program to encourage the use and
16 destruction of fugitive methane emissions.

17 (2) FUGITIVE METHANE EMISSIONS FROM COAL
18 MINES SUBJECT TO LEASE.—

19 (A) IN GENERAL.—The Secretary shall au-
20 thorize the holder of a valid existing Federal
21 coal lease for a mine that is producing fugitive
22 methane emissions to capture for use, or de-
23 stroy by flaring, the fugitive methane emissions.

24 (B) CONDITIONS.—The authority under
25 subparagraph (A) shall be—

- 1 (i) subject to valid existing rights; and
- 2 (ii) subject to such terms and condi-
- 3 tions as the Secretary may require.

4 (C) LIMITATIONS.—The program carried
5 out under paragraph (1) shall only include fugi-
6 tive methane emissions that can be captured for
7 use, or destroyed by flaring, in a manner that
8 does not—

9 (i) endanger the safety of any coal
10 mine worker; or

11 (ii) unreasonably interfere with any
12 ongoing operation at a coal mine.

13 (D) COOPERATION.—

14 (i) IN GENERAL.—The Secretary shall
15 work cooperatively with the holders of valid
16 existing Federal coal leases for mines that
17 produce fugitive methane emissions to en-
18 courage—

19 (I) the capture of fugitive meth-
20 ane emissions for beneficial use, such
21 as generating electrical power, pro-
22 ducing usable heat, transporting the
23 methane to market, transforming the
24 fugitive methane emissions into a dif-
25 ferent marketable material; or

1 (II) if the beneficial use of the
2 fugitive methane emissions is not fea-
3 sible, the destruction of the fugitive
4 methane emissions by flaring.

5 (ii) GUIDANCE.—In furtherance of the
6 purposes of this paragraph, not later than
7 1 year after the date of enactment of this
8 Act, the Secretary shall issue guidance for
9 the implementation of Federal authorities
10 and programs to encourage the capture for
11 use, or destruction by flaring, of fugitive
12 methane emissions while minimizing im-
13 pacts on natural resources or other public
14 interest values.

15 (E) ROYALTIES.—The Secretary shall de-
16 termine whether any fugitive methane emissions
17 used or destroyed pursuant to this paragraph
18 are subject to the payment of a royalty under
19 applicable law.

20 (3) FUGITIVE METHANE EMISSIONS FROM
21 ABANDONED COAL MINES.—

22 (A) IN GENERAL.—Except as otherwise
23 provided in this section, notwithstanding section
24 21303, subject to valid existing rights, and in
25 accordance with section 21 of the Mineral Leas-

1 ing Act (30 U.S.C. 241) and any other applica-
2 ble law, the Secretary shall—

3 (i) authorize the capture for use, or
4 destruction by flaring, of fugitive methane
5 emissions from abandoned coal mines on
6 Federal land; and

7 (ii) make available for leasing such fu-
8 gitive methane emissions from abandoned
9 coal mines on Federal land as the Sec-
10 retary considers to be in the public inter-
11 est.

12 (B) SOURCE.—To the maximum extent
13 practicable, the Secretary shall offer for lease
14 each significant vent, seep, or other source of
15 fugitive methane emissions from abandoned
16 coal mines.

17 (C) BID QUALIFICATIONS.—A bid to lease
18 fugitive methane emissions under this para-
19 graph shall specify whether the prospective les-
20 see intends—

21 (i) to capture the fugitive methane
22 emissions for beneficial use, such as gener-
23 ating electrical power, producing usable
24 heat, transporting the methane to market,

1 transforming the fugitive methane emis-
2 sions into a different marketable material;

3 (ii) to destroy the fugitive methane
4 emissions by flaring; or

5 (iii) to employ a specific combination
6 of—

7 (I) capturing the fugitive meth-
8 ane emissions for beneficial use; and

9 (II) destroying the fugitive meth-
10 ane emission by flaring.

11 (D) PRIORITY.—

12 (i) IN GENERAL.—If there is more
13 than one qualified bid for a lease under
14 this paragraph, the Secretary shall select
15 the bid that the Secretary determines is
16 likely to most significantly advance the
17 public interest.

18 (ii) CONSIDERATIONS.—In deter-
19 mining the public interest under clause (i),
20 the Secretary shall take into consider-
21 ation—

22 (I) the size of the overall de-
23 crease in the time-integrated radiative
24 forcing of the fugitive methane emis-
25 sions;

1 (II) the impacts to other natural
2 resource values, including wildlife,
3 water, and air; and

4 (III) other public interest values,
5 including scenic, economic, recreation,
6 and cultural values.

7 (E) LEASE FORM.—

8 (i) IN GENERAL.—The Secretary shall
9 develop and provide to prospective bidders
10 a lease form for leases issued under this
11 paragraph.

12 (ii) DUE DILIGENCE.—The lease form
13 developed under clause (i) shall include
14 terms and conditions requiring the leased
15 fugitive methane emissions to be put to
16 beneficial use or flared by not later than 1
17 year after the date of issuance of the lease.

18 (F) ROYALTY RATE.—The Secretary shall
19 develop a minimum bid and royalty rate for
20 leases under this paragraph to advance the pur-
21 poses of this section, to the maximum extent
22 practicable.

23 (d) SEQUESTRATION.—If, by not later than 4 years
24 after the date of enactment of this Act, any significant
25 fugitive methane emissions from abandoned coal mines on

1 Federal land are not leased under subsection (c)(3), the
2 Secretary shall, in accordance with applicable law, take all
3 reasonable measures—

4 (1) to cap those fugitive methane emissions at
5 the source in any case in which the cap will result
6 in the long-term sequestration of all or a significant
7 portion of the fugitive methane emissions; or

8 (2) if sequestration under paragraph (1) is not
9 feasible, destroy the fugitive methane emissions by
10 flaring.

11 (e) REPORT TO CONGRESS.—Not later than 4 years
12 after the date of enactment of this Act the Secretary shall
13 submit to the Committee on Natural Resources of the
14 House of Representatives and the Committee on Energy
15 and Natural Resources of the Senate a report detailing—

16 (1) the economic and environmental impacts of
17 the pilot program, including information on in-
18 creased royalties and estimates of avoided green-
19 house gas emissions; and

20 (2) any recommendations by the Secretary on
21 whether the pilot program could be expanded geo-
22 graphically to include other significant sources of fu-
23 gitive methane emissions from coal mines.

1 **SEC. 21306. EFFECT.**

2 Except as expressly provided in this title, nothing in
3 this title—

4 (1) expands, diminishes, or impairs any valid
5 existing mineral leases, mineral interest, or other
6 property rights wholly or partially within the
7 Thompson Divide Withdrawal and Protection Area,
8 including access to the leases, interests, rights, or
9 land in accordance with applicable Federal, State,
10 and local laws (including regulations);

11 (2) prevents the capture of methane from any
12 active, inactive, or abandoned coal mine covered by
13 this title, in accordance with applicable laws; or

14 (3) prevents access to, or the development of,
15 any new or existing coal mine or lease in Delta or
16 Gunnison County in the State.

17 **TITLE IV—CURECANTI**
18 **NATIONAL RECREATION AREA**

19 **SEC. 21401. DEFINITIONS.**

20 In this title:

21 (1) MAP.—The term “map” means the map en-
22 titled “Curecanti National Recreation Area, Pro-
23 posed Boundary”, numbered 616/100,485C, and
24 dated August 11, 2016.

25 (2) NATIONAL RECREATION AREA.—The term
26 “National Recreation Area” means the Curecanti

1 National Recreation Area established by section
2 21402(a).

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 21402. CURECANTI NATIONAL RECREATION AREA.**

6 (a) ESTABLISHMENT.—Effective beginning on the
7 earlier of the date on which the Secretary approves a re-
8 quest under subsection (c)(2)(B)(i)(I) and the date that
9 is 1 year after the date of enactment of this Act, there
10 shall be established as a unit of the National Park System
11 the Curecanti National Recreation Area, in accordance
12 with this division, consisting of approximately 50,667
13 acres of land in the State, as generally depicted on the
14 map as “Curecanti National Recreation Area Proposed
15 Boundary”.

16 (b) AVAILABILITY OF MAP.—The map shall be on file
17 and available for public inspection in the appropriate of-
18 fices of the National Park Service.

19 (c) ADMINISTRATION.—

20 (1) IN GENERAL.—The Secretary shall admin-
21 ister the National Recreation Area in accordance
22 with—

23 (A) this title; and

24 (B) the laws (including regulations) gen-
25 erally applicable to units of the National Park

1 System, including section 100101(a), chapter
2 1003, and sections 100751(a), 100752,
3 100753, and 102101 of title 54, United States
4 Code.

5 (2) DAM, POWER PLANT, AND RESERVOIR MAN-
6 AGEMENT AND OPERATIONS.—

7 (A) IN GENERAL.—Nothing in this title af-
8 fects or interferes with the authority of the Sec-
9 retary—

10 (i) to operate the Uncompahgre Valley
11 Reclamation Project under the reclamation
12 laws;

13 (ii) to operate the Wayne N. Aspinall
14 Unit of the Colorado River Storage Project
15 under the Act of April 11, 1956 (com-
16 monly known as the “Colorado River Stor-
17 age Project Act”) (43 U.S.C. 620 et seq.);
18 or

19 (iii) under the Federal Water Project
20 Recreation Act (16 U.S.C. 460l–12 et
21 seq.).

22 (B) RECLAMATION LAND.—

23 (i) SUBMISSION OF REQUEST TO RE-
24 TAIN ADMINISTRATIVE JURISDICTION.—If,
25 before the date that is 1 year after the

1 date of enactment of this Act, the Commis-
2 sioner of Reclamation submits to the Sec-
3 retary a request for the Commissioner of
4 Reclamation to retain administrative juris-
5 diction over the minimum quantity of land
6 within the land identified on the map as
7 “Lands withdrawn or acquired for Bureau
8 of Reclamation projects” that the Commis-
9 sioner of Reclamation identifies as nec-
10 essary for the effective operation of Bu-
11 reau of Reclamation water facilities, the
12 Secretary may—

13 (I) approve, approve with modi-
14 fications, or disapprove the request;
15 and

16 (II) if the request is approved
17 under subclause (I), make any modi-
18 fications to the map that are nec-
19 essary to reflect that the Commis-
20 sioner of Reclamation retains manage-
21 ment authority over the minimum
22 quantity of land required to fulfill the
23 reclamation mission.

24 (ii) TRANSFER OF LAND.—

1 (I) IN GENERAL.—Administrative
2 jurisdiction over the land identified on
3 the map as “Lands withdrawn or ac-
4 quired for Bureau of Reclamation
5 projects”, as modified pursuant to
6 clause (i)(II), if applicable, shall be
7 transferred from the Commissioner of
8 Reclamation to the Director of the
9 National Park Service by not later
10 than the date that is 1 year after the
11 date of enactment of this Act.

12 (II) ACCESS TO TRANSFERRED
13 LAND.—

14 (aa) IN GENERAL.—Subject
15 to item (bb), the Commissioner
16 of Reclamation shall retain ac-
17 cess to the land transferred to
18 the Director of the National Park
19 Service under subclause (I) for
20 reclamation purposes, including
21 for the operation, maintenance,
22 and expansion or replacement of
23 facilities.

24 (bb) MEMORANDUM OF UN-
25 DERSTANDING.—The terms of

1 the access authorized under item
2 (aa) shall be determined by a
3 memorandum of understanding
4 entered into between the Com-
5 missioner of Reclamation and the
6 Director of the National Park
7 Service not later than 1 year
8 after the date of enactment of
9 this Act.

10 (3) MANAGEMENT AGREEMENTS.—

11 (A) IN GENERAL.—The Secretary may
12 enter into management agreements, or modify
13 management agreements in existence on the
14 date of enactment of this Act, relating to the
15 authority of the Director of the National Park
16 Service, the Commissioner of Reclamation, the
17 Director of the Bureau of Land Management,
18 or the Chief of the Forest Service to manage
19 Federal land within or adjacent to the boundary
20 of the National Recreation Area.

21 (B) STATE LAND.—The Secretary may
22 enter into cooperative management agreements
23 for any land administered by the State that is
24 within or adjacent to the National Recreation
25 Area, in accordance with the cooperative man-

1 agement authority under section 101703 of title
2 54, United States Code.

3 (4) RECREATIONAL ACTIVITIES.—

4 (A) AUTHORIZATION.—Except as provided
5 in subparagraph (B), the Secretary shall allow
6 boating, boating-related activities, hunting, and
7 fishing in the National Recreation Area in ac-
8 cordance with applicable Federal and State
9 laws.

10 (B) CLOSURES; DESIGNATED ZONES.—

11 (i) IN GENERAL.—The Secretary, act-
12 ing through the Superintendent of the Na-
13 tional Recreation Area, may designate
14 zones in which, and establish periods dur-
15 ing which, no boating, hunting, or fishing
16 shall be permitted in the National Recre-
17 ation Area under subparagraph (A) for
18 reasons of public safety, administration, or
19 compliance with applicable laws.

20 (ii) CONSULTATION REQUIRED.—Ex-
21 cept in the case of an emergency, any clo-
22 sure proposed by the Secretary under
23 clause (i) shall not take effect until after
24 the date on which the Superintendent of

1 the National Recreation Area consults
2 with—

3 (I) the appropriate State agency
4 responsible for hunting and fishing
5 activities; and

6 (II) the Board of County Com-
7 missioners in each county in which
8 the zone is proposed to be designated.

9 (5) LANDOWNER ASSISTANCE.—On the written
10 request of an individual that owns private land lo-
11 cated not more than 3 miles from the boundary of
12 the National Recreation Area, the Secretary may
13 work in partnership with the individual to enhance
14 the long-term conservation of natural, cultural, rec-
15 reational, and scenic resources in and around the
16 National Recreation Area—

17 (A) by acquiring all or a portion of the pri-
18 vate land or interests in private land located
19 not more than 3 miles from the boundary of the
20 National Recreation Area by purchase, ex-
21 change, or donation, in accordance with section
22 21403;

23 (B) by providing technical assistance to the
24 individual, including cooperative assistance;

25 (C) through available grant programs; and

1 (D) by supporting conservation easement
2 opportunities.

3 (6) WITHDRAWAL.—Subject to valid existing
4 rights, all Federal land within the National Recre-
5 ation Area is withdrawn from—

6 (A) entry, appropriation, and disposal
7 under the public land laws;

8 (B) location, entry, and patent under the
9 mining laws; and

10 (C) operation of the mineral leasing, min-
11 eral materials, and geothermal leasing laws.

12 (7) GRAZING.—

13 (A) STATE LAND SUBJECT TO A STATE
14 GRAZING LEASE.—

15 (i) IN GENERAL.—If State land ac-
16 quired under this title is subject to a State
17 grazing lease in effect on the date of acqui-
18 sition, the Secretary shall allow the grazing
19 to continue for the remainder of the term
20 of the lease, subject to the related terms
21 and conditions of user agreements, includ-
22 ing permitted stocking rates, grazing fee
23 levels, access rights, and ownership and
24 use of range improvements.

1 (ii) ACCESS.—A lessee of State land
2 may continue its use of established routes
3 within the National Recreation Area to ac-
4 cess State land for purposes of admin-
5 istering the lease if the use was permitted
6 before the date of enactment of this Act,
7 subject to such terms and conditions as the
8 Secretary may require.

9 (B) STATE AND PRIVATE LAND.—The Sec-
10 retary may, in accordance with applicable laws,
11 authorize grazing on land acquired from the
12 State or private landowners under section
13 21403, if grazing was established before the
14 date of acquisition.

15 (C) PRIVATE LAND.—On private land ac-
16 quired under section 21403 for the National
17 Recreation Area on which authorized grazing is
18 occurring before the date of enactment of this
19 Act, the Secretary, in consultation with the les-
20 see, may allow the continuation and renewal of
21 grazing on the land based on the terms of ac-
22 quisition or by agreement between the Secretary
23 and the lessee, subject to applicable law (includ-
24 ing regulations).

1 (D) FEDERAL LAND.—The Secretary
2 shall—

3 (i) allow, consistent with the grazing
4 leases, uses, and practices in effect as of
5 the date of enactment of this Act, the con-
6 tinuation and renewal of grazing on Fed-
7 eral land located within the boundary of
8 the National Recreation Area on which
9 grazing is allowed before the date of enact-
10 ment of this Act, unless the Secretary de-
11 termines that grazing on the Federal land
12 would present unacceptable impacts (as de-
13 fined in section 1.4.7.1 of the National
14 Park Service document entitled “Manage-
15 ment Policies 2006: The Guide to Man-
16 aging the National Park System”) to the
17 natural, cultural, recreational, and scenic
18 resource values and the character of the
19 land within the National Recreation Area;
20 and

21 (ii) retain all authorities to manage
22 grazing in the National Recreation Area.

23 (E) TERMINATION OF LEASES.—Within
24 the National Recreation Area, the Secretary
25 may—

1 (i) accept the voluntary termination of
2 a lease or permit for grazing; or

3 (ii) in the case of a lease or permit va-
4 cated for a period of 3 or more years, ter-
5 minate the lease or permit.

6 (8) WATER RIGHTS.—Nothing in this title—

7 (A) affects any use or allocation in exist-
8 ence on the date of enactment of this Act of
9 any water, water right, or interest in water;

10 (B) affects any vested absolute or decreed
11 conditional water right in existence on the date
12 of enactment of this Act, including any water
13 right held by the United States;

14 (C) affects any interstate water compact in
15 existence on the date of enactment of this Act;

16 (D) authorizes or imposes any new re-
17 served Federal water right;

18 (E) shall be considered to be a relinquish-
19 ment or reduction of any water right reserved
20 or appropriated by the United States in the
21 State on or before the date of enactment of this
22 Act; or

23 (F) constitutes an express or implied Fed-
24 eral reservation of any water or water rights
25 with respect to the National Recreation area.

1 (9) FISHING EASEMENTS.—

2 (A) IN GENERAL.—Nothing in this title di-
3 minishes or alters the fish and wildlife program
4 for the Aspinall Unit developed under section 8
5 of the Act of April 11, 1956 (commonly known
6 as the “Colorado River Storage Project Act”)
7 (70 Stat. 110, chapter 203; 43 U.S.C. 620g),
8 by the United States Fish and Wildlife Service,
9 the Bureau of Reclamation, and the Colorado
10 Division of Wildlife (including any successor in
11 interest to that division) that provides for the
12 acquisition of public access fishing easements as
13 mitigation for the Aspinall Unit (referred to in
14 this paragraph as the “program”).

15 (B) ACQUISITION OF FISHING EASE-
16 MENTS.—The Secretary shall continue to fulfill
17 the obligation of the Secretary under the pro-
18 gram to acquire 26 miles of class 1 public fish-
19 ing easements to provide to sportsmen access
20 for fishing within the Upper Gunnison Basin
21 upstream of the Aspinall Unit, subject to the
22 condition that no existing fishing access down-
23 stream of the Aspinall Unit shall be counted to-
24 ward the minimum mileage requirement under
25 the program.

1 (C) PLAN.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall—

4 (i) develop a plan for fulfilling the ob-
5 ligation of the Secretary described in sub-
6 paragraph (B); and

7 (ii) submit to Congress a report
8 that—

9 (I) includes the plan developed
10 under clause (i); and

11 (II) describes any progress made
12 in the acquisition of public access
13 fishing easements as mitigation for
14 the Aspinnall Unit under the program.

15 **SEC. 21403. ACQUISITION OF LAND; BOUNDARY MANAGE-**
16 **MENT.**

17 (a) ACQUISITION.—

18 (1) IN GENERAL.—The Secretary may acquire
19 any land or interest in land within the boundary of
20 the National Recreation Area.

21 (2) MANNER OF ACQUISITION.—

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B), land described in paragraph (1) may
24 be acquired under this subsection by—

25 (i) donation;

- 1 (ii) purchase from willing sellers with
2 donated or appropriated funds;
3 (iii) transfer from another Federal
4 agency; or
5 (iv) exchange.

6 (B) STATE LAND.—Land or interests in
7 land owned by the State or a political subdivi-
8 sion of the State may only be acquired by pur-
9 chase, donation, or exchange.

10 (b) TRANSFER OF ADMINISTRATIVE JURISDIC-
11 TION.—

12 (1) FOREST SERVICE LAND.—

13 (A) IN GENERAL.—Administrative jurisdic-
14 tion over the approximately 2,560 acres of land
15 identified on the map as “U.S. Forest Service
16 proposed transfer to the National Park Service”
17 is transferred to the Secretary, to be adminis-
18 tered by the Director of the National Park
19 Service as part of the National Recreation
20 Area.

21 (B) BOUNDARY ADJUSTMENT.—The
22 boundary of the Gunnison National Forest shall
23 be adjusted to exclude the land transferred to
24 the Secretary under subparagraph (A).

1 (2) BUREAU OF LAND MANAGEMENT LAND.—
2 Administrative jurisdiction over the approximately
3 5,040 acres of land identified on the map as “Bu-
4 reau of Land Management proposed transfer to Na-
5 tional Park Service” is transferred from the Director
6 of the Bureau of Land Management to the Director
7 of the National Park Service, to be administered as
8 part of the National Recreation Area.

9 (3) WITHDRAWAL.—Administrative jurisdiction
10 over the land identified on the map as “Proposed for
11 transfer to the Bureau of Land Management, sub-
12 ject to the revocation of Bureau of Reclamation
13 withdrawal” shall be transferred to the Director of
14 the Bureau of Land Management on relinquishment
15 of the land by the Bureau of Reclamation and rev-
16 ocation by the Bureau of Land Management of any
17 withdrawal as may be necessary.

18 (c) POTENTIAL LAND EXCHANGE.—

19 (1) IN GENERAL.—The withdrawal for reclama-
20 tion purposes of the land identified on the map as
21 “Potential exchange lands” shall be relinquished by
22 the Commissioner of Reclamation and revoked by
23 the Director of the Bureau of Land Management
24 and the land shall be transferred to the National
25 Park Service.

1 (2) EXCHANGE; INCLUSION IN NATIONAL
2 RECREATION AREA.—On transfer of the land de-
3 scribed in paragraph (1), the transferred land—

4 (A) may be exchanged by the Secretary for
5 private land described in section 21402(c)(5)—

6 (i) subject to a conservation easement
7 remaining on the transferred land, to pro-
8 tect the scenic resources of the transferred
9 land; and

10 (ii) in accordance with the laws (in-
11 cluding regulations) and policies governing
12 National Park Service land exchanges; and

13 (B) if not exchanged under subparagraph
14 (A), shall be added to, and managed as a part
15 of, the National Recreation Area.

16 (d) ADDITION TO NATIONAL RECREATION AREA.—
17 Any land within the boundary of the National Recreation
18 Area that is acquired by the United States shall be added
19 to, and managed as a part of, the National Recreation
20 Area.

21 **SEC. 21404. GENERAL MANAGEMENT PLAN.**

22 Not later than 3 years after the date on which funds
23 are made available to carry out this title, the Director of
24 the National Park Service, in consultation with the Com-
25 missioner of Reclamation, shall prepare a general manage-

1 ment plan for the National Recreation Area in accordance
2 with section 100502 of title 54, United States Code.

3 **SEC. 21405. BOUNDARY SURVEY.**

4 The Secretary (acting through the Director of the
5 National Park Service) shall prepare a boundary survey
6 and legal description of the National Recreation Area.

Passed the House of Representatives July 21, 2020.

Attest: CHERYL L. JOHNSON,
Clerk.

Calendar No. 505

116TH CONGRESS
2D Session

H. R. 6395

AN ACT

To authorize appropriations for fiscal year 2021 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.

AUGUST 5, 2020

Read twice and placed on the calendar